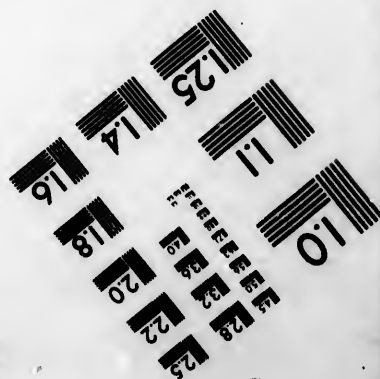
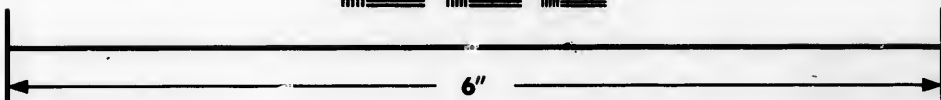
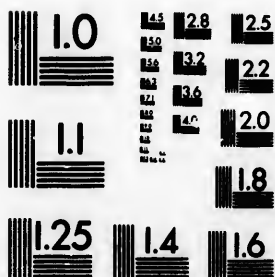


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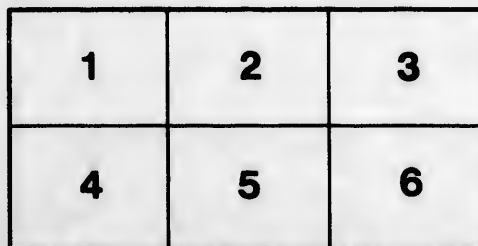
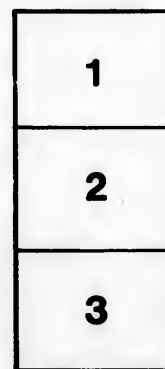
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*Lt. Congdon is the person
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PLAIN STATEMENT

OF

FACTS

BY

GEORGE MUTTLBURY,

LATE CAPTAIN LATE 2D BATTALION, I. M.

Previous to my laying the following pages before the public, I think it proper to state my reasons for so doing. I need hardly acquaint my readers with the slanderous and calumnious reports, that have been so maliciously and diligently circulated to the injury of my character, which being as dear to me as my life, I am necessarily compelled to come forward to refute them. I have no doubt but that the perusal of this pamphlet, will remove all injurious impressions, which may have been made by evil report, which in such cases is always prejudicial to the character of an individual, and is the only rolling stone that ever gathers moss.

*Fortiter in re, suaviter in modo—
Quanto Hevo expuesto es to verdad.*

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THE reader will perhaps ask upon seeing this Pamphlet, why was it not printed before ; I can answer this only by stating, that circumstances, over which I could not possibly have control, have prevented its appearance at an earlier hour: however the delay, which has taken place, will prove that it is not written while labouring under any excitement, caused by angry and malevolent feelings, but after the most mature and deliberate reflection.—Without any other preface I must plunge at once “ in medias res.”

As the reports to which I shall allude, and which have been the cause of my taking upon myself this most unpleasant task, emanated chiefly from Capt. Chambers, although conveyed by channels ever ready for such employment, I shall commence with my acquaintance with that officer. One evening in October 1838, I was visited at my house by Mr. Chambers, who informed me that the Militia were shortly to be called out for active service, and that as I had already seen service, I could easily obtain a Company, and begged me to apply for one, and give him a Lieutenantcy in it.—I consented to proceed to Toronto with him to make the application for employment, but gave no definite answer about his commission in case of my success.—The next day during the progress of our journey, I stated to him that I had heard commissions were given *only* to those who could raise a certain number of men, and that as I had just arrived from England with no interest in the country, and no money to pay the expenses attendant upon recruiting, I despaired of being able to raise a Company, even if Sir George Arthur would give me the command of one. Mr. Chambers then begged that I would try, and offered if I gave him the Lieutenantcy, to pay half the expenses of recruiting and keeping the Company in the best possible order. This he said he would be able to do, from his having means independent of his pay, which would make him on a footing with me, who, as Captain, would draw double allowance. To this I consented. Upon our way to Hamilton, I met the bearer of a communication from Colonel Cameron to me, in which I was informed that, by the recommendation of Sir George Arthur, I was authorised to recruit men for a Company in the second Battalion of Incorporated Militia. Upon being received by Sir George Arthur, I stated my inability to do so, expressing a desire to command an *Independent* Company, with which I should be more likely to succeed, reminding him that a Coloured Company was to be raised in Chatham. Sir George Arthur most kindly and willingly gave it to me, observing that he would have offered it before, if he had thought that I should be pleased with the command of *coloured* men. I told His Excellency that I preferred them to the Militia of this country, because I should be able to maintain more discipline and authority among them than with the others. He replied that he was glad to hear I thought so, and he coincided with me in opinion. I also had another reason which was, that in an Independent Company I should have the appointment of my

own Subalterns, thereby avoiding the society of such an heterogeneous mixture of officers which I knew the Regiments of Militia must from their manner of granting commissions necessarily contain. The same day on which I received my appointment, I wrote a letter* to Colonel Chichester (the officer on "Particular Service," at that time commanding the Western District) stating my particularity as to the description of officers whom I should wish to admit into the Company, begging him to appoint Mr. Chambers as my Lieutenant, he being both by birth and education a Gentleman, and had been a short time at a military college in England. A few days afterwards Mr. Chambers received his appointment as Lieutenant, although at that time there were only five men recruited for the Company. Mr. Chambers joined me in Chatham about a month after, and at the expiration of the service of the Company joined the 2nd Battalion as Adjutant.† I shall therefore leave this subject to which, however, I regret I must again refer. I joined the 2nd Battalion in November of the same year.

But before I commence a regular detail of events, I must make the reader acquainted with a few facts necessary for elucidation. In doing this I tread upon delicate ground, but am compelled to allude to the conduct of one, whose name I do not wish to mention, and to which I shall only refer as lightly as possible. Upon joining the Regiment, I found in it one, of whose character and practices I had but one opinion, in which most of the officers at Head Quarters coincided, and which was generally the subject of animadversion in our frequent meetings, and I had often expressed my determination, if unfortunately any difference should arise between that officer and myself—not to give him the satisfaction due to a gentleman, and that if I had been in the British Army, or in a Militia Regiment of seven or ten years service, I should report every thing to the Commanding Officer. I proved this by the testimony of two witnesses at the Court of Enquiry which ensued. For a month before I left the Head Quarters, to take the command upon the St. Clair frontier, I was employed as President of a Court of Enquiry, which was ordered to investigate sundry debts then due by a late Captain of the Regiment, both to civilians on the St. Clair, and the soldiers who had been under his command. I was thus employed on the evening before I left Chatham for the St. Clair. Having been ordered to leave at day-light next morning, I called on my landlord for my account. He brought it into the room, and I objected to an item of 2s. 6d. currency. The man began to abuse me, and told me I was no gentleman for refusing to pay such a paltry sum, &c. &c. Whereupon I told him I was very busy indeed, and requested him to leave the room. Upon his refusing to do so, I repeated my request, the last time adding, that if he did not go, I would turn him out. Upon his still refusing to go, I collared him and put him out.‡ This occurrence took place in the

* Which Mr. Chambers read.

† Colonel Cameron had unfortunately resigned the command of the Regiment.

‡ It may here be observed that it was not the over-charge of 2s. 6d., but the

presence of two officers, who both agreed that I was perfectly right in doing so. After my departure for the St. Clair, this man instigated by others, drew up a petition to the Governor General, (vide appendix) who ordered the case to be investigated by the Colonel of the Regiment. In consequence of which the Lieutenant Colonel wrote to me, giving me the choice of attending at Chatham personally the Court of Enquiry to investigate the complaint, or to send my written statement of the case, as well as that of the two officers who were present on the occasion. I received also the same day an intimation from an officer at Chatham, that *one* of those officers intended to give evidence against me. Owing to the receipt of this information, I thought it would be the most prudent course for me to attend, and replied to the Lieutenant Colonel to that effect. The reason for the difference of statement made by this officer (the same who afterwards called me out) before the Court of Enquiry, from that expressed by him to me and others when the affair took place, is this: During the time I was a resident in this Boarding house, this officer I heard was coming to live there also, upon which I told the Landlord, who was trying to obtain any lodgers, no matter who or what they were, that if he received him into the house, I should be obliged to leave it, as I could not live with one whose manners and habits were so different from those which I had been accustomed to. After my turning the landlord out of the room he in revenge told him what I *had* said, and a great deal more which I had not said.— The information thus received from my landlord, together with the following circumstances induced this officer to call me out. While on the St. Clair I had been in the habit of corresponding with two friends in the Regiment then at Head Quarters. In most of our letters the conduct of this officer was represented as highly improper. In one of mine, I had spoken in rather strong terms of something they had communicated to me. This letter was shewn by Mr. Tench (to whom it was addressed) to Mr. Dewson the Surgeon, one who had invariably been present when we met, and who had censured most severely the conduct to which that letter alluded. Mr. Tench when talking upon the subject with Mr. Dewson one evening, shewed him my letter in confidence, and to prove how we had all coincided in our opinion. Mr. Dewson agreed with the contents of that letter, and animadverted strongly upon such conduct being allowed. Mr. Dewson finding a little time after, from what the boarding house keeper had said, that there was likely to be an explosion, in order to get himself out of the scrape, told my opponent what I had expressed in that letter, although he himself had at the time of reading it agreed with its contents, and had animadverted strongly upon such conduct being allowed by the Commanding Officer. Another letter of mine directed to Lieutenant Wells of the same Regiment, had been opened by Captain Chambers, who sent it to Mr. Wells assuring him that he had opened it by

insolence which followed in consequence of my refusal to pay it, that made me take this step.

mistake, and had not read it. In this letter I also adverted to the conduct of the officer, whom I afterwards refused to meet. Mr. Wells (as he himself stated before the Court of Enquiry) thinking that Captain Chambers *had* read the letter, and would mention the subject of it, perhaps making worse of the matter than there was any occasion for, shewed it to Colonel Young. The letter likewise contained a message from me to Colonel Young, which Mr. Wells begged him to read. This letter, which spoke plainly of what we complained of, was not taken the slightest notice of (until after my refusal to meet the one to whose conduct it alluded,) by Colonel Young, who continued writing to me in the most friendly way for some time after his perusal of it.*

I will now explain to the reader the reason why the Lieut. Colonel so immediately headed the party against me after its formation. There were other reasons, but this was the one, which particularly drew on me so much malice from him. There was a Regimental Fund established in the Regiment, consisting of about £135 a year, intended of course for regimental expenses, and for the payment of debts incurred by the regiment, but instead of the fund being strictly applied for these purposes, it was chiefly spent in a manner quite irrelevant to the original intention; for instance paying the debts of Companies at Head Quarters, and totally neglecting those on detachment. It would be as well to give two or three instances of the misappropriation of this fund. One was—an officer going on leave, handed over his Company and accounts to the care of another, forgetting to tell him to deduct a debt from a man's account: during the time which this officer was on leave, the man either died or deserted, and having received beforehand his month's pay, it was lost to the Captain of the Company. This debt was paid by the Regimental Fund, whereas, had the proper precaution been taken by him, it would have been settled in the proper manner. This debt was incurred wholly by the carelessness and negligence of the Captain. Again; a Sergeant of the Regiment, according to the order of his officer, broke open the door of a stable, and took a horse out, which the owner had refused to lend. This case would have been brought before the magistrates, but proceedings were stopped by the payment of ten dollars out of the Regimental Fund. Also, the sum of three pounds seventeen shillings was voted by the Officers of the Regiment, to buy a sword as a present to the Sergeant Major. Accordingly, the Colonel bought a new one, of an officer of the Regiment, who had brought from Toronto half a dozen for sale, gave the new sword to his son, an Ensign of the Regiment, and an old one; that his son had been wearing, to the Sergeant Major.† This was another improper expenditure of the Fund. Now, while much more of this mis-^spenditure was allowed, the officers on de-

* I dined in company with him, and he lunched at my house after he had read it—nor did he mention ever having read it.

† Before I could believe this, I asked Colonel Young if it were true—who answered, that the Sergeant Major preferred the *old* one. This might be likely; but why not charge the value of the old one to the Fund: the old sword was worth about three or four dollars.

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achment could not get the money refunded to them, which they were obliged to spend for the good of the Regiment. While I was commanding on the St. Clair, I was obliged to turn one of my barrack rooms into an orderly room, without which I could not manage, having a good deal of business constantly on hand, necessarily connected with the command of the Frontier and two or three detachments. I paid a pound a month for fuel for that room, as my Colour Sergeant and an orderly room Clerk were there constantly writing. I received—a few days before I left the St. Clair for Chatham, to attend the Court of Enquiry, relative to the man Griffis—a letter from Lieut. Colonel Young, requesting that I would collect, from my two Subalterns, and send to him, together with one of my own, a day's pay each, as a subscription* for fuel for the Regimental School-room. This was an outlay which ought to have been placed against the account of the Regimental Fund. I asked my two Subalterns for their subscriptions, but they, as well as myself, having some charges against the fund, declined paying any thing more until the liquidation of our claims, which I signified to Colonel Young. In mentioning these three instances of the misappropriation of the Fund, I wish it to be understood that I could mention other expenditures, which were found fault with by all previous to my leaving the Head Quarters.

In obedience to the order, I left the St. Clair for Chatham; and after the proceedings of the Court of Enquiry were closed, I received another order from Lieutenant Colonel Young, to return again to the Frontier, as early as possible the next morning. On the same evening, Captain Chambers came to me, and demanded, on the part of the before-mentioned Officer, a meeting in the morning. I sent my friend, Lieutenant Tench, to Captain Chambers, to say, that I could not possibly meet his friend, for certain reasons, some of which were stated at the time. I gave my friend instructions, in the presence of two other officers, to say, that if Captain Chambers should feel himself at all aggrieved at my refusal, I would be happy to meet *him*. My friend returned, saying, that Captain Chambers did not appear at all offended, but kept repeating to every thing he said, "I shall wash my hands of the affair—it is nothing to me—I have done my duty:"—so that Mr. Tench had no opportunity of requesting him to change places with his Principal. Nevertheless, we remained up 'till late that night, expecting that he would alter his mind, or that his friend would make him do so, but to no purpose. Next morning, according to order, I started at day-light for the St. Clair, and was posted, in the usual manner, as a coward—my friend Mr. Tench signing, and also posting, my reasons for not meeting my opponent. A despatch from London, for the St. Clair Frontier, overtook me, from Chatham about seven miles, at a village, where I was delayed answering it; at which place, also, I was overtaken by three officers of the Regiment, who had driven after me to inform me of what was going on. This number out of the few at Head Quarters

* This was besides the subscription to the Fund, which would have made two days' pay in that month.

(seven) will prove that I was not alone in my opinion of my adversary. By these officers, I was informed that a Report had been demanded from my adversary, of the transaction, and that it, together with one from Colonel Young, who only knew what Capt. Chambers chose to tell him, had been forwarded, through Colonel Love, to the Lieutenant Governor. My report might easily have been obtained by the despatch from Chatham, that overtook me; or if not by that means, both Colonel Young and myself had troopers under our respective commands, ready for any emergency. They also told me that my adversary and Lieutenant Tench had been placed under arrest, but that Captain Chambers was still doing duty. Lieutenant Tench was *my friend*: why was not Captain Chambers also put under arrest? The Colonel knew that he had been the bearer of a message to me that morning, and the friend of my opponent. Now, the reader will bear in mind, that from the moment that I refused to meet his Principal, he was as much interested in my downfall as the other; and from the fact of his not being under arrest, as my friend was, and from his being Adjutant of the Regiment, and oftener with the Colonel than any other officer, had the greatest scope given to his determination to injure me. And it is an extraordinary fact, that he was allowed to vote and give his opinion, as if he had been an officer not at all implicated in the transaction, and one acting from a sense of right, instead of one sitting in judgment upon his own case. As will be proved, he proposed, at different times, that three officers should not be associated with, merely because they were his opponents, and the Colonel to whom these propositions were made not only permitting but seconding such conduct. Instead of being placed under arrest, he actually obtained leave of absence, which he took advantage of by going to Sandwich and influencing the officers of the detachment there against me. One officer from the Amherstburg detachment wrote to Mr. Tench, to ask the truth of his reports, as the improbability of them was sufficient to prevent his believing them. In speaking of Captain Chambers and his principal I cannot make use of the word *friend*, for he did not act the part of one who in the least cared for the honour of the party for whom he acted. Captain Chambers' opinion of that officer was the same as mine, nor would he ever have stood as second to him, but that he could not well refuse when asked, as at the moment he was under a great pecuniary obligation to him.* An hour after I had refused the meeting, having reflected with three other officers upon the injury my refusal might do to the regiment and to the Militia service, I requested Mr. Tench to go to Captain Chambers and say that for this reason alone I would consent to a meeting. Mr. Tench went, but Captain Chambers refused to carry the message to his principal, and said again that he had washed his hands of the affair. Had Captain Chambers any real friendship for my opponent, would he not have

* This was a Bill of £50 Sterling, which my opponent had endorsed for Captain Chambers, and which coming back protested he was obliged to settle at the Bank as Captain Chambers had not the means.

been glad to have taken this second message of mine? My adversary has since answered me that he never heard of my having sent my consent, until a fortnight afterwards—and that if it had been conveyed to him, he would have met me in the morning, and thus have saved all the after disturbance. But no, Captain Chambers cared not for the matter, he had done all that he had been *obliged* to do, and as he expressed it, had washed his hands of the matter.— Captain Chambers was only asked at the eleventh hour to stand as a friend; the one engaged at first, and who had been a fortnight or three weeks intended for that purpose was suddenly dismissed upon my arrival in Chatham, whether they thought that I should have kicked him down stairs * or not I don't know, but he received his congé. Lieutenant Colonel Young had reported the circumstance to the Lieutenant Governor. I had returned to the St. Clair, and awaited the result of the communication; and now commenced the attacks of a party, which were kept up with the most constant diligence, from this time until I left Chatham some months after.— Some of them will be laid before the reader who will believe me when I say that I never could have parried them, had I not been supported and countenanced by some honourable and distinguished individuals, both officers and civilians.

I was one day visited by two officers, who had just arrived on the St. Clair from Head Quarters; they both shook hands with me and said "Muttlebury we are ordered by the Colonel to tell the officers on the St. Clair that you are to be cut."† I enquired particularly of one of them the circumstances, and whether he could not be mistaken: He answered "Oh no, for the Colonel reminded me just as I was coming away." I have a witness ready to prove the delivery of this message, as the same officer mentioned it to him, and in fact is ready to prove that Colonel Young gave it to him. I am the more particular in mentioning this unmilitary act of the Colonel's, because it proves how he tried to influence every body against the opponent of a party just formed, and of which he ever after took such an active lead. The officers on the St. Clair were, two Lieutenants, and an Assistant Surgeon, and two Commissariat Officers, all more or less under my immediate command. I received an invitation to meet them at dinner the same evening on which the message arrived, and I remarked to one of those who asked me, why how can you ask me after the Colonel's message? His answer I need not repeat, suffice it to say that I dined with them that evening, as also the bearers of the message; nor for the remaining six or seven days that I remained on the river, did I dine at my own quarters. To this very day am I on good terms with every one of them. Such was the result of the most unmilitary message that possibly could be sent to a set of officers relative to their immediate superior. Had those officers not been gentlemen, and

* Which I certainly should have done, he being without one single exception the greatest blackguard in the District.

† I wrote these words down within five minutes after they were uttered.

had they chosen to have taken advantage of that message, what sort of discipline could I as the Commanding Officer have maintained? And for what reason did Colonel Young not wish me to be associated with? For not granting a meeting, which he as Colonel of the Regiment was in duty bound to prevent. Colonel Young had never asked me why I refused, before he sat as Judge upon my conduct; nor have I to this day ever been asked the question by him or any other of the party.—No, Colonel Young and Captain Chambers both knew that I could satisfy them amply on that score.

A few days after this I received an order to deliver up the command, and proceed to Chatham. My men were stationed at various parts of the river; and the accounts of a Company which had just arrived from Amherstburg were in the greatest confusion, not having been settled for two or three months. To hand over my four detachments, (some twenty three miles apart) with the Barracks, Accounts, &c. &c. necessarily occupied me four days, I knew that I should not be wanted in Chatham, before nine or ten days at the soonest, as it afterwards turned out, so determined to settle every thing at once; and although the Colonel knew where I was, and what I was doing, I was returned absent without leave,* in that weekly report. I only mention this trifling incident, as one of the many petty annoyances I was subjected to afterwards by the Colonel and Adjutant, and with which I shall not trouble either my reader or myself with enumerating. Upon my arrival in Chatham I stopped at the house occupied by Lieutenant Colonel Young, and sent the driver of the Sleigh in with the report of my arrival, which I had previously written for the occasion: while waiting the return of the messenger, Lieutenant Colonel Young came out, and I of course, after the message, did not give him any opportunity of showing the example to others of "cutting" me.—To my astonishment he addressed me with "Well Muttlebury how do you do?" I turned round and made him the formal salute due to my Commanding Officer; he proceeding to ask me whether the sleighing was good or bad, and whether I had any news, &c.—Of course he little dreamed of my knowing the message he had sent to the St. Clair. Such was his manner, that the driver of the sleigh, a respectable farmer from the St. Clair, whom I thought to be in perfect ignorance of it, not having spoken a word to him during the journey on the subject; remarked to me, upon our proceeding, "Why Captain, I heard that the Colonel had desired the Officers not to speak to you?" Without answering directly this implied question, I asked why he had made the remark, to which he replied, "because the Colonel was so civil to you, and I have heard that such was the case." This he mentioned on his return to the St. Clair to Mr. Sutherland, at whose house I had been staying. This occurrence assured me, that the Colonel had been pushed into an *extreme* line of conduct by others; and I was the more convinced of this, from the fact, that whenever Mr. Tench and I met Colonel

* My authority for this is the word of an officer, who saw the statement.

Young *walking by himself*, we were sure to be spoken to, but if he were accompanied by any one else, not even the most distant salute could we obtain.

Half an hour after my arrival at the Hotel, I was visited by Capt. Chambers, who had been sent by the Colonel to inform me, that I was under arrest: upon my asking for what reason, he proceeded to read the report made by the officer, who had called me out, to Lieut. Colonel Young, as the cause of my arrest. This report had been forwarded to the Lieutenant Governor; and even if it had contained a correct account of what had taken place, the colouring given to it was certainly not in my favor: my report, had it been called for, would certainly have counterbalanced it. I think also, that Colonel Young might have used a little more delicacy when wishing to place me under arrest, than by making Captain Chambers the organ of his communication. The last time I had seen that officer, he was the bearer of an hostile message to me, and now he was sent to place me under arrest, in consequence of the results of that message; while he himself was free to do and say what he thought proper. This may appear but trifling to the reader, but he must remember that our absence from the Orderly Room, and consequent ignorance of what was going on there, shackled much the movements of Mr. Tench and myself; while every intimation, wish, or proposition was carried to my opponent with the greatest exactness by Captain Chambers, who had every opportunity of expressing to a willing ear, the wishes and wants of himself and principal.

In crossing the street a short time after Captain Chambers had left me, I was next accosted by a magistrate, who in the politest manner possible, swore me in to keep the peace towards all Her Majesty's subjects, for the space of one year, under a penalty of £40, refusing, at the same time to give me the name of the informer.

The next event, ('for it never rains but it pours') I discovered by the merest accident, so secret had it been kept from me, which was, that another Memorial* had been sent to the Governor General reflecting upon my character, and containing the most absurd and gross falsehoods. The two principal performers in this calumnious business, were two Officers of Militia, one a late Captain, and the other a Subaltern in the Regiment. The reason why the first took the field against me was not only from his being a particular friend of my opponent, but because I had been, by the merest accident, ordered to sit as President of two Courts of Enquiry upon *him*. The first was to investigate charges against him, of having connived at the Government rations, being sold to the Americans: allowing rations intended for men under his command, to be consumed at a tavern kept by his Subaltern; drawing pay for more men than he really had, &c. &c. (for I could go on yet) the result of which was, his Lieutenant was dismissed the service, by sentence of a Court Martial, and he, at the expiration of his time of service which occurred soon after, was not allowed to re-enter the

* This will appear also in the Appendix.

Regt. but another Captain was appointed in his place. The second Court of Enquiry, as I before stated, was to investigate debts due by him to civilians on the St. Clair, and the soldiers lately under his command. In these investigations I of course did my duty, not actuated by any personal feeling towards the man himself, with whom I had never exchanged a word, as from the difference of our society, it was impossible we should otherwise have met: yet the opportunity having arrived, which he had long sought for, he endeavoured to reduce to his own level, one whom he knew was disgusted with his conduct. The Officer in the Regiment was one also to whom I had never spoken, and in fact one to whom none spoke, and whom I had once reported for having in uniform in the streets shaken hands, to the discredit of the Service, with five Sergeants of his Regiment, not but what the Sergeants were better educated and more respectable than himself; but the Service never could permit such an infringement of its rules. This same man was tried by a Court Martial for and found guilty of going while in the Regiment and procuring a bushel of bad coppers, which did not pass there, from his cousin or uncle, a keeper of a toll-gate, and selling them in Chatham by means of little boys! he also was a particular friend of my opponent. However, these two, assisted by a Constable, who also had a little interest among the class of men who signed that paper, actually obtained between thirty and forty signatures, the remainder (there were sixty-one names attached to it) were *forged*, as the owners of them fully proved to me afterwards to be the case. One man wrote to the Lieutenant Governor that his name had been forged, and that he had never known any thing of my character, but what had been perfectly correct. I received either a written apology or a verbal one from nearly all that did sign it.* One man was a private in my own Regt. whom I *did* send for, and questioned as to whether he had dared to sign his name to that paper: he strongly denied it, and assured me that he had never seen it.† This showed their ideas of Military discipline and honor, and how fit they were to be Officers. The reader will find a copy of the petition and its answer at the end of this pamphlet. But while on the subject of petitions, let me shew the fate of the first one, which being decided at this time, gave another grand opportunity for the display of malignant feeling. The petitioner, the man Griffis, had received a letter from the Provincial Secretary, informing him of the decision of the Court of Enquiry, which acquitted me of all blame, and begging him if he still felt aggrieved, to refer to the Civil Authorities. Accordingly this ignorant fellow goaded on by others, repaired to a Magistrate, and obtained a *warrant* for my apprehension, (a summons he said would not suit him:) in obedience to which I was taken into custody by the Constable, the friend of the officer who had been so active in both the petitions,

* This was given voluntarily, as I never condescended to speak to them on the subject.

† This I believed, as his name was written in the same hand-writing with several others.

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and marched through the streets to the Magistrates Office. An Officer of the Regiment, one of those whom, Col. Young had stated would not speak to me, came to me with twenty dollars in order to pay the fine, which we expected would be the result of the investigation. But no. I obtained at the hands of the Magistrates that justice, which from the demeanor and conduct of those assembled to witness the trial, I had rather despaired of finding. A decision was given, after a careful investigation, of "justifiable assault," the Complainant to pay the costs. The Officer, whom I before mentioned as having given such an incorrect statement before the Court of Enquiry, now gave such when put upon oath, that had I anticipated it, I should positively have called upon him as an evidence in my favor, and in his answers to two questions put to him wholly contradicted the answers he had previously given to the same interrogatories.

The next occurrence of importance was the assembling of the second Court of Enquiry, to investigate the reports of Lieutenant-Colonel Young, and my opponent. This was on the 17th February. Witnesses were called pro and con, but I shall not trouble the reader with more than one fact, relative to this long investigation, wishing to make my story as short as possible. I had in my statement to the Court asserted that most of the Officers at Head Quarters, had agreed with me in my opinion* of the Officer whom I refused to meet. I was called upon to prove this statement—I accordingly began with Mr. Dewson, the Surgeon, as he had been the most active in creating this disturbance—I asked him, through the President of the Court, three questions, which, if answered in the affirmative, would have proved that he acted in a much more determined manner than I had done, with regard to the conduct in question—To these questions he answered "No"—denying every thing. I had two Officers in the room as witnesses, ready to give their testimony, that they had seen and heard him do and say what I had asserted. One of them had entreated me not to call upon him if Mr. Dewson should deny what he had done—I, in consequence of this, and not myself liking to prove an Officer guilty of a deliberate and pre-determined falsehood, told the Court that it was a delicate thing to do, and that I should not proceed.—The President wrote this down in the proceedings, and I left him to judge of the manner in which Mr. Dewson answered those questions, as to his guilt, which I am sure spoke plainer than I could have proved.† I have often wondered since, how I could have shewn so much forbearance. None has ever been extended to me by any of the party, nor even by Mr. Dewson. After the Court had finished their proceedings, they retired and sent their Report to

* My reasons for not meeting my opponent, were not taken down by the Court, who said they had nothing to do with them, and upon my telling them, that my only object in laying them before them was to disprove the charge of cowardice, one and all declared, that they were convinced, from the certificates I had also laid before them, that I could not have been actuated by any such feeling, and would report so to the Lieutenant Governor.

† And the Court did judge, for Mr. Dewson was reprimanded severely for the part that he had played.

the Lieutenant Governor.—As the Officers were coming out of the Orderly Room, one of my Witnesses went to Mr. Dewson, and asked him how he could deny what I had stated he had said and done? He answered—“My good fellow, what else could I do?”—The Officer came and told me of it immediately. Mr. Dewson then went to the other Witness and asked him how he could have told me that he knew any thing about the matter. Both these Officers are still ready to come forward to prove these things. Thus did he acknowledge himself to have told three deliberate falsehoods to the Court of Enquiry. I need hardly, I suppose, tell my readers that an Officer is as much, if not more, bound in honor to tell the truth to a Court of Enquiry, as if he had been giving testimony before a Court Martial, where he would have been sworn to speak the truth, and the whole truth. In the latter case Mr. Dewson would have given the same answer.

To the justice and uprightness of the Officers, who composed that Court of Enquiry, I owe much; as every thing was done by those opposed to me, in the most underhand way, to prejudice the Court against me; but the candour of the Officers of the Court was such, that they told me what they considered most material, that they had heard in private. The President informed me that he had been told, that when Captain Chambers had first brought me the message, I had agreed to fight, and that afterwards I refused. I told him, that of course on the impulse of the moment, upon being requested to fight, I had said yes—but that soon after, when I remembered my determination not to meet the man, I sent my friend over to say so. The President then told me he had expressed *that* as his opinion to the Officer who had told him of it. It was likewise mentioned to the Officers of the Court upon their arrival, that Captain Muttlebury was not associated with by the Colonel or any of the Officers.

Now I will prove the falsity of this statement. The Officers at Head Quarters at the time were—

Lieutenant Colonel Young,
 Captain Chambers,
 Mr. Dewson,
 Mr. Duggan,
 Mr. Frazer,
 Mr. Wells,
 Mr. Tench,

and of course the Officer whom I refused to meet; with whom it was not likely I should be on any particular terms of intimacy, consequently placing it with my own, I do not count his name with the others. (There was another Officer,* whom I have not mentioned, because he was not allowed by any to pass an opinion on any subject, and was almost a non-entity in the Regiment, so I intend him to be one here also.) The first Officer is Lieutenant Col. Young, who† had only

* The man of the Brass Copper notoriety.

† Not taking into consideration his predisposition not to be very familiar with me, on account of the Regimental Fund business.

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heard one side of the story, and was not inclined to hear the other, because the transactions which I blamed had been allowed by him, and if proved would of course do much injury to himself and Regt. Was it likely that he could say much to me, considering the terms of intimacy he was on with my opponent, with whom although under arrest he used to walk the streets? The next is Captain Chambers the Second of my adversary, who was as much interested as the latter in my ruin, and proving me to have been in the wrong; no wonder that such a proposition should emanate from him, especially as we were not on speaking terms, when the occurrence took place, owing to some money transactions which will be explained. The next is Mr. Dewson, whose veracity before the Court has been shown to the reader: one who acted such a low dirty cowardly part from the very beginning, which brought on him the severe reprimand of Sir Geo. Arthur; and whose countenance and manner, when interrogated by me, before the Court proved him to be a deliberate —— without the necessity of his after confession. He never could have presumed to speak to me.* The next, Mr. Tench, I should not mention as he was my second, but that I have spoken of Captain Chambers my adversary's second. I defy my greatest enemy in this affair, to mention any part of his conduct while in the Second Battalion, that was not perfectly becoming the character of an Officer and a Gentleman. Of the other three, one was certainly cool to me for a short time, but told a friend of mine, who asked him why he was so, that it was, because it was the wish of the Colonel.— This Officer told the same Gentleman the other day in Toronto, that he wanted much to see me, to apologize for having been so for one moment, as he had since learnt that the Colonel had no right to express such a wish or command. Another has always spoken to, and been intimate with me to this day. The other told me that he had never seen any thing ungentlemanly in my conduct, but that, from his situation, he was obliged to do what the Colonel wished. I have dined with him many and many times since the report was given out, that I was not associated with. I can yet bring more proof of the gross falsity of this report: My opponent said to one of the last-mentioned officers, on the day after the Court of Enquiry, as a reproof, "Why, I saw four officers to-day, who could be tried by a Court Martial† for speaking to Captain Muttelbury." The officer spoken to, determined not to be brow-beaten out of his opinion of me, and yet wishing to act correctly, went to one of the officers who had composed the Court, (a Captain of a Cavalry troop in London,) and asked him whether he had discovered any thing in my conduct during the investigation to authorise his cutting me. The answer was, "No;" and the enquirer came and spent part of that evening with me. I

* I wish it to be particularly understood that I speak of the Surgeon, whose brother, Lieutenant Dewson, is as fine and honorable a young man, as "the Doctor" is the reverse.

† This showed the underhand means taken to injure me, as my opponent who had served before knew that such was not possible, but he thought he could impose upon the belief of a Subaltern.

have frequently had the officer of the guard, when going his rounds at night, in my quarters, spending half an hour with me. With regard to the officers on detachment, they knew nothing but what had been communicated to them by Lieutenant Colonel Young and the Adjutant. I dined afterwards with two of those stationed at Amherstburgh. Of the other two, one was a man to whom I never had nor ever could speak, except upon duty; and the other was one also to whom I could only show mere politeness and civility. The officers on the St. Clair, with whom I had been stationed, and who knew me, speak to me to this day. The only officer whose acquaintance I in the least regret the loss of, was Major (then Captain) Sparkes, an officer, and a gentleman in every sense of the word. I merely knew him to speak to him, and had only met him once. But what does Major Sparke know of the matter? Nothing but what Colonel Young or Captain Chambers have chosen to pour into his ears.

Now, after this explanation, let me ask, what would have become of the Report, if the Adjutant had not been allowed to place the Colonel's name first on the list? That was the only thing that at all obtained credence to the report. Look at the fact of the very officers, who brought Colonel Young's message to the officers on the St. Clair, shaking hands with me, and telling me that which was not intended to reach my ears. I can fancy Colonel Young chuckling to himself, after issuing this "ukase," as he fancied my astonishment in finding that these officers visited St. Clair without speaking to me. Had Colonel Young been asked why he did not or would not speak to me, he would have answered, because I did not choose to meet one of his officers. Did Colonel Young ever ask me why I would not? Have my reasons ever been asked by any one of the party? As the Court were closing their proceedings, they called upon Lieutenant Colonel Young for his character of me. It was as follows: (I wrote it down on paper at the time:)—"Although Captain Muttlebury has been but a short time in the Regiment, he has been under my command, as Commandant of Chatham, since the 1st of December, 1838. I considered him then, as I do now, an active, zealous and intelligent officer; and, in consequence, when his Company was reduced, I recommended him for a Commission in this Regiment, when a vacancy should occur. His demeanour *has always been that of a gentleman.*" This was the Colonel's opinion of one, whom he had wished the officers not to associate with—this is the character of one, whom Mr. Dewson would not associate with. Mr. Dewson said to an officer, immediately after the closing of the proceedings, "Why, the Colonel has diddled us by giving Muttlebury that character." Here is a sufficient answer to whatever report may have been spread, as to the manner in which I had left the service. This proposition to the Colonel of cutting me, was one of Captain Chambers's first steps of annoyance. As a Court of Enquiry was expected, this appeared to him a very important one. Now, without asserting that a member of a Court would be influenced by hearing that one of the officers on whose case he was to pass an opinion, was

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not associated with by his brother officers, let me ask my military reader, what his first impression would be, at hearing that such was the case? To the justice and impartiality of the officers who composed this Court, do I owe much; for I had been judged and condemned long before their arrival. The result of this Court of Enquiry was, that my opponent and myself should resign our Commissions, on account of the quarrel: Mr. Tench was warned not to offend again,* and released from arrest; and Mr. Dewson was ordered to be severely reprimanded for the mischief which he had been the chief means of making. Both of us, accordingly, resigned our Commissions; and now that the affair was over, I anticipated that the party animosity which had existed would cease; but no: it now burst forth with redoubled fury. After the support and assistance which had been tendered to my opponent, by the petitions and reports of Lieutenant Colonel Young, the party made sure that he was safe; but, to their indignation, they found that both had to resign, and were still on the same footing, as far as the service was concerned. Sir George Arthur knew not my reasons for not meeting my opponent. I have a letter in my possession, from his late Military Secretary, stating that the Lieutenant Governor "did not attach any blame" to me for not meeting another officer. And here I must do my opponent the justice to say, that he was not carried away by such a vindictive feeling as the others. The President of the Court publicly remarked the moderation of all angry feelings between us. His name was made use of by the party, to answer their purposes. † The cudgels had been taken up by a malignant few, perfectly unscrupulous as to the means they employed for the furtherance of their own wishes.

The next measure was, to write letters to the different detachments, requesting the officers to sign and send a paper, expressive of their regrets at my adversary leaving the Regiment. Some obeyed these instructions, and some did not. The officers on the St. Clair refused to do it, unless my name was included: another in Amherstburgh did also. Had the same request been made with regard to me, it would also have been signed by those who subscribed to this, providing the Colonel and Adjutant had signed it, which, of course, was an expression of their wishes. One officer, who signed it, I taxed with having done so, and he replied, "Well, Muttlebury, to tell you the truth, I acted with duplicity, but what else can I do?" This very officer, I should make my principal witness against my opponent, in case of necessity. I know perfectly well why he signed it, and why two or three more did. When it was found that the affair of the paper was a failure, a dinner was proposed to be given to my opponent. The dinner was given at the principal Inn in the place, within a half pistol shot of the house in which Lieutenant Tench‡ and myself lived. The drummers and fifers were in attendance, and played away most

* Mr. Tench's offence was in signing his name to the paper which was posted

† He sees through them now, and confessed so the other day.

‡ Still an officer in the Regiment.

lustily for a couple of hours : this was intended to show to the inhabitants of Chatham, the ebullition of a general feeling. Why, the next morning two magistrates, in speaking on the subject, expressed their regret that such should have been countenanced and assisted by the Commanding Officer of the Garrison, after the Lieutenant Governor had expressed his opinion of the quarrel. And now mark the undecided and vacillating conduct of Lieutenant Colonel Young. He sat as President at that dinner table, and, as agreed, was to propose the health of my opponent. The party assembled at seven o'clock, eleven o'clock came, and no toast was given to the surprise of those who were wishing for it, the "opposition" began to be uneasy until at last one of them went to Lieutenant Colonel Young, and reminded him of it, he assured this officer that he had not forgotten it, but would give it presently ; half an hour more elapsed and at last the toast was given. And what was the reason of this delay: simply this, an officer of Engineers had arrived in Chatham that day *en route* for London, and being invited, was present at the dinner, at about half past eleven, this gentleman was called out of the room for a few minutes, and the moment the door closed upon him, the Colonel *arose and proposed the long expected toast* ; when the officer returned, all was over. This proves Lieutenant Colonel Young to have been conscious of doing wrong, but determined to risk every thing. This was the conduct of the Commanding Officer to whom all in the regiment are supposed and ought to look for example. Two of the officers who sat at the table, gave me these particulars the next day. The dinner was made as public as possible, all the officers in the garrison were asked, some went, and some did not, but those who went never for one moment imagined the dinner had been given to the injury of another. One of the officers who dined there, took dinner with me two days afterwards. The officer of the Guard, called in the same night and told me some of the particulars of Colonel Young's conduct.

The next thing that Captain Chambers did was to arrest me for an alleged debt. He swore that he was apprehensive I was going to leave the country, to avoid paying my just debts. This Captain Chambers knew could not be the case, when he took that oath.—Otherwise what was there to have prevented me from doing so—I was out of the service, owed not a farthing in Chatham, and no business to arrange. What was there to prevent my crossing to the United States ? I had full warning of his intentions, for I had received a letter from his attorney, and had been told by mine, that such might be the case. I was arrested close to the Court House gate in Sandwich, a likely place for a man to be in, who was running away from his debts. I saw him go to the Commissioners, Office, to take the oath, and knew that he had done so. The Party little thought that I, an almost stranger in the District, could obtain bail, but two gentlemen offered themselves as bail immediately; Colonel Prince and George Wade Foott, Esquire.

The next thing that Captain Chambers did was to propose to Col. Young that Mr. Tench should not be associated with. The great

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cause of complaint, was because Mr. Tench still lived in the same house with me. I had agreed to proceed to Toronto with him, so waited for the expiration of the service of the Regiment, in order that we might start. This was reported to Mr. Tench by two officers in the Garrison, and in consequence Mr. Tench addressed the following note to Captain Chambers :—

“CHATHAN, 31st March, 1840.

“SIR,

“Having been informed that you proposed one day very recently to one or more officers of the Regiment “that Mr. Tench should be cut;” I have to request that you will inform me whether such was or was not the case.

“Your obedient Servant,
HENRY TENCH.”

ANSWER.

“SIR,

“In reply to your very extraordinary letter requesting to be informed whether I “proposed one day very recently to one or more officers of the Regiment that Mr. Tench should be cut,” I beg to state that I am not aware of having made any such proposition, and I earnestly beg to be put in possession of the source from which you obtained the above information.”

“Your obedient Servant,
HUGH BEST. CHAMBERS.”

Mr. Tench answered this by saying, that he would speak to his informant and would let Captain Chambers know the result. Having seen the officer upon whose report Mr. Tench placed the most reliance, and having been assured by him, that he could not be mistaken, as he heard Captain Chambers make the proposition in the presence and hearing of an Orderly, and several civilians; Mr. Tench wrote the following :—

“SIR,

“My first source of information, I shall not send you, and not placing the utmost reliance upon it I immediately went to Mr. Wells, and asked him whether he had not heard you make such a proposition; He replied that he had. The matter rests now between you and that officer.

“Your obedient Servant,
HENRY TENCH.”

* “P. S.—I have just seen Mr. Wells, whose assertions on the subject are so strong, and whose veracity on any subject has always been unimpeachable, that I am bound to believe your memory a most fallacious one.”

* Mr. Wells, just as the letter was written, came over to our quarters, and told us he had just asked the Colonel, who remembered the proposition of Captain Chambers: consequently this postscript was added.

Observe the denial contained in Mr. Chambers's letter—we have five witnesses at this moment who heard him make the proposition. The postscript in Mr. Trench's last letter was intended as an insult to Mr. Chambers, and to obtain from him a meeting which he had before shown so much disinclination to give. Mr. Trench procured a friend to act for him, who waited three days for Mr. Chambers's answer, but to no purpose, and then returned home. On the third day Mr. Trench was visited by Mr. Cameron,* and informed that unless he discarded my acquaintance, his society would also be dispensed with by the officers. Mr. Trench replied that until he had seen something ungentlemanly in Captain Muttlebury's conduct, he would continue his friendship. The next morning, Mr. Trench asked Colonel Young in the Orderly room, whether he were aware of the message sent to him on the preceding day, and whether the determination expressed in that message had been formed by him. Colonel Young, instead of answering this question in a direct manner, asked Mr. Trench, whether Mr. Cameron had not told him that *all* the officers had come to that resolution: Mr. Trench replied that he had; the Colonel answered, "then I am one of the officers." Upon hearing this, an officer present stepped forward, and at the very great risk of future employment, said, "I am one of the officers, and I never expressed such a determination, nor shall I ever do so." Mr. Trench then told Colonel Young, that both Capt. Muttlebury and his opponent had left the Regiment on the same footing, both having been obliged to resign; and that until he had seen something wrong in Mr. Muttlebury's conduct, he should continue to be his staunch friend: and with this left the room. Mr. Trench finding that he could obtain no protection from his Commanding Officer, reported *through him*, the whole circumstance to the Lieutenant Governor.†

The next day, Mr. Chambers, having been spoken to on the subject by his friend Mr. Dewson and others who reminded him several times that the postscript contained an insult; sent a letter to Mr. Trench which he refused to accept, stating that he wished no further communication except through the medium of a third person. Mr. Cameron then appeared, and on the part of Mr. Chambers desired Mr. Trench, to receive the letter or appoint a friend,—Mr. Trench replied, that after having waited three days for an answer, and given Captain Chambers ample opportunity to obtain redress he had reported the whole circumstance to the Lieutenant Governor, that he regretted much that until an answer was received; he could not

* Mr. Cameron had lately been sent for, to do duty at Head Quarters, he directly joined the Party, and in fact assisted materially in keeping up ill feeling. He was an attorney by profession. When a friend of mine about this time asked Mr. Cameron why he had taken such an active part against me, he was answered by Mr. Cameron, that he knew little about the matter, that the Colonel was against me, which was sufficient for him, and that Sir George had given Capt. Muttlebury the Company which had been promised to him.

† What Colonel Young added to this report or whether it was ever forwarded by him I know not, but the report, to the surprise of every body, was taken no notice of by the Lieutenant Governor.

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give him any further satisfaction without deceiving his Excellency, but that the moment he was at liberty he would overlook Mr. Chambers's delay and give him a meeting.

The next proposition of Captain Chambers to Colonel Young one evening, when the latter was at one of the Adjutant's meetings, was, that *Mr. Wells should not be associated with*. Mr. Wells was present, and spoke so determinedly to the Colonel, that they were glad to drop the subject, and not attempt to carry this proposition into effect. The fault found with Mr. Wells was, his having mentioned the former proposition to Mr. Tench, and for refusing to carry it into effect. This is the third Officer whom Captain Chambers thus endeavoured to injure. Would an Adjutant of a Regiment, have dared to act in this way, had he not known previously that it would be agreeable to his Colonel, or that he could soon make him consent to it?

The next, and last circumstance which occurred previous to the departure of Lieutenant Tench, and myself, and connected with Captain Chambers was certainly a most disgraceful one. Captain Chambers wished to obtain possession of my dog, for the purposes of breeding, and repeatedly sent his servant to my house to obtain possession of it without my knowledge. This I afterwards was told by an Officer who heard the order given at three different times to the servant. A gentleman having mentioned to me one day in conversation that Capt. Chambers wanted the dog, I told him he might take it* to Captain Chambers on the condition of my having a pup. This Gentleman, who is ready to prove all I say here on the subject, refused to take the dog then, but mentioned to Captain Chambers that the dog was at his disposal; the latter replied that he did not want it *with my leave*, for that he would have it *without*. Upon missing my dog soon after, and not suspecting where it could be, (for the above answer only came to my knowledge afterwards,) I concluded he had been stolen. Two days afterwards an Officer informed me that the dog was fastened up in a hay-loft, together with another of Mr. Chambers's. I took a servant with me, and went to the house in which Mr. Chambers lived and found the dogs in the loft, I ordered the servant to release both, and give me the one belonging to Mr. Chambers; which I took (being on horseback) and tied up in a field a short distance beyond Chatham under the care of a man who was ploughing, with directions that the dog might be released at sunset, and permitted to return home.

Upon my returning to Chatham, I found that a magistrate had been applied to, for a warrant against me, for dog-stealing. I went to the Magistrate, and, not wishing to be again under the custody of my friend the Constable, by promising to appear at the time he should appoint, induced him not to issue one. In about an hour afterwards, according to my instructions, I repaired with Mr. Tench to the room prepared for the reception of the Magistrates, and while waiting for them to assemble, was informed, that the servant I had taken

*This piece of good nature, after what has passed may appear rather extraordinary to the reader, as it does now to me, but my dog being the only one of the breed to be obtained, I was not so selfish as to refuse it.

with me to the loft, (a private in the Regiment,) had been confined. Exasperated at finding this to be the case, I said, in the hearing of all, "It was mean revenge—punishing a man for what he had been told to do." Upon hearing this, Captain Chambers went out of the room with his friend, Mr. Cameron: in a few minutes, both returned, and the former accosted me, and while speaking to me, suddenly drew a bludgeon, which he had concealed under his shooting coat, and struck me two very severe blows on the head. The moment I recovered the shock, I threw him upon the ground, with the intention of disarming him, before I proceeded to return the compliment. While thus engaged two Magistrates entered the room, and, calling for a constable, ordered me to desist, which I did.

After this rencontre, the Magistrates investigated the case of the dog-stealing; and before we retired into the next room, while they should decide upon their verdict, Captain Chambers introduced Mr. Cameron to the Magistrates, as a Barrister who could explain the law to them on this occasion. Mr. Cameron* being permitted to speak, began with some rigmarole or other, to which, as the Magistrates intended to do justice, they paid no attention. After some deliberation, the Court re-opened, and the senior Magistrate, addressing Mr. Chambers, informed him that they were obliged to dismiss the case as a frivolous and vexatious one, and that he regretted he was obliged to add that, "*this*, as well as other cases brought before him, and in which the Military were concerned, had been brought forward with a vindictive feeling, perfectly unbecoming the character of either officers or gentlemen." I quote here the very words made use of, as I noted them down. Mr. Chambers had to pay the costs. Mr. Chambers, after he had applied to the Magistrate, thinking he should not gain his point, had some idea of abandoning the case, but was prevented by the entreaties of Mr. Cameron, who offered, in case Mr. Chambers should lose, to pay the costs. Mr. Atkinson, a gentleman of the Commissariat Department, *heard* this offer made. Whether Mr. Cameron did pay the costs, or not, I cannot say; but had the Magistrates paid the wished-for attention to what he attempted to impress upon their minds before the verdict was given, I have no doubt but that *I* should have had to settle with the constables. In the evening, I sent my friend to Captain Chambers, to demand immediate satisfaction for the blow. Captain Chambers was in the Colonel's house, and it was with the greatest difficulty that my friend could obtain a satisfactory answer to the question of, "Is Mr. Chambers in the house?" At last, Mr. Chambers came out, bludgeon in hand, and upon hearing the demand, refused to give either *Mr. Tench* or myself a meeting, as he considered us in the same light as privates in the Regiment. Here was an answer to his own challenge to Mr. Tench, which the latter had consented to accept—overlooking the delay which had taken place before the demand was made. What

* This man must not be mistaken for his brother, a Barrister in Toronto, and who is, if I may presume to give an opinion, a young lawyer of intelligence and talent.

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reason had he for not meeting me? He would say, perhaps, because I refused to meet his friend. Even allowing, for one moment, that I had been wrong in doing so, in my opinion, after he had struck me, he was in duty bound to meet me. Upon receiving this answer, my friend, telling him to prepare for the consequences, left him. I did not meet Mr. Chambers for four days after, although constantly on the look out for him; and on the morning of the day on which I did meet him, Mr. Tench posted him as a coward—stating the fact of Mr. Chambers's challenge, and the circumstances attending the refusal of it. I met him about six o'clock the same evening, conversing with two of his friends, and, of course, knocked him down. The moment I had done so, I received a blow with a stick from one of those who had been talking with him, my arm and stick being seized at the same time. I managed, however, to release my arm, although with the loss of my stick, and succeeded in breaking it two, a "life-preserver," with which he had been in the meantime attempting to break my skull. The moment this was done, we were parted, and Mr. Chambers conveyed home. It has been said that Mr. Chambers was not aware of my intention to strike him: why, common sense might have warned him that a man whom he had injured in many ways, struck, and then refused to meet, would not leave the place without some satisfaction. An officer told me that, the night after I was struck, he had gone into the bed-rooms of Mr. Chambers and Mr. Cameron, after they had retired, and upon opening the doors, found behind each of them, several chairs, which had been piled up, tumbling down—Mr. Cameron with a pair of loaded pistols, and Mr. Chambers with a double-barrelled gun, lying by them, all cocked and capped. Why had he the "life-preserver" in his pocket?—the person who lent that to him was seen telling him how to use it. Did my friend not tell him to take the consequences of his refusal? The posting in the morning might have shown him that we had not given up the campaign. In consequence of having broken the peace, which I was under penalty to keep, and not having £40 to spare for such a purpose, I next day mounted my horse, and, accompanied by Mr. Tench, whose term of service had expired, left Chatham; and most devoutly did I hope never to see the place again. In travelling to Hamilton, I did not pass through London—report says, because I was afraid of meeting the officer whom I had refused to meet. Any of my readers, who should happen to know who is meant, and to have seen the person alluded to, will at once see the impossibility of there being any truth in this report. My reason for not going through London was, I was afraid a warrant might have been obtained to apprehend me for this breach of the peace, and forwarded* to the officer in London, who would have directly acted upon it, and lodged me safe inside the jail. In order to be out of the way of this disagreeable occurrence, I passed by London, without

* Which would have reached London before my arrival there, as I did not leave Raleigh until a day after I left Chatham.

going into the place. I must do Mr. Chambers the justice to say, that he was begged to obtain a warrant, but refused.

Previous to my leaving Chatham, I had received a letter from the late much-lamented Colonel Halkett, informing me that, "by a course of prudent conduct," I might have hopes of some employment. In consequence of this, I proceeded to Kingston, thinking that the distance between myself and the "party" would put a stop to any further unpleasantness. On my return, however, to Woodstock, I found, to my regret, that the most malicious and false reports had been successfully spread, to the injury of my character. What these reports were, I have not been able entirely to discover: some have reached my ears, two of which were, that I had been "dismissed the service by a Court Martial," and that I had "borrowed a large sum of money of Mr. Chambers, and refused to pay it." After seeing this pamphlet, the reader will find the incorrectness of the first report. I was obliged to resign my commission in the Regiment on account of a quarrel with another officer; he also was obliged to resign. We left exactly on the same footing, and in the same manner. With regard to the origin of that quarrel, I am conscious of having acted wrong and foolishly, in speaking of that, which, if I took any notice of at all, it was my duty to report. Whether I was right or wrong, in refusing* the meeting has not much, if any thing, to do with the reports circulated. Sir George Arthur, as I have said before, has "attached no blame" to me for refusing the meeting, which plainly shews that my having done so, was not in any way connected with my having been obliged to resign. How is it possible that I could have been dismissed the service, when my Commanding Officer stated upon my leaving the Regiment, that my demeanour had always been that of a gentleman? As to the second report I will presently explain in what way there came to be any foundation for it. I wish the reader to mark particularly the conduct of Lieutenant Colonel Young throughout the whole disturbance. Note the indecision and vacillation depicted from beginning to end, and the easy manner in which he was led by Captain Chambers. Colonel Young asked a friend of mine one day when they were walking together "What the civilians of Chatham thought of the Regiment." "Why" said my friend, "they think that *you are bullied by Captain*

* I remember telling a friend of my opponent's, my reasons for refusing the meeting, he allowed that my reasons were "substantial ones," but argued that I ought to have met him nevertheless,—upon my asking why; he said, 'first because he was once in the British service, and secondly because he was a Captain of Militia.'—My reader will see the fallaciousness of the first part of this argument, and as to the second, Sir George Arthur's signature to a Commission may make a man an officer, but I defy it to make him a gentleman.—Only *very lately* I saw a Captain at present on active service calling "two and three," "two and three," over a tin kettle as a Public Auctioneer, and in the afternoon buckled on his sword and went to parade with all the pride of a Castilian Noble. I have seen Captains of Militia with whom, for the credit of my Company, I should be sorry to see my Colour Sergeant speaking. These remarks apply to but a few I believe, but still to a sufficient number to prevent my coinciding with the above opinions.

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Chambers." The Colonel said that they were much mistaken, for he would allow no man to bully him. I believe he would not, but he might be easily led by the nose, by any one who either by insinuation or flattery once obtained a command over him. The Commanding Officer of a Regiment (more especially Militia) has a most difficult and delicate part to act, to be looked up to with respect by *all* under his command. There ought to be a controlling power at the head of a Regiment, to check all commotions which must necessarily sometimes arise where there is such a diversity of feelings, opinions, and ideas. Men born in a different situation of life, educated differently, all supposed to act in concert with each other, can it be supposed that they should do so without some such restraining power over them. All ought to look to the Commanding Officer for impartiality and justice. Could I do so? Did I do so? On the contrary, I had to guard against his repeated attacks, and those of others, who, but for the support of Lieutenant Colonel Young, would never have presumed to come forward. There was nothing but a continued scene of disturbance from the time of Colonel Cameron's departure from the Regiment, to the period of its disbandment.— All were allowed to act and speak off parade as they thought proper. Facts speak for themselves. Look at the circulation of the base coppers. Another officer after repeated scenes of the lowest intoxication with some of the men of the Regiment, runs away, deserts to the United States with two women of the Regiment, and is only traced by the articles,* by the pawning of which, he alone had been enabled to pay their passage to Buffalo. The same officer is brought back and forgiven, and after being again caught at night drunk walking arm and arm with a Sergeant, and again found in a situation which I cannot name is at last obliged to resign. Another gives his brother officer the "lie" and is called a Liar in the presence and hearing of his men. I could mention other instances of misconduct which never could have occurred had the searching eye of a soldier been held over the Regiment. Could any thing of this have taken place had Colonel Cameron not resigned? With such a Commanding Officer as that, an officer could not go wrong, his first step would have been sufficient. The late Military Secretary told an officer that he never was more surprised than when Colonel Young's re-appointment was put into his hands. Look at Colonel Young's indecision in reading my letter to Mr. Wells, and not saying any thing until he gave evidence against me for writing that letter, —in attempting to prevent the officers on the St. Clair from speaking to me, and he himself upon meeting me addressing me in the most familiar manner. Remember his character of an officer with whom he said he did not wish to associate. Colonel Young's great forte is letter writing, and by it many are deceived. Look at Lieutenant Tench's report to Sir George Arthur, in which he mentions the proposition of Captain Chambers; the dinner, with the aggravating circumstances attendant upon such a proceeding, taken

* I believe part of his uniform was in pledge to a "Citizen."

no notice of, although forwarded by the proper channel and written in the most respectful manner

In that letter Mr. Tench threw his case entirely upon the opinion of the Major General, he even told His Excellency that if he were in the right, he would still, if Sir George thought it would be for the good of the service; resign. That report was paid no attention to: that letter was never answered. Why? Colonel Young must have forwarded some very weighty argument with that report, to have enabled Sir George to overlook it. I defy Colonel Young to contradict any statement made by Mr. Tench in that letter. What with Colonel Young's reports, and the petitions I wonder I was not dismissed the service. Mr. Tench, my friend was treated in a very unfair manner. He received a very high character from Lieutenant Colonel Young before the Court of Enquiry. Mr. Tench, as my greatest enemy in that Regiment will allow, is an honourable high spirited young man, his great fault was supporting his friend, and the determined manner in which he opposed all their entreaties to secede from my cause. Look at the friends of the party, who signed the second petition, not a respectable man among them, the owners of some names subscribed, positively could not write. Put in opposition to the tinkers and tailors who signed that document, the names of most of the respectable gentry of Chatham. Had it not been for the justice and impartiality of the Magistrates of Chatham I might have been much inconvenienced. Major McGregor, the Senior Magistrate has desired me to mention his name in any way for my benefit. To George Wade Foott, Esquire, am I indebted for the most unflinching support, I mention his name without leave, and in apologizing for having done so, thank him for many acts of the most disinterested kindness. To both these gentlemen, whose rank and character among the inhabitants of the Western District entitle them to every respect, and who, from having been uninterested spectators of every transaction connected with the Second Battalion, have been enabled to judge of the correctness of my statements; do I beg to refer any reader, who not being satisfied, will take the trouble to enquire further as to the truth of the reports which they have heard, and of which I complain.

The reader will remember the agreement before mentioned, and which existed between Mr. Chambers and myself, with regard to the expenses to be incurred in recruiting for the Company. Upon making up our accounts a short time before the disbandment of the Company, Mr. Chambers refused to pay any thing towards the great expense I had been put to in raising the Company: I had recommended my Ensign for his appointment, on account of his having recruited at his own expense twenty men, he did recruit more but I repaid him the expenses of those over his stipulated number. In recruiting the remainder I had been put to great expense, I travelled a great distance in attempting to do it myself, and upon finding my utter inability, partly from ignorance of the ways of the country, and partly from my not condescending to act in the manner in which I had known others to succeed, I was obliged to despatch an agent to

Detroit, in the United States, to obtain the number I wanted. While thus employed, I used to receive money from Mr. Chambers as my own fell short, and upon examining the few accounts, which I had kept, found that the sum which I had received from Mr. Chambers, balanced, or nearly so, the share of the expenses, which he had agreed to pay, and for which he obtained his Lieutenantcy. As I said before, Mr. Chambers refused to allow me one farthing, which was for a long time a matter of violent dispute between us. To make this unpleasant matter short, I at length told Mr. Chambers I would make him a present of his share of the expenses, and would repay him the money I had received from him for the purposes of recruiting. He then demanded an acknowledgment of the sum, which I gave him. After this, to me unsatisfactory settlement, of course we were not on terms of much intimacy—in fact, except on the parade ground, we never spoke. One evening, while sitting at the dinner table, Mr. Chambers remarked to Mr. Wells, that if he could then obtain a fortnight's leave of absence, he might succeed in getting the Adjutantcy of the 2nd Battalion. Without saying any thing to Mr. Wells or Mr. Chambers, I called for pen and ink, and writing a note to Colonel Chichester, begged him, although my other Subaltern was on leave of absence, to permit me to give Mr. Chambers fourteen days' leave, as it was of consequence to him, and offering to do the duty of Subaltern, when the next tour of Garrison duty should come to my Company. The servant who took the note to Colonel Chichester, brought back the permission requested, and, handing the Colonel's answer over to Mr. Chambers, I begged him to read it: the moment he had done so, he jumped up from his chair, and thanked me, saying, I was "*really a good-natured fellow,*" and that if he should "obtain the Adjutantcy, he would settle our dispute, and cry "*quits.*" I told him I was very glad to hear him say so, as the dispute would be settled, which otherwise would have caused an irreparable break between us. Mr. Wells was present during this conversation. Mr. Chambers went to Toronto, obtained the Adjutantcy, and upon his return to Chatham, I congratulated him, and we were again friends. The Acknowledgment I had given him was a mere "I O U," and upon his return, I neglected asking for it, nor did I once think of it.

After I had joined the 2nd Battalion, and on the evening on which I had the rencontre with the man Griffis, I received a letter from Mr. Chambers, whom I had requested to come to my quarters, to settle some Company's accounts, excusing himself from coming, and requesting me to send him £10 of the sum mentioned in the "I O U," in order to enable him to repay the officer who had endorsed his bill. I was perfectly astonished at the demand, and wrote back an answer, reminding him of what had taken place. I had quite forgotten, at the time, that Mr. Wells had heard him cry quits to the sum in dispute, and while reading the letter I had written over to Mr. Tench, Mr. Wells entered the room; and upon my proceeding, and reading that part, where I had reminded him of the agreement he had made previous to his starting for Toronto, Mr. Wells interrupted me by

saying, "If they are the last words I shall ever speak, I swear I heard him say so,"—alluding to the word "*quits*," which I had mentioned in my letter, and which was the expression Mr. Chambers had made use of. This answer of mine to his demand put a stop, once more, to any feelings of friendship that may have previously existed between us. During the time when I was so subject to the hostile attacks of a virulent party, Mr. Chambers thought proper to have me arrested for this debt, but did not succeed in his wishes, or rather, the wishes of those who advised him, as two gentlemen immediately signed their names to the bail bond. At sitting of the next Assizes, the case was submitted to the arbitration of these gentlemen, Colonel Prince, Mr. Cameron, a barrister,* and Major Redyard. To the latter gentleman, I was introduced only half an hour before he was named as an arbitrator; but from the very high character borne by him in the District, I had no objection to his being one of the three: on the contrary, rejoiced to think that the case would be laid before one, perfectly acquainted with the feelings that ought to distinguish the officer and gentleman. I forgot to mention that, upon my arrival at Sandwich, I had been told by several, that they had been informed by Mr. Chambers, and his friends, that he was sure of winning the case, as he had in his possession, a letter, written by me after I had joined the 2nd Battalion, acknowledging the debt to be still due. I was rather astonished at this, and much more so when Colonel Prince, taking me into a room, produced a letter, which Mr. Cameron had entrusted him with, and begged me to read it, as it was to be brought up as decisive evidence against me. I read the letter, which was one written by me to Mr. Chambers, relative to Company's accounts, while in the 2nd Battalion. The letter had nothing whatever to do with the sum in dispute, nor did it in the most remote manner even allude to it. I regret much that I have no copy to lay before the reader, as the letter will, with a very little explanation and reference to dates, speak for itself. I believe it to be still in the possession of Mr. Chambers. This letter, however, had I not attended at the trial of the case, would have been sufficient to have obtained a verdict in the favor of my opponent. I had written, from Kingston, to Col. Prince, and others of my friends in the Western District, to say that I could not attend; nor did I know, for more than two hours before I started from Kingston, that I should be enabled to do so: it was, therefore, so far, fortunate that I did.

The three Arbitrators having assembled, I was sent for, and Mr. Cameron stated the case, to which I was requested to reply, which I did, by stating what I have before shown my reader—proving the falsity of the letter brought in evidence, and bringing Mr. Wells, as evidence to the agreement between Mr. Chambers and myself, previous to his starting for Toronto. Mr. Cameron, on the part of Mr. Chambers, then allowed three things—first, that the letter produced as evidence had nothing to do with the matter; secondly, that an agreement had existed between us, rela-

* Brother to the Lieutenant of that name in the Regiment.

tive to the expenses of the Company; and thirdly, that Mr. Chambers had made use of the term, "quits," as proved by Mr. Wells; but desired that I should bring evidence to prove the satisfaction that Mr. Chambers had received, in order to invalidate the "I O U," which was in his possession. I replied to this, that I had been careless enough to keep no exact account of the expenses of the Company, but could prove several sums that I had expended, but not to the amount required. I brought forward, before the Court, a gentleman, who had commanded an Independent Company at the same time that I had, who stated that the expenses attendant upon his recruiting had been very nearly £100. My company was a larger one; and when I recruited, I had this officer to oppose me, to whom, upon my obtaining nearly my complement, I resigned the field,—thus enabling him to recruit the remainder, without that outlay of money, by which alone I had been enabled to succeed. The decision of the Arbitrators was, that I had not brought sufficient evidence to invalidate the "I O U." They deducted, however, the sum of forty dollars from the amount claimed by Mr. Chambers, and mentioned in that Acknowledgment. These are the true facts of the case, of which the reader, until he read this, knew nothing, except by means of the report that I had borrowed money, and refused to pay it. The money never was *borrowed* by me: it was advanced by Mr. Chambers, as part of his share of the expense I was put to in recruiting the Company. Mr. Chambers never recruited a single man: there were two who came to him in the streets, and stated that they wished to join; and upon his reporting this to me, I ordered him to take them before a Magistrate, and have them attested. The reader will remember that I can bring the evidence to prove Mr. Chambers having cried "quits." The very fact of forty dollars being disallowed, proves that I had good ground to stand on, when I refused to pay the demand. Colonel Prince, after the thing was decided, came to me in the streets, and told me I had acted with (to make use of his own words,) the "*mens conscia recti*," and that, in consequence, he would receive nothing more than what I had already advanced to him, for the trouble he had been put to as my Counsel. He stated this in presence of four or five gentlemen, two of whom were, I believe, officers in the 2nd Battalion. In November last, I went to Chatham, on my way to Sandwich, and sent a friend to Mr. Chambers to say, that I could not pay the remainder of the money, which the Arbitrators had awarded him, and that, in order to relieve my bail, I was then on my way to jail. Mr. Chambers sent back his answer, that all he wanted was the money, and that if I would give him my note, endorsed by any one, he would give me time. I replied that I could not ask any one to do such a thing for me. He then sent word to say, that he would write to his Attorney, and take my note. Upon returning to Woodstock I received a letter from Mr. Wilson, the Attorney alluded to, informing me that a bill, backed by a good endorser, would stop proceedings. This offer had already been made to me when at Chatham, which I had refused; and had Mr. Chambers not consented to take my note alone, I should have proceeded to jail. I at last,

owing to the entreaties of others, allowed the name of another to be placed in the note with my own. I consider myself to have been robbed by Mr. Chambers: I state it plainly: although I was aware, when written to by his Attorney, that, through my carelessness and misplaced confidence, the law would give a verdict against me.

Upon starting from Woodstock to go to Sandwich, I wrote to Major Redyard, and begged him to give me his opinion of the matter, which as I was on my way to jail, I might show to any who might make enquiries.

I now without the permission of the writer, to whom I apologize for taking this liberty, lay an extract of the answer received from Major Redyard. This gentleman has served many years in the British service.

“AMHERSTBURG.

“DEAR SIR,

“In reply to your letter respecting the dispute between yourself and Captain Chambers, which was left to the arbitration of Mr. Prince and Mr. Cameron, but which it fell to my lot to decide as umpire between those gentlemen, I have no hesitation in stating that in my opinion nothing dishonorable or careless can or ought to be attributed to you in connexion with that affair:—I think the defence set up by you was fair and reasonable; but it was not sufficiently made out by evidence to warrant my coming to any other decision than that to which I have arrived.”

I think this together with what I have stated, to be sufficient proof of the falsity of the second report. The writer saying that my defence was fair and reasonable, adds that it *was not sufficiently made out by evidence* to warrant, &c. I agree with him in his opinion for I could not prove, owing to great carelessness, *all* the expenses of recruiting the Company, but I did prove, and can still, Mr. Chambers having agreed to cry “quits” to the sum in dispute.—In fact his friend Mr. Cameron allowed it.

FINIS.

APPENDIX.

First Memorial.

*To the Honorable SIR! POULETT THOMPSON, Governor-in-Chief in
and over the British North American Provinces, &c. &c. &c.*

The Memorial of the Reverend William Griffis, Jr., of the Town
of Chatham, in the Western District—

MOST HUMBLY SHEWETH:

That your Memorialist is a resident of the Town aforesaid, and a
Clergyman of the Wesleyan Methodist Connexion—That on the ar-
rival of the Second Battalion Incorporated Militia to this Station in
December last, and having a commodious house for the reception of
Officers, convenient to the Barracks—he was applied to by several
of the Officers of the Corps, for permission to board and lodge at
his house, which was granted, and from that period to the present,
several of the Officers of the Corps have boarded with him.

That on the 14th instant, Captain George Muttlebury of the said
Corps, being one of the boarders, informed your Memorialist that
he (Captain Muttlebury) was to march the following morning to the
St. Clair Frontier and requested his account to be furnished—that
about eight o'clock the same evening, your Memorialist waited on
the said Captain with his account, who, on looking over it, objected
to one item, amounting to two shillings and six pence, for the hire
of a wagon, the property of your Memorialist, and drawing his pen
across it said it was unjust; your Memorialist observed it was a rea-
sonable charge, but added, you may deduct it—but it is similar to
your conduct on a former settlement—at this remark the Captain be-
came warm, and ordered your Memorialist out of the room, or he
would put him out, soon after he took hold of your Memorialist in a
most unbecoming, ungentlemanly, and violent manner by the collar,
with the intention of putting your Memorialist out of the room by
force, when he, (the Captain) was prevented using further violence
by the kind interference of another Captain of the same Corps, who
happened to be present at the time, and remonstrated with the said
Captain Muttlebury by stating the matter might be arranged without
using such means, upon which said Captain dropped his hold.

Your Memorialist immediately proceeded to the Officer Command-
ing the Corps, and on stating the affair, he (Lieutenant Colonel
Young) observed, as that Officer is under orders to march on the fol-
lowing morning for the St. Clair Frontier, it would be a great incon-
venience to the Service to detain him, that should your Memorialist
not hear from him (Lieutenant Colonel Young) on this subject, he had
his remedy by a Civil Process for an Assault. And that not having
heard from Lieutenant Colonel Young, as expected, your Memorialist
most humbly submits the circumstance to your consideration, being

convinced Your Excellency will give it that consideration which the case demands.—All which is most humbly submitted by Your Excellency's most humble and most obedient Servant,

(Signed) REV. WILLIAM GRIFFIS, Jr.

CHATHAM, *Western District,* }
30th December, 1839. }

Certified Copy,

BROOKE YOUNG, Lt. Col.

Second Memorial.

(COPY.)

To His Excellency SIR! POULETT THOMPSON, Governor General and Commander-in-Chief in and over the Provinces of North America, &c. &c. &c.

The Memorial of the undersigned Inhabitants of the Town and vicinity of Chatham, in the Western District, and Province of Upper Canada—

MOST HUMBLY SHEWETH:

That your Memorialists have come to the knowledge of the gross, and ungentlemanlike conduct made use of towards the Rev. William Griffis, Senior, of the Wesleyan Methodist Connexion, in said Town, by a Captain George Muttlebury, of the Second Battalion of the Incorporated Militia, the particulars of which are doubtless laid before Your Excellency by Lieutenant Colonel Young, commanding said Corps. We further beg to report that during the *few months* said Captain Muttlebury being stationed at this place his general manners and conduct towards a great majority of the respectable Inhabitants of the Town have been very ungentlemanly in many instances.

However painful it is for us to complain of an officer of such high standing as Captain Muttlebury, yet we do consider the Reverend William Griffis to be an inoffensive, orderly and meek man as becomes his profession.—As such we humbly conceive it to be our duty to support him.

We further beg to express our extreme regret, that a ———— of the same Regiment, a gentleman who has resided amongst us for *many months*, amiable in his manners and most *punctual in all his transactions*, should be brought into any difficulty which may arise from the occasion referred to, and are confidently informed the harsh, ungentlemanly, and abusive epithets made use of by Captain Muttlebury towards ———— took place, upon the circumstances with the Reverend William Griffis, as expressed above.

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