

Grafton Historical Notes

(27)

By T. R. M.

A reliable outline of the course of events in the earlier part of the War as seen through the eyes of a man who was later Sheriff of the Newcastle District for thirty years, is to be found in the Autobiography of the Hon. Henry Ruttan, published in the Annual Transactions of the United Empire Loyalist's Association of Ontario, 1899.

Henry Ruttan was born at Adolphustown in 1792 but went to Kingston to work in a store about the year 1806. Here he became interested in military affairs and obtained his commission in the Militia in 1812. He writes:—"In the month of July 1812, we first heard of the declaration of War by the United States against Great Britain. In the same month a body of the First Regiment of Northumberland Militia (commanded by Colonel Peters) called Flank Companies, drafted from the Regiment, marched to Kingston under General de Rottenberg. These flank companies were under the immediate command of Captain Asa Burnham and Captain John Spencer. The alarm of an invasion by the enemy in the neighbourhood of Kingston having subsided, the Northumberland Militia, together with other flank companies from the Bay of Quinte, were ordered home after a few weeks absence. General Brock assembled the Legislature, and, amongst other acts, one for the organization of a Battalion of Incorporated Militia was passed. The number of men required to be raised by each officer was, for a Lt.-Col. 40; Major, 30; Captain, 20; Lieut., 10; Ensign, 5.

Such was the sparseness of the settlements that it was with great difficulty volunteers could be obtained, even to this extent. During the winter of 1812-13 however, all the fragments or rather squads of men enlisted were collected at two points, Kingston and York. In the month of March, 1813, they were all ordered to York where they were organized under Captain William Robinson, of

rank in the Militia of Lieutenant-Colonel."

Then follows a detailed description of the Battle of Lundy's Lane, in which the young officer was wounded.

Thus the Autobiography affords some valuable information. The first Lieutenant Colonel of the First Regiment of Northumberland Militia was John Peters, brother-in-law of D. M. Rogers. The flank companies were composed of picked men who were chosen from the various county regiments and given more intensive military training. (See Amendment to Militia Act, 1812). The Incorporated Militia, was in turn, largely recruited from the flank companies. E. A. Cruikshank in his "Official History of the Thirteenth Battalion of Infantry" has this record of the deeds of the militiamen who first met the enemy at Lundy's Lane:—

"In a campaign of less than two months, beginning on the 25th of July and ending on the 19th of September, out of 29 officers belonging to the Incorporated Militia, three were killed and 13 wounded, and upwards of 150 N.C.O.'s and men were killed and wounded. It was disbanded by a general order dated March 10, 1815." The Eighth Regiment returned to England at the conclusion of the War.

Thus although the First Northumberland Regiment did not take part as a body in the War, yet it was represented through the Incorporated Militia at Lundy's Lane and Fort Erie, and probably later at Ogdensburg and Brockville. From their geographical position the local Militia did not have the opportunity to gain distinction, as the United Counties were never invaded by the enemy, but they were active and zealous whenever demands were made upon them.

The difficulties under which the militia officers laboured are reflected from various documents in the Rogers papers. At Cranache, June 4, 1813, Captain Porter, Lt. Keeler

Frontage Tax Illegally Collected by Town in 1924

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same was not payable until the year 1924. The Town Auditors, Hudson and Company on the 1st of April, 1924, submitted their report which was filed as Exhibit Two in regard to Local Improvement reads as follows:—

"During the years 1923, 1924, it came to light that in the case of four Local Improvement By-laws, viz: 723, 724, 117 and 1196, the first years Owner's portion was levied the year before the Debenture Interest and Principal was due. Apparently the money was spent by the Council receding the same and no Liability carried forward to meet the final year's payment. In consequence of the same the Council in office, when the final payment was due, had to pay the Owner's portion from the Town Fund."

"A similar position has arisen in connection with By-law 1289, and to avoid a repetition of the above irregularities, we suggested to the Finance Committee that the amount collected in by levy on the Owners should be carried forward and applied to pay the first instalment due in 1924 and no levy should be levied on the Owners in 1924. By means, the year of payment of Debenture Instalment would coincide with the year of levy on Owners and make impossible irregularities that have occurred in the past. From the correspondence contained in Sub-rule 16, it will be noted that the Finance Committee decided on an alternative policy of carrying forward annually for the term of the Debenture the amount collected in advance to provide for the payment when due. This arrangement will quite satisfactorily meet the case, if it is rigidly adhered to. It will be incumbent on Property Owners affected in particular and the Town Ratepayers generally to insist on a provision of \$7,133.31 being made in the Balance Sheets for the period of the Debenture term."

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The difficulties under which the militia officers laboured are reflected from various documents in the Rogers papers. At Cramahe, June 4, 1813, Captain Porter, Lt. Keeler and Ensign Meyers were appointed to try H. Merriman and others for suspicion of desertion. Two weeks later Captain and other officers were required to call to account all persons in their companies who neglected to attend training on June 4th. Captain Richard Hare, Lt. John Grover, Lt. A. Simmons and Lt. Joseph A. Keeler were appointed a Court of Enquiry for this task. Quakers, Mennonites and Tinkers, whose religious tenets forbade fighting were allowed to pay £5 annually for exemption from training.

Lt. Col. Peters received a call from Kingston in June 1814 for one Captain, one Sergeant and twenty rank and file to assist in the Public Works at Kingston. The men were to be stationed at Point Henry, and would be relieved monthly. The following letter explains itself:—

"Aug. 27, 1814.

"Lt.-Col. Peters.

"Sir:—

"A detachment of York Militia are on their way from York with 79 prisoners. I am ordered to get ready a guard of at least 30 men to relieve them, and request you will furnish me with the men as soon as possible to be at the Court House [Amberst] to-morrow evening.

"Your Ob'd't. Serv't.

"D. M. G. Rogers.

"Major. Militia U.C."

The letter is addressed:—

"On His Majesty's Service. Lt. Col. Peters, at Hodges or Sandford's Inns, Cramahe.

If Mr. Peters is not at Mrs. Hodges, Captain Hare will please forward this immediately."

(To be Continued)

Debenture the amount collected advance to provide for the full payment when due. This arrangement will quite satisfactorily meet the case, if it is rigidly adhered to. It will be incumbent on the Property Owners affected in particular and the Town Ratepayers generally to insist on a provision of \$7,133.31 being made in all the Balance Sheets for the period of the Debentures, being the amount collected and not disbursed. The usual and regular procedure when preparing the data to strike rate is to make provision for payments to be made during current year. It will now also be necessary for future Councils to see that they have an unexpended amount of \$7,133.31 left for them by their predecessors in office to pay the liability handed on to them."

The correspondence referred to in the said Report, and which has been filed as Exhibit 6, is comprised of a letter from the Auditors to the Town Clerk, dated the 8th. March, 1924 and the Clerk's reply, dated the 27th March, 1924. The Auditors called the attention of the Defendant to Sec. 288, S.S. 3 to 5 of the Municipal Act, 1914, now found in our present Municipal Act, Ch. 235, Sec. 296, and in this connection reference might now be particularly made to S.S. 6 of said Sec. 296, which declares that "The By-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the Municipality, a specific sum sufficient to pay it when and as it becomes due. The Auditors refer to the fact that any moneys collected from the property owners in the year 1923 should be set aside as a reserve and carried forward for that purpose, and they recommend that the money so reserved and carried over "may be used for the first instalment payable by the Owners due in 1924, in which case it will not be necessary to levy the Owner's portion for 1924."

A letter of the 27th. March, 1924 from the Town Clerk to the Auditors and above referred to, advises the Auditors that the Finance Committee at a meeting held on the 10th. March had unanimously agreed to apply the money collected in 1923 on the Debenture payments coming due in 1924 but "had decided to collect the Owner's frontage tax in 1924 to be applied on the Debenture payments falling due in 1925, and so on until the final twentieth payment by the property owners has been made."

**THOU
SHALT NOT
KILL!**

Drive Carefully!

COMPLETE PROTECTION

Fire, Automobile, Plate Glass,
Public Liability and Property
Damage.

INSURANCE SERVICE

Judd Kennedy

Albert St., Cobourg t41

A-Grafton (07-31) C.2

NOTICE