

## Major-General Henry Smith: The Royal Canadian Who Became JAG

*No man in Canada has a better knowledge of the requirements of our little army.*

Canadian Military Gazette

On 01 October 1911, Colonel Henry Smith was appointed the Canadian Army's first Judge Advocate-General (JAG).<sup>1</sup> Interestingly, Colonel Smith seemingly had little or no formal legal education, at least in the commonly accepted sense. Though he had made a living at law during his formative years, he clearly had a pronounced affinity for the military, serving as both a regimental officer and a staff officer in the Non-Permanent Active Militia. Smith had eventually found his calling as a professional infantry officer in Canada's fledgling Permanent Force.<sup>2</sup> Through much of the 1880s and 1890s, Henry Smith would serve first as a company commander and then as a station commandant in the Infantry School Corps (later known as The Royal Canadian Regiment).<sup>3</sup> During a five year hiatus from military service, 1898-1903, he would be a combative editor of the Canadian Military Gazette. Following Smith's return to uniform in 1903, as a senior staff officer at Militia Headquarters in Ottawa, he rose steadily to become JAG and eventually attain the rank of Major-General.

The following extract, describing Henry Smith, is taken from the second edition of *The Canadian Men and Women of the Time: A Handbook of Canadian Biography of Living Characters*, edited by Henry James Morgan and published in 1912.

"Smith, Lieutenant-Colonel Henry, Dominion Public Service  
Son of late Lieutenant-Colonel William Smith, commanding 40<sup>th</sup> Regiment, and formerly of His Majesty's 1<sup>st</sup> Royals, and Eliza (Kelly) Smith; born at Montreal, August 1, 1837; educated at Cobourg Grammar School; married, 1866, Miss Charlotte Honey, Cobourg, Ontario (died June, 1906); passed Royal Military School (1st class certificate) 1864; long in the Volunteer Militia service; attorney (Ontario) 1865; lieutenant, 1862; captain, 1866; major, 1882; lieutenant-colonel, 1887; brigade-major, 6<sup>th</sup> Division, 1872; Assistant Adjutant General (A.A.G.) to North West Field Force (NWFF), 1885; commandant Royal School of Infantry, 1887; D.O.C., Military District No. 1, 1888 (presented with a silver salver by friends on relinquishing command, 1898; military secretary at headquarters, 1904; specially employed in Adjutant-General's office, Ottawa since 1904; served during Fenian Raid, 1866 (General Service Medal with one clasp), North-West Rebellion, 1885, including actions at Fish Creek, Batoche, and operations against Big Bear's band (mentioned in despatches; medal with clasp); has lectured frequently on military subjects: history, tactics, military law and administration at McGill University, 1907; a Militia reformer; an ardent Imperialist; an Anglican; resides at 152 Argyle Avenue, Ottawa."<sup>4</sup>

Henry Smith was born on 01 August 1837 at Montreal, Quebec.<sup>5</sup> His father was Lieutenant-Colonel William Smith, born around 1812, a British army officer, who hailed from England; his mother was Eliza Kelly, originally from Dublin, Ireland. At some point

in Henry Smith's early life (1843?), the Smith family gravitated to the town of Cobourg, the main settlement in Northumberland County, Upper Canada.<sup>6</sup> Cobourg, 70 miles east of Toronto, 100 miles west of Kingston, and located on Lake Ontario, was originally settled in 1798 by United Empire Loyalists.<sup>7</sup> First known as Amherst, then as Hamilton, the settlement was renamed Cobourg on 08 April 1819.<sup>8</sup> Cobourg was incorporated as a town on 01 July 1837. It eventually became the county town of the united counties of Northumberland and Durham. In the 1850s it would have had a population of from 4,000 – 5,000.<sup>9</sup> By 1869 it had a population of some 6,000. In contrast at this time, Kingston had a population of about 13,000 and Toronto a population in excess of 45,000.

The citizens of Cobourg were either descendants of United Empire Loyalists or more recent immigrants from Great Britain. As a whole, they were staunch supporters of the Crown and the British Empire. The pillars of society in Cobourg included the High Anglican Church,<sup>10</sup> the Conservative Party<sup>11</sup> (actually referred to as the Liberal-Conservatives at this time), the Masonic Lodge, the Dominion of Canada Rifle Association<sup>12</sup> and the Volunteer Active Militia. Typically, a successful, upwardly-mobile citizen of Cobourg would be a High Anglican, a Tory, a Mason, and a member in good standing of a shooting club and the Volunteer Militia (although there definitely were notable exceptions to this template). Certainly a young man's chances of making a fortune or advancing himself socially were enhanced considerably if he had a foot in most, if not all of the above institutions.

The law was seen as providing an excellent pathway to riches and renown for such ambitious young men. Cobourg was an affluent, dynamic town and boasted several flourishing, wealthy, and politically-connected law offices. Such practices included those of Sidney Smith, John Shuter Smith, John Douglas Armour, James Cockburn, H.F. Holland, and D'Arcy Edward Boulton (who also commanded the 3<sup>rd</sup> Provisional Regiment of Cavalry, but whose political loyalties lay with the Liberal Party). Not only did these leading citizens practice law, but they dabbled very successfully in business, finance, politics and the military. Being apprenticed to such a law firm might also provide the money and connections required to obtain a commission in the Volunteer Active Militia. Such a commission could only be obtained through influence and conferred impressive social cachet on the holder. As a Montreal newspaper of the day stated, "An officer is useful to his regiment because he has the means to spend and the will to spend it; the regiment is useful to him because the paths toward social distinction are smoothed for the militia officer."<sup>13</sup>

In mid-19<sup>th</sup> century Victorian Upper Canada, the Militia enjoyed a popularity and status within society that a modern observer will find surprising. Cobourg, with a population of just 6,000 was able to field and support an extremely impressive military establishment. From 1866 this establishment boasted an infantry battalion (the 40<sup>th</sup> Northumberland Battalion of Infantry); a cavalry troop (3<sup>rd</sup> Provisional Regiment of Cavalry); and a heavy artillery battery (Cobourg Battery, Garrison Artillery). The town of Port Hope, less than five miles distant and with a comparable population, provided an

infantry battalion (the 46<sup>th</sup> East Durham Battalion of Infantry); and two artillery batteries, one heavy and one field (Durham-Port Hope Battery, Garrison Artillery; and Port Hope Battery, Field Artillery).<sup>14</sup> It is impossible to imagine modern cities with populations 30 or even 40 times larger doing nearly so well.

Henry's father, William Smith, as well as being an officer in the local Volunteer Militia, earned his living as an innkeeper and owner of a livery stable.<sup>15</sup> As a boy, Henry Smith attended the Cobourg Grammar School.<sup>16</sup> Given his social background and ambitions to become a lawyer and military officer, it is quite possible that he had aspirations to continue his education at Upper Canada College, although there is no record of his having attended this particular institution.<sup>17</sup> Growing up in Cobourg, he would eventually practice law and put down roots.<sup>18</sup> Never a member of the Provincial Law Society, Smith would have apprenticed with a local lawyer rather than having received a formal legal education at a university.<sup>19</sup> This was actually quite common at this time. He was admitted as an attorney in Ontario in 1865, though never called to the Bar of Ontario.

Sometime in 1866 Henry Smith would marry Charlotte Honey of Cobourg. She had been born in Durham County, Ontario in 1844, making her 22 years of age at the time of her marriage. Their first child, Claribel, was born in Cobourg on 05 June 1869. Until 1883, Smith would continue to live in Cobourg, he and his wife producing two more daughters, Gwendolyn (born February 1872) and Winifred (born March 1877).<sup>20</sup> Smith and his family were establishment High Anglicans, belonging to the Church of England, and attending services at the St. Peter's Anglican Church of Cobourg.<sup>21</sup> The very influential and charismatic Archdeacon Alexander Bethune was rector at St. Peter's from 1827-1867. Within the Church of England in Upper Canada, Cobourg was the centre of the High Anglican movement.<sup>22</sup>

Henry Smith's initial military service would probably have begun in the mid to late 1850s, quite likely in 1856. He enlisted as a Private in the 1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg, an infantry unit of the Active Militia. The Volunteer Active Militia, created by the Militia Act of 1855, was the military organization within which Henry Smith would grow to maturity. Officers were required to buy expensive ceremonial uniforms, pay entrance fees and attend a three month long course at a military school. All this was designed to discourage those without financial means from seeking a Militia commission. Much of an officer's training emphasized complex mess ritual and etiquette. Whatever the warlike pretensions of the Active Militia, its primary role was Aid to the Civil Power (the maintenance of internal order). Strike breaking was a familiar activity, as was keeping the peace between warring Orangemen and Catholics or separating riotous Irish immigrants and French-Canadian labourers, in major Canadian cities.<sup>23</sup>

The Militia Act provided tax monies for recruiting a volunteer militia of 5,000 officers and men in 1855. Soldiers were paid five shillings a day, while training or called

out, and captains as much as ten shillings and six pence (although officers and men alike had to purchase their own uniforms). Service in the Active Militia was correspondingly quite popular and a further 5,000 officers and men were recruited into the Militia in 1856. Thereafter, interest in the Active Militia markedly declined until the outbreak of the American Civil War (1861-65), which also temporarily reversed the departure of British garrison troops from Canada.<sup>24</sup>

The company to which Henry Smith belonged, the 1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg, was formed on 24 January 1856. Popularly known as the Cobourg Rifles, the company had a colourful local tradition and history dating back at least to the Upper Canada Rebellion of 1837-38.<sup>25</sup> During the Rebellion, the Cobourg Rifles were called out and marched from Cobourg to Toronto, stopping for liquid refreshment at every tavern on the way; not surprisingly, there is no record of this unit ever having seen any action during the uprising.<sup>26</sup> On 06 February 1863, the 1<sup>st</sup> Volunteer Militia Company of (Highland) Infantry and the 2<sup>nd</sup> Volunteer Militia Company of Infantry were additionally formed at Cobourg. The three companies were collectively referred to as the “Cobourg Volunteers.” On 03 December 1863, in front of St. Peter’s Anglican Church, the Cobourg Volunteers received a stand of Colours (Queen’s and Regimental) from the ladies of Cobourg.<sup>27</sup> The most prominent of the local Militia officers in the Cobourg Volunteers was none other than William Smith, the father of Henry Smith.

William Smith’s background as a former British army officer and senior officer in the Canadian Militia must have had a profound influence on the character and aspirations of his son. Born in Britain, around 1812, Smith the elder was a veteran of “H.M. 1<sup>st</sup> Royals.” This was the 1<sup>st</sup> Regiment of Foote, The Royal Scots.<sup>28</sup> This venerable and illustrious regiment was known as “Pontius Pilate’s Bodyguard.” With a lineage dating back to 1633, the 1<sup>st</sup> Regiment of Foote was the oldest surviving regiment and the senior regiment of infantry in the British army. The Royal Scots traditionally recruited in the city of Edinburgh and the shire of Midlothian in Scotland. The Regiment had seen much active service in North America, including the French and Indian War (1756-1763)<sup>29</sup> and the War of 1812 (1812-1815).<sup>30</sup> The activities of the 2<sup>nd</sup> Battalion, The Royal Scots, during the first half of the 19<sup>th</sup> Century are of particular note.

Following the conclusion of the Napoleonic Wars in 1815, this Battalion had served an extended tour in India. In 1830 the 2<sup>nd</sup> Battalion returned to Scotland for domestic garrison duty lasting until 1836. Fatefully, in 1836 the 2<sup>nd</sup> Battalion, The Royal Scots was shipped to Canada. Here the Battalion was destined to form part of the small British garrison in Lower Canada (Quebec). On 16 November 1837 the Lower Canada Rebellion erupted. Initially, with a relatively weak force of just eight British battalions at his disposal, the British commander, Sir John Colbourne, was hard pressed to quell the insurrection. The Royal Scots would subsequently fight in all three of the principle engagements of the rebellion.

On 23 November dispirited British regulars were repulsed by the “Patriotes” at St. Denis, but recovered within two days to defeat the rebels at St.-Charles, on 25 November. On 14 December, at St. Eustache, the British won the last major battle of the Lower Canada Rebellion. The rebellion was officially over by 12 November 1838, with Colbourne having assembled an overpowering force of 10,500 British regulars and 4,500 Canadian Militia. Following the Rebellions of 1837, the 2<sup>nd</sup> Battalion, The Royal Scots continued to serve in Canada until 1843. At this time the Battalion was posted to the West Indies, always a dangerous tour with the prevalence of diseases often fatal to British soldiers. The Royal Scots would be finally repatriated to Scotland in 1846.

It is likely that William Smith, as a young man, purchased a commission in the Royal Scots while its 2<sup>nd</sup> Battalion was serving in Scotland, during the period 1830-1836. Prior to the Battalion’s posting to Canada in 1836, Smith would have married Eliza Kelly. Subsequently, Eliza would have made the crossing to Canada, in company with her husband or with the wives of other Battalion officers. In any event, she would have been at Montreal on 01 August 1837 when son Henry was born. It is possible that William Smith remained in the British army until 1843. The imminent posting to the West Indies would most certainly have caused him to reconsider his future in the army. For a soldier, a tour in the West Indies at this time was tantamount to a death sentence. During a normal tour typically half the strength of a unit would perish from disease.<sup>31</sup>

With the added responsibility of a wife and child to care for, remaining in Canada as a civilian would have had an obvious appeal. With the money obtained from selling his commission in the Royal Scots, William Smith would have been able to set himself up in business. It is quite possible that Smith and his family arrived in Cobourg in 1843 or shortly thereafter, with William Smith establishing himself in the livery business. With his background as an officer in a distinguished British infantry regiment, he would have been welcomed into the higher ranks of the local Volunteer Militia and gained instant access to the most prominent social circles.

William Smith would have been one of the most socially prominent citizens of Cobourg; that much is obvious from the fact that he would eventually command the locally-based 40<sup>th</sup> Northumberland Battalion of Infantry. Especially in rural Militia corps, the commanding officer was usually the leading citizen. When the 1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg was formed on 24 January 1856, he was the obvious choice to command. In 1866, with the beginning of the Fenian Raids, William Smith would likely have been called to active service. On 05 October 1866, with the formation of the 40<sup>th</sup> Northumberland Battalion of Infantry, it was inevitable that the elder Smith would be appointed as the lieutenant-colonel and commanding officer.

Lieutenant-Colonel William Smith was to remain in command of the 40<sup>th</sup> Northumberland Battalion of Infantry until 14 November 1876. However, he clearly continued to serve in the Active Militia and remained engaged in Militia affairs for some time afterwards. Two years later, in June 1878, Lieutenant-Colonel Smith is sited in a

report by the Deputy Adjutant-General of Military District No. 3, Lieutenant-Colonel Bowen Van Straubenzee, as commanding the Active Militia Summer Training Camp at Colbourne, Ontario.<sup>32</sup> On 15 January 1886 the first stand of Colours of the Cobourg Volunteers and the 40<sup>th</sup> Northumberland Battalion of Infantry were retired into the custody of Lieutenant-Colonel William Smith. Sometime between this previous date and 1898, the elder Smith passed away.

On 21 February 1862 Henry Smith was commissioned as an Ensign in the Active Militia, 1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg. He was promoted to Lieutenant on 23 January 1863.<sup>33</sup> He received a First Class Certificate from the Royal Military School in 1864 and was promoted captain in 1866. Captain Smith, with the Cobourg Rifles, would be called out on active service in May-June 1866, during the Fenian Raids. On 05 October 1866, the 40<sup>th</sup> Northumberland Battalion of Infantry was created by bringing the independent Volunteer Active Militia rifle and infantry companies of Northumberland County together under one command. The 1<sup>st</sup> Volunteer Militia Company of (Highland) Infantry of Cobourg having been previously disbanded in January 1866, the 1st Volunteer Militia Rifle Company of Cobourg became the No. 1 Company of the 40<sup>th</sup> Northumberland Battalion, while the 2<sup>nd</sup> Volunteer Militia Company of Infantry of Cobourg became No. 2 Company. Captain Smith transferred into the newly raised 40<sup>th</sup> Northumberland Battalion of Infantry, a unit commanded by his father, Lieutenant-Colonel William Smith.<sup>34</sup> The elder Smith would command the Battalion from 05 October 1866 – 14 November 1876. Henry Smith would command No. 2 Company, 40<sup>th</sup> Northumberland Battalion of Infantry.

On 21 February 1867, the officers of the 40<sup>th</sup> Northumberland Battalion of Infantry agreed to retain the Colours of the Cobourg Volunteers as their own. Nearly 20 years later, on 15 January 1886, the Battalion's officers decided to obtain all new Colours, as the current Commanding Officer was not from Cobourg, but rather from Colborne, Ontario. So closely was Lieutenant-Colonel William Smith associated with memories of the former Cobourg Volunteers that the old Colours were now placed in his custody. New Colours were presented to the 40<sup>th</sup> Northumberland at Kingston during the Brigade summer camp, on 27 June 1887. The old Colours of the Cobourg Volunteers, previously retained in the custody of Lieutenant-Colonel Smith, were finally laid up in the St. Peter's Anglican Church of Cobourg on 14 September 1902 (only the Regimental Colour remains in the church to this day).<sup>35</sup>

The 40<sup>th</sup> Northumberland Battalion of Infantry was only one of many Militia infantry battalions created in 1866 as a result of the ongoing threat posed to the security of Canada by the Fenian Brotherhood, a militant Irish nationalist movement based in the United States and founded in 1858.<sup>36</sup> The Battalion consisted of a headquarters and six companies. The Battalion Headquarters, Number One and Number Two Companies were located at Cobourg's Victoria Hall, which served as armoury, courthouse, town hall and concert hall.<sup>37</sup> The other companies were located in nearby communities such as Campbellford (No. 3 Company), Brighton (No 4 Company), Cold Springs (No. 5

Company), and Grafton (No. 6 Company).<sup>38</sup> Members of the Battalion would have trained for a period of 16 days annually.<sup>39</sup>

Henry Smith's first active service occurred during the Fenian Raids (April 1866 – October 1871).<sup>40</sup> Most units of the Active Militia, either in whole or part, were called to active service for local defence at various times from 1866-70, during the Fenian Raids.<sup>41</sup> These were a series of incursions onto Canadian soil made by Irish-American members of the Fenian Brotherhood, many of these Union Army veterans of the American Civil War (1861-65). The most colourful incident of the Fenian Raids occurred on 02 June 1866 when an armed force of 800 Fenians, after crossing the Niagara River from Buffalo, New York, met and defeated the Canadian Militia in pitched battle at Ridgeway, Ontario. However, the Fenian triumph was short-lived and such raids would eventually peter out by 1871.

Henry Smith would have seen active service once during this period of Fenian incursions, with the Cobourg Rifles in 1866. During the ongoing crisis of May-June, Toronto was denuded of its garrison, as both British regulars and Canadian Militia were dispatched to protect the Niagara frontier. Though Colonel John O'Neill's Brigade of the Irish Republican Army had crossed the Niagara River near Fort Erie, there remained an estimated 8,000 Fenians in the vicinity of Buffalo, presently uncommitted and very much an ongoing threat. In early June, with the Battle of Ridgeway as a backdrop, several additional Militia units were ordered to Toronto to protect the city. One of the corps so deployed to Toronto was the 1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg, 47 men strong, commanded by Captain Henry Smith.<sup>42</sup> For his service during the Fenian Raids, Smith was awarded the General Service Medal with one clasp, *Fenian Raid 1866* (such medals were finally minted and presented in 1898; there were no posthumous awards).<sup>43</sup>

Shortly after the conclusion of the Fenian Raids, on 12 January 1872, Henry Smith was appointed the Brigade Major of the 6<sup>th</sup> Brigade Division (Military District No. 3), with the brevet (temporary) rank of Major.<sup>44</sup> Such advancement to a senior Militia staff appointment could only have been achieved through an impressive act of political patronage. Such positions were jealously guarded and dispensed by the Minister of Militia and Defence. Political influence, family connections, social status, and wealth were all factors that often trumped merit in determining position and promotion in the 19<sup>th</sup> Century Active Militia. In the case of Henry Smith, that influence could have been applied by his father, or possibly a senior and well-connected partner at the firm where he practiced law.<sup>45</sup> Perhaps the most logical explanation for Smith's advancement was his political partisan loyalties. Henry Smith was well known for his staunch and consistent support of the Conservative Party and for his associations in that political party. Sam Hughes, the powerful Conservative politician, newspaper owner, Militia officer, and future Minister of Militia and Defence, wrote of Henry Smith, "He has always exercised his rights as a freeman and voted for his party. More than that, he has, without injury or loss of time or service to the force, always contributed more than his means would admit of sometimes for the old party."<sup>46</sup>

As a Brigade Major, Henry Smith was required to purchase a wide variety of expensive, tailored uniforms and own a suitable horse. He was also expected to maintain a position in society, absorbing the expenses entailed by entertaining in style. Senior Militia staff officers, such as Smith, earned an annual salary of from \$1,200 - \$1,700. When set against the financial commitments of his appointment, the staff officer faced an ongoing challenge with such a modest salary. If the officer lacked a private source of income, debt was often the result.<sup>47</sup> Henry Smith conceivably supplemented his income by concurrently practicing law part-time in Cobourg.

Drastic change overtook Militia staff officers with the advent of Major-General Richard Luard as the General Officer Commanding the Canadian Militia on 05 August 1880. Luard advocated a shake up within the staff appointments of the Canadian Militia. The Cabinet of John A. MacDonald accepted his proposals and the changes took effect in November 1880. An age ceiling of 63 years was imposed on staff officers and the most aged were summarily retired. Staff officers henceforth could only serve a maximum of five years in any appointment and then must be posted to another district. All Brigade Majors were now either transferred or resigned their appointments. Henry Smith's fellow Brigade Major within Military District No. 3, Lieutenant-Colonel P.W. Worsley (Brigade Major of 7<sup>th</sup> Brigade Division) had served for years at Kingston. Now he was posted to Montreal. Unable to take his family with him, Worsley was financially ruined attempting to maintain two households.<sup>48</sup>

Major Henry Smith had served as Brigade Major of 6<sup>th</sup> Brigade Division from 12 January 1872 – 1876. This had allowed him to remain in Cobourg, probably practicing law on a part-time basis and possibly engaging in business as well. When the Liberal Party of Alexander Mackenzie won the Dominion election of 05 November 1873, defeating Sir John A. MacDonald's Conservatives, Smith's fortunes underwent a drastic reversal. The Liberal administration eventually removed the Conservative loyalist from his Brigade Major's appointment. Smith's most viable option was a return to practicing law on a fulltime basis at Cobourg.<sup>49</sup> It is also likely, with his local connections and family pedigree, that a senior appointment in the 40<sup>th</sup> Northumberland Battalion of Infantry would have been quickly arranged. Certainly, Henry Smith was serving as the Adjutant of the 40<sup>th</sup> Battalion in 1883 when the movement towards expanding the Permanent Force came to fruition.<sup>50</sup> He had achieved the substantive rank of Major in 1882.

By 1883 the British Crown's commitment to defending Canada had significantly waned. After 1870 the British War Office had announced its intention of only providing an Imperial garrison for the Halifax Citadel (this and Esquimalt, the last British garrisons in Canada, were withdrawn in November 1905).<sup>51</sup> From 20 October 1871, Canada's regular or standing military establishment consisted of just two artillery batteries (though at least initially commanded by British officers), A Battery and B Battery, Schools of Gunnery, at Kingston and Quebec City respectively.<sup>52</sup> The Canadian government was



finally forced to expand this tiny Permanent Force by adding small professional infantry and cavalry components. These would be called the Infantry School Corps and the Cavalry School Corps. Militia General Order Number 26, issued on 21 December 1883, established these two organizations. In time they would become, respectively, The Royal Canadian Regiment and The Royal Canadian Dragoons.<sup>53</sup> In the words of Colonel Bernd Horn, "...the Infantry School Corps was the root that would develop into The Royal Canadian Regiment."<sup>54</sup>

However, the Permanent Force was not to exceed 750 officers and men and was certainly not conceived as the nucleus of a large regular army. From the start, the Non-Permanent Active Militia opposed the Permanent Force and, through the powerful Militia Lobby, the "Parliamentary Colonels," sought to preserve its status and dominance in relation to the much smaller entity.

The role of the Infantry School Corps was to serve as a professional infantry cadre, training and otherwise supporting infantry units of the Non-Permanent Active Militia. Its duties were administrative and instructional, although in the event of civic emergency the Corps could be called upon to provide aid to the civil authority. Likewise, in time of war, the new organization might be deployed on active service, possibly as the nucleus of an expanded volunteer army. The Infantry School Corps would number 450 officers and men. The appointment of officers to the Corps was not without controversy. The British professional officer who commanded the Canadian Militia had prepared a list of suitable officers to staff the new units of the Permanent Force, however, "...instead of accepting the list of officers proposed by Major-General Richard George Amherst Luard, the British officer commanding the militia, Adolphe-Phillipe Caron, the minister of militia and defence, chose to reward political supporters and friends. Of the twenty-one officers appointed, nine were without previous military experience and three had poor records in the militia."<sup>55</sup>

On 07 January 1884, Thomas McKenzie, a former Captain in the Non-Permanent Active Militia, would become the first man recruited into the Infantry School Corps, with the Regimental Number of 2001. He would subsequently serve as Sergeant-Major of A Company from June 1884 - 1892, Sergeant-Major of the Canadian Regiment of Infantry from 1892-1893, and finally as Sergeant-Major of the Royal Regiment of Canadian Infantry from 1893 - 01 December 1895. The Corps was initially based on three companies, each with its own depot or station and geographic area of responsibility. A Company was situated at Fredericton, New Brunswick and responsible for the Maritime Provinces; B Company at St.-Jean, Quebec with responsibility for Quebec; and C Company at Toronto, Ontario, with Ontario as its area of responsibility (a fourth company, D Company, located at London, Ontario, would be added in 1887, with responsibility for Western Ontario). Each station had its own Commandant, though the Infantry School Corps itself had no overall Commanding Officer. Each Station Commandant reported directly to the Adjutant-General at Militia Headquarters in Ottawa.<sup>56</sup> The three designated Commandants were sent to England to receive staff

training with the 1<sup>st</sup> Battalion of the East Surreys. Meanwhile, other officers selected for the Infantry School Corps were to train with the British garrison at Halifax.

Commandant of the Toronto depot was none other than Lieutenant-Colonel William Dillon Otter, another distinguished veteran of the Fenian Raids and former Commanding Officer of the Queen's Own Rifles of Canada.<sup>57</sup> Otter would later command the first Canadian contingent sent overseas to fight in the South African War (1899-1900). He would go on to become the Canadian Army's first General Officer, serving as Chief of the General Staff (1908-1910) and Inspector-General (1910-1912).<sup>58</sup> His immediate subordinate in Toronto was Major Henry Smith, the officer commanding C Company.

Smith had been enrolled into the Permanent Force from the 40<sup>th</sup> Northumberland Battalion of the Non-Permanent Active Militia, where he had lately filled the appointment of Adjutant.<sup>59</sup> His name (as well as those of Lieutenants JW Sears and RL Wadmore) had gone before the Privy Council Office on 18 September and been approved by 24 September. Their names had lately been added to those already approved for the Permanent Force as of 09 July 1883.<sup>60</sup> Smith was 46 years of age, six years older than his immediate superior. Although a competent and experienced Militia officer, Henry Smith undoubtedly owed his appointment in the Permanent Force to his affiliation with the Conservative Party. Of his particular qualifications and aptitude, historian Desmond Morton has remarked, "Smith might be a politician but he was also a keen soldier."<sup>61</sup> Major Smith would remain in command of C Company at Toronto during these formative years, from 1883-87.

C Company thus began forming in early 1884 at the New Fort Barracks (later known as Stanley Barracks) in Toronto.<sup>62</sup> One of the first men recruited was an ex-British Regular, Fred Gathercole, formerly of the Queen's Own Rifles of Canada and the 16<sup>th</sup> Foot (Bedfordshire Regiment). Gathercole was promptly promoted to the rank of Colour Sergeant.<sup>63</sup> Otter and Smith were supported by Lieutenant JW Sears as Adjutant (a graduate of the recently founded Royal Military College of Kingston and a veteran of the 1882 British campaign in Egypt); Lieutenant Robinson Lyndhurst Wadmore as Quartermaster; and Surgeon FW Strange as Medical Officer. The officers at New Fort Barracks were assisted by Colour-Sergeant R. Cumming (wounded at the battle of Fish Creek, 24 April 1885, North West Rebellion; winner of the Meritorious Service Medal in 1903; and Sergeant-Major of The RCR, 1903-1907); Sergeant Dixon; Sergeant JB Munro (awarded both the Meritorious Service Cross and Long Service and Good Conduct Medal in 1903; and Sergeant-Major of The RCR in 1903); and Bugle-Corporal Hurst. As of 01 April 1884, C Company was operational and ready to commence its very first infantry instructional course. By 27 December 1884, some 39 Officers and 56 Other Ranks of the Non-Permanent Active Militia had undergone training at the Toronto Station (normally a three month course of instruction).<sup>64</sup>

The daily routine at the Toronto Infantry School was demanding. It began with reveille at 5:30 AM and ended with lights out at 10:00 PM. Drill was a staple of the routine and discipline was rigorously enforced. One soldier was imprisoned for 84 days for failing to obey an order. Soldiers were quartered 12 to a room. They were allowed a canteen which sold tobacco and beer and ginger ale at three cents and four cents respectively a glass. The four officers, Otter, Smith, Sears, and Wadmore, were required to maintain the Officers Mess and the Toronto Station's military band on their rather moderate salaries (Lieutenant-Colonel Otter earned \$1,900.00 a year).<sup>65</sup> One financial advantage for the married officers was that they could move their families into Officers Quarters at the barracks.

In 1885 the Infantry School Corps would be tested in battle for the first time. During the spring of 1885 the Métis of Saskatchewan had risen in rebellion against the Dominion government. An armed party of Métis and Cree, under Gabriel Dumont, had attacked a column of North West Mounted Police at Duck Lake on 26 March. This was the beginning of the North West Rebellion (26 March – 12 May 1885) and would mark the first occasion that Canadian troops would conduct large-scale, extended operations without the support of British regular forces. The Canadian government promptly raised a force of nearly 8,000 Militia from across the Dominion, organizing it in three separate columns.<sup>66</sup> On 27 March, C Company of Toronto, five officers and 85 men under the command of Major Henry Smith, was mobilized for active service in the Northwest Territories (Saskatchewan). Smith's C Company would form part of a larger composite force from Toronto, including 250 officers and men of the Volunteer Militia (from the Queen's Own Rifles and the 10<sup>th</sup> Royal Grenadiers), under the over all command of Lieutenant-Colonel William D. Otter, also of the Infantry School Corps (Otter would subsequently command the column that would relieve Battleford, on 24 April, and confront Chief Poundmaker and his Cree warriors at the Battle of Cut Knife Creek on 02 May 1885). Together with the 10<sup>th</sup> Royal Grenadiers, the Queen's Own Rifles, and the Governor-General's Foot Guards, starting from Carleton Place, Ontario on 30 March, C Company journeyed westward by rail and forced march, arriving in Winnipeg on 07 April.<sup>67</sup>

On 10 April, Major Smith and half of C Company, consisting of two officers and 40 men, joined General Middleton's main column at Salt Plains, while it was en route overland for Batoche. Middleton had been assembling his column at Fort Qu'appelle, Saskatchewan. Fort Qu'appelle was located 18 miles north of the main line of the Canadian Pacific Railway (CPR), about halfway between Winnipeg and Medicine Hat. The CPR was the main line of communication and supply for the Dominion troops. While Smith joined Middleton's Column, the other half of C Company, commanded by Lieutenant RL Wadmore, deployed with Otter's Column, concentrating at Swift Current for the relief of Battleford.<sup>68</sup>

Middleton's Column consisted of 720 infantry, 150 cavalry and 150 artillerymen. The column was equipped with four artillery pieces and a Gatling gun.<sup>69</sup> Major-General

Sir Frederick Dobson Middleton was the British General Officer who commanded the Canadian Militia (1884-1890). His column was organizing for a decisive push on Batoche. Located on the South Saskatchewan River, Batoche was the centre of Métis resistance and the designated capital of the Métis leader, Louis Riel. Riel's field commander was Gabriel Dumont, who led an armed force of some 500 Métis.

From Fort Qu'appelle, Middleton marched his column northwards at a rate of 16 miles a day. He eventually arrived at Clark's Crossing on the South Saskatchewan River, some 40 miles from Batoche, on 16 April. Here he halted for a week, moving half his column to the north bank of the river. Middleton would resume the march on Batoche on 23 April, using the river as his axis of advance and with forces on either bank. Still moving on Batoche, Middleton's Column encountered a strong rebel force (about 200 Métis and additional parties of Cree and Sioux warriors) under Gabriel Dumont at Fish Creek on 24 April. It was Dumont's intention to ambush the Canadian column in a deep ravine. In the event, mounted scouts detected the ambush and a pitched battle ensued.<sup>70</sup>

The Métis fired the prairie and attacking from the ravine, now attempted to envelop Middleton's right flank. It was here that Major Smith and C Company now distinguished themselves. They met the enemy attack head-on, throwing it back with concentrated and accurate rifle fire. Smith then launched his Infantry School Corps men and attached soldiers of the 90<sup>th</sup> Battalion (Winnipeg Rifles) in a determined counter-attack that drove the Métis back to their original position in the ravine. Smith pushed his attack home, driving the enemy from a series of prepared defensive positions. The Métis now retired from the battlefield having suffered 11 killed and 18 wounded. Government casualties included 10 killed and 48 wounded. Private Arthur J. Watson of C Company was among the dead, making him the first member of The Royal Canadian Regiment to be killed in action. The result had been a tactical draw, with Middleton unable or unwilling to advance upon Batoche before 07 May. For his distinguished leadership and decisive role during this sharp engagement at Fish Creek, Major Smith came to the personal attention of Major-General Middleton. Smith would subsequently be Mentioned in Despatches (published in the Canada Gazette, 11 July 1885).<sup>71</sup> As for the men of C Company, the Infantry School Corps, "Toronto was not disgraced by her crowd of toughs."<sup>72</sup>

However, it was during the next and climactic phase of the drive on Batoche that Major Henry Smith would play a unique role in the annals of The Royal Canadian Regiment. He would command a warship in action. On 07 May General Middleton had resumed the advance from Fish Creek on Batoche, 16 miles distant. In the meantime, the British commander had decided to employ the paddle-wheel steamboat SS *Northcote*, from Swift Current, in a diversionary role against Batoche.

Formerly carrying supplies for the expedition, the *Northcote* was to be converted into an improvised gunboat, "the first warship on the prairies."<sup>73</sup> Firepower aboard the steamer would be provided by two officers and 31 soldiers from C Company and 17 other

military and civilian volunteers. This detachment was commanded by Henry Smith. Arriving at Gabriel's Crossing, six miles upstream from Batoche, on 08 May, Smith and his men set about preparing the *Northcote* for action. A nearby house, belonging to Gabriel Dumont, was demolished to provide materials. Three layers of three inch planks and grain bags were used to fortify the main deck of the steamer. The intent was for the *Northcote* to proceed northwards down the South Saskatchewan and arrive opposite Batoche at 8 o'clock in the morning on 09 May. The arrival of the steamboat was to coincide with Middleton's deliberate assault upon Batoche, providing a diversion and, if possible, to sever the ferry cable there.<sup>74</sup>

The next morning, Smith dutifully brought the *Northcote* to Batoche precisely on schedule. Large numbers of Métis combatants were indeed drawn away from prepared defensive positions by this unexpected threat. The steamer came under increasingly heavy fire from both banks of the river and the soldiers on board responded with a will. Coming under intense fire in the wheelhouse, the boat's pilot and her captain, James Sheets, abandoned the wheel and the *Northcote* began to drift further downriver. It eventually struck the ferry cable and the smokestacks and mast were toppled, destroying the wheelhouse.<sup>75</sup> The steam whistle was also carried away and two of Smith's men were wounded at this time.

The steamer, still very much under fire, continued to drift four kilometers downriver until Major Smith ordered the anchor dropped. Under Smith's direction, a new funnel was erected and the wheelhouse repaired. In the process, the boat's carpenter was shot in the ankle by a sniper firing from the west bank. At this point, the boat's captain and crew, mostly American or other foreign nationalities, refused to carry out any further work. One of Smith's men, Private Coombes of C Company, did manage to re-attach the steam whistle, whereby the *Northcote* could once again communicate with the shore. With darkness descending, the boat remained in location overnight, all the while taking enemy fire. In the morning Smith had his men fortify the wheelhouse, with the intent of returning to Batoche. However, with fuel running low, he was unable to convince a still terrified master and crew to steam back to Batoche and was eventually forced to continue downriver as far as Hudson's Bay Ferry, near Prince Albert. Sadly, Smith's gallant river borne operation at Batoche proved fruitless. Middleton's column had been delayed by several hours and arrived before the Métis capital too late to take advantage of the diversion provided by C Company aboard the *Northcote*.<sup>76</sup>

After refueling and taking on supplies for the column, Smith and the *Northcote* would finally return to Batoche on 12 May to find that after three days of inconclusive fighting, Batoche had finally been captured. The rebel leader, Louis Riel, would surrender to government forces on 15 May.<sup>77</sup> Smith would subsequently participate in further military operations against Chief Big Bear and his band. This would conclude Major Henry Smith's active service during the North West Rebellion. From C Company, Major Smith, Lieutenant RL Wadmore, Lieutenant JW Sears, and Surgeon FW Strange had all seen action and played distinguished roles in quelling the rebellion.<sup>78</sup> As a whole

“...the men of “C” Company, the Infantry School Corps, acquitted themselves well while participating in three of four principal engagements of the conflict. The price they paid for this first foray was two killed and seven wounded, out of total losses by government forces of 26 dead and 103 wounded.”<sup>79</sup>

It should be noted that as well as commanding C Company of the Infantry School Corps throughout the campaign, Smith had also served as the Deputy Adjutant-General (D.A.G.) of General Middleton’s Column of the North West Field Force (NWFF). For his service during the North West Rebellion, Major Smith was awarded the applicable North West Canada campaign medal with clasp (Saskatchewan) and, as previously indicated, was Mentioned in Despatches.<sup>80</sup>

Major Smith continued in command of C Company at Toronto until July 1887. Each year C Company conducted courses for at least 60 Militia officers and other ranks. As well, C Company would support annual summer training camps of the Non-Permanent Active Militia, conducted at such locations as Niagara-on-the-Lake or London, Ontario. It is interesting to imagine the kind of relationship that might have existed between the driven, ambitious, and authoritarian Lieutenant-Colonel William Otter and his direct subordinate, Major Henry Smith. Smith, the inferior in rank, was six years older. Did Otter approve of Smith and promote his career? Was the future Major-General Otter, Chief of the General Staff and Inspector General of the Canadian Militia, a continuing supporter and patron of Smith, at least during this phase of his career? At the very least Otter seems to have respected the older man as a capable officer.

On 18 August 1887, the Infantry School Corps was expanded to include a fourth company, D Company, to be stationed at London, at the newly constructed complex known as the London Infantry School (or Royal School of Infantry at London).<sup>81</sup> Now promoted to the rank of Lieutenant-Colonel, Henry Smith was named the Commandant of the new station at London on 19 July, at a salary of \$1,800 per annum.<sup>82</sup> This was based on a rate of \$4.00 a day, plus an additional \$1.25 per day for command pay. As well, he would receive allowances for fuel and lighting while in barracks and forage for a horse.<sup>83</sup>

Smith probably deserved the promotion on merit, but once again was given preferment more as the result of his political connections. In a letter written on 12 April 1887 by W.W. White to Adolphe-Phillipe Caron, the Minister of Militia and Defence, it was remarked that Henry Smith was “sound to the core and has always been an active worker in the Conservative cause.”<sup>84</sup> Tellingly, Caron had refused the appointment of an extremely capable officer, Captain George Mutton, to the post of quartermaster at the Toronto Infantry School, despite the endorsement of Lieutenant-Colonel Otter. The Minister agreed with Otter that Mutton “would be a first class man for the position.” However, in a letter to the Prime Minister, Sir John A. MacDonald, Caron stated, “Mr. Mutton has been strongly recommended to me, but I can tell you that it is not my intention in any case to appoint him as he does not appear to be a friend of ours (i.e. of

*the Conservative Party*) and I should imagine among our Party someone well recommended could be found.”<sup>85</sup> Mutton’s principle shortcoming was a previous flirtation with the Liberal Party.

Lieutenant R.L. Wadmore, also from Toronto, would accompany Smith to London as Adjutant (Lieutenant-Colonel Wadmore would command The Royal Canadian Regiment from 1905-1910). D Company was stood up early in 1888, with an authorized establishment of 6 officers and 100 other ranks. By December 1888 the new Company had recruited up to 90% of its authorized strength. In April 1888 Henry Smith had taken on further responsibilities as an economizing measure by the Department of Militia and Defence. On 23 April he was appointed the Deputy Adjutant-General (DAG) of Military District No. 1. The previous DAG, Lieutenant-Colonel WH Jackson, was retired with a gratuity of \$3,400.<sup>86</sup>

Lieutenant-Colonel Smith was acutely aware of morale problems in his new command. The accommodation afforded soldiers was cramped and uncomfortable, often a breeding ground for disease; rations were poorly prepared; a soldier’s duties were grinding and boring; the basic pay rate for enlisted men was only 40 cents a day, unchanged since 1883; and as of yet, there was no pension (there would be no pension before 1901 and the soldier’s basic pay rate of 40 cents would remain unchanged until 1904, when, as part of a package of reforms effecting the Militia, the rate would be increased to 50 cents a day; thereafter the rate would increase 5 cents per annum until reaching a maximum of 75 cents).

Desertion was an all too common occurrence among men who saw making a fresh start in the nearby United States a viable solution to their problems. In 1901 at Stanley Barracks in Toronto, of the combined 167 men of The Royal Canadian Regiment and the Royal Canadian Dragoon contingents, some 46 soldiers deserted that year. Men who enlisted in the autumn and had deserted by spring were referred to as “Snowbirds.”<sup>87</sup> Many of the Non-Commissioned Officers were of a distinctly low caliber. The situation was only compounded by the lack of esprit de corps throughout the Infantry School Corps caused by the disparate locations of the four companies.<sup>88</sup>

In response to this latter problem, in 1892 the Infantry School Corps was placed on a regimental basis and renamed the *Canadian Regiment of Infantry*. In the following year it was granted the royal prefix, becoming the *Royal Regiment of Canadian Infantry* (on 31 March 1899, the Regiment would be renamed the *Royal Canadian Regiment of Infantry*). Regimental Order No. 6, issued in 1894, standardized uniforms and appointments across all four companies of the Regiment. General Order No. 83, also promulgated in 1894, re-designated the London company as No. 1 Company and renamed the London station as Regimental Station No. 1 (Toronto became Regimental Station No. 2; St.-Jean, Quebec became Regimental Station No. 3; and Fredericton became Regimental Station No. 4).<sup>89</sup>

In August 1894, for the first time ever, the four companies of the Regiment were concentrated together at the Engineers' Camp at Levis, Quebec, for the purpose of battalion-level training.<sup>90</sup> This training, which was a great success, was supervised by Major-General Sir Ivor John Herbert (the British officer who commanded the Canadian Militia, 1890-95), Lieutenant-Colonel William D. Otter, the Commandant of Regimental Station No. 2, and Lieutenant-Colonel Henry Smith (see attached photograph). Smith would remain as Commandant of Regimental Station No. 1, in London, until 1896. From 1888 through 1896 he had concurrently served as the Deputy Officer Commanding Military District (DOCMD) Number One, headquartered in London.<sup>91</sup>

On 05 September 1896, Lieutenant-Colonel George J. Maunsell, Commandant of Regimental Station No. 4 in Fredericton, was named the senior Lieutenant-Colonel and first Commanding Officer of the Regiment. That same year Henry Smith stepped down as Commandant of the London Station to become the Commander of Military District Number One.<sup>92</sup> Henry Smith was replaced as Commandant of Regimental Station No. 1 by Lieutenant-Colonel Beaufort Henry Vidal, who had followed in Smith's footsteps before as the officer commanding C Company in Toronto (Vidal subsequently commanded 3<sup>rd</sup> (Special Service) Battalion, Royal Canadian Regiment of Infantry at Halifax from April-July 1900, and was a future Brigadier-General, holding the appointments of Adjutant-General and then Inspector-General of the Canadian Militia).<sup>93</sup>

A modest pay raise of about \$480 would have accompanied the new appointment as Military District commander. However, this was probably more than offset by enforced expenditures on new uniforms (in 1901, when William Otter returned from active duty in South Africa and was re-appointed as commander of Military District No.2 at a salary of \$2,280, he was required to spend some \$1,000 on uniforms). As Commander, Smith's routine involved an ongoing round of inspections, church parades,<sup>94</sup> military tournaments, horse shows, and annual summer Militia camps.

By 1898 Smith was still serving in London as the District Commander. However, the reorganization of the Canadian Militia that took place at this time (imposed by its British commander, Major-General Sir William Julius Gascoigne, General Officer Commanding the Militia of Canada, 1895-98) caused Lieutenant-Colonel Smith to lose his appointment and suffer unexpected retirement at the age of 61. On 06 July 1898, upon the recommendation of the Minister of Militia and Defence, he was ordered to retire. The friends of Henry Smith would subsequently present him with a silver salver upon the relinquishment of his command. Smith was replaced as commander of Military District No. 1 by Lieutenant-Colonel Holmes.

As the mandated retirement age for Militia officers at this time was 60, it is hard to view Smith's enforced retirement as being particularly unjust.<sup>95</sup> Retirement did potentially entail a severe financial burden, as superannuation did not yet exist in the Canadian Militia. Pensions would only be introduced in 1901 and only for those serving



in a full-time capacity.<sup>96</sup> However, during Henry Smith's ensuing five year hiatus from full-time service with the Canadian Militia, he was not entirely without employment.

According to historian Desmond Morton, from at least the 04 September 1900 issue until the 13 September 1904 issue, Smith was editor of the Canadian Military Gazette.<sup>97</sup> In fact, he probably assumed the editorship at Montreal, shortly after October 1899, with the departure of former editor, Captain Fred Dixon, for active service in South Africa, as historical recorder of the First Contingent. Initially known as the Canadian Militia Gazette, this journal was privately printed at Toronto over 63 years, from 1885-1948 (there were a total of 63 volumes published).<sup>98</sup> With offices in Toronto (10 Front Street East) and Montreal (232 McGill Street), the Gazette was published twice monthly. Subscription was \$2.00 per annum, although the Gazette was still dependant on selling advertisement space. The editor carried out his responsibilities at the Montreal office.

The Canadian Military Gazette functioned as the official organ for officers of the Non-Permanent Active Militia ("Devoted to the interests of the Military Forces of Canada"), as opposed to the VRI Magazine, which had served as the professional journal for Permanent Force officers. The Canadian Military Gazette was the means by which Non-Permanent Active Militia officers aired their grievances and championed their own interests. Its editorial policy was distinctly pro-Conservative, Imperialist, anti-Liberal, and reflected the viewpoints of the once powerful Militia Lobby in the House of Commons.<sup>99</sup> The Gazette was highly critical of the Permanent Force, vigorously fighting any perceived encroachments by it on the role, responsibilities and fiscal integrity of the Non-Permanent Active Militia. The Gazette typically took the perspective and attitudes of rural Militia corps (such as the 40<sup>th</sup> Northumberland Battalion of Infantry), in contrast to those of city battalions. Having been both a full-time senior Militia staff officer and a member of the Permanent Force, Smith would seem a less than likely choice as editor. However, his strong connections with the Conservative Party, the Militia Lobby, and the Non-Permanent Active Militia made him a natural fit.

During the election campaign of 1904, the Gazette came out strongly against the incumbent Liberal government of Sir Wilfred Laurier. In particular, the officials of the Militia department, including the Minister, Dr. Frederick Borden, came under fire. Colonel William Otter, commanding Military District No. 2 and an obvious symbol of the Permanent Force, came under scathing criticism from the Gazette. The editor described Otter as an example of, "a tyrannical and stupid militarism that could only be found in a permanent staff officer besotted with red tape and infatuated with self-conceited importance."<sup>100</sup> Throughout his career William Otter had tried to remain above politics, although he did have contacts within the Conservative Party. Unfortunately for him now, he also had friends amongst the Liberals and this, as well as his status as a very senior Permanent Force staff officer, made him fair game for Gazette's vicious editorial attacks during an election.

It was at some point that the well established system of patronage, prevalent in both Canadian political and military circles, came to the aid of Henry Smith's moribund military career. According to author Chris Madsen, Smith was apparently well acquainted with Dr. Frederick Borden, the Liberal Minister of Militia and Defence.<sup>101</sup> Borden felt that his friend had been hard done by and insured that Smith was eventually recalled to service and posted to Militia Headquarters in Ottawa as of October 1903 (this is consistent with the first actual record of Smith residing in Ottawa, which occurs in late 1903). The Minister of Militia and Defence would hereafter act as Smith's patron. "For purely personal reasons, Borden championed the appointment of Lieutenant-Colonel Henry Smith to the post of JAG. Borden and Smith were long-time friends and associates."<sup>102</sup>

Given Smith's extreme and lifelong partisan support of the Conservative Party and the previous violent editorial assaults on the Liberal government, such an association between him and Frederick Borden, as described by Chris Madsen, would have been strange to say the least. In the 13 September 1904 issue of the Canadian Military Gazette, the editor wrote in direct criticism of Borden, "It is more discreditable that lack of truthfulness is becoming so widespread in the official circles of the Militia Department. The saying used to be *an officer and a gentleman* but with the exposed falsehoods of Mr. Fisher and Dr. Borden...it is a grave question for the people of Canada to consider whether they will submit to having their young men placed under the despotic control of officials who are so untruthful and unreliable."<sup>103</sup> Smith was no longer the editor of the Canadian Military Gazette and presumably not the author of this passage. Neither at this point was he responsible for the Gazette's editorial policy. However, these sentiments were at the very least consistent with Henry Smith's previously stated opinions of both the Liberal government and Frederick Borden's policies as minister. And yet, Dr. Borden consistently continued to support and further Henry Smith's career at Militia Headquarters, despite obvious political differences and Smith's criticism of Borden while editor of the Canadian Military Gazette.

Clearly Smith did prosper in his career while Frederick Borden was Minister of Militia and Defence. However, the Minister's motivation for repeatedly intervening on Henry Smith's behalf was probably far more subtle and devious than simple friendship. Historians generally regard Dr. Borden as the most effective Minister in the history of the office. He was also a brilliant politician and a master of the patronage game. Frederick Borden had an uncanny ability to muffle criticism and turn erstwhile political opponents into allies. While Minister of Militia and Defence, such was the nature of his relationship with the Conservative Defence Critic, Colonel Sam Hughes. When Hughes' tenure as Commanding Officer of the 45<sup>th</sup> Norfolk Regiment ended in 1903, Dr. Borden created for him the fanciful Militia position of Railway Intelligence Officer. In July 1908 Colonel Sam Hughes was given a prominent role in the military aspects of the Quebec Tercentenary celebrations.

As a result, the normally combative and outspoken Sam Hughes was often passive in the face of controversial Liberal defence policies. "The people who were really beholden to Hughes in 1908 were Sir Wilfred Laurier and his cabinet colleagues. As in 1904, military administration should have been at least a factor in the 1908 general election: it was thanks in large measure to the Conservative colonel that the opposition attacks were almost wholly defused."<sup>104</sup> This was never more so the case than over the Ross rifle. Adopted as the standard rifle for the Canadian Militia in 1901-1902 by the Liberal government, the Ross rifle was controversial long before the First World War. Rejected by the British War Office and widely criticized as ineffective as an infantry small arm both inside and outside the Militia, the Ross rifle was in danger of becoming a political albatross for the Liberals. Against this backdrop, Sam Hughes, the Conservative Defence critic, ironically emerged as the single most vocal and formidable champion of the Ross rifle. This was a role he continued to play with gusto after he became Minister himself in October 1911.<sup>105</sup>

In 1895-96, Sam Hughes had thrown his considerable weight behind the candidacy of Henry Smith to replace Colonel Walker Powell as Adjutant-General of the Canadian Militia. For Hughes, Smith possessed the single most important criterion for the job: he was a staunch, lifetime Conservative, a good Party man untainted by any connection with the Grits. He viewed Smith as an "old crony."<sup>106</sup> It would not be surprising then if Sam Hughes continued to lobby for position and favour for Henry Smith, especially after Smith was forced into early retirement in 1898. Frederick Borden would have seen finding placement and promotion at Militia Headquarters for Smith, although a Conservative loyalist, an acceptable price to pay for keeping Sam Hughes quiescent. At the same time, in enticing Henry Smith to Ottawa, he would be removing a vociferous critic from the helm of the Canadian Military Gazette with a general election looming.

Thus, with a rather tenuous connection to the law at this point (Smith was said to still possess "some" legal knowledge), Lieutenant-Colonel Smith was brought to Ottawa ostensibly to serve as an advisor to Dr. Borden on military law. He was employed in the Adjutant-General's Branch,<sup>107</sup> eventually serving as chairman of the Pension Claims Board. Smith would also come to act as a de facto JAG (the position did not as yet officially exist), reviewing the results of courts martial. With Frederick Borden's continuing support and a re-discovered affinity for the law, his career would once again prosper. On 15 October 1903, Henry Smith was named a Military Secretary to the Staff, at Militia Headquarters in Ottawa.<sup>108</sup> Previously, on 24 September 1903, his salary had been fixed at the respectable amount of \$2,500 per annum.<sup>109</sup> For the remainder of his lengthy career, Smith would ostensibly remain a member of the Adjutant-General's Branch.

The following notice appeared under Personal Mention in the 03 November 1903 issue of the Canadian Military Gazette, announcing Smith's departure from the Gazette: "Lieut.-Col. Henry Smith, formerly transferred from the editorship of *The Military*

*Gazette* to the headquarters' staff, Ottawa, has been appointed military secretary to the staff."<sup>110</sup> He was to be "specially employed" in the Adjutant-General's office. The Adjutant-General's Branch was generally responsible for all matters related to the training (both collective and individual) and administration of the Canadian Militia.<sup>111</sup> Smith's official duties were described as following in Militia General Orders of 1903:

*There shall be a Military Secretary who shall, under the control of the General Officer Commanding, besides other duties, be charged more particularly to deal with appointments, promotions and retirements of officers of the militia, and with military honors and rewards, the educational qualifications required from candidates for commissions in the militia and for promotion therein; Royal Military College examinations, including applications for admission; and the issue of military books and literature of an educational character. In addition to the above duties he shall act as president and supervise the proceedings of the medals claim board.*<sup>112</sup>

Henry Smith's appointment as Military Secretary was considered a significant enough occurrence as to rate a mention in the *Canadian Review of Public Affairs* 1903. "An important closing event of the year was the appointment on Oct. 15<sup>th</sup> of Lieut.-Col. Henry Smith as Military Secretary in the Department of Militia..."<sup>113</sup> From 22 March 1904, Smith would sit on a committee, along with Colonel William Otter and other senior Militia officers, charged with reviewing and advising on the content of the draft of the new Militia bill (1904 Militia Act). Among other innovations, the 1904 Militia Act created the position of Chief of the General Staff and for the first time authorized the promotion of Canadian Militia officers to the rank of Brigadier-General. This at least created the potential that in the future the very most senior appointments in the Canadian Militia could be held by Canadians, rather than exclusively by British regular officers.

Henry Smith's mandate at Militia Headquarters was enlarged further on 02 May 1905, when he was named the Chairman of the Pension Claims Board. From at least January 1905, Borden, sitting up to 106 courts martial a year that required review, was actively advocating the creation of the position of Judge Advocate-General at Militia Headquarters. Referring to, "a good man, a Lieutenant-Colonel, whose age is probably 50," the Minister of Militia and Defence tried unsuccessfully to cajole the Militia Council<sup>114</sup> into creating the position and naming Henry Smith as JAG. Nevertheless, in 1908 Henry Smith was promoted to the rank of full Colonel. Next, the intent on the part of Frederick Borden was to make Smith the JAG as of 01 April 1910. This was a proposal that he made to the Militia Council on 23 December 1909. However, once again the appointment was delayed, this time by temporary budget constraints and charges of cronyism from the political opposition.<sup>115</sup>

Remarkably, considering he was a long-time infantry officer with a now distant background as a small town lawyer, Colonel Smith was finally named the Canadian Militia's very first JAG on 01 October 1911.<sup>116</sup> Perhaps just as extraordinary was his age of 74. Since 1906, the official retirement age for Militia officers had been 65.<sup>117</sup> The

specific duties and responsibilities of the Judge Advocate-General were only defined the following year in an amendment, General Order 133, dated 15 July 1912, to King's Regulations and Orders for the Canadian Militia (1910), paragraph 22. Though no doubt deserving the position by merit and experience, Smith was also the beneficiary of this one last act of patronage by Frederick Borden. Wilfred Laurier's Liberal government (1896-1911) had been defeated at the polls by Robert Borden's Conservatives; 06 October 1911 would mark Dr. Borden's last day in office as Minister of Militia and Defence.<sup>118</sup> Despite the loss of his patron, but no doubt with the continuing support of the new Minister, Colonel Sam Hughes, Henry Smith would remain as JAG until January 1918.

The Ontario Census of 1911 reveals some interesting details pertaining to the domestic life of Colonel Henry Smith. Living in Ottawa's Central Ward at 152 Argyle Avenue, he is the head of a household of eight persons. With his wife, Charlotte, deceased since 1906, that leaves Henry Smith himself; his eldest daughter Claribel, age 41 (born June 1869), spinster; second daughter Gwendolyn Spalding, age 39 (born February 1872), married; youngest daughter Winifred, age 34 (born March 1877), spinster; granddaughter Gwendolyn Spalding, age 3 (born January 1908); female domestic Amelia Fesusky (or Fransky), age 27 (born April 1884); female border Edith Wadsworth, age 35 (born October 1875), spinster; and female border Georgina Vernon, age 43 (born May 1868), spinster. This was a distinctly feminine household indeed.<sup>119</sup>

Smith was promoted Brigadier-General on 22 December 1914.<sup>120</sup> This was no mean achievement for a Canadian Militia officer of this era. It was only since the Militia Act had been revised in 1904 that a Canadian officer could even be promoted to this rank.<sup>121</sup> The outbreak of the Great War (04 August 1914- 11 November 1918) earlier that same year would mark the period of most severe challenge and stress for Henry Smith as JAG. He addressed many issues not formerly part of his routine responsibilities, including the enlistment of minors, the estates of deceased soldiers, separation allowances, and pay issues. Indicative of the dramatic wartime expansion of the Judge Advocate-General's Branch, Smith would be promoted to Major-General on 23 June 1916.<sup>122</sup> However, the Conscription Crisis of 1917 and the resulting Military Service Act would further considerably add to his many duties and responsibilities. As well as being responsible for the administration of this Act, he also reviewed all applications for exemption from conscription.<sup>123</sup>

The wartime establishment of the Judge Advocate-General's office was accordingly expanded. Colonel (later Major-General) J.C. MacDougall, C.M.G., became Assistant Adjutant-General (AJAG) at Militia Headquarters, under Henry Smith. AJAGs were appointed to the more active Military Districts. For example, Major Oliver Mowat Biggar, a future JAG, served as AJAG for Military District No. 13 (Alberta) until 1917. The Military Service Council, consisting of military lawyers like Biggar, was created in 1917 to assist the government in administering the Military Service Act.<sup>124</sup> Major H.M. Daly served as Assistant to the JAG. This was in stark contrast to 1913, the year before

the war. Then the Judge Advocate-General's Branch consisted of just one person: Henry Smith. Perhaps not surprisingly, after the war ended the Branch collapsed back to its original establishment of one.

However, Canadian troops and formations sent overseas from 1914 onwards, as part of the Canadian Expeditionary Force (CEF), came under the jurisdiction of the British Army and were governed by the British Army Act. Legal and disciplinary matters touching upon Canadian soldiers were referred to the British War Office and the British Judge Advocate-General in London. Between 1914-1920, some 16,000 courts martial took place in the CEF. However, these all took place under the auspices of the British JAG and the results were subsequently reviewed by the British, not the Canadian, JAG. Of the 346 soldiers executed by the British Army "for the sake of example," 25 were Canadians. They were executed not by the authority of Canadian military justice, but by British.<sup>125</sup>

Worn out by the strain of his wartime service, Major-General Henry Smith, now 80 years of age, officially relinquished his post as Judge Advocate-General on 30 January 1918, in the final year of the war. A Privy Council report, dated 30 January, states, "that since the outbreak of war the legal work of the department of Militia and Defence has increased enormously...and further that a large amount of additional legal work has been imposed on the Department in connection with the administration of the Military Service Act." The same report further relates:

*The Minister submits that the time has therefore come when it would appear to be desirable to constitute a Legal Branch of the Department of Militia and Defence...As an initial step, Major-General Henry Smith the present Judge Advocate General who feels that he is unable, on the score of age, to cope with the ever increasing duties and responsibilities of the position of Judge Advocate General is prepared at once, to vacate that position, and the Minister accordingly recommends: That Major-General Henry Smith vacate the appointment of Judge Advocate General, and that in order that the Department may still be able to utilize his services, which are of the utmost value during the present emergency, in view of his wide knowledge of and long experience in military matters, he be detailed for "special duty" on the Headquarters Staff, in his present grade, viz., First Grade Administrative Staff Officer.*<sup>126</sup>

Tellingly, Smith was replaced as JAG by a professional lawyer with an extensive background in civil law, Lieutenant-Colonel Oliver Mowat Biggar. Biggar was a famous civilian lawyer from Edmonton who had been placed in military service just for the duration of the war. Major-General Smith did not yet retire, but continued on at Militia Headquarters in an advisory capacity until August 1919.<sup>127</sup> He would die from bronchitis and influenza around 14 March, 1923 at Ottawa, Carleton County, Ontario (his wife, Charlotte, had previously died at Ottawa on 11 June 1906 and was buried at Cobourg on 13 June). He was 85 years old. Smith was buried alongside his wife in St. Peter's Heritage Cemetery at Cobourg on 16 March 1923. His three daughters, Claribel,

Gwendolyn, and Winifred, would all eventually be buried near their parents in the same graveyard, in unmarked graves (Claribel died of myocauditis on 04 December 1931; Gwendolyn died in 1948; and Winifred passed away in May 1969; all three sisters died while living in Ottawa at the family home, located at 152 Argyle Avenue).

Among his many achievements as JAG, Smith was responsible for extensively amending the Militia Act, the defining document of the Canadian Militia; creating a new edition of the Militia's *Regulations and Orders*; initiating courses on military law, tactics, military administration, and military history at McGill University of Montreal in 1907 (while teaching military law and other related military subjects himself at McGill); and advising on the content of and administering the Military Service Act, which in 1917 imposed military conscription on Canada for the first time in its history.<sup>128</sup> And surely Major-General Smith must hold the record as Canada's oldest serving military officer while JAG.

The eldest daughter of Henry Smith, Claribel Smith, makes a very interesting footnote to his own life and career. Claribel was born on 05 June 1869 into the deeply conservative society of Victorian Ontario. One can only imagine the obstacles she would have faced as a woman in obtaining an advanced education and pursuing a professional career. However, she did earn a Bachelor of Arts degree from the University of Toronto in 1893 and subsequently taught at a private girl's school in Ottawa. Claribel must have been an intelligent woman of formidable character. It was Claribel Smith, who in her own name in 1910, purchased the Smith family home in Ottawa, at 152 Argyle Avenue (near the Museum of Natural History), where Henry Smith and his daughters lived out their lives. Henry Smith must have been not only a loving and tolerant parent, but a man of unusually liberal attitudes towards women for his times, to have allowed Claribel the opportunity to pursue an education and her independence.<sup>129</sup>

By any standard Henry Smith had had an outstanding, even a remarkable career and his longevity in service was truly amazing. From battle-tested infantry officer to Judge Advocate-General, he had served through four wars and seen active service in two. Smith had been an active participant in the birth of The Royal Canadian Regiment as a founding member and senior officer of the Infantry School Corps. Amazingly, in mid-life he had transformed himself into a legal expert and gone on to become Canada's first JAG.

Pro Patria

Capt RA Appleton  
26 March 2011

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<sup>1</sup> Judge Advocate General (United Kingdom), 31 Dec 2010, [http://en.wikipedia.org/wiki/Judge\\_Advocate\\_General\\_\(United\\_Kingdom\)](http://en.wikipedia.org/wiki/Judge_Advocate_General_(United_Kingdom)). In terms of the British Army, the post of Judge Advocate General dates back to 1666. He was a Crown appointee who acted as a judge, overseeing the court martial system. He was quite deliberately a civilian, rather than a serving military

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officer, and was required to be a barrister, advocate, or solicitor. The position of Judge Advocate-General for the United States Army was created in 1775 and represents a different tradition, whereby the Judge Advocate-General was indeed a serving military officer. Since 1911 Canada has opted for the American model. The Judge Advocate-General serves as the legal adviser to the Armed Forces. Courts martial are conducted under his authority. Traditionally, the Judge Advocate-General has been responsible to review the findings and sentences of all courts martial. The position of Judge Advocate-General in the Canadian Militia (Army) was only created in October 1911. Prior to this, the function of a Judge Advocate-General was unofficially exercised by designated officers in the Adjutant-General's Branch. According to Canada's National Defence Act, "The Judge Advocate-General is the legal advisor to the Governor-General, the Minister of National Defence and the Canadian Forces on military law matters. The Judge Advocate-General is responsible for the administration of the military justice system in the Canadian Forces." The very first Judge Advocate-General was Major-General Henry Smith. The current Judge Advocate-General for the Canadian Forces, appointed in 2010, is Brigadier-General B. Blaise Cathcart. To date, there have been only 14 JAGs. The chronological list for Canadian Judge Advocate-Generals is:

1. Major-General Henry Smith, 1911-1918;
2. Lieutenant-Colonel Oliver Mowat Biggar, 1918-1920;
3. Brigadier Reginald John Orde, 1920-1950;
4. Brigadier-General William J. Lawson, 1950-1969;
5. Brigadier-General Harold A. McLearn, 1969-1972;
6. Brigadier-General James M. Simpson;
7. Major-General John Patterson Wolfe, 1976-1982;
8. Brigadier-General Frank Karwandy, 1982-1986;
9. Brigadier-General Robert L. Martin, 1986-1990;
10. Commodore Peter R. Partner, 1990-1993;
11. Brigadier-General Pierre G. Boutet, 1993-1998;
12. Brigadier-General Jerry S.T. Pitzul, 1998-2006;
13. Brigadier-General Ken Watkin, 2006-2010; and
14. Brigadier-General B. Blaise Cathcart, 2010 – Present.

<sup>2</sup> Canadian Army, 09 Jan 2011, <http://www.canadiansoldiers.com/organization/canadianarmy.htm>. Also known as the Permanent Active Militia. In effect, this was Canada's Regular Army or standing army. The Permanent Force (PF) officially came into being on 20 October 1871 through Militia General Order No. 24. The Army as a whole was referred to as the Canadian Militia or Active Militia (the latter after the 1855 Militia Act). The smaller, regular component of the Militia (Army) was the Permanent Active Militia; the much larger, reserve component was the Non-Permanent Active Militia (NPAM). The terms Permanent Force and Non-Permanent Active Militia remained in use from 1871 until 1940 and the Second World War. The term "Canadian Army" only came into official use in 1940 and was dropped after Canadian Forces unification in 1968.

<sup>3</sup> Fetherstonhaugh, R.C., *The Royal Canadian Regiment, 1883-1933*, Centennial Print & Litho Ltd., Fredericton, New Brunswick, 1981, pp. 44, 56, 164. Formed as a professional infantry cadre to instruct the infantry battalions of Canada's Non-Permanent Active Militia on 21 December 1883, the Infantry School Corps would undergo several name changes before finally and officially emerging as The Royal Canadian Regiment on 02 December 1901 (the date that Colonel Lawrence Buchan, the Commanding Officer, issued Regimental Order Number 193, effecting the name change). The Infantry School Corps had achieved regimental status in 1892 and the name of the Corps had been accordingly changed to the *Canadian Regiment of Infantry*. In 1893, on the occasion of Queen Victoria's birthday, all units of the Canadian Permanent Force had been granted the royal prefix and the Regiment now became the *Royal Regiment of Canadian Infantry*. Simultaneously, Queen Victoria's imperial cipher, *VRI*, was also granted. On 31 March 1899 the name was changed once more, this time to the *Royal Canadian Regiment of Infantry*. As previously stated, the final name change occurred in 1901.

<sup>4</sup> Morgan, Henry James (editor), *The Canadian Men and Women of the Time: A Handbook of Canadian Biography of Living Characters, Second Edition*, William Briggs, Toronto, 1912, p. 1,036. A similar entry,



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however with some differences, is found in the first edition of this book, published in 1898. Smith's biographical sketch, appearing on pp. 949-950, reads as follows:

"Smith, Lieutenant-Colonel, Henry, Canadian Permanent Militia service, is the son of the late Lieutenant-Colonel William Smith, commanding 40<sup>th</sup> Battalion Volunteer Militia, and formerly Her Majesty's 1<sup>st</sup> Royals, by his wife, Eliza Kelly. Born in Montreal, August 1, 1837, he was educated at the Grammar School, Cobourg, and was admitted an attorney, 1865. His military service dates from 1862, in which year he was appointed lieutenant in the Cobourg Rifle Company, which was drafted into one of the provisional battalions of rifles organized at the time of the Fenian raid, 1866. He was Brigade Major, 3<sup>rd</sup> Military District, 1872-76; was appointed Captain in the Infantry School Corps, December 1883; commandant Royal School of Infantry, July 1887; and Deputy Adjutant-General District No. 1, May, 1888. He attained the rank of lieutenant-colonel, July, 1887. He served during the North-West Rebellion, 1885, and was in the engagement at Fish Creek. He was also on the staff of General Middleton as Assistant Adjutant-General (medal and clasp, and mentioned in despatches). In religion, an Anglican, he married 1866, Miss Charlotte Honey, Cobourg. Resides at London, Ontario."

<sup>5</sup> Much of the detail of Henry Smith's origins, birth date, and early life in Cobourg has been provided by Ms. Ciara Ward, B.A.H., M.L.I.S.; the Cobourg Archivist. See her article in *Northumberland Today*, entitled, *Many Prominent Families Interred at Heritage Cemetery* (e.g. Henry Smith). She has also provided pertinent census data between the years 1871-1911.

<sup>6</sup> Ontario, 10 Jan 2011, <http://www.thecanadianencyclopedia.com/index.cfm?Params=A1ARTA0005936&PgNm=TCE>. See also Ontario, 10 Jan 2011, <http://en.wikipedia.org/wiki/Ontario>. From 1763-1791, what is now Ontario was part of the Province of Quebec. On 26 December 1791, the Constitutional Act (also known as the Canada Act), passed by the British Parliament, divided the Province of Quebec, creating Upper Canada (Ontario) and Lower Canada (Quebec). Each colony was granted an appointed legislative council and an elected legislative assembly. An important point of difference between the two colonies was that the system of freehold land tenure (as practiced in England) was the law of the land in Upper Canada, while Lower Canada, steeped in the traditions of New France and French Civil Law, retained the seigniorial system. Both the creation of Upper Canada and the advent of freehold land tenure were very much the result of agitation by United Empire Loyalists who had settled in what is now southern Ontario. The first Lieutenant-Governor of Upper Canada, John Graves Simcoe, was appointed in 1793. York (after 1834 known as Toronto) became the capital in 1796, replacing Newark (Niagara-on-the-Lake). Upper Canada continued in existence as a separate administrative and political entity until the Act of Union (1840) took effect on 10 February 1841. By this Act, Upper and Lower Canada combined to form the United Province of Canada. Upper Canada/Ontario was referred to as Canada West, while Lower Canada/Quebec was called Canada East. The first capital was located at Kingston. When Confederation created the Dominion of Canada on 01 July 1867, Canada West became the Province of Ontario, with Canada East becoming the Province of Quebec. The other provinces of the new Dominion were New Brunswick and Nova Scotia.

<sup>7</sup> Short History of the United Empire Loyalists, A, 06 Jan 2011, <http://www.uelac.org/PDF/loyalist.pdf>. The United Empire Loyalists were originally inhabitants of the American Thirteen Colonies who remained loyal to the British Crown throughout the American War of Independence (Revolutionary War), 1775-83. They were referred to as Tories by the American rebels (Patriots). It is estimated that between 10 and 15% of Americans, up to 250,000 in number, remained loyal to the Crown and opposed the Revolution. In many cases these Loyalists actively fought for the British against their American brethren. Some 50 Loyalist regiments were raised, including the King's Royal Regiment of New York, Butler's Rangers, Roger's Rangers, and Jessup's Corps. Stripped of their property and their rights, Loyalists had little choice at the end of the conflict but to quit America and settle in Canada or other British colonies (typically in the Caribbean). Of 70,000 Loyalists who fled America, up to 50,000 came to the British North American colonies (Quebec, New Brunswick, Nova Scotia). Landings by large groups of Loyalists in Nova Scotia, New Brunswick, and what became Upper Canada (Ontario) began as early as 1776, but took place mainly

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in 1783 and 1784. From 1783-1796, the British Crown granted each Loyalist 200 acres of land upon arrival in British North America, a tremendous incentive for settlement. United Empire Loyalists and their immediate descendants tended to be deeply conservative and traditionalist. They were ardent supporters of the British connection and British institutions, especially the monarchy and the Empire. Loyalists were profoundly suspicious of liberal democracy and remained hostile to the United States and republicanism. United Empire Loyalists were a potent new political and military factor in British North America and brought about the creation of new colonies in Upper Canada (from Quebec) and New Brunswick (from Nova Scotia). Loyalists, who had fought for the Crown, and their descendants, were granted the honour of bearing the initials "U.E.," for the Unity of the Empire, as a title or post nominal to go with their names. This honour was bestowed on 09 November 1789 by Lord Dorchester, the Governor-General of British North America.

<sup>8</sup> Cobourg History, 06 Jan 2011, <http://www.cobourghistory.ca>. Cobourg was named by the Honourable Captain Walter Boswell, Royal Navy, one of the first settlers, in honour of the marriage of Princess Charlotte Augusta, daughter of King George IV, and the German Prince Leopold, of the House of Saxe-Coburg-Saalfeld.

<sup>9</sup> Cobourg History, 30 Dec 2010, <http://www.cobourghistory.ca>. This was at a time when the population of Upper Canada/Canada West as a whole was 952,004, some 60,000 more than the population of Lower Canada (1851 Census).

<sup>10</sup> "Low Church" and "High Church," 06 Jan 2011, <http://www.crivoice.org/lowhighchurch.html>. Anglicanism proposed a middle way between the traditions of Roman Catholicism and 16<sup>th</sup> Century Reformation Protestantism (e.g. Calvinism). In other words, Anglicans were both Catholic and Reformed. High Anglicanism represented the traditionalist and catholic tendencies of Anglicanism. The role of the priesthood and the importance of the Book of Common Prayer were emphasized. Traditional (i.e. Catholic) liturgy, ritual, and ceremonial worship played important roles. During the 19<sup>th</sup> Century, Cobourg emerged as the bastion of High Anglicanism within the Church of England of Upper Canada. Low Anglicanism represented the reformist (Protestant) and evangelical tendencies of Anglicanism. Low Anglicans identified with 16<sup>th</sup> Century Reformation Protestantism, emphasizing evangelical principles, while relegating the role of the priesthood and ceremonial worship. In 19<sup>th</sup> Century Upper Canada, London became as the leading centre of Low Anglicanism.

<sup>11</sup> The roots of conservative political sentiment in Upper Canada lay in the community of United Empire Loyalists. Thus, from early on conservatism was associated with support for the British connection and opposition to any Americanizing tendencies. Conservatives supported the bureaucratic regime of the Family Compact, opposing the Reformers (Liberals) who advocated responsible government, even republicanism. Conservatives rallied to the defence of the government, opposing the radical reformers, during the Upper Canada Rebellion of 1837. With the coming of responsible government, Conservatives (Tories) and Liberals (Clear Grits) vied for electoral power in the Province of Canada (Canada West and Canada East each had 65 seats in the legislative assembly, in an effort to preserve a balance between the two sections). Conservatives vehemently opposed free trade with the United States, favouring economic protectionism. Maintaining the closest economic and political ties with Great Britain was an article of faith. As well as being associated with protectionism and British Imperialism, the Conservative party took on an urban and industrial, as opposed to rural and agricultural, perspective; identified with secular Protestantism (John A. MacDonald was a member of both the Masonic and Orange Lodges); received its main support from English-Canadians, rather than French-Canadians; and in its turn, tended to support the interests of the privileged elites. From the early 1850s, the Conservative political movement was dominated by the Kingston lawyer and politician, John A. MacDonald. In September 1854, MacDonald and George-Etienne Cartier of Canada East forged a parliamentary alliance that included High Tories, moderate Conservatives, and moderate (Baldwin) Liberals from Upper Canada; and English-speaking Conservatives and French-Canadian "Bleus" from Lower Canada. It had come about as a reaction to the more extreme policies of the radical wing of the Reform (Liberal) Party. This alliance, which now formed the government (previously the Liberals had been in power from 1848-1854), became known as the Liberal-Conservative Party, and would remain known as such until 1873. The "Clear Grits" of Upper Canada and the "Parti Rouge" of Lower Canada formed the opposition. Although the titular head of the government was Sir Allan Napier

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McNab, real power was wielded by John A. MacDonald, the Attorney-General of Canada West (1854-1862; 1864-1867). From 1856, after the removal of McNab, MacDonald became joint Premier of Canada, as Premier of Canada West (1856-1858; 1858-1867). He remained the dominant figure of the government throughout (Sir Etienne-Paschal Tache was the titular Premier of Canada from 1856-1864, followed by Narcisse-Fortunat Belleau, 1864-1867). John A. MacDonald, in collaboration with George-Etienne Cartier and the Liberal, George Brown, led the fight to achieve Confederation (the union of Canada with the Maritime Provinces of Nova Scotia and New Brunswick) from 1864-1867. On 01 July 1867, Sir John A. MacDonald became the first Prime Minister of a Post-Confederation Canada. As a party, the Liberal-Conservatives had fought for Confederation. The Liberal-Conservatives continued to resist free trade and reciprocity with the United States, advocating a high protectionist wall to safeguard Canadian industry (the National Policy). The Conservatives sought to enlarge and unify the country. This included the building of the Canadian Pacific Railway and the admission of Manitoba (1870), British Columbia (1871), and Prince Edward Island (1873) to Confederation. The Conservatives continued to champion the British connection and sought to constitutionally enhance the powers of the federal government in opposition to provincial rights. As the champions of national unity and a strong, central government, the Liberal-Conservatives instinctively opposed any vestiges of French-Canadian nationalism. Sir John A. MacDonald served as Prime Minister from 01 July 1867 – 05 November 1873; and again from 09 October 1878 – 06 June 1891. MacDonald died in office on 06 June 1891. The Conservatives remained in office until 11 July 1896, when the Liberal Party, under Wilfred Laurier, came into power. It is perhaps no coincidence that until 1896 Henry Smith achieved all his appointments and promotions in the Canadian Militia while the Conservative Party was in office; likewise, any setbacks occurred while the Liberals were in office. Ironically, Smith's Militia career was resurrected by a Liberal Minister of Militia and Defence, Dr. Frederick William Borden (1896-1911). From Confederation until 1919, basically the career timelines of Henry Smith, the following administrations were in power in Canada:

1. Sir John A. MacDonald, Liberal-Conservative Party, 01 July 1867 – 05 November 1873;
2. Alexander Mackenzie, Liberal Party, 09 November 1873 – 09 October 1878;
3. Sir John A. MacDonald, Conservative Party, 17 October 1878 – 06 June 1891;
4. Sir John Joseph Caldwell Abbott, Conservative Party, 16 June 1891 – 24 November 1892;
5. Sir John Sparrow David Thompson, Conservative Party, 05 December 1892 – 12 December 1894;
6. Sir Mackenzie Bowell, Conservative Party, 21 December 1894 – 27 April 1896;
7. Sir Charles Tupper, Conservative Party, 01 May – 08 July 1896;
8. Sir Wilfred Laurier, Liberal Party, 11 July 1896 – 05 October 1911; and
9. Sir Robert Laird Borden, Conservative Party, 10 October 1911 – 10 July 1920.

<sup>12</sup> History and Current Organization of the DCRA, 09 Jan 2011, <http://www.dkra.ca/dcrainhistory.htm>. The Dominion of Canada Rifle Association (DCRA) was formed in 1868 with the active assistance and financial support of the Canadian government. The DCRA was formed with the encouragement of the Adjutant-General of the Canadian Militia, Colonel (later General) Sir Patrick Leonard MacDougall (May 1865 – April 1869), one of the British Army's great intellectuals and reformers, and the Minister of Militia and Defence, Sir George-Etienne Cartier (1867-1873) in response to the withdrawal of British garrisons and the ongoing crisis posed by the Fenian Raids. The Dominion Rifle Association was seen as a means of encouraging marksmanship, patriotism, and a martial spirit in the population. The importance of the DCRA to the government was stressed by the appointment of the Governor-General of Canada, Sir Charles Stanley Monck, the Viscount Monck, as the Patron of the Association (Monck was Governor-General of British North America, 28 November 1861- 01 June 1867, and Governor-General of Canada from 01 June 1867 – 14 November 1868).

<sup>13</sup> Morton, Desmond, *A Military History of Canada*, McClelland and Stewart Inc, Toronto, 1999, p. 96.

<sup>14</sup> *The (British) Army List for May 1877, Colonial and Militia Volunteers*, War Office, London, 31 May 1877, p. 825.

<sup>15</sup> Province of Ontario Gazetteer and Directory 1869, Cobourg, p. 111. William Smith, the father, is listed as proprietor of a livery stable, while Henry Smith, the son, is listed as a barrister. Both men additionally served in the Active Militia.

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<sup>16</sup> Based on information provided in an E-Mail by Lieutenant-Colonel (LCol) Roger Strum of the JAG, sent 19 Apr 2008. LCol Strum provided much detailed information regarding Henry Smith's early years; his father, Lieutenant-Colonel William Smith; and Smith's career as lawyer and Non-Permanent Active Militia officer while living in Cobourg.

<sup>17</sup> A Cyclopaedia of Canadian Biography: Graveley, Lieutenant-Colonel John Vance, 04 Jan 2011, <http://www.google.ca/books?id=QftYAAAJ&pg=PA216&dg=john+vance+graveley&f=false>. Founded in 1829 by the Lieutenant-Governor of Upper Canada, Sir John Colbourne, Upper Canada College was located at Toronto. It was based on the public schools of England, in particular Eton. Upper Canada College was designed to prepare students for university, especially King's College (later the University of Toronto). Many of Henry Smith's contemporaries and peers from Cobourg attended Upper Canada College. The early life and career of one John Vance Graveley may very well mirror that of Smith himself. Graveley was born at Cobourg on 17 December 1840. Both his parents hailed from England; his father, John Vance Graveley, Sr., was an excise officer. Young Graveley was educated at Upper Canada College and then studied law in the law office of the Honourable Sidney Smith of Cobourg. John Vance Graveley then went on to practice law in Cobourg (he is listed as a barrister in the 1869 Ontario Gazetteer and Directory). For the privileged classes and those who wanted to climb the social ladder, service in the Non-Permanent Active Militia, in particular as a commissioned officer, was seen as both an act of patriotism and as a means of enhancing one's social status. Graveley joined Colonel D'Arcy Boulton's troop of Dragoons (the 3<sup>rd</sup> Provisional Regiment of Cavalry) as a trooper, eventually becoming a Sergeant-Major. Concurrently he served as an Ensign in the Sedentary Militia from 1856 onwards (the Sedentary Militia had been created in 1841, at the time of the unification of Upper and Lower Canada; all citizens between the ages of 16 and 60 were nominally members of the Sedentary Militia, reflecting the principle of universal service; on paper it consisted of 250,000 men, organized in 426 battalions; however, this was but a paper army; the Sedentary Militia mustered annually for just one day, almost never trained and was rarely, if ever, called upon; from May 1868, following an amendment to the Militia Act, the Sedentary Militia was known as the Reserve Militia). In 1864, John Graveley was commissioned into the Cobourg Rifles (also known as the Cobourg Volunteers, a unit of the Active Militia), with the rank of Ensign. In 1866 he attended the Military School in Toronto and was attached to H.M. 47<sup>th</sup> Regiment of Foot (known after 1881 as the Loyal North Lancashire Regiment), Lieutenant-Colonel R.W. Lowry commanding officer. Graveley saw active service with this unit in 1866 in the Niagara, during the Fenian Raids. As a result he was promoted to the rank of Lieutenant. Later, on 16 November 1866, after the 40<sup>th</sup> Northumberland Battalion of Infantry was established, Graveley was further promoted to brevet Captain and named the officer commanding Number One Company, 40<sup>th</sup> Northumberland Battalion, at Cobourg. In 1870 he saw further active service, this time with the 40<sup>th</sup> Northumberland Battalion, during the ongoing Fenian Raids. Graveley, a shooting enthusiast, was a sometime Brigade Musketry Instructor at Military District No. 3. In 1876 John Vance Graveley was promoted to brevet Lieutenant-Colonel and became the commanding officer of the 40<sup>th</sup> Northumberland Battalion, succeeding Lieutenant-Colonel William Smith. Graveley served on the Town Council of Cobourg from 1876-77 and then as Mayor from 1880-85; concurrently he was Commissioner of the Cobourg Town Trust. In December 1886, John Vance Graveley unsuccessfully contested a seat in the Ontario Legislature for the Conservative Party. He sat on the Council of the Dominion of Canada Rifle Association and was a President of the Cobourg Rifle Association. Graveley was a master mason in the St. John Masonic Lodge Number 13. He resided at 216 Gray, in Cobourg.

<sup>18</sup> See Northumberland West (Cobourg) 1871 Census and Northumberland West (Cobourg) 1881 Census.

<sup>19</sup> Two possible law offices where Henry Smith could have apprenticed at in Cobourg were those of the Honourable Sidney Smith and the Honourable James Cockburn. In the 1850s and 60s, Sidney Smith was arguably the wealthiest and most distinguished citizen of Cobourg. He was born in Port Hope, only five miles distant from Cobourg, on 16 October 1823. His grandfather, Elias Smith, a United Empire Loyalist, had indeed founded Port Hope. Sidney Smith received his early education at Cobourg from Archdeacon (later Bishop) Bethune, the very symbol of High Anglicanism in Upper Canada. Smith furthered his education at the Home Grammar School and then studied the law in the law office of his brother, John Shuter Smith. Sidney Smith was admitted to the bar in 1844 and thereafter practiced law in Cobourg. In 1853 he took John Douglas Armour, a future Chief Justice of Ontario and member of the Supreme Court of



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Canada, as a partner. Smith had the largest and most successful practice in Cobourg and the surrounding district. His clients included the Commercial Bank, the Bank of Montreal, the Midland Railway of Canada, and the Commissioners of the Cobourg Town Trust. Smith became a Queen's Counselor (QC) in 1862. Active within the Conservative Party, he had been elected to the Legislative Assembly of the united province of Canada in 1854. Sidney Smith had subsequently served as the Postmaster-General of Canada from 1858-1862. He was also the owner of the magnificently opulent Hamilton House. When Edward, the Prince of Wales, visited Cobourg in September 1860, during his tour of Canada, it was inevitable that he would be hosted by and stay with Sidney Smith. Another Militia officer and contemporary of Henry Smith, John Vance Graveley, was apprenticed as a lawyer in the law office of Sidney Smith. Like Henry Smith, Graveley was both a subaltern in the Cobourg Rifles and later a senior officer in the 40<sup>th</sup> Northumberland Battalion. James Cockburn, another distinguished and well-to-do Cobourg lawyer, is today remembered as a "Father of Confederation." He was born at Berwick-upon-Tweed, Scotland, on 13 February 1819. His family immigrated to Canada in 1832. Cockburn was educated at Upper Canada College, eventually becoming a lawyer in Cobourg. In 1864 he was named the Solicitor-General of Canada and retained this post until 1867. He played an important role in the negotiations that led to the Confederation of British North America on 01 July 1867. Cockburn was elected to Parliament in 1867 as the Conservative M.P. from Northumberland West. At the behest of John A. MacDonald he subsequently served as the first Speaker of the House of Commons from 1867-1874. Cockburn died at Ottawa on 14 August 1883.

<sup>20</sup> Ward, Ciara, "Many Prominent Families Interred at Heritage Cemetery," *Northumberland Today*.

Archivist Ciara Ward is a main source of information regarding the spouse and offspring of Henry Smith.

<sup>21</sup> St. Peter's Anglican Church: Our Past, 30 Dec 2010,

<http://www.stpeterscobourg.org/parishoverview.htm>. St. Peter's Anglican Church of Cobourg was founded in 1819, making it one of the first churches to be established in Upper Canada (Ontario). A rapid growth in the local population, based on United Empire Loyalists and more recent arrivals from the British Isles, necessitated the building of a larger and more permanent structure on the site of the original wooden St. Peter's Church in 1851-54. The new stone church could seat 500. St. Peter's Anglican Church would have been a social, cultural, and religious focal point in Cobourg while Henry Smith lived there. The noted High Anglican clergyman, Alexander Neill Bethune, was rector at St. Peter's from 1827-1867, until he became Bishop of Toronto.

<sup>22</sup> Dictionary of Canadian Biography on Line: Bethune, Alexander Neil, 06 Jan 2011,

[http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=4831](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=4831). Under the leadership of Archdeacon (later Bishop) Alexander Neil Bethune, the Anglican parish of Cobourg became the focal point of High Anglicanism within the Upper Canada Church of England in the mid-19<sup>th</sup> Century. Bethune was born 28 August 1800 at Williamstown, County of Glengarry, Upper Canada, the son of a clergyman and United Empire Loyalist. Ordained as a minister in 1824, Bethune became the Rector of Cobourg in 1827, remaining as rector there for 40 years, until 1867. In addition he was named Archdeacon of York in 1847. Alexander Bethune was elected the second Bishop of Toronto in 1867, winning with the support of the High Church party. Bishop Bethune died at Toronto on 03 February 1879. During his 40 years as Rector of the Cobourg Parish, Bethune became the principal spokesman and champion of High Anglicanism in Upper Canada/Canada West. An interesting sidebar to his tenure as rector at Cobourg occurred in 1854, shortly after the construction of the new St. Peter's Anglican Church was completed. The Church's intricately decorated altar was attacked and defaced by Low Anglican members of the parish, highlighting the ongoing conflict between the High and Low Church parties within Upper Canada's Church of England. A powerful and zealous churchman as he was, the preaching of Alexander Bethune obviously had a marked influence on his parishioners, such as Henry Smith and his family.

<sup>23</sup> Morton, Desmond, op. cit., pp. 96-98.

<sup>24</sup> Foster, J.A., *Muskets to Missiles: A Pictorial History of Canada's Ground Forces*, Methuen Publications, Agincourt, Ontario, 1987, p. 49. From 1846 Great Britain, increasingly reluctant to pay the costs of defending Canada, began an ongoing process of repatriating troops from Canada to Britain or to more strategically important parts of the British Empire. This process gained impetus through the Crimean War (1854-56) and the Indian Mutiny (1857-58). At the height of the Crimean War in 1855, British troop strength in Canada and the Maritimes was only 3,300. As a result the Canadian colonial government passed

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the Militia Act of 1855. This Act provided the means and legal framework to raise a volunteer “Active Militia” of 5,000 officers and men.

<sup>25</sup> Rebellions of 1837, 09 Jan 2011,

<http://www.thecanadianencyclopedia.com/index.cfm?PgNm=tce&Params=A1ARTA0006708>. The Upper Canada Rebellion, in opposition to the British colonial administration, took place from 04 December 1837 – 04 December 1838. Reformers such as William Lyon Mackenzie and Robert Baldwin called for a more representative form of government, even a republic. Although there was an elected Legislative Assembly, real power was concentrated in the hands of a few wealthy and politically-connected landowners, known as the Family Compact. They wielded power through the appointed Legislative Council. Large tracts of prime land were reserved for the Crown and the Anglican Church, angering small landholders. A bad harvest in 1835, followed by a prolonged recession brought matters to a head. When rebellion erupted in Lower Canada on 09 October 1837, the Lieutenant-Governor of Upper Canada, Sir Francis Bond Head, dispatched many of his British Regular troops to help suppress this insurrection. Taking advantage of their absence, William Lyon Mackenzie initiated an uprising in Toronto from Montgomery’s Tavern on 04 December 1837. The rebellion in Upper Canada was disorganized and short-lived, with the rebels having been captured, dispersed, or forced to flee to the United States by 13 January 1838. Sporadic raids into Upper Canada by rebels based in the United States continued until December 1838, when the last organized rebel force was crushed by British troops at the Battle of the Windmill. Far more important than any military actions that occurred during the Rebellion, were the political consequences afterwards. The Durham Report (written by Lord Durham in 1839) led to more representative government, greater autonomy from Britain, and the unification of Lower and Upper Canada into one united province in 1841. Parliamentary self-government was granted to Canada in 1848.

<sup>26</sup> Twatio, Bill, “With the Cobourg Rifles,” *Esprit de Corps Magazine*, May 2002. Greatly exaggerating the rebel threat to Toronto, the Lieutenant-Governor of Upper Canada, Sir Frances Bond Head, had precipitately summoned units of the Active Militia, including the Cobourg Rifles, to march to the relief of the city. Under Captains D. Warren and E. McDonald, former British Regulars, a company of the Cobourg Rifles, some 40 strong, set off for Toronto with the best of intentions. Marching by way of Port Hope, Bowmanville, and Whitby, the Cobourg Rifles reached Toronto on the fourth day of its trek, having enjoyed De la Rey’s Tavern in Port Hope and Lee’s Tavern in Whitby along the way.

<sup>27</sup> Dunbar, Francis J. and Harper, Joseph H., *Old Colours Never Die: A Record of Colours and Military Flags in Canada*, F.J. Dunbar & Associates, Inc., Toronto, 1992, p. 40.

<sup>28</sup> In 2006 The Royal Scots were absorbed into The Royal Regiment of Scotland.

<sup>29</sup> 2<sup>nd</sup> Battalion, The Royal Scots was present at the capture of Louisburg Fortress, on Isle Royale (Cape Breton Island) in 1758 and the capture of Montreal in 1760.

<sup>30</sup> 1<sup>st</sup> Battalion, The Royal Scots saw much action in Upper Canada on the Niagara frontier, including the storming of Fort Niagara in 1813; the battles of Chippewa and Lundy’s Lane in 1814; and the ill-fated assault on Fort Erie, also in 1814.

<sup>31</sup> British soldiers fearfully referred to the West Indies as the “Fever Islands.”

<sup>32</sup> Canadian Parliamentary Sessional Papers (No. 5) 1878-79, Ottawa, 1879, pp. 19-20. The report is as follows:

#### 40<sup>th</sup> Battalion

I inspected five companies of this Battalion in camp at Colbourne, on the 29<sup>th</sup> June. Lieutenant-Colonel Smith commanded the camp; the staff of the Battalion being also present. The Companies turned out clean and all in uniform, Captain Hulbert’s Company being the cleanest. Major Webb put the men through the manual and firing exercises, which they performed very fairly; Bt. Lieut.-Colonels Rogers and Graveley, and Captain Butler in turn drilled the Battalion. These officers were rather rusty and I recommended them to read up their drill before next inspection. The camp ground was rather confined and the tents too close together. The men were supplied with an excellent ration, for 21 cents, and on the whole the inspection was satisfactory. Bt. Lieut.-Colonel Gifford’s Company was again detailed for drill, but failed to assemble, and I therefore requested Lieut.-Colonel Smith to order out Major Guillet’s Company at

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Cobourg to take their place. This Company was inspected by Lieut.-Colonel Worsley on the 22<sup>nd</sup> November, but I have not yet received his report.

Military District No. 3, Deputy Adjutant General's Office, Kingston.

3<sup>rd</sup> December 1878

Lieutenant-Colonel Bowen Van Straubenzee

Deputy Adjutant General, Military District No. 3

<sup>33</sup> Information pertaining to the early Militia career of Henry Smith provided in an e-mail by Lieutenant-Colonel Roger Strum of the JAG Office in Ottawa.

<sup>34</sup> *The (British) Army List for May 1877, Colonial and Militia Volunteers: 40<sup>th</sup> "Northumberland" Battalion of Infantry – Cobourg*, p. 825. Lieutenant-Colonel William Smith commanded the 40<sup>th</sup> Northumberland Battalion from 05 October 1866, when the Battalion was created by a Militia General Order, until 14 November 1876. Smith was succeeded in command by Lieutenant-Colonel John Vance Graveley, previously the officer commanding the Battalion's No. 1 Company at Cobourg. Graveley was a local lawyer and politician.

<sup>35</sup> Dunbar, Francis J. and Harper, Joseph H., *Old Colours Never Die: A Record of Colours and Military Flags in Canada*, F.J. Dunbar & Associates, Inc., Oakville, Ontario, 1992, pp. 40-41.

<sup>36</sup> Stanley, George F.G., *Canada's Soldiers, 1604-1954: The Military History of an Unmilitary People*, MacMillan Company of Canada Limited, Toronto, 1954, p. 214. Other infantry battalions of the Active Militia created in 1866 included the York Rangers, the Halton Rifles, the Middlesex Light Infantry, the Elgin Battalion, the St. Clair Borderers, the Perth Battalion, the Waterloo Battalion, the Grey Battalion, the Bruce Battalion, the Huron Battalion, the Ontario Battalion, the Simcoe Foresters, the Peel Battalion, the Haldimand Rifles, the Dufferin Rifles, the Norfolk Rifles, the Brockville Rifles, the Brockville Battalion of Infantry, the Welland Battalion, the Victoria Battalion, the West Durham Battalion, the East Durham Battalion, the Frontenac Battalion, the Hastings Rifles, the Huntingdon Borderers, the Hemmingford Rangers, and the Brome Light Infantry.

<sup>37</sup> Victoria Hall – Cobourg's Town Hall, 01 Jan 2011, [http://www.cobourghistory.ca/victoria\\_hall.htm](http://www.cobourghistory.ca/victoria_hall.htm). The cornerstone of Victoria Hall had been laid in 1856, with the edifice completed in 1860. The dedication of this building by the visiting Prince of Wales (one day to be King Edward VII, 1901-1910) on 06 September 1860, was a significant event in the early history of Cobourg. The structure housed both the town hall and court house. The Town Council Chambers served as an armoury for No. 1 and No. 2 Companies of the 40<sup>th</sup> Northumberland Battalion of Infantry. From November 1866, Captain John Vance Graveley, a contemporary of Henry Smith and fellow lawyer, was the first officer commanding No. 1 Company. On 14 November 1876, John Graveley was promoted to lieutenant-colonel and given command of the 40<sup>th</sup> Northumberland Battalion. Interestingly, the Victoria Hall courtroom was the scene of General Arthur Currie's libel action against the Port Hope Evening Guide, April-May 1928.

<sup>38</sup> *The (British) Army List for July 1876, Colonial and Militia Volunteers*, p. 825. Also see National Defence and the Canadian Forces, Vol. 3, Part 2: Infantry Regiments: The Hastings and Prince Edward Regiment, 08 Jan 2011, <http://www.cmp-cpm.forces.gc.ca/dhh-dhp/his/ol-lo/vol-tom-3/par2/hper-eng.asp>. No. 3 Company of the 40<sup>th</sup> Northumberland Battalion was located at Campbellford and commanded by Captain Richard Bonneycastle from 26 June 1868. Other captains (company commanders) of the 40<sup>th</sup> Battalion at this time included Captain Charles Gifford and Captain Robert Z. Rogers, both appointed on 17 August 1866. When created by a Militia General Order on 05 October 1866, the 40<sup>th</sup> Northumberland Battalion of Infantry was formed from six independent infantry and rifle companies. Their locations, names and authorization dates are as follows:

1. No. 1 Company, Cobourg (1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg, 24 January 1856);
2. No. 2 Company, Cobourg (2<sup>nd</sup> Volunteer Militia Company of Infantry at Cobourg, 06 February, 1863);
3. No. 3 Company, Campbellford (Volunteer Militia Company of Infantry at Campbellford, 30 January 1863);
4. No. 4 Company, Brighton (Infantry Company at Brighton, 20 July 1866);
5. No. 5 Company, Cold Springs (Infantry Company at Cold Springs, 17 August 1866); and

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6. No. 6 Company, Grafton (Infantry Company at Grafton, 17 August 1866).

<sup>39</sup> Unit Listings – Non-Permanent Active Militia, 01 Jan 2011,

<http://www.canadiansoldiers.com/organization/unitlistingsbyyear/unitlistying1900.htm>. The 40<sup>th</sup>

Northumberland Battalion was re-designated the 40<sup>th</sup> Northumberland Regiment on 08 May 1900; the Colours of the 40<sup>th</sup> Northumberland Regiment were laid up in St Peter's Anglican Church in 1902 and again in 1923; during the First World War, 1914-18, officers and men from this Regiment would serve overseas in France and Flanders with the 2nd Battalion, Canadian Expeditionary Force (CEF); the 40<sup>th</sup> Northumberland Regiment was again re-designated as the Northumberland (Ontario) Regiment on 15 March 1920; the Northumberland Regiment amalgamated with the Durham Regiment to become the Midland Regiment (Northumberland and Durham) on 15 December 1936; on 01 September 1954 the Midland Regiment was absorbed into the Hastings and Prince Edward Regiment and ever since its lineage has been perpetuated by the "Hasty Ps." C Company of the Hastings and Prince Edward Regiment is today located at Cobourg.

<sup>40</sup> Troublous Times in Canada, History of the Fenian Raids of 1866 and 1870, 10 Jan 2011,

<http://www.canadiangenealogy.net/fenian-raids-1866-1870.htm>. The Fenian Raids, like the Rebellions of 1837, were not militarily significant. The strategic objective of the raids was to force the British Crown to grant independence to Ireland. These "invasions" of Canada, mounted from American soil, were intended to pressure the British into negotiating concessions in Ireland. However, the Fenian Brotherhood lacked the numbers and the logistical infrastructure needed to effectively invade British North America. The Fenian Raids were ill conceived, poorly planned, sporadic, and entirely unsuccessful. The Fenians could, on occasion, win very limited, short-lived tactical successes, but were utterly incapable of mounting sustained operations. However, the raids did serve to highlight woeful shortcomings in the Canadian Militia. Serious problems with training, organization, discipline, and leadership were all exposed. This in turn made possible the creation of a Canadian Permanent Force very shortly after the conclusion of the Fenian Raids. The most important result of the Fenian Raids was political. The perceived security threat posed by the Fenians to British North America was an important factor that led to Confederation in July 1867. There were five noteworthy Fenian raids that occurred during the period 1866-71. These were:

1. Campobello Island Raid, Campobello Island, New Brunswick, April 1866. In early April a force of 700 Fenians assembled on the Maine shore in the towns of Eastport and Calais. Commanded by Brigadier-General Dorian Killian, their intent was to capture Campobello Island at the mouth of the St. Croix River. The New Brunswick Militia was mustered and British warships dispatched. However, U.S. troops commanded by Major-General George Meade, the victor of Gettysburg, arrived and dispersed the Fenians;
2. Niagara Raid, Niagara Peninsula, Canada West (Ontario), 01-07 June 1866. This was the most significant of the raids and led to the largest engagement of the conflict, at Ridgeway. A Fenian army of up to 1,300 men, under Colonel John O'Neill (a former Union cavalry officer), crossed the Niagara River from Buffalo, New York on 01 June 1866. Fenian forces in New York were under the overall command of Major-General T.W. Sweeney. The Fenian strategic objective was to capture and disrupt, if not destroy, the Welland Canal. The units of the Irish Republican Army that made up O'Neill's Brigade were the 13<sup>th</sup> Tennessee Regiment (Colonel John O'Neill); 17<sup>th</sup> Kentucky Regiment (Colonel Owen Starr); 18<sup>th</sup> Ohio Regiment (Lieutenant-Colonel John Grace); and the 7<sup>th</sup> Buffalo Regiment (Colonel John Hoyer). There were also Fenians from Indiana. At the point of landing, near Fort Erie, there were no British or Canadian troops within 25 miles. The Fenians promptly captured Fort Erie. U.S. naval elements eventually intervened cutting this force off from any further reinforcement. The Fenians, about 800 strong at this point, marched north and established a defensive position on Limestone Ridge, near the town of Ridgeway, on the morning of 02 June. The Fenian force had been openly assembling in New York since May, so that local Canadian Militia units and British garrison troops had been mobilizing to meet the invasion. Ultimately, 20,000 Canadian Militia were mustered in response to this raid. A composite force of Canadian Militia, 850 strong, was now marching against the Fenians. The Canadian units included the Queen's Own Rifles of Toronto (Major Gilmore), the 13<sup>th</sup> Hamilton Battalion (Major Skinner), and two local Militia companies from Caledonia and York. The Canadians were



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- commanded by Lieutenant-Colonel Alfred Booker of the 13<sup>th</sup> Hamilton Battalion. The Canadians initially dominated, driving in the Fenian skirmishers. Their firing lines were standing up well against those of the more experienced Irish-Americans. However, after one hour of action things began to unravel for the Canadians. Mistaking a few Fenians on horseback for a large cavalry force, in the midst of the battle the Canadians attempted to reform from line into square (the classic infantry response to a cavalry charge). While this maneuver was in progress, the mistake was apparently recognized and the original order countermanded. Mass confusion now reigned among the inexperienced Canadians. Lieutenant-Colonel Booker ordered a general withdrawal. Sensing his opportunity, Colonel O'Neill sent his line forward in a bayonet charge that swept the Canadians from the field of battle. Canadian casualties were 10 killed and 37 wounded, while the Fenians lost six killed and 10 wounded. Ridgeway was a tactical victory for the Fenians, but with large numbers of Canadian and British troops converging, O'Neill elected to withdraw to Fort Erie. That afternoon at Fort Erie, the Fenians defeated a second, smaller force of Canadian Militia (the Welland Field Battery and the Dunneville Naval Brigade). Nevertheless, the Fenians elected to cross the Niagara River and return to the U.S. By 07 June the last of the Fenians had withdrawn to New York. Here they were disarmed by the waiting American authorities;
3. Pigeon Hill Raid, Pigeon Hill, Mississquoi County, Quebec, 07-09, 22 June 1866. On 07 June 1866, 1,800 Fenians, commanded by Brigadier-General Samuel P. Spier, crossed the border from Vermont into Mississquoi County, Quebec (Canada East). The Irish-American raiders occupied the villages of Pigeon Hill, St. Armand, and Frelighsburg and were unopposed at first. The most notable incident of this raid occurred on 10 June at Eccles Hill when a piquet of the 7<sup>th</sup> Royal Fusiliers (the Royal Welsh Fusiliers) mistook a local woman, 71-year old Margaret Vincent, for a Fenian and shot her dead. The Fenians had entered Canada with the intention of marching on Montreal, but with a force of only a few hundred this proved impractical. Discipline in the Fenian ranks quickly broke down and the raiders looted nearby home and farms. On 09 June, Brigadier-General Spier withdrew his men to the U.S. where they were promptly arrested by the American authorities. On 22 June a small number of Fenians stole across the border and fired on a company of the Richelieu Light Infantry at Pigeon Hill. These Fenians were quickly driven back across the border.
  4. Mississquoi County Raid, Mississquoi County, Quebec, 25 May 1870. With advance knowledge of the raid, the Mississquoi Home Guard (a group of local volunteers known as the "Red Sashes") was prepared and waiting for the incursion at a dominant feature known as Eccles Hill. Colonel John O'Neill had assembled a force of 800 Fenians at Franklin, Vermont. On 25 May 1870, O'Neill led 200 of the Fenians across the border into Quebec. From their prepared positions atop Eccles Hill, the volunteers of the Mississquoi Home Guard opened fire, killing six of the Irish-Americans; the rest of the Fenians scattered. When additional units of the Canadian Militia (including the Richelieu Light Infantry, the 52<sup>nd</sup> Waterloo Battalion, and the 60<sup>th</sup> Mississquoi Battalion) came up to support the Home Guard, the Fenians retreated back across the border. Here they were arrested by the American authorities for violating the Neutrality Act.
  5. Pembina Raid, Pembina, North Dakota, 05 October 1871. Led by the ubiquitous and determined John O'Neill, this was the last of the Fenian-inspired raids into Canada. Support for these raids within the Irish-American population in general and the Fenian Brotherhood in particular had all but disappeared. In fact, the Pembina Raid was not sanctioned by the hierarchy of the Fenian movement and technically, therefore, the participants were not acting as Fenians. John O'Neill led 35 followers into Manitoba, from Pembina, North Dakota, on 05 October 1871. It was vainly hoped that the local Métis would rise in support of the Fenians. O'Neill and his men did manage to capture a small Hudson's Bay Company post, just north of the U.S.-Canada border. However, returning to American soil, O'Neill and his supporters were apprehended and disarmed by U.S. troops. This marked the end of the Fenian Raids.

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<sup>41</sup> For example, in the face of the perceived Fenian threat of May-June 1866, 14,000 officers and men of the Active Militia were called up on 31 May; two days later, a further 6,000 were put on active service.

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Previously, in March 1866, in the belief that the Fenians might invade Canada on St. Patrick's Day, 14,000 men had been called out from 07-31 March.

<sup>42</sup> Troublous Times in Canada, A History of the Fenian Raids of 1866 and 1870: The Governor-General's Body Guard, 25 March 2011, <http://www.canadiangenealogy.net/fenian/governor-general.htm>. Among the Militia Corps that were rushed to Toronto during the crisis of June 1866, were several from Cobourg; in fact Cobourg was very well represented in this ad hoc Toronto garrison. These Cobourg corps included the Cobourg Cavalry (3<sup>rd</sup> Provisional Regiment of Cavalry), 40 men and horses under Colonel D'Arcy Boulton; Cobourg Battery (Garrison Artillery), 46 men under Captain Dumble; Cobourg Infantry (2<sup>nd</sup> Volunteer Militia Company of Infantry of Cobourg) 45 men under Captain Elliott; and the Cobourg Rifles (1<sup>st</sup> Volunteer Militia Rifle Company of Cobourg), 47 men under Captain Henry Smith. The Cobourg contingent numbered 178 officers and men out of a total force of 457, making it by far the most significant contingent. Other corps came from Peterborough, Bowmanville, Campbellford, Port Hope, Ashburnham, and Lakefield. The complete audit of this force is as follows: "Toronto was well garrisoned with troops which arrived on Sunday, among which were the following: The Cobourg Cavalry, Col. Boulton, 40 men and 40 horses; Cobourg Battery, Capt. Dumble, 46 men; Ashburnham Infantry, Capt. Rogers, 32 men; Peterboro Infantry, Capt. Kennedy, 50 men; Campbellford Infantry, Capt. Lin, 40 men; Lakefield Infantry, Capt Leigh, 31 men; Cobourg Infantry, Capt. Elliott, 45 men; Peterboro Rifles, Capt Poole, 44 men; Cobourg Rifles, Capt. Henry Smith, 47 men; Bowmanville Rifles, Lieut.-Col. Cubitt, 40 men; Port Hope Rifles, Capt. Williams, 42 men, and several other companies which arrived later.

<sup>43</sup> Fetherstonhaugh, R.C., op. cit., p. 414.

<sup>44</sup> Domestic Military Organization 1900-1999, 01 Jan 2011, <http://www.canadiansoldiers.com/organization/districts.htm>. Since 1868, the 6<sup>th</sup> Brigade Division, as well as the 7<sup>th</sup> Brigade Division, had made up Military District No. 3, headquartered at Kingston, Ontario. While Major Henry Smith was the Brigade Major of the 6<sup>th</sup> Brigade Division, Lieutenant-Colonel PW Worsley, late of the 60<sup>th</sup> Foot, was the Brigade Major of the 7<sup>th</sup> Brigade Division. Their immediate superior was Colonel Samuel P. Jarvis, CMG (succeeded by Lieutenant-Colonel Bowen Van Straubenzee, late of the 100<sup>th</sup> Foot/Leinster Regiment, on 06 May 1876; in 1885, during the North West Rebellion, he served on the staff of Major-General FD Middleton as Infantry Brigadier), the Deputy Adjutant General (D.A.G.) of Military District No. 3 at Kingston, and the Military District No. 3 District Paymaster, Lieutenant-Colonel MW Strange. The D.A.G. in turn would have reported directly to the Adjutant-General in Ottawa. A military district headquarters was directly responsible to Militia Headquarters in Ottawa for the training and administration of all the Militia units in its area of responsibility. At this time, the Dominion as a whole was organized into nine military districts, each military district consisting of two or three brigade divisions. Several county-based battalions would be grouped into a brigade division. Thus 6<sup>th</sup> Brigade Division was responsible for the units of the Non-Permanent Active Militia located in the Northumberland, Durham, Peterborough, and Victoria Counties of Ontario. The area of responsibility for 7<sup>th</sup> Brigade Division included the counties of Addington, Frontenac, Hastings, Lennox, and Prince Edward, and the city of Kingston. By 1895 there were a total of 12 Military Districts. These included:

1. Military District No. 1, headquarters London, Ontario: 1<sup>st</sup> and 2<sup>nd</sup> Brigade Divisions;
2. Military District No. 2, headquarters Toronto, Ontario: 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Brigade Divisions;
3. Military District No. 3, headquarters Kingston, Ontario: 6<sup>th</sup> and 7<sup>th</sup> Brigade Divisions;
4. Military District No. 4, headquarters Ottawa, Ontario: 8<sup>th</sup> Brigade Division;
5. Military District No. 5, headquarters Montreal, Quebec: 1<sup>st</sup> and 2<sup>nd</sup> Brigade Divisions of Quebec;
6. Military District No. 6, headquarters St.-Jean, Quebec: 3<sup>rd</sup> and 4<sup>th</sup> Brigade Divisions of Quebec;
7. Military District No. 7, headquarters Quebec City, Quebec: 5<sup>th</sup> and 6<sup>th</sup> Brigade Divisions of Quebec;
8. Military District No. 8, headquarters Fredericton, New Brunswick: 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Brigade Divisions of New Brunswick;
9. Military District No. 9, headquarters Halifax, Nova Scotia: 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Brigade Divisions of Nova Scotia;
10. Military District No. 10, headquarters Winnipeg, Manitoba: no Brigade Divisions, responsible for Manitoba, NW Ontario, North-West Territories (Saskatchewan), and Keewatin District;

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11. Military District No. 11, headquarters Victoria, British Columbia: no Brigade Divisions, responsible for British Columbia;
  12. Military District No. 12, headquarters Charlottetown, Prince Edward Island: No. 1 King's County Regimental Division, No. 2 Prince County Regimental Division, and No. 3 Queen's County Regimental Division; and
  13. Military District No. 13 (created in 1907): responsible for Alberta and the Territory of Mackenzie.

<sup>45</sup> A tantalizing, if very tenuous, possibility exists of a social connection with Colonel Walker Powell, from 1868-1895 the most senior and influential Canadian officer serving in the Canadian Militia. Powell was born at Waterford, County Norfolk, Upper Canada on 20 May 1828. Not surprisingly, his paternal grandfather was a United Empire Loyalist. He was educated at the Norfolk County Grammar School and, interestingly, at the Victoria College of Cobourg. He had joined the Militia as an officer in 1847, eventually becoming the Adjutant of the 1<sup>st</sup> Norfolk Regiment. Walker Powell came from a wealthy, politically-connected and prominent family and was serving as a Militia officer himself. It is at least possible that while attending Victoria College, Powell made a connection with Lieutenant-Colonel William Smith, former British officer and local Militia stalwart. In the 1850s Powell went on to become an extremely successful businessman and politician at Port Dover, Canada West. From 1857-1861 he sat as the elected member from his county in the Canadian legislative assembly. Walker Powell's military career prospered as well. On 19 August 1862 he was appointed the Deputy Adjutant-General for Canada West. In 1868 he became the Deputy Adjutant-General for Canada. Promoted to Colonel in 1873, Powell was named as Acting Adjutant-General. In 1875 he was confirmed as Adjutant-General, a post he held until he retired on 31 December 1895. Powell was the first Canadian to hold this post. Walker Powell was known as a political realist and for his discretion. A moderate reformer, he was widely respected by Canadian politicians of all persuasions and had immense institutional influence. Undoubtedly his support would have been of decisive importance to the career of any Militia officer. The following is a partial list of Adjutant-Generals of the Canadian Militia from 1865-1907:

1. Colonel Sir Patrick Leonard MacDougall, May 1865 – April 1869;
2. Lieutenant-Colonel Patrick Robertson-Ross, 09 May 1869 – August 1873;
3. Colonel Walker Powell (Acting), August 1873 – 01 Oct 1874;
4. Major-General Sir Edward Selby Smyth, 01 October 1874 – 21 April 1875 (thereafter General Officer Commanding the Canadian Militia);
5. Colonel Walker Powell, 21 April 1875 – 31 December 1895;
6. Colonel the Honourable Matthew Aylmer, 01 January 1896 - 01 November 1904;
7. Colonel Beaufort Henry Vidal, 01 November 1904 – 01 April 1907.

From 1875, the position of Adjutant-General became subordinate to that of the newly created General Officer Commanding the Forces (Canada), with the latter commanding the Canadian Militia. This appointment existed from 1875-1904 and was held by a British Regular officer with the rank of Major-General. In 1904, with the departure from Canada of the last British garrison troops imminent, the position of General Officer Commanding the Forces was replaced by that of Chief of the General Staff. The following is a list of the General Officers Commanding the Canadian Militia from 1875-1904:

1. Major-General Sir Edward Selby Smyth, 21 April 1875 - 31 May 1880;
2. Major-General Richard George Amherst Luard, 05 August 1880 – 05 March 1884;
3. Major-General Fredrick Dobson Middleton, 13 July 1884 – July 1890;
4. Major-General Ivor John Caradoc Herbert (Lord Treowen), November 1890 – February 1895;
5. Major-General Sir William Julius Gascoigne, 19 September 1895 – 30 June 1898;
6. Major-General Sir Edward Thomas Henry Hutton, August 1898 – 15 February 1900;
7. Major-General Richard O'Grady Haly, July 1900 – July 1902; and
8. Major-General Douglas Mackinnon Baillie Hamilton (the 12<sup>th</sup> Earl of Dundonald), 24 July 1902 – 26 July 1904.

The following is a list of Chiefs of the General Staff from 1904, when the position was created, until 1920:

1. Brigadier-General Sir Percy Henry Noel Lake, 1904- March 1908;
2. Brigadier-General Sir William Dillon Otter, 01 April 1908 – November 1910;
3. Major-General Sir Colin John Mackenzie, November 1910 – July 1913; and

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4. Major-General Sir Willoughby Garnons Gwatkin, July 1913 – 1920.

In both theory and practice, the position of General Officer Commanding the Canadian Militia/Chief of the General Staff was subordinate to that of the Minister of Militia and Defence, a powerful political figure with tremendous patronage dispensing power. The following politicians held this ministerial position from 1855-1920:

1. Etienne-Paschal Tache, Liberal-Conservative Party, 1855-1860;
2. John A. MacDonald, Liberal-Conservative Party, 1860-1867;
3. George-Etienne Cartier, Liberal-Conservative Party, 01 July 1867 – 20 May 1873;
4. Sir Hector-Louis Langevin (Acting), Liberal-Conservative Party, 21 May 1873 – 30 June 1873;
5. Hugh McDonald, Liberal-Conservative Party, 01 July 1873 – 04 November 1873;
6. Lieutenant-Colonel William Ross, Liberal Party, 07 November 1873 – 29 September 1874;
7. William Berrian Vale, Liberal Party, Liberal Party, 30 September 1874 – 20 January 1878;
8. Alfred Gilpin Jones, Liberal Party, 21 January 1878 – 08 October 1878;
9. Louis F.R. Masson, Conservative Party, 19 October 1878 – 15 January 1880;
10. Sir Alexander Campbell, Conservative Party, 16 January 1880 – 07 November 1880;
11. Sir Adolphe-Phillipe Caron, Conservative Party, 08 November 1880 – 24 January 1892;
12. Lieutenant-Colonel Sir Mackenzie Bowell, Conservative Party, 25 January 1892 – 24 November 1892;
13. James Colebrooke Patterson, Conservative Party, 05 December 1892 – 26 March 1895;
14. Arthur Rupert Dickey, Conservative Party, 26 March 1895 – 05 January 1896;
15. Sir Mackenzie Bowell (Acting), Conservative Party, 06 January 1896 – 14 January 1896;
16. Alphonse Desjardins, Conservative Party, 15 January 1896 – 27 April 1896;
17. David Tisdale, Conservative Party, 01 May 1896 – 08 July 1896;
18. Sir Frederick William Borden, Liberal Party, 13 July 1896 – 06 October 1911;
19. Colonel Sir Sam Hughes, Conservative Party, 10 October 1911 – 11 November 1916;
20. Albert Edward Kemp, Conservative Party, 23 November 1916 – 11 October 1917; and
21. Sydney Chilton Mewburn, Conservative-Unionist Party, 12 October 1917 – 15 January 1920.

<sup>46</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, A.M. Hakkert Ltd., Toronto, 1974, pp. 151-152. This was written by Sam Hughes to William D. Otter in February 1896, at a time when Hughes and other Ontario Conservative MPs and members of the powerful Militia Parliamentary Lobby were actively campaigning to have Henry Smith appointed Adjutant-General in place of Colonel Walker Powell.

<sup>47</sup> Morton, Desmond, *Ministers and Generals: Politics and the Canadian Militia, 1868-1904*, University of Toronto Press, Toronto, 1970, pp. 56-57.

<sup>48</sup> Ibid, p. 56.

<sup>49</sup> See Northumberland West (Cobourg) Census of 1881. This census, taken in 1881, clearly indicates that Smith and his family had remained in Cobourg, following his own dismissal as a Brigade Major in 1876 and the mass transfers of Militia staff officers, including all Brigade Majors, which had taken place in November 1880.

<sup>50</sup> Fetherstonhaugh, R.C., op. cit., p. 6.

<sup>51</sup> Foster, J.A., op. cit., p. 59.

<sup>52</sup> Horn, Colonel Bernd, *Establishing a Legacy: The History of The Royal Canadian Regiment 1883-1953*, Dundurn Press, Toronto, 2008, p. 16.

<sup>53</sup> Fetherstonhaugh, R.C. op. cit., p. 5-6.

<sup>54</sup> Horn, Colonel Bernd, op. cit., p. 17.

<sup>55</sup> Harris, Stephen J., *Vidal, Beaufort Henry*, 15 Jan 2011, [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=7118&&PHPSESSID=yhzfqkvzape](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=7118&&PHPSESSID=yhzfqkvzape). Major-General Richard Luard was General Officer Commanding the Canadian Militia from 1880-1884. Adolphe-Phillipe Caron was the Conservative Minister of Militia and Defence in Prime Minister John A. MacDonald's cabinet from November 1880 – January 1892. Caron forced Luard's removal in 1884, over Luard's continual criticism of the Non-Permanent Active Militia.

<sup>56</sup> Fetherstonhaugh, R.C., op. cit., p. 51. Without a designated Regimental commander, command of and overall responsibility for the Infantry School Corps was exercised by the Adjutant-General from Militia

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Headquarters at Ottawa. The Adjutant-General in turn was responsible to the General Officer Commanding the Forces (Canada), a British Major-General. From 1875 until 31 December 1895, the Adjutant-General of the Canadian Militia was Colonel Walker Powell, a Canadian officer. He was succeeded on 01 January 1896 by Colonel the Honourable Mathew Aylmer. This state of affairs finally ended on 05 September 1896 with the appointment of Lieutenant-Colonel George J. Maunsell, of the Fredericton Station, to take command of the Regiment.

<sup>57</sup> Ibid, pp. 6-12. Lieutenant-Colonel George James Maunsell was Commandant of the Fredericton Station, with Major William Dunlop Gordon commanding A Company; Lieutenant-Colonel Gustave d'Orsonnens was Commandant of the St.-Jean, Quebec Station, with Major Beauford Henry Vidal commanding B Company.

<sup>58</sup> Ibid, pp. 6, 55, 400, 404, 414. Also Dictionary of Canadian Biography Online: Otter, Sir William Dillon, 04 Jan 2011, [http://www.biographi.ca/009004-119.01-e.php?&id\\_nbr=7848](http://www.biographi.ca/009004-119.01-e.php?&id_nbr=7848). General Sir William D. Otter, K.C.B., C.V.O., V.D., would have a very long and distinguished career in the Canadian Militia. Born on 03 December 1843 at Corners (Clinton), Ontario, he was educated at Goderich and Model Grammar Schools and then at Upper Canada College in Toronto. William Otter enlisted as a Private in the Victoria Rifle Company of Toronto (later the Queen's Own Rifles of Canada) in 1861 and was commissioned while serving in this unit in December 1864. He was made Adjutant with the rank of Captain on 25 August 1865. As Adjutant in 1866 he would see action at the Battle of Ridgeway (02 June 1866), at the beginning of the Fenian Raids. Otter was promoted to Major in 1869 and then to Lieutenant-Colonel in 1874. By 1875 he had become only the third Commanding Officer of the Queen's Own Rifles. He would see active service in three conflicts; the Fenian Raids, 1866-71 (General Service Medal with two clasps); the North West Rebellion, 1885 (campaign medal with clasp, Mentioned in Despatches); and the South African War, 1899-1902 (Mentioned in Despatches, wounded). He was also awarded the Queen's Medal with four clasps. Lieutenant-Colonel Otter was enrolled in the Permanent Force from the 2<sup>nd</sup> Battalion, the Queen's Own Rifles of Canada, on 21 December 1883. He was Commandant of the Toronto Station of the Infantry School Corps from 1883-1896, with a salary of \$5.25 a day. During the North West Rebellion, Otter had commanded the Battleford Column, which had relieved Battleford, 24 April 1885, and defeated Poundmaker at the Battle of Cut Knife Creek, 02 May 1885. He served concurrently as the Deputy Officer Commanding Military District (DOCMD) Number Two from 1886. In 1896 Otter was named Inspector of Infantry. Lieutenant-Colonel Otter commanded the Royal Regiment of Canadian Infantry/Royal Canadian Regiment of Infantry from 15 July 1898 – 28 September 1899. He commanded the First Canadian Contingent to serve overseas in the South African War, the 2<sup>nd</sup> (Special Service) Battalion, Royal Canadian Regiment of Infantry from 29 September 1899 – 23 December 1900. Otter was promoted to full Colonel on 28 September 1900. Colonel Otter founded the Royal Canadian Military Institute at Toronto in 1891. He would subsequently command Military District Number 2 and on 05 April 1905 assume command of Western Ontario Command with the temporary rank of Brigadier-General. Promoted to substantive Brigadier-General, William D. Otter was appointed Chief of the General Staff on 01 April 1908, serving until November 1910. He was the first Canadian born officer to hold this appointment, having succeeded a British officer, Brigadier-General Sir Percy Lake. Promoted to Major-General, Otter served as Inspector-General of the Canadian Militia from November 1910 – 01 December 1912, then retiring at the age of 69. He was knighted in 1913. His book, "A Guide: A Manual for the Canadian Militia (Infantry)," was published in 1914. Major-General Otter was brought out of retirement during the First World War, 1914-18, to take charge of internment operations directed at enemy aliens. Following the war, he headed the Otter Commission, 1919- June 1920. The Commission advised on the reorganization of the Canadian Militia. It also established linkage between Great War units of the Canadian Expeditionary Force (CEF) and the institutionally separate Canadian Militia, whereby the achievements and battle honours of the former could be perpetuated by the latter. On 09 March 1922 William Otter became only the second Canadian officer, after Arthur Currie, to be made a full General. At the same time his name was transferred to the retired list. General Otter became the Honourary Vice-President of The Royal Canadian Regiment Old Comrades Association in 1926. Finally, he served as Honourary Colonel of The Royal Canadian Regiment from 04 April 1929 – 06 May 1929. General Sir William Otter died suddenly on 06 May 1929.

<sup>59</sup> Ibid, p. 414.

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- <sup>60</sup> Privy Council Order-in-Council 1883-1952, dated 24 September 1883.
- <sup>61</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., pp. 94-95.
- <sup>62</sup> New Fort York, 01 Jan 2010, [http://en.wikipedia.org/wiki/New\\_Fort\\_York](http://en.wikipedia.org/wiki/New_Fort_York). New Fort Barracks (also known as New Fort York) was built by the Royal Engineers in 1840-41 at the mouth of Garrison Creek, Toronto, to replace Old Fort York. It consisted of seven main buildings made from limestone, a number of lesser buildings, a parade ground and stockade. The largest building was the Officers Quarters, with the lesser structures housing troops and stores. New Fort Barracks was garrisoned by British Regular troops from 1841-1870, thereafter it was manned by Canadian soldiers from 1870-1947. One company of The Royal Canadian Regiment was stationed at New Fort Barracks (Stanley Barracks) from 1884-1914 and from 1920-1939: C Company, 1884-1894; No. 2 Company, 1894- 09 October 1905; No. 9 Company (briefly and initially known as No. 7 Company), 09 October 1905 – February 1907; I Company, February 1907 – 04 August 1914; B Company, 20 September 1920 – November 1939. New Fort Barracks was renamed Stanley Barracks in 1893, in honour of the serving Governor-General of Canada, Lord Stanley of Preston (1888-1893). In 1953 Stanley Barracks was largely demolished. Only the building that housed the Officers Quarters and Mess still exists, located on the grounds of the Canadian National Exhibition (CNE).
- <sup>63</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 17, 95-96. Colour Sergeant Gathercole was subsequently broken to the rank of Corporal from drunkenness on duty.
- <sup>64</sup> Fetherstonhaugh, R.C., op. cit., pp. 12-13.
- <sup>65</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., pp. 95-97.
- <sup>66</sup> Foster, J.A., op. cit., p.61.
- <sup>67</sup> Fetherstonhaugh, R.C., op. cit., pp. 14, 21-25.
- <sup>68</sup> Ibid, p. 25.
- <sup>69</sup> Ibid, p. 23.
- <sup>70</sup> Beal, Bob and MacLeod, Rod, *Prairie Fire: The 1885 North-West Rebellion*, McClelland and Stewart Inc, Toronto, 1994, pp. 228-234.
- <sup>71</sup> Fetherstonhaugh, R.C., op. cit., pp. 25-27.
- <sup>72</sup> Horn, Colonel Bernd, op. cit., p. 22. Colonel Horn is quoting from C.P. Mulvaney, *The North-West Rebellion*, A.H. Hovey & Co., Toronto, 1885.
- <sup>73</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 120.
- <sup>74</sup> Beal, Bob and MacLeod, Rod, op. cit., p. 262.
- <sup>75</sup> Ibid, pp. 263-264.
- <sup>76</sup> Smith, Major Henry, *Report to Maj Gen F Middleton from Maj H Smith, ISC, - Batoche, 13 May, 1885*, Extract from Militia General Order 24, dated 30 Oct 1885. Other accounts exist of Major Smith's adventure aboard the SS Northcote during the operation to capture Batoche, but his own dispatch written to Major-General FD Middleton on 13 May 1885, is the most detailed and complete. See also Horn, Col Bernd, op. cit., pp. 25-27. Colonel Horn's account also includes a photograph of the S.S. Northcote.
- <sup>77</sup> Louis Riel would subsequently be tried for treason at Regina and was hung on 16 November 1885.
- <sup>78</sup> Fetherstonhaugh, R.C., op. cit., p. 40. Lieutenant JW Sears had acted as the Brigade Major of Otter's Battleford Column. He was Mentioned in Despatches twice, first for his conduct at the Battle of Cut Knife Creek and then again during the subsequent pursuit of Chief Poundmaker. Surgeon FW Strange was the Brigade Surgeon with Otter's Column and was warmly commended for his treatment of the wounded at Cut Knife Creek.
- <sup>79</sup> Horn, Colonel Bernd, op. cit., p. 29.
- <sup>80</sup> Fetherstonhaugh, R.C., op. cit., p. 414.
- <sup>81</sup> Wolseley Barracks, 31 Dec 2010, <http://www.londonhistory.org/wolseley.htm>. The London Infantry School (including Wolseley Hall or the "A" Block) was built in 1886 to house the recently authorized London Infantry School and D Company of the Infantry School Corps. The complex was built on Carling Heights, located at that time on the very outskirts of London. This had been a farm property formerly belonging to John Carling, son of the brewer and one of John A. MacDonald's cabinet ministers, and had been relinquished by the City of London in exchange for property owned by the Canadian Militia located in downtown London, at Victoria Park (there had been a British garrison located on this site following the Upper Canada Rebellion of 1837-38). Carling's farm had been the site of Militia summer training camps



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since the mid-1860s. The London Infantry School had the distinction of being the very first purpose-built military post constructed by the Canadian government. It was designed by Henry James, an engineer for the Department of Militia and Defence. The post was officially named Wolseley Barracks in 1899, in honour of Field Marshal Viscount Wolseley of Cairo, the first ever Honourary Colonel of The Royal Canadian Regiment (01 July 1899 – 25 March 1913). On 01 April 1966, Wolseley Barracks was renamed Canadian Forces Base London. This was the home of 1<sup>st</sup> Battalion The Royal Canadian Regiment until 1992, when the Battalion was re-located to Petawawa, Ontario. Wolseley Barracks today is the site of The RCR Regimental Museum (located in the “A” Block) and the home of 4<sup>th</sup> Battalion The Royal Canadian Regiment, a Militia unit. One company of The Royal Canadian Regiment was stationed at Wolseley Barracks from 1887-1914 and from 1923-1939. These companies were: D Company, 1887-1894; No. 1 Company, 1894 – 09 October 1905; No. 10 Company, 09 October 1905 – February 1907; K Company, February 1907 – 04 August 1914; C Company, 23 April 1923 – 14 November 1939. N.B. B Company was located at Tecumseh Barracks, London, Ontario, from 07 December 1920 – 24 April 1923.

<sup>82</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 258.

<sup>83</sup> Privy Council Minutes, 18-19 July 1887.

<sup>84</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 138.

<sup>85</sup> Ibid, pp. 138-139.

<sup>86</sup> Privy Council Order-in-Council 1888-0759, dated 23 April 1888. At this same time, the following officers were appointed as Deputy Adjutant-Generals:

1. Lieutenant-Colonel Bowen Van Straubenzee – Military Districts No. 3 and No. 4;
2. Lieutenant-Colonel CF Houghton – Military District No. 5;
3. Lieutenant-Colonel E. Lamontagne - Military District No. 6;
4. Lieutenant-Colonel H. Villiers – Military District No. 10.

<sup>87</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 247.

<sup>88</sup> Fetherstonhaugh, R.C., op. cit., pp. 34-44.

<sup>89</sup> Ibid, pp. 44-47.

<sup>90</sup> Ibid, p. 47.

<sup>91</sup> Ibid, p. 414.

<sup>92</sup> Domestic Military Organization 1900-1999, 01 Jan 2011,

<http://www.canadiansoldiers.com/organization/districts.htm>. With headquarters at London, Ontario, Military District Number One consisted of the 1<sup>st</sup> and 2<sup>nd</sup> Brigade Divisions. The former brigade division included Bothwell, Elgin, Essex, Kent, Lambton, Middlesex, and Oxford Counties and the city of London; 2<sup>nd</sup> Brigade Division embraced Bruce, Huron, Perth, Waterloo, and Wellington Counties. In effect, as Commander of Military District Number One, Lieutenant-Colonel Smith was personally responsible to Militia Headquarters in Ottawa for the training and administration of all Militia units in Western Ontario.

<sup>93</sup> Vidal, a Major in the 12<sup>th</sup> Battalion of Infantry (York Rangers), received an appointment in the Infantry School Corps as a Captain (Brevet Major) in direct command of B Company at St.-Jean, Quebec. This came largely as a result of his connections in the Conservative Party. Following his tenure in London as Commandant of Regimental Depot No. 1, 1896-97, Lieutenant-Colonel Vidal attended special staff training in England and was then transferred to St.-Jean on 27 September 1897 as Commandant of Regimental Depot No. 3. From 1898-1900 he commanded Military District No. 8 at Fredericton, New Brunswick. Vidal commanded 3<sup>rd</sup> (Special Service) Battalion, The Royal Canadian Regiment of Infantry from April-July 1900. In 1901 he was posted into Militia Headquarters in Ottawa as Deputy Adjutant-General. Subsequently, Colonel Vidal served as Adjutant-General, the Canadian Militia's senior administrative officer, from 01 November 1904 – 01 April 1907. Promoted to Brigadier-General, he succeeded Major-General Sir Matthew Aylmer (Lord Aylmer) as Inspector General on 01 April 1907. Brigadier-General Beaufort Henry Vidal died of a heart attack while in this latter appointment on 02 March 1908.

<sup>94</sup> Privy Council Order-in-Council 1898-1804, dated 06 July 1898. At this same time, Lieutenant-Colonel George J. Maunsell, the first Commanding Officer of The Royal Canadian Regiment (05 September 1896 -

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20 July 1898) and Commandant of Regimental Station No. 4 (Fredericton), was also retired. One can assume that Smith and Maunsell received gratuities of at least \$3,400 each.

<sup>95</sup> Ward, Ciara, op. cit.

<sup>96</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 259. When pensions were introduced in 1901, Colonel William Otter, who was earning an annual salary of \$2,280, plus a rental allowance of \$500, was required to contribute \$150 a year into his pension plan.

<sup>97</sup> Ibid, pp 390, 393. A predecessor of Smith's as editor of the Gazette was Captain Fred Dixon. A Non-Permanent Active Militia officer, he accompanied Canada's First Contingent to South Africa in October 1899 as the Historical Recorder. Dixon's sudden departure for overseas duty would have likely prompted the appointment of Henry Smith to the vacant editorship of the Canadian Military Gazette.

<sup>98</sup> All 63 volumes of the Canadian Military Gazette are available for viewing on microfilm in the Microfilm Room at the Royal Military College's library, Kingston, ON.

<sup>99</sup> The so-called "Parliamentary Colonels." Included among their ranks had once been Lieutenant-Colonel Sir Mackenzie Bowell, Conservative prime minister from 21 December 1894 – 27 April 1896. By the turn of the century, Colonel Sam Hughes, former Commanding Officer of the 45<sup>th</sup> Norfolk Regiment, MP and Conservative Militia and Defence critic, had emerged as the chief spokesmen for the Militia (i.e. Non-Permanent Active Militia) Lobby in the House of Commons.

<sup>100</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 269.

<sup>101</sup> Madsen, Chris, *Another Kind of Justice: Canadian Military Law from Confederation to Somalia*, UBC Press, Vancouver, 2000, pp. 40-42. Madsen states categorically in his book that there was a long-standing personal relationship between Henry Smith and Dr. Frederick Borden, the Minister of Militia and Defence, and that on this occasion and others over the next several years, Borden acted to further the interests and career of Smith. However, it is not readily apparent where the connection was made between the Nova Scotia politician, country doctor, and military surgeon, and the Ontario-based Militia officer.

<sup>102</sup> Ibid, p. 41.

<sup>103</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 269.

<sup>104</sup> Ibid, p. 291.

<sup>105</sup> Ibid, p. 290-292. During the First World War when irrefutable evidence and testimony from the trenches was condemning the Ross rifle as an infantry weapon, Hughes continued to throw all his support as Minister behind retention of the rifle.

<sup>106</sup> Ibid, pp. 309-310.

<sup>107</sup> The Adjutant-General at this time was Colonel Sir Matthew Aylmer (Lord Aylmer). Aylmer was Adjutant-General from 01 January 1896 - 01 November 1904. He had succeeded Colonel Walker Powell. Promoted to Brigadier-General, Lord Aylmer was Inspector General of the Canadian Militia from 01 November 1904 – 01 April 1907. He retired in 1907 as a Major-General.

<sup>108</sup> Madsen, Chris, op. cit., p. 41.

<sup>109</sup> Privy Council Order-in-Council 1903-1766, dated 24 September 1903.

<sup>110</sup> *The Canadian Military Gazette*, 03 November 1903 Issue, Toronto, 1903, p. 7.

<sup>111</sup> Militia General Orders 1903, Militia General Order 159, 02 November 1903, Distribution of Duties. Part of the Headquarters Staff (along with the Intelligence Branch, Military Secretary's Branch, Quartermaster General's Branch, Engineer Services Branch, Ordnance branch, and Medical Services Branch) and directly responsible to the General Officer Commanding, the Adjutant-General's Branch duties and responsibilities were described as following in Militia General Orders:

(a) The Adjutant General shall be charged, under the control of the General Officer Commanding, with interior economy, military education and training of officers, warrant officers, non-commissioned officers and men of the militia. With the matter relating to the general efficiency of the militia, and effective strength of its units. With the allocation of the troops to their respective duties. With patterns of clothing and necessaries. With enlisting men for and discharging men from the militia. With establishments, grants to rifle associations and bands, canteens, and the using of ranges, the preparation of General Orders, records of service, historical questions and archives; official militia list; revision of Regulations and Orders; dealing with returns and states, and issue of militia forms. He shall also be charged with the organization



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and training of cadet corps. With annually submitting proposals for the establishments for all the above services.

<sup>112</sup> Ibid.

<sup>113</sup> Hopkins, J. Castell (editor), *Canadian Annual Review of Public Affairs 1903*, Annual Review Publishing Company, Limited, Toronto, 1904, p. 403.

<sup>114</sup> The Militia Council had been created in 1904 by Frederick Borden. Through it he expected to exert greater control over and more closely monitor the Canadian Militia. The Militia Council had seven members, four military and three civilian. The military members included the Chief of the General Staff (newly created in 1904 to supersede and replace the position of General Officer Commanding the Forces; Major-General Sir Percy Henry Noel Lake was Chief of the General Staff from 1904-1908), the Adjutant-General, the Quartermaster-General, and the Master General of the Ordnance. The civilian members were the Minister, Deputy Minister and Secretary from the Department of Militia and Defence. At the first sitting of the council in 1904, Frederick Borden, the Minister, was President; the Deputy Minister was L.F. Pinault; E.F. Jarvis; the Chief Clerk of the Militia Department, was Secretary; the Chief of the General Staff was Major-General Sir Percy Lake; the Adjutant-General was Colonel Beauford Henry Vidal; the Quartermaster-General was Colonel DA MacDonald; and the Master-General of the Ordnance was Colonel WH Cotton. In addition, the Department Accountant, JW Borden, was also present.

<sup>115</sup> Madsen, Chris, op. cit., pp. 40-41.

<sup>116</sup> Ibid, p. 43. The basis of Canadian military law at this time was contained in four publications. These were: King's Regulations and Orders (1910), the Manual of Military Law (1907 Edition), Part II of Field Service Regulations, and the Field Service Pocket Book.

<sup>117</sup> In 1906, Lord Aylmer, the Inspector-General, had been retired when he attained the age limit of 65. There were notable exceptions, including Major-General Sir William Otter. He had been allowed to remain in service after 65, but even he was retired in 1912 at the age of 69, very much against his will.

<sup>118</sup> Borden's replacement as Minister of Militia and Defence was the colourful and eccentric Colonel Sam Hughes. Hughes was Minister from 1911-1916.

<sup>119</sup> Ottawa, Central Ward, Ontario Census of 1911.

<sup>120</sup> Hopkins, J. Castell (editor), *Canadian Annual Review of Public Affairs 1914*, Annual Review Publishing Company, Limited, Toronto, 1915, p. 222. Smith was promoted to Brigadier-General at the same time as Col RW Rutherford, DOC Halifax; Col Thomas Benson, Master-General of the Ordnance; and Col WE Hodgins, DOC London.

<sup>121</sup> Morton, Desmond, *The Canadian General: Sir William Otter*, op. cit., p. 263.

<sup>122</sup> Militia General Order No. 61, 23 June 1916.

<sup>123</sup> Madsen, Chris, op. cit., p. 48.

<sup>124</sup> Ibid, p. 48.

<sup>125</sup> Ibid, pp. 43-44.

<sup>126</sup> Report of the Committee of the Privy Council, dated 30 January 1918 (indexed 1171-1/332-106-372). The Legal Branch referred to would subsequently be established on 28 February 1918.

<sup>127</sup> This specific detail supplied by LCol Roger Strum of the JAG Branch.

<sup>128</sup> Madsen, Chris, op. cit., p. 41.

<sup>129</sup> This information (and interpretation thereof) pertaining to Claribel Smith was provided in an E-Mail by Corporal Kevin A. Van Der Linden of the JAG Branch.

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