

THE BANISHED BRITON
AND
NEPTUNIAN:

BEING
A RECORD
OF THE
LIFE, WRITINGS, PRINCIPLES, AND PROJECTS

OF
ROBERT GOURLAY, Esq.

NOW
ROBERT FLEMING GOURLAY.

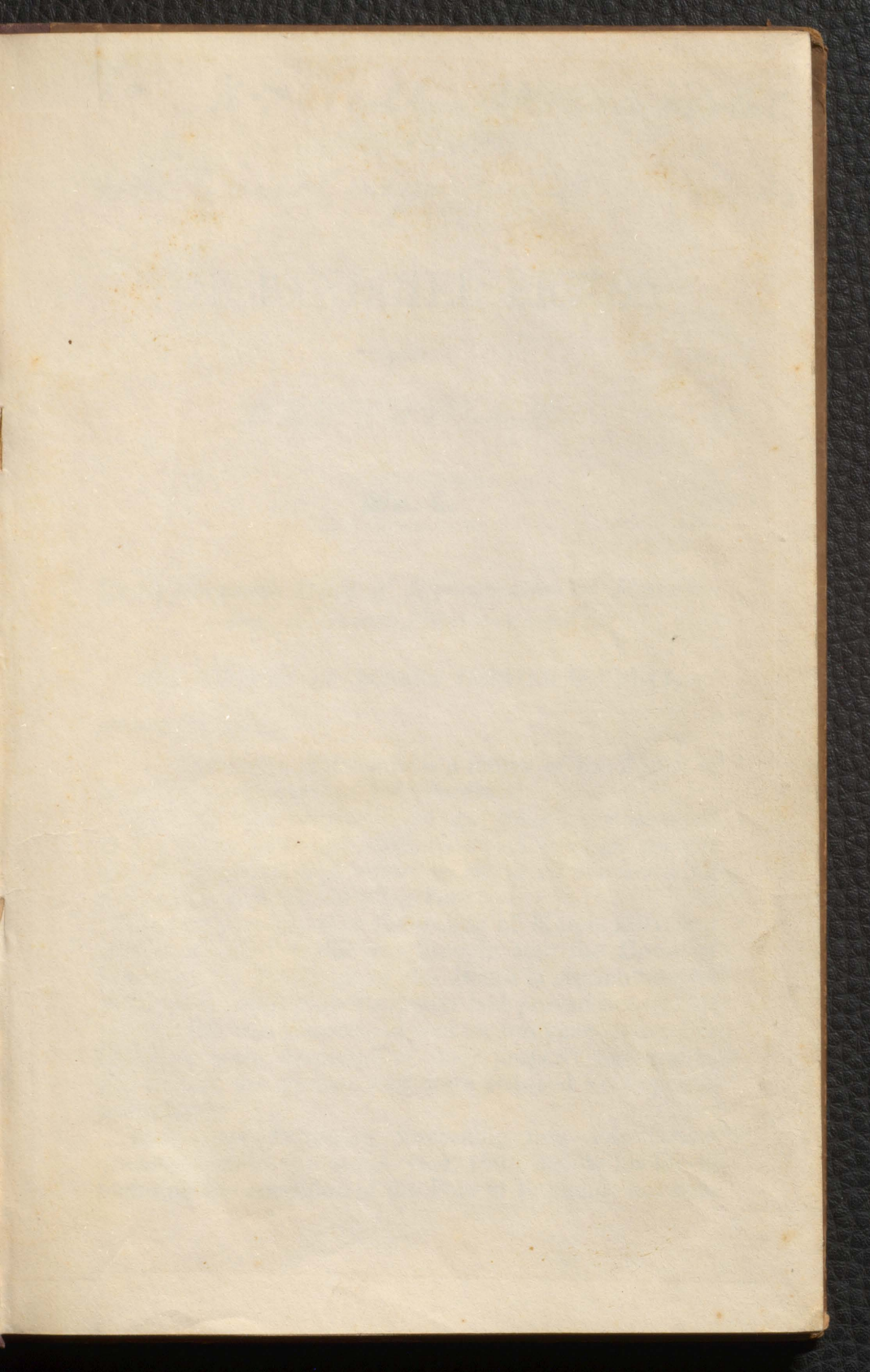


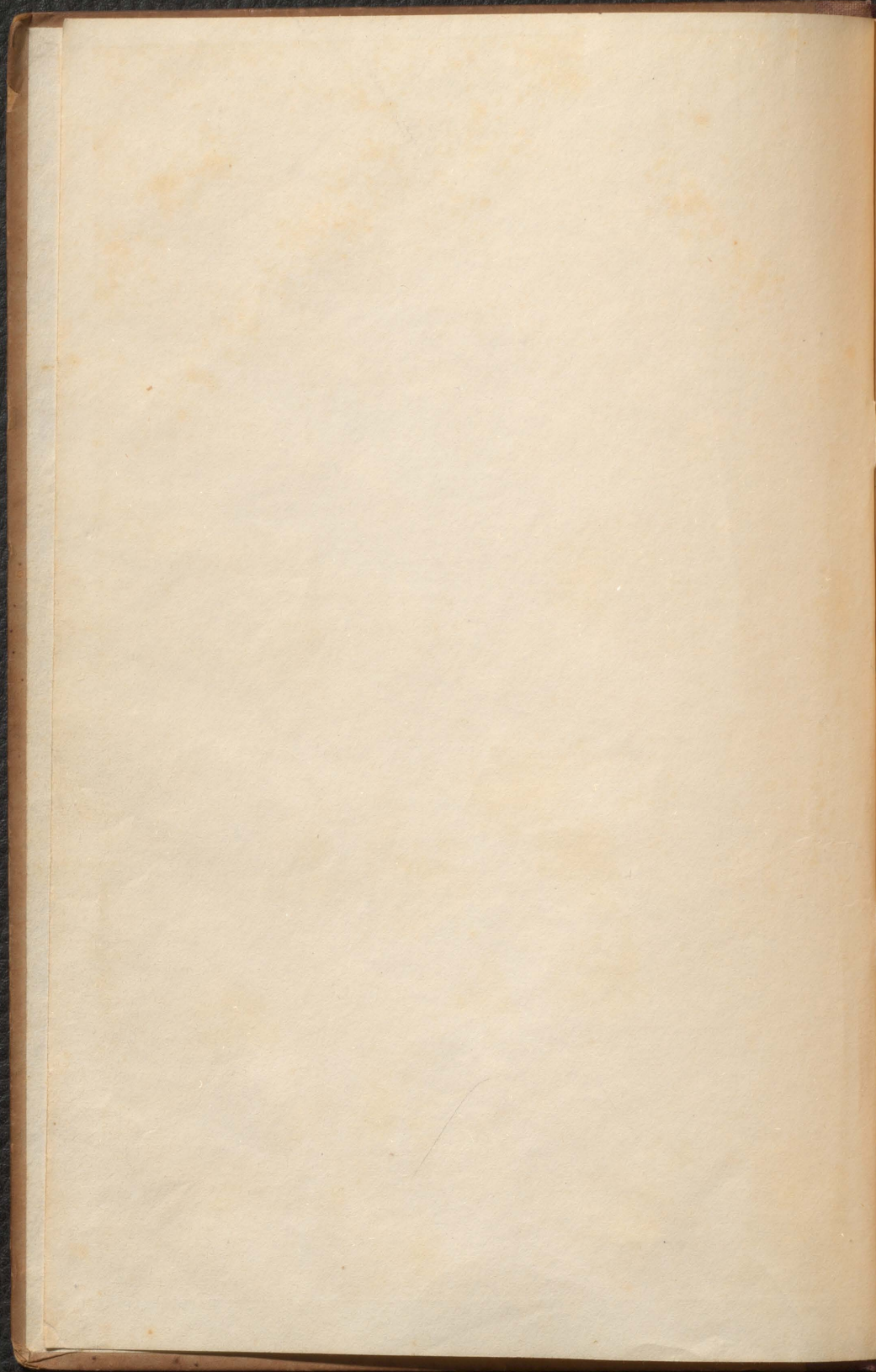
"Oh that I were as in months past, — as in the days when God preserved me: — When his candle shined upon my head; and when, by his light, I walked through darkness: — As I was in the days of my youth, when the secret of God was upon my tabernacle, — When the Almighty was yet with me, — When my children were about me. — But, now, they that are younger than I hold me in derision, whose fathers I would have disdained to have set with the dogs of my flock." — Job xxix and xxx.

BOSTON:
PRINTED BY SAMUEL N. DICKINSON.

1843.

279. Gourlay





To Mr. Hall - Ottawa Hotel
with
Mr. Gowlays kind regards

THE BANISHED BRITON

AND

NEPTUNIAN.

No. 1.

To the Honorable House of Representatives of Massachusetts, in General Court assembled:

THE PETITION OF ROBERT FLEMING GOURLAY,

Humbly Sheweth,

THAT your Petitioner is a native of the Parish of Ceres, in the County of Fife, Scotland;

That, he was employed by the British Government in the years 1800 and 1801, to travel through certain parts of England, and report as to plans for bettering the condition of the laboring Poor;

That, he did report in the month of March, 1801, and that, soon after, a Bill was brought into the House of Lords, by the President of the Board of Agriculture, to accomplish what your Petitioner had proved beneficial; but the Bill was thrown out, and for ten years thereafter the Poor were despoiled of their property and rights, till, in fact, the greater part were reduced to hopeless pauperism;

That, your Petitioner, foreseeing miserable consequences, did, in the same year, 1801, devote his life to bettering the condition of the Poor of England: has con-

tinued true to that resolve ; nor has he yet abandoned his object.

That, in the year 1817, he, with others, had a petition presented to the House of Commons, exhibiting a scheme for relief of the Poor ; but complete fulfilment requiring EMIGRATION, your Petitioner left home the same year, intending to land at New York, there to establish an Emigration Society, and to explain to the people of the United States his projects ; but accident landed him in Canada, and gave rise to other projects for the same end ;

That, in prosecuting these objects, your Petitioner stirred up jealousy in the Province, and was driven out of it ;

That, he went on petitioning the British Parliament, during seven years, viz. from the year 1820 till 1827, inclusive, to draw attention to his benevolent designs, without avail, and did, thenceforth, turn his attention again to America for countenance ;

That, he recrossed the Atlantic, 1833, again intending to establish Emigration Societies, but political ferment did then and till now render all hopeless ;

That, the late treaty with Great Britain has once more revived hope, and he would be happy to lay his projects before the people of the United States, still,

That, the sole object of this Petition is, to record the above facts, with a view to after reference, and he now respectfully entreats your Honorable House will receive and preserve this Petition in order thereto :

And he will ever pray.

ROBERT F. GOURLAY.

Marlboro' Hotel, Boston, }
February 20, 1843. }

N. B. Presented same day, by OBED BARNEY of Nantucket, and received.

TESTIMONIALS.*

TO CULTIVATORS OF WILTSHIRE.

Mr. Gourlay, late of Deptford Farm, now a candidate for the Chair of Agriculture in the Edinburgh University, invites the Cultivators of Wilts, to consider whether he may be qualified to fill that honorable situation.

Published in Salisbury Journal, January 17, 1831.

We the undersigned, Cultivators of land in the County of Wilts, to the extent written opposite our names respectively, are of opinion, from all we know and have heard, that Mr. Gourlay is well qualified to discharge the duties of the above-mentioned very important and highly honorable situation.

H. Biggs of Stockton House, occupying	1,200 acres.
John Davis of Bapton,	1,200
John Davis, Fisherton Delamere,	1,800
Robert Pinckney, Berwick St. James,	1,800
John Marsh, Heytesbury,	1,500
James Slade, Codford St. Peters,	800
Thomas Chandler, Ashton Gifford,	700
Ambrose Patient, Corton,	1,000
John Lush, Warminster,	800
John Bennet, Codford,	1,200
Thomas Bennet, Stockton,	600
William Bennet, Codford,	500
James Maton, Maddington,	1,500
John Perrior, Wily,	
William Fatcher, Tevant,	400
Morgan Blandford, Sutton,	500
All residing within ten miles of Deptford Farm.	

NOTE.

Finding, on my return from Upper Canada, that my whole property was out of possession, I resolved to enter as a student of Law in London; but on consulting my friend, now (1836) Sir John Campbell, Attorney-General of England, (now 1843 elevated to the Peerage, and sitting in the House of Lords,) he told me that the Benchers would not admit me, because of the sentence of banishment from Upper Canada.

In the year 1823 I was advised by a friend to lecture in London on Rural Economy; but, then, tortured with lawsuits in the Court of Chancery and House of Lords, I could not give steady attention to anything.

When the London University was erecting, I wrote to Mr. Hume, one of the Directors, offering myself for a Chair of Agriculture; and, under date July 27, 1827, wrote, thus, to a friend in Scotland (*the letter is printed in the Record of my private affairs*):—"as soon as my affairs are settled, I mean to start as a Land Agent; and my plan is to cross the Atlantic annually. Joined to that, I desire to be Pro-

* Two hundred copies of these and other testimonials were printed in Scotland, in 1831. One copy was brought to America, and a selection reprinted at Cleveland, Ohio, in 1836, with the above note.

fessor of Agriculture in the London University, and shall, this day, dispatch for my daughters a newspaper, containing a letter of mine on that subject, which I wish published in the Fife Herald. I have been a constant student in this place, (*Cold Bath Fields State Prison,*) and am really better qualified than ever for any undertaking. I have kept up correspondence with the United States and Canada, where my present persecution will be even beneficial to me; and an Assemblyman of the latter country, now in London, gives me good assurances." Mr. Hume inquired and informed me, that there was to be no Chair of Agriculture in the London University.

The day that the death of Doctor Coventry, who had been Professor of Agriculture in Edinburgh from the foundation, nearly forty years, was announced in the newspapers, (December 22, 1830,) I addressed a letter to the Lord Provost, offering myself as a candidate, and requesting him to lay my letter, with accompanying documents, before the Council.

Immediately after this, I had various articles printed and circulated among the Cultivators of Fife and Wiltshire, that they might judge of my qualifications for the Professorship:—further, I dispatched, and had published, in the Salisbury Journal, what appears above; and the testimonial, signed by the Cultivators of Wiltshire, reached me on the 5th February, 1831,—the day after a Professor (Mr. Low) was elected by Delegates from the College, Town Council, and Court of Session.*

Will it be believed, that these gentlemen, met thus early and before it was possible for candidates rightly to appear in their own behalf; nay, when many, qualified, throughout the Island, had scarcely time to apply for the Chair;—will it be believed, that such grave personages could meet and settle this point, of which not one of them could be a competent judge without much consultation with others;—will it be believed, that they could meet and record, in their minutes, that "*Mr. Low*" was "*the most accomplished and best qualified of the candidates*" (six in number);—will it be believed, that they could do this, and not even look into the documents sent by me for inspection;—will it be believed, that the Lord Provost suppressed my letter till members of the Town Council had pledged themselves to other candidates;—will it be believed, that my documents were returned to me *unopened!!*

It is all true, as I can prove by official correspondence; and it was to expose this shameful conduct that I then applied to my friends for certificates of character, of which I obtained *ten* from University Professors, *one* from a Civil Engineer, *seven* from Clergymen of the Church of Scotland, *three* from men of business; besides many from Agriculturists of the highest reputation, both in Scotland and England; and, lastly, from old servants, to whom I give the first place. I applied for the Chair, chiefly, that I might have opportunity of putting to shame the infamous scandals against which I had so long, and am still, contending—thinking there might be a comparative trial, before actual Cultivators. Even had I obtained the Chair, I should not have given up my present pursuits; and having *thus* lost it, may I hope, that, I shall be yet better for the loss,—more disentangled for the pursuit of greater objects.

* The Chair of Agriculture was endowed by Sir William Poulteny Johnson;—the same who began the settlement of the Genesee country (Western State of New York) by his agent, Captain Williamson. He ordered, that three Deputies from the Court of Session—the Town Council, and Senatus Academicus, should meet—nine in number—to elect the Professor. No doubt, concluding, that justice would thus be secured, and the public best served. Behold the practical issue!!

FARM SERVANTS.

I was bred to husbandry in Berwickshire, and before taking a farm for myself, went to England in 1813, for the purpose of acquiring more correct knowledge, and was two years in the service of Mr. Gourlay, on Deptford Farm, Wilts. I first hoed turnips, and a premium of ten guineas was gained for a field of twelve acres of Swedish turnips, the greater part of which was hoed by me. I afterwards held a plough, and gained the highest prize at a ploughing match.

Mr. Gourlay was much respected in Wiltshire, and well liked by his servants, although they did more work than those on any other farm. Deptford Farm was cultivated in a very superior style, and every operation upon it was most correctly performed. Indeed, in no part of the kingdom, have I seen some operations so well performed; nor could I have been master of them without practising, as I did, in Mr. Gourlay's service.

JAMES RENTON.

Beechwood, near Edinburgh, Feb. 15, 1831.

I was bred to husbandry labor under my father, who occupied a small farm in the parish of Ceres, Fifeshire; and, in 1809, engaged to go with horses and implements to Deptford Farm in Wiltshire, where I remained in the service of Mr. Gourlay till October 1818. At first I held a plough, but for the greater part of the term superintended the farm operations.

Deptford Farm was very foul and irregularly laid out when we took possession, but was improved to the utmost by Mr. Gourlay; and I have never seen, either in Scotland or England, any farm so clean as it became, or so systematically managed. The Scotch plough was found not to answer. Mr. Gourlay then introduced into Wiltshire a wheel plough, which was afterwards very generally used in that country. With this plough many of Mr. Gourlay's servants, both English and Scotch, gained premiums for him and themselves, at the ploughing matches of the Bath and Wiltshire Agricultural Societies.

As I lived under the same roof with Mr. Gourlay seven years of my service in Wiltshire, I can safely affirm that his whole establishment, in and out of doors, was conducted in the most orderly manner. He was generally held in high respect by all classes, and particularly well liked by his servants.

Mr. Gourlay left home for Canada in 1817, all his affairs being then in the best possible order, and not a farthing due to any one in Wiltshire, so far as known to me. In the month of October following, agents of the Duke of Somerset beset the farm, unexpectedly demanding a half year's rent, just then become due, and greatly alarmed Mrs. Gourlay, by threatening to distrain on the furniture of the house.* This half year's rent could have been paid from sales of grain in a few days, there being two threshing-machines on the farm; but the Duke's people would not suffer the grain to be threshed, and obliged Mrs. Gourlay to satisfy them otherwise, which greatly distressed her; and, in continued alarm, she abandoned the farm before another half year's rent became due. To all this I am ready to give my affidavit if required.

JOHN MUIRIE.

Auchtermuchty, 4th March, 1831.

Farnborough Park, Hampshire, 9th May, 1831.

I was bred to husbandry labor in Fifeshire, and was in the service of Mr. Gourlay on Deptford Farm, Wilts, six years. That farm was managed in the most perfect manner, and there I learned much. The Scotch plough taken to England by

* The Duke owed me a balance of £365 when I left home, considerably above the amount of rent, and that not due till six months after my departure for Canada.

R. F. G.

Mr. Gourlay, was found not to answer; and Mr. G. adopted an English plough of improved construction, with which I, and others of his servants, gained premiums at the ploughing matches of the Agricultural Society; and this plough was thereby introduced into very general use in Wiltshire.

I never saw labor conducted better, or laborers more cheerful and obedient, than all were on Deptford Farm; and, undoubtedly, if Mr. Gourlay had enjoyed quiet possession, he would have had a profitable concern of it. When he was abroad, agents of the Duke of Somerset frightened Mrs. G. about the payment of half a year's rent, which could have been obtained from sales of produce in a few days; but the agents would not suffer the threshing to proceed, and the farm was given up to another tenant, when it was in the highest condition.

I continued in Mr. Gourlay's service till October 1818, and with Mr. Andrews (the sub-tenant) till October 1819.

If required, I am quite willing to attest what is here written on oath.

ROBERT KENINMENT,
Bailiff to George Morant, Esquire.

PRACTICAL FARMERS.

April 11, 1831.

We, the undersigned, were well acquainted with Mr. Robert Gourlay in early life. His conduct was then that of a gentleman; and though we have been in his company at all hours, we never for a moment saw him out of humor.

His father being without question the most public spirited proprietor of land in the county, and most extensive improver, he had great advantages as to instruction; and was, before he left Scotland, generally allowed to be a good practical farmer.

Within the last three years he has often visited us; and after all the harsh treatment he has met with, we find him of the same amiable disposition as formerly, and still glowing with the spirit of philanthropy.

Respecting his abilities to have filled the honorable and important situation of Professor of Agriculture, we are of opinion, that after his many experiences in England and America, few indeed could be better qualified.

JOHN PITCAIRN, *J. P. Kinnaird,*
FRED'K JOHNSTON, *Nisbetfield.*

9th April, 1831.

We, the undersigned, were intimately acquainted with Mr. Robert Gourlay, when he rented Pratis from his father, living, as we still do, within three miles of that farm. All of us then regarded him as an intelligent and enterprising farmer; and he was much esteemed in the neighborhood.

Within the last three years he has often visited us; and upon every occasion we have found him friendly, agreeable, and well informed. Considering his very liberal education and rare experiences, we are of opinion, that he might have filled the Chair of Agriculture with honor to himself and benefit to the public.

WM. BALFOUR, *Bandkhead.*
JAMES LESLIE, *Largo.*
ALEX. LESLIE, *Largo.*
HALL PRINGLE, *Hatton.*

Blaconhall, February 14, 1831.

I have been intimately acquainted with Mr. Gourlay, now a candidate for the Professorship of Agriculture in the University of Edinburgh, for upwards of twenty years. I have staid weeks together with him while he occupied Deptford Farm in Wiltshire, and he has frequently since then staid equal periods of time on my farm near Chester.

In the year 1825 I surveyed Deptford Farm along with Mr. James Smith, an intelligent farmer of Hampshire, and made affidavit, along with him, that the remainder of Mr. Gourlay's lease was worth £1,200.

Mr. Gourlay made very great improvements on that farm; and, considering all that I know of him,—his liberal education, his practical experiences as a farmer in Fife and Wiltshire, his travels in America, and mature years,—I should think him well qualified to fill the important situation of Professor of Agriculture.

WILLIAM MURRAY.

Bower Lodge (Irvine, Ayrshire), 19th February, 1831.

Mr. Gourlay, late a candidate for the Chair of Agriculture in the University of Edinburgh, having applied to me some years ago for a certificate of character, I wrote thus: "I have known Mr. Gourlay since the year 1799, when he staid with me some months on the farm of Granton near Edinburgh, in order to notice the general practice of husbandry in Midlothian. In the year 1800 we travelled together through a great part of England and Wales, and ever since have kept up correspondence. I have found him on all occasions to possess a shrewd and intelligent mind, and of a gentlemanly mild temper, and most peaceable habits.

Respecting his ability to perform the important duties of an Agricultural Professor, I am confident that few men have more information on the subject, have seen more actual operations in farming, or, are more able to impart ideas in that complicated science.

He has frequently been with me in the course of these last three years, and though hard borne down by untoward circumstances, yet his judgment appears to be as vigorous and unimpaired as ever.

GEORGE ROBERTSON.

N. B. I have more testimonials from Practical Farmers, but the above suffice.

CIVIL ENGINEER.

For two years I have been in habits of intimacy with Mr. Robert Gourlay, and during that time enjoyed many conversations with him on a great variety of subjects, as agriculture, emigration, poor-laws, tythes, American colonies, &c. &c. On all such topics he manifests a vast fund of information, and a strong devotion to the best interests of humanity. I have also read a variety of productions of which Mr. Gourlay is the author, in which he has displayed a powerful, versatile, and penetrating mind.

To a vast range of other accomplishments, Mr. Gourlay adds comprehensive ideas on inland communication, and great ingenuity of conception in combining utility with the grand and the beautiful. His plans for the improvement of Edinburgh, are at once striking and original; presenting the most eligible lines for intercourse yet pointed out.

Mr. Gourlay's amiable disposition, agreeable address, his perseverance under all discouragement, and his whole deportment cannot be advantageously stated in any encomium of mine. I, therefore, only add, that I feel much gratification in having intercourse with such a man.

JAMES FLINT, *Civil Engineer.*

5 Terrace, Edinburgh, }
24th March, 1831. }

MEN OF BUSINESS.

N. B.—James Lawson, W. S., Edinburgh; John Fergusson, Wine Merchant, Leith; and, John Baird, Shotts Iron Works—all of whom being conversant with my private affairs, gave testimonials as to these.

MINISTERS OF THE KIRK OF SCOTLAND.

Carnwath Manse, March 3, 1831.

That, Mr. Robert Gourlay has been known to me since the year 1793, when we met at St. Andrew's College:—that, though not attending the same classes, so as to be able to form a judgment for myself, I always understood him to hold a high place among those of his own standing; and, that, I know his manners were those of the most prepossessing character.

That, after his leaving college, I had occasion to know, from residing near him, that he was a most intelligent and enterprising agriculturist, and held in high esteem by those of the same profession in his neighborhood.

That, I had not met him for many years till 1829, when we renewed our acquaintance; and, since that year, that I have spent days in his company, which has completely dissipated the prejudice I had imbibed against him from the accounts given of him in the newspapers. That I have no hesitation in now stating, that I consider him one of the most pleasant and most intelligent men I have met with:—that his fund of information respecting the state of England and America, is more ample than that of any individual I have known; and that his conduct and character have been such as becomes a gentleman,—is attested by

JA. WALKER, *Minister.*

Some years ago Mr. Gourlay applied to me for a certificate of character, and I wrote to him as follows:

“From what I knew of you, when I studied at the University of St. Andrews, and lived in your father's family during the summer season at Craighrothie, thirty years ago, I should never have anticipated the events which have befallen you since, and far less, that your judgment would have been called in question by any individual or set of men, among whom you might be placed. Though your opinions on all subjects might not entirely coincide with mine, yet I always entertained a high respect for your judgment, which I considered sound and vigorous, tempered at the same time with much candor and modesty.”

Within the last three years, Mr. Gourlay has repeatedly visited me at Libberton, and I have enjoyed a good deal of his society both here and elsewhere. The result of these interviews has impressed me with a still higher opinion both of his head and heart, than I had formed beforehand, favorable as my sentiments respecting him have always been; and I can say, with truth, that I have met with few or none in my intercourse with mankind, who seem to have profited more by the varied scenes through which he has passed, or to have surmounted the many severe trials and difficulties which have assailed him, with such conduct, courage, and constancy, as Mr. Gourlay. Besides the advantages of natural talents and a liberal education, his understanding has been subsequently much strengthened and enlarged by travel, and extensive intercourse with men and manners, which have increased his store of knowledge, and furnished him with a fund of information, a command of language, and a vigor of thought not often to be found. In a word, he appears to me to be a man of amiable dispositions and superior talents, who, by some untoward destiny, has not hitherto met with his due desert. The above is attested by

ALEXANDER CRAIK.

Libberton (Lanarkshire) Manse, March 4, 1831.

Manse of Falkland, March 4, 1831.

I hereby certify, that I was at school and college in St. Andrews with Mr. Robert Gourlay seven years; that he was then, so far as my recollection goes, lively and agreeable in his manners, beloved by his companions, and respected by his teachers;—that, during his residence in England and America, strong prejudices were generated against him by newspaper reports;—that, having often seen and conversed with him during the last three years, I have much pleasure in stating,

that these prejudices have been removed from my mind; and that I have been impressed with a favorable opinion of the kindness of his disposition, the warmth of his heart, and the variety and extent of his information.

WILLIAM THOMPSON.

Manse of Kirkcaldy, March 28, 1831.

Robert Gourlay, Esq., son of the late well-known Oliver Gourlay, Esq., of Craighrothie, has been known to me for many years. My first personal acquaintance commenced in the year 1804, when he became a member of the Stratheden troop of Royal Fifeshire Yeomanry Cavalry, to which I then belonged. In that and the two following years, I had frequent opportunities of meeting with him both at drill and in the mess-room. He was then chiefly distinguished by the pleasantness of his temper, the vivacity of his spirit, the activity and energy with which he went through his military exercises. His conversation and manners were always those of a well-bred and well-informed gentleman.

As he left the Yeomanry Cavalry (I believe) in 1806, and, in no long time after, went to reside in England, and afterwards in Canada, I had few opportunities of meeting with him again, till within about three years past, in the course of which, he has been frequently in my house, and I have had many conversations with him. Though he has come through many hardships, and has met with much harsh treatment, I have the pleasure to see that he retains much of his original good-humor and cheerfulness of spirit. I have often admired the forbearance with which he speaks of those from whom he has suffered most. No tincture of rancor or revenge appears to stain his mind. His range of knowledge is extensive, and, on some subjects, far more full and accurate than ordinary. The benevolence and amiableness of his disposition, seem to me unquestionable. I know not whether Mr. Gourlay has any particular object in view, in requesting me to state my opinion of him, — but, if I shall be of any use to him, I shall be much gratified.

JOHN MARTIN, *Minister of Kirkcaldy.*

I attended the University of St. Andrews along with Mr. Robert Gourlay for several years, and was well acquainted with him. His attention to his studies, the strict propriety of his behavior, his pleasing manners and amiable disposition, then rendered him a general favorite, and inspired the highest hopes of his success in life. These hopes, however, have been blasted. I grieved to hear of his misfortunes, the more so, as I had, from various newspaper reports, been led to believe that they had a ruinous effect upon his mind. As to this, however, I was most agreeably disappointed, upon my having the pleasure of a visit from him about two years ago. I was then delighted to find in him the same intelligence and amiableness, that had marked the character of my early friend. If he spoke with natural feeling of his reverses and sufferings, it was unmingled with any expression of hatred towards those whom he considered as having partly occasioned them, or of envy towards those who, with less bright prospects in early life, had been more successful in the business of the world than himself. His conversation was both instructive and interesting, and if there was an appearance of keenness in it, that keenness was on the side of justice and humanity. I believe it may with truth be said of him, that "even his failings lean to virtue's side."

A. G. CARSTAIRS,
Minister of W. Anstruther.

April 8, 1831.

Abercrombie Manse, May 4, 1831.

There having existed an intimacy of long standing between the family of the late most respectable Oliver Gourlay, Esq. of Craighrothie, and that of my father, I have of course been acquainted with Mr. Robert Gourlay from his earliest years. He was always beloved as an amiable and ingenuous boy; and grew up to be a lively, acute, and well-informed young man, whose acquirements, disposition, and manners made him be well received in general society. His eventful history removed him for many years from his friends in this country; but, within these three years, he has repeatedly visited me; and, though I cannot say that I have implicitly gone along with him in every point which came under discussion betwixt us, I have found him possessed of most extensive and accurate knowledge, diffusive and ardent philanthropy, and altogether unimpeachable integrity.

ROBERT SWAN.

More than thirty years ago Mr. Robert Gourlay was my fellow-student at the University of St. Andrews. He was then distinguished by the amiableness of his disposition, and superior talents and acquirements as a scholar. Our intercourse was long interrupted by his removal, first to England and then to Canada; in both of which countries he was subjected to severe trials and sufferings, the effect of which, heightened by the often false and exaggerated accounts of newspapers, might have produced an unfavorable impression. Since Mr. Gourlay's return to Scotland, I have had frequent opportunities of meeting and conversing with him for three years past, by which every unfavorable impression has been removed from my mind. I have found in him the same agreeable and estimable qualities which rendered him so interesting in youth, while by much experience and intercourse with the world, he has acquired a great fund of most interesting and useful information. I have no doubt that he would act with honor to himself and credit to his employers in any situation suited to his talents and acquirements.

ANDREW MELVILLE.

Manse of Logie, May 9, 1831.

UNIVERSITY PROFESSORS.

St. Andrews, 28th February, 1831.

I hereby certify, that I was well acquainted with Mr. R. Gourlay, lately a candidate for the Chair of Agriculture in the University of Edinburgh, when he was a student at St. Andrews, 1792 till 1796; that he applied himself to his studies with diligence and success, and was well esteemed by his fellow-students.

That he has visited me repeatedly within these last three years, when we conversed freely on various subjects; and that, from these conversations, I have been impressed with the opinion, that he is a liberal-minded, well-informed man, of honorable sentiments, and of humane and benevolent dispositions.

JOHN HUNTER,

Emeritus Professor of Humanity, St. Andrews.

St. Andrews, 28th February, 1831.

More than thirty years ago I was a fellow-student of Mr. R. Gourlay at the University of St. Andrews, and am happy to say, that while he was highly respectable for his attainments as a scholar, he was distinguished by the propriety of his conduct and the kindness and gentleness of his manners.

Within the last three years I have had several long conversations with him; and found him clever, intelligent, well informed, and agreeable.

THOMAS DUNCAN,

Professor of Mathematics.

St. Andrews, 28th February, 1831.

I hereby certify, that many years ago I was acquainted with Mr. Robert Gourlay when he was a student in the University of St. Andrews; that he was then a fine, sprightly young man, and a diligent, attentive, and respectable student; that, since his return from Canada, I have had the pleasure of being in his company three or four times, and from his manners, conversation, and general deportment, I have seen no reason to alter the favorable opinion I entertained of him when I was first acquainted with him.

JAMES HUNTER,

Professor of Logic.

I hereby certify, that I have been long acquainted with Mr. Robert Gourlay; and that I have always considered him a person of good talents, of amiable disposition, and gentlemanly manners.

JOHN MITCHELL,

Professor of Divinity.

St. Andrews, 21st March, 1831.

This is to certify, that Mr. Gourlay was well known to me upwards of thirty years ago as a good-tempered, sprightly young man, as well as a diligent and successful student when he attended the different mathematical classes for theory and practice in the University of St. Andrews, in the years 1793, 4 and 5;—that for these last three years, I have had very frequent opportunities of conversing with him; and for intelligence, good-humor, and equanimity, under all the changes of fortune, I have the best reason to consider him the most interesting personage of my acquaintance;—of unblemished integrity, with the sentiments and manners of a gentleman; completely informed in all the branches of agriculture, in theory and practice; as well as in political economy, poor laws, emigration, &c.; and one of the most ardent and enlightened philanthropists ever I saw:—that he has laid before me his early publications in Scotland and England, his controversial writings in Canada, and his later productions on the most interesting questions in political economy; which, considering their variety and extent, the extraordinary excitement, and even persecution, under which many of them were written, the honest and liberal convictions which actuated them, and the information and ability he has brought to the discussion, I regard as some of the most wonderful performances I ever perused; not merely in regard to the clearness and force of the composition, but in the reasonings by which he supports his views, in the elevated tone of patriotism and humanity, which he every where discovers, and in the temper, and spirit, and perseverance, and intrepidity, with which he maintains positions of the highest import to the prosperity and happiness of every nation; and, that, besides his superior information and other talents, he is possessed withal of so much acuteness, vivacity, and ready elocution, that I know no man better qualified to give a complete and instructive course of lectures on agriculture and its kindred subjects.

Edinburgh, 24th March, 1831.

JAMES BROWN,
Retired Professor of Natural Philosophy, Glasgow.

St. Andrews, 29th March, 1831.

I was intimately acquainted with Mr. Robert Gourlay when he was a student at the University, five and thirty years ago. We attended several of the classes together, in which he distinguished himself by his talents, his diligence, and by his successful application to his studies:—and, while his attention to his academical duties and the propriety of his department recommended him to the esteem of his masters, his amiable dispositions conciliated the affections of his fellow-students. There were few young men with whom I was acquainted, that appeared to me to have a fairer prospect of rising to high eminence and respectability in the department at which he aimed. Since that period I have had but few opportunities of conversing with Mr. Gourlay; but upon such occasions I have ever found him to be a shrewd, an intelligent, and an agreeable companion.

GEORGE BUIST,
Professor of Church History.

Mr. Robert Gourlay is greatly my junior, and, as both of us passed many years abroad, I had no opportunity of forming any particular intimacy with him until his return to this country from Canada.

I had read his account of that colony, containing a dissertation on the poor laws, which appeared to me to be a work of uncommon merit. I was anxious to cultivate his acquaintance, and I have had the gratification to enjoy it.

Mr. Gourlay has requested a testimonial from me. I am sensible, that it can but little avail; but I may with confidence say, that his moral conduct has been irreproachable in all the vicissitudes of his life: that his manners are unassuming, and those of a gentleman; and that his talents and acquirements will enable him to execute with honor whatever may be committed to his management.

Wakefield, 30th March, 1831.

HUGH CLEGHORN,
Retired Professor of Civil History, St. Andrews.

St. Andrews, 17th February, 1826.

“My Dear Sir—I can assure you that I received your interesting letter of the 6th February, with no slight emotion of kindness and respect, having ever regarded you as one of the ablest of my fellow-students at St. Andrews; and who, if human

life had not been the lottery which it is, would have earned by his talents, and merited by his friendly dispositions, a place of high and honorable distinction in society. * * * * *

THOMAS CHALMERS."

"ROBERT GOURLAY, Esq."

Edinburgh, April 5, 1831.

Mr. Robert Gourlay has visited me within the last three years, conversed and corresponded with me, and I have found no reason to alter the favorable opinion formerly expressed. (Referring to the above extract.)

THOMAS CHALMERS, *Professor of Divinity.*

Aberdeen, April 8th, 1831.

I hereby certify, that I was acquainted with Mr. Robert Gourlay when he was a young man, and that I formed a very favorable opinion of his abilities and acquirements, and was much pleased with his modest, unassuming, and gentle behavior; that, since his return from Canada, I have had very little opportunity of seeing him, but, from the short time he was with me, I found no reason for altering my former favorable opinion, as his manners then were those of a gentleman, and his conversation was unobtrusive, while it was general, amusing, and instructive.

JAMES DAVIDSON, M. D., *Hist. Nat. Pr.*

Coat's House, May 6, 1831.

Having been long intimately acquainted with his father's family, I have known Mr. Robert Gourlay from his childhood. He seemed then a very promising boy, of an open disposition, and of frank, sprightly manners. He pursued his studies with great ardor; and gave promise of talents and varied acquirements. Having gone through the ordinary course of philosophy at St. Andrews with applause, he was desirous of completing his education, by availing himself of the advantages which Edinburgh affords. At this University, he passed two years, and attended the lectures on chemistry, and on agriculture, to which latter subject he more especially directed his application in the view of embracing it as a profession.

After an interval of several years, I met with Mr. Gourlay in London, early in 1801. He was then employed by the Board of Agriculture to inquire into the benefits of the practice (so much commended at a period of great distress) of letting portions of land to poor and industrious cottagers in the eastern counties of England. The Secretary was delighted with the Report, but disgusted Mr. Gourlay by straining it to suit his own preconceived notions, and by printing it without the author's consent or revision.

He returned soon afterwards to Scotland, and occupied one of his father's extensive farms, which he cultivated with great skill, spirit, and taste. During this time, I frequently saw him, and found him ardent as usual in his pursuits; his attention being turned wholly to rural affairs, the bettering the condition of the poor, and the evolutions of the yeomanry cavalry. He never then appeared to think of general politics till his eyes were opened by the insolence of some of the Fife aristocracy, and his biting opposition to them was ridiculously magnified by such alarmists into a conspiracy against the State.

For some time previous, Mr. Gourlay had resolved to farm on a larger scale, and thought that England would afford a finer scope for his exertions. An offer was now made to him of an extensive tract in one of the best parts of Wiltshire. There he set an example of improved husbandry which was greatly admired. Though he generally followed the Scotch system, he had the liberality and discernment to adopt many parts of the English practice, as better suited to the climate, and more in accordance with the habits and prejudices of his laborers. But he successfully resisted the rapacity and despotism of his landlord, and roused his neighbors (by whom he was highly respected) to assert their independence.

At this epoch of prosperity, he was tempted, in an evil hour, to go out to Canada, in order to claim some lands, which belonged to his wife. With his characteristic ardor he ranged over that vast country, and collected a mass of very important statistical information.

But his activity and influence in the colony drew on him the resentment of the petty judicial tyrants, and he was treated with cruel oppression; and by a stretch of law was finally driven out of Canada. On his arrival in England, he found his

family ruined, and all his prospects blasted; yet he bore the sad reverse with fortitude, and, after all these trials, he has regained his elastic disposition and the full energy of intellect, while the strength of his constitution is but little impaired. For the last three years I have very frequently seen Mr. Gourlay, and his visits have been always acceptable. I find his conversation lively, judicious, and replete with various information.

Such being his sterling worth, I trust that some public situation will soon occur in which his talents and matured experience may have due scope. I am sure they would be honorably directed—and would, if rightly appreciated, prove both useful to himself and advantageous to the public.

JOHN LESLIE, *Professor of Natural Philosophy.*

Sir John Leslie, who in Paris was styled "*Leslie Le Grand*," is now no more. I asked him for a certificate, and he sent me this memoir, infinitely more valuable. Written from memory, and at a distance, there are some mistakes, but these are trivial, while the pleading in my behalf against power and oppression, by one so universally known and respected, cannot be too highly appreciated. In Fife, Wilts, and Canada, I became, successively, the butt of brute ignorance and illiberality; and it is curious, that the first burst of feeling in my behalf, at home, should come from the greatest philosopher of the age, whose name will go down to posterity, linked with those of Euclid and Archimedes, Lavoisier and Black.

NOTES.

Boston, March 16, 1843.

Reprinting these testimonials here, it may be well to close with a few observations:

LESLIE was the son of a carpenter in Largo, Fifeshire; and a most extraordinary genius. He was first employed as Tutor to one of the Randolph family, and came to America some time, with his pupil. Afterwards, in like capacity, employed by Mr. Wedgewood, famed for his pottery, he had good opportunities, at Etruria in Staffordshire, to make experiments on heat. His book on LIGHT and HEAT stirred up a bitter controversy, forty years ago, in Scotland, in which narrow-minded ministers of the Kirk were beaten by Mr. Dougal Stewart, Dr. Thomas Brown, and others. Dr. Brown's pamphlet in this controversy, laid the foundation for that gentleman's celebrated work on metaphysics. The Professor is wrong in saying that I "resolved to farm on a larger scale, and thought that England would afford a finer scope." My object in going to England was to study the Poor-law system. In Scotland, I had *finer scope*,—my father having twenty ploughs going on his own property.

Dr. JAMES BROWN, whose certificate appears above, would have been at the head of the science and literature of Britain, but for bodily infirmity, which caused his retirement from the chair in Glasgow, and continued till his death, a few years ago. He was teacher on board a frigate at the battle of the Dogger Bank; and, as secretary, noted the engagement for the captain. This he told me. Afterwards, Minister of Dinino, and Assistant Professor of Mathematics, St. Andrews. He gained the chair in Glasgow, by competition, before the year 1800.

It was under his tuition that Dr. Chalmers first distinguished himself, in an exercise of mathematics; I remember it well, being a fellow-student. Ten years ago, Professor Duncan dedicated to Dr. Brown a volume on Mathematics, expressing regret that he was "*too little known*." Alas! it was so, indeed.

Mr. CLEGHORN, while Professor of Civil History, was engaged to travel with a nobleman on the Continent; and, there, was employed by the British government. By his dexterity, the island of Ceylon became British; and the transaction made his fortune. He was a pupil and relative of Adam Smith, Author of the *Wealth of Nations*; and the first who taught the doctrines of that philosopher. He was a man of astonishing mental vigor, till the last, under the severest bodily afflictions—one of Scotland's brightest sons. He, also, is gone, since my departure for this country. Most men believe that they are to live after death:—Mr. Cleghorn once told me, that he sometimes imagined that he had lived before his birth.

To Captain David Baker, Messrs. George G. Folger, and Obed Barney, of Nantucket; Silvanus Dunton, of Hubbardston; Thomas H. Wetherby, of Milbury; Milo I. Smith, of Northampton; Alexander Ingham, of Middlefield; Nathaniel Brooks, of Worcester; Ethan Taylor, of Longmeadow; and William C. Dunham; — REPRESENTATIVES OF THE COMMONWEALTH OF MASSACHUSETTS.

GENTLEMEN: —

I came here to be at the nearest point for correspondence with my family in Scotland,—knowing no one, and having introduction to none.

In this comfortable mansion I became acquainted with you; and your friendly regards induced me to petition the Honorable Body of which you are members.

After six weeks cordial and frank intercourse; and, after you have had submitted to your inspection all my publications from the year 1800, till now, substantiating the allegations of my Petition, I venture to throw this NUMBER of the NEPTUNIAN, before the public, as introduction to more, should public patronage be obtained; in which case, I would go on,—NUMBER after NUMBER, to unfold my principles and projects, through a period of forty-two years, devoted to the cause of humanity.

Following up the great object of my life, I have been persecuted to the death, a common consequence to all who stand out for truth, apart from worldly interests. In fact, these last thirty-four years, I have stood alone and undaunted, in Scotland, England, and America:—have endured till endurance has become habit, and made me independent, even of Nature's sweet restorer, balmy sleep; yet, at the age of sixty-five, you see me at all times collected, consistent, and composed.

In my petition, I pray only, that it may be received and preserved:—first, because, an entire stranger, it would have been presumption to expect immediate notice, so as to have a committee appointed to examine and report:—and, second, because, even were a committee appointed, full justice could not be done to the subject, at present. A liberal and patient hearing by the public, can only lead to this, through the medium of a PERIODICAL; and I now earnestly solicit assistance in establishing such.

I disclaim all personal advantage from any thing of the kind;—desire not to pocket a single dollar from the establishment; and think it possible that the machinery may be worked by a committee of citizens, regularly chosen by friends of the cause. I desire only to be heard, and have opportunity given to others for questioning me, in order the better to satisfy all:—I desire only to secure the highest objects of benevolence.

The People of the United States possess the finest portion of the habitable globe, and they enjoy the most perfect liberty. As a People, they average the highest in point of intelligence; and, they are the only People who understand how to combine,—how to organize and carry measures into effect.

They have it, at this moment, in their power to communicate the blessings of liberty to other nations, and to make the starving millions of Europe partakers in like enjoyments with their own:—Nay, more, by a wise exercise of their power, they may not only enrich themselves, but eradicate from the Union its greatest curse—Slavery. These are mighty assertions, but, with fair opportunity to communicate, I shall prove them to be true.

And now, Gentlemen, I shall close with some facts regarding myself.

I left Deptford Farm, in England, April 2, 1817, on a visit to friends and property in Canada, intending to be from home only six months.

At Liverpool, being disappointed of a passage to New York, I sailed for Quebec; but before embarkation came to know, that even had I landed at New York, and established an Emigration Society there, nothing great could then be done in this way for relief of the poor, because of a law—now repealed—which barred the sailing of mechanics.

On my voyage to Quebec it occurred, that something might be done by circulating queries for information necessary to emigrants. These were then drawn up: afterwards circulated; and thence was procured the best information yet published—my statistical account of Upper Canada, Vol. I.

After travelling in the Province and the Genessee country, I resolved to establish a Land Agency, at once, for my own benefit, and to promote emigration. By and bye it appeared that obstacles retarded settlement in the Province. To remove these I advised sending Commissioners to England, there to represent the truth to the Supreme Government. The people upheld this measure, and chose Delegates to meet in convention for carrying it into effect. Those who profited by abuse took alarm: gave out that my design was to alienate the Colony from Britain, and caused me to be twice arrested for trial.

The Delegates met July 6, 1818. I advised adjournment till after my trials, and till opportunity was afforded the parliament, to do the needful. I was tried at Kingston in August, honorably acquitted, and had a public dinner given me;—tried a second time at Brockville, again honorably acquitted, and had another dinner offered. This, however, I could not accept, having to hurry off for New York, where letters from my family had been detained, for months, during my villainous arrests.

Finding all my affairs at home in the best possible order, and deeming myself now safe in Canada, to proceed with Land Agency, I employed Andrew S. Garr, Counsellor at law, to draw up a Power of Attorney for winding up my business in Scotland and England, having property in both kingdoms;—which Power was forthwith dispatched.

I then made a tour through this country; and it is essential to mark impressions then prevailing here.

Not only had false alarms been given out by enemies in Canada from the beginning; but, at my trials, Counsel for the Crown dared to work on the Juries by signifying it as my intention to dismember the Empire, and add Canada to the States. A consequence was, that all over the Union, my name was trumpeted forth, as may yet be seen in newspaper files of the day; and, on the south bank of St. Lawrence, I was called “the Washington of Canada.”

Landed at New York, I bespoke lodgings at the City Hotel, and immediately walked out, without knowing a single citizen there. Turning to the right, I was soon charmed with the glorious prospects at the Battery; and, questioning two bye-standers, as to names of places, they perceived I was a stranger, and asked, when I had arrived? My reply was, “Just now, by the North River.” “Have you come from Canada?” “Yes.” “What is that Gourlay now doing there?”—“No harm at present;” and, shortly, I made myself known.

We conversed of the late war, and I expressed my regret for that. "That," they said, "was the best thing we ever did;"—they thinking of the naval war; I, of the invasion of Canada.

After a week's sojourn, I came here and staid a week. Introduced to Mr. Shaw of the Athenæum, that gentleman showed me much attention; gave me leave to look into any book; and I did lounge there an hour or two every day, searching for causes which led to the Revolution.

Mr. Shaw wished to see some of my writings in Canada, and I gave him the pamphlet for publication of which I was arrested and tried. Next day he said, "I thought you were for us."—"No, I was for Canada."

On my way to Albany, being informed that an agricultural meeting was about being held at Pittsfield, I resolved to attend; and, after visiting the Shaker settlements, I returned to that place on the first day of meeting.

Live stock were penned in the Square; and, these, I minutely examined, as a farmer. After that, I sat down with a large company to dinner. By and bye, a secretary came round, taking down names; and hearing mine, he asked if I "was Mr. Gourlay of Canada." I *believed* so.

On presenting the list to the Chairman and pointing to my name, that gentleman immediately eyed me, filled his glass, and announced me to all. All drank my health, most cordially, an honor I little expected. On being called to give a toast, I gave what has escaped my memory; but, took occasion to state, that, great mistakes were abroad as to my designs in the Province; that, I was a British farmer, and had no intention whatever, but to make Canada useful to the mother country. This did not in the least lessen attentions. A member of Congress, sitting opposite, invited me to Washington; and there, he said, they "would give me a seat on the floor of the House, as was done to Lord Selkirk." On my right sat the venerable father of the present Lieutenant Governor of Massachusetts, who was especially kind, and invited me to his house in the neighborhood.

Next day, I was made a judge of ploughing; was delighted with an exhibition of domestic manufactures; walked in procession to the church, and there heard discourses on agriculture, read by the President and Vice President of the Society. After that, we again sat down to dinner. This time, I was better prepared; and having coined a toast for the occasion, gave, "COMMERCE FREE, AND NATIONS FRIENDS." Finally, I was invited to a ball; and, all concluded harmoniously.

Not so in Canada, whither I went without further delay. There, on my arrival, parliament being met, a law was proposed to prevent the people from meeting by Delegate. The people's own representatives sanctioned this. It was enacted; and, as soon as enacted, I was ordered to leave the Province. Refusing, I was imprisoned without benefit of bail, eight months, and at last banished for no crime whatever but refusal to obey the order, now declared by the unanimous vote of United Canada, to have been "*illegal, unconstitutional, and without excuse or palliation.*" Gentlemen! from that day to this, I have been out of house and hold of my own, save a log house erected within the last two years on my lands in Canada; and, I am very sure, that there does not exist an individual who has endured such continued persecution, during thirty-four years—all originating in what has been stated, in the memoir of my life, by Professor, Sir John Leslie—aristocratic ire!

I am anxious to make my experiences, during that persecution, available to my fellow men; and ask you and others, here, to assist in gaining for me a hearing.

Believe me ever most sincerely yours,

ROBERT F. GOURLAY.

Marlboro' Hotel, Boston, March 21, 1843.

THE
NEPTUNIAN.

No. 2.

BOSTON, APRIL 6, 1843.

TO THE PEOPLE OF THE UNITED STATES.

FELLOW MEN :— On this day, set apart by the Governor of Massachusetts, for humiliation, fasting, and prayer, I especially thank God for that peace which the late treaty with Great Britain has secured. May it be eternal!

England, and England's progeny, with the same language, laws, principles,—a common faith, feeling, literature, and interests every way harmonizing, need but continued peace to triumph over ignorance and all its brood,—prejudice, pride, superstition, atheism; in short, to establish whatever is good and desirable for humanity.

Oh, then, join heart and hand to realize such a blessed consummation.

Often has my declaration of 1829 been repeated, that, "MAN IS A RECORDING ANIMAL," but never before, was there such happy opportunity for putting records to profitable use.

Let us only glance back to the prominent features of the last seventy years.

Your glorious revolution began a new era in the world's history; and though liberty was thereby established on this continent, it is not yet secure, while much remains for improved legislation.

The French revolution, altogether different, demonstrated that mere abstract doctrines are insufficient for man's deliverance; and, that the Bible is still the politician's best text-book.

The rise, progress, power, and downfall of Napoleon, afford valuable lessons; and, from the records of that eventful period much may be known for good. You, Americans, cheered on that most dangerous of men, when he was wading thro' blood, with no object but his own aggrandizement.

The Holy Alliance showed us what was the spirit yet lurking in the breast of ancient dynasties; and, thence, was advantageous.

The revolution of three days drove Incurables from the throne of France; and manifested what wealth and intelligence can effect against superstition and arbitrary power. It did more: it put the crowning wreath on the brow of your own immortal Lafayette, who could then have made France a republic; but who saw, that, time was yet required to cure "the madness of the people;" and, that Europe would be best regenerated under constitutional kings.

The reform of the British House of Commons was a mighty and needful work, accomplished by moral means and the organization of the people,—the first peaceable triumph over installed power.

The ineffectual attempts of Trades Unions, and the miserable struggles of poor Chartists, also exhibit features in man's history, and may be turned to good account.

But, of all the extraordinary exhibitions of this age, none is so worthy of your gravest and immediate consideration, as the wretched brawl on the Canada frontier, which, during three years threatened to involve this country in a war with Britain—a war which must have kindled up a blaze throughout the habitable globe,—terrific and destructive, without a single countervailing benefit.

It was I, (and I say it with pride,) who first opened up lights in Canada twenty-five years ago; and who, had I been inclined, could have done most to sever the Colony from Britain; but my face was set against that, as you will clearly perceive

in the thirty pages which follow,—knowing that, by a liberal connection between Britain and her Colonies, the very best fruits of civil and religious liberty may be ripened and enjoyed.

I have all along eyed this issue with anxious expectation; and, should you honor me with a hearing, feel confident, that you, of all men, would most countenance my views. Let me therefore bespeak your indulgent and patient attention to questions, which ought to come home, at once to your business and bosoms.

Carried away with the idea that you alone, of all people, are in possession of liberty, you have, generously but ignorantly, desired to thrust upon others very crude conceptions, as all-sufficient for happiness; but I, who have as generously and more constantly struggled against tyranny and oppression than any man in your Union:—I, who have stood alone against hosts of enemies these last thirty-five years contending for independent right:—I, who, had I lived here in 1775, would have rallied under the banner of Washington; and when the cause was won, returned to my native Scotland boasting of my deeds, and still claiming native allegiance:—I frankly tell you, that, in much you have been wrong, since the period of your revolution;—often, indeed, arraying your strength against the progress of the best principles,—the surest stays of liberty.

Your war against Britain, 1812, was protested against, in the strongest language, by this Commonwealth of Massachusetts. If right in any way, it was right only in its naval achievements:—all else was wrong. The invasion of Canada was not only uncalled for, but most impolitic. Upper Canada could not possibly injure the States. In fact, she ever has been, and will be, a down-draught to Britain, while ruled by Court-appointed Governors; and, if the people of Canada choose to be so ruled, what is that to you?

The people of Upper Canada, saving two years—1818 till 1820—when their liberty was circumscribed, from dread of me, by despotism, have ever had constitutional means to remodel their government in peace. They never needed your aid,—never asked it; and, did you know the whole truth, you, of all men, would most decline meddling with them,—would most abhor going to war in that quarter.

It was I who, in 1818, (and, I beg your particular attention to the subject—which I shall afterwards fully explain,) re-opened the door for settlement of Americans in Canada, after the local government had shut them out for years; and I did so, that those who disliked the government of the States, might have choice elsewhere:—I did so, that runaway slaves might have a place of refuge from the most hideous tyranny.

What did people of the United States;—even people of New England? Did they not go, as Land speculators, into a neighboring country, which had nobly abolished slavery? Did they not foment discontent there? Did they not revolutionize Texas, and establish slavery, merely that their speculations might be profitable to themselves? Are not plots hatching, even yet, to adopt Texas as a State into the Union, that slavery may be entailed on this continent? What! shall mankind witness all this, and not blush for Republicans—not weep for humanity?

O people, among whom I am little known!—may even my feeble voice be heard, in abhorrence of such flagrant crime,—in recording a protest against thus blasting the best hopes of the world.—O, America! how art thou fallen; and, to what wilt thou fall, if, in self-sufficiency, you pause not, to learn wisdom from experience!!

Honor me with a careful perusal of these few pages, and you will know how I acted on the frontier during the rebellion and invasions of Canada. I am happy to have this chance occasion of making you witnesses of it; being assured that now, when all can be calmly viewed, you will approve of my acts and declared principles. You will see, too, how I was rewarded for valuable services by the reigning Herods and Pilates of the Colony.

If you are pleased with these sheets, it is in my power to lay before you the full and best authenticated account of Upper Canada—with the rise and progress of its discontents and mis-management from the earliest to the present time; which, in that case, I shall speedily do with much pleasure, in succeeding numbers of "THE NEPTUNIAN."

Meantime, I am, respectfully and very sincerely, yours, &c.

ROBERT F. GOURLAY.

Pacific, at Sea, November 9, 1833.

NOTICE TO CREDITORS.—I hereby intimate that I have sailed for America, not to evade payment of debts, but that all may be paid in full, for which funds are more than sufficient.

Witness my hand, ROBT. GOURLAY, *late of Leith, and subject to the King;*
now,—ROBT. FLEMING GOURLAY, *of the Ocean, and subject to Neptune.*

NOTE.—On receiving accounts of my mother's death, Aug. 10, 1827, I resolved to honor her memory by entwining her maiden name with mine; but good occasion was required; and none could be better than when leaving Britain for America. When first in Canada, a gentleman of New York with the same name, had sometimes my letters put into his hand; one of which he opened, and faithfully forwarded. The adoption of a third name effectually guarded against such mistakes. Then, again, it was necessary to arrest public attention specially; for had I advertised a hundred times in the Gazette, nobody would have attended to the matter. The above mode settled all best, and fixed the matter in the public mind effectually. The advertisement was sent ashore by the pilot, and was published immediately after by Mr. Gray in the Edinburgh, Leith and Glasgow Advertiser. So much for the NEPTUNIAN.

CORRESPONDENCE.

WITH THE AUTHORITIES, AT HOME AND ABROAD, CONCERNING UPPER CANADA.

SIR JOHN COLBORNE, Lieutenant-Governor of Upper Canada—

TAKE NOTICE—That there is sufficient evidence on the face of this printed paper, (Circular to Members of the Imperial Parliament, June 10, 1820,) that my imprisonment in Upper Canada, was illegal; and that I shall think myself justifiable at any time to enter the Province, there by force of arms to regain my property, maintain my rights, and avenge my wrongs. Witness my hand, at New York, this twenty-sixth day of February, 1834.

ROBERT F. GOURLAY.

Witnessed by *Samuel Whitney, J. Junor, Edmund Coffin, S. B. Draper, H. Nugent Nathan, Edward Tremayne.*

I authorize Mr. Sergeant Spankie to show this to Earl Grey, and any other member of the British Cabinet: and I, at the same time, declare that I am perfectly true to the king.

ROBERT F. GOURLAY.

Witnessed by *Peter Mulliner.*

New York, March 1, 1834.

NOTE.

As soon as it was known in Upper Canada that I had arrived at New York from England, December, 1833, two parties addressed to me letters. One threatening should I enter the Province, &c.: the other inviting most warmly. To put an end at once to expectation and alarm, I wrote the above notice to show in what position I stood. The notice was not only transmitted to Sir John Colborne, but copies to the Attorney General of Upper Canada, the Colonial Minister, and Attorney General of England. It was also formally handed to the British Consul, New York, with desire that he might transmit the same, should he think proper, to the Ambassador at Washington. In fact, it involves a question of vast magnitude to native born British subjects, should the United States go to war with England; or, should the violence of faction come to blows in British America.

To his most Gracious Majesty, William the Fourth, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c. &c.

NEW YORK, UNITED STATES OF AMERICA. }
February 23, 1835.

SIRE, — Beyond your Majesty's dominion I am still true to native allegiance, and trust that all its benefits may yet be secured to me.

May it please your Majesty: — In the year 1817 I went from England to Upper Canada, having landed property and friends there; resolved to connect myself with that province; and, to advance its prosperity, advised sending Commissioners to England, that certain abuses might be corrected.

For this act of the purest patriotism, I was arrested, tried, and honorably acquitted. Thereafter, I hastened to this place, September, 1818, anxious for accounts from my family; and believing all well, sent to England a power of Attorney for the settlement of affairs, in order to attach myself more closely with Upper Canada, whither I forthwith returned; but there I was arrested, ordered to depart the province, and imprisoned eight months without benefit of bail. Finally, being called before a court of justice, August 1819, I was arraigned, tried, and banished, merely because of refusing to depart the province, and while so weak with cruel treatment as to be unable to protest against proceedings pronounced illegal by the first law authorities of Britain.

Returned to England, I petitioned the King and Parliament for inquiry into my case during ten years, but in vain; and vain indeed it became to expect a hearing after your Majesty's ear was engaged by a man whom I knew to be false, treacherous, and vindictive — a man whom I had personally chastised.

Thus hopeless, I crossed the Atlantic, 1833, to watch the progress of events; and seeing that the individual alluded to no longer influences your Majesty's Councils, I once more solicit attention.

The Provincial statute passed 9th March, 1804, under color of which I was imprisoned and banished, was enacted specially to guard Upper Canada against Irishmen who were expatriated, and could not be intended to bear down the unalienable right of unattained British subjects — that right which rests on the acknowledged principle of allegiance and protection being reciprocal, while affidavits laid before the Chief Justice could not be misunderstood. — In short, more wanton oppression never was exercised in modern times; nor ever were consequences more ruinous; seeing that thereby, not only has my reputation been sullied, but my property taken away and dissipated; seventeen years, the best of my life, rendered profitless and unhappy, while endless litigation has been set on foot for my annoyance. — Nevertheless hope has been cherished. A continued chain of documents can be referred to; letters to the King and petitions printed in parliamentary journals, all proving that I have neither admitted of claims for redress being forfeited, nor left untried any possible means of being heard.

Sire — From this land into which I was banished, I now protest against the monstrous cruelty and injustice; from this foreign land I appeal for the last time; and, still dutiful and submissive, respect-

fully put these questions: Shall I, an eleve of the oldest and least tainted family of Fifeshire, whose father was for many years a magistrate of that county, and where I, myself, received from your Majesty's Royal Father, thirty-five years ago, a Captain's commission,— I, who till this hour can challenge the world to accuse me of a single mean, cowardly, or dishonorable act — I, who am father of a family in Scotland; shall I be robbed, degraded, and expatriated by villany? In fine, shall justice be denied to a British subject, and the most sacred constitutional right violated in his person, by men clothed in the livery of power, and assuming the sanction of royalty?

Rather than that, Sire, I shall, as did one of my name, perish for my principles at the stake. Rather than that, I shall lay down my life to extirpate from this western world, the remains of despotism. Meantime, trusting that your Majesty will speedily cause inquiry to be made into my case; and most heartily wishing well to my native country,

I am your Majesty's loyal subject,
ROBERT F. GOURLAY.

Witnessed by *Geo. Roberts, Charles Cooper, Wm. P. Alden, Joseph Alden, Andrew Smith.*

Duplicate do., *Samuel B. Williams, B. V. Baker, Charles Cooper, J. Spencer, Geo. Roberts.*

MY DEAR DAUGHTER — I desire that you will copy off all that is written on this sheet; then put it under cover for his Grace the Duke of Wellington, &c. &c. &c., London, accompanying it with a note from yourself, begging to be informed if he will lay before the King the annexed letter to his Majesty; and perhaps you may find a gentleman willing to aid me in gaining attention, either by writing to the Duke, or to some one personally acquainted with him — When you receive a reply from his Grace despatch a copy of it to me.

You are aware, I believe, that my rencounter with Brougham in the lobby of the House of Commons, June 1824, was the result of consultation with Dr. Joseph Hamilton — now in Upper Canada; and that before I exposed myself by the act, a packet of papers containing, with others, a letter from Dr. Hamilton to me, was sealed by him and by me, to remain for my justification. That packet is still in my possession unsealed, and should my letter to the King procure for me inquiry, I trust opportunity will be afforded for opening the packet, and examining its contents, in the presence of authorized persons. First and last, during seventeen years, I have advised sending Commissioners to Quebec, or Montreal, for investigating the whole affairs of British America: and I am certain the present Ministry can do nothing more immediately necessary, so far as the colonies are concerned. Should such Commissioners be sent from England, they might be instructed to communicate with me; and thereby effect what I have so long and so anxiously desired. Be assured, my dear Jeanie, that nothing could console me so much, after so many years of misfortune and persecution, as to be reunited to my children; and to be able to prove to the world, that the uniform course of my life has been guided by honorable principles.

Your affectionate Father,

ROBERT F. GOURLAY.

To Miss Gourlay.

New York, March 7, 1835.

MY LORD — This is accompanied with a letter to the King, which I trust your Grace will lay before His Majesty, not merely in form, but for actual perusal: not merely as minister for foreign affairs, but as a brave and an honest man to procure justice; and, it is my duty as a man, a father, and a British subject to strive for that, even to the death.

Ten days ago a copy was despatched with a letter to one of my daughters in Scotland, to be transmitted by her to your Grace, and another besides this, goes off by a different ship to ensure the object.

That my letter to the King may be better understood, I now furnish a copy of the provincial statute alluded to therein, together with the order of commitment, and affidavits. I also furnish a copy of my letter to the King, dated February 23, 1831, with reply by order of Viscount Melbourne; and should your Grace see fit, the same may again be laid before His Majesty.

My Lord — I am aware that the many, the vast, the momentous objects which engage your attention, may obscure those of an individual: but is mine an ordinary case? Does it not involve the constitutional right of every British subject; and would it not, if allowed to rest, form precedent to the hurt of all? Besides this, I claim regard as advocate in the two most vital questions which have to determine the stability of the British Empire: the reform of the poor law system, and that of American Colonies. To the first, I have devoted attention thirty-four years; to the second, more than half that time. Twelve years ago I offered Mr. Peel a plan for reform of poor laws. He required it in writing; and I required a personal interview which he did not grant. I now offer to proceed with Commissioners to Canada, and thence to England; or I am willing to return to England directly from this place, to communicate with your Grace or the existing ministry. Since leaving home I know that poor laws have been amended; but that will not suffice without a grand system of emigration; and at this moment your Grace can determine much. Let me then solemnly conclude: let me conjure you by all that is sacred; and may these words wafted across the Atlantic acquire force to be heard.

You have now, a second time, more than any man, the destinies of Britain in your hands. Revolutions have told their tale: reform has had its day: now principle and patriotism are required to give effect to the dear-bought experiences of humanity; and, most earnestly do I pray that your Grace, every way experienced, in the field and the Cabinet, may be the instrument under God, of at once checking the madness of the people, and determining the limits of power. Of all things may you be supported by, and support the elevating principles of Christianity to the subversion of cold-blooded, time-serving Machiavellism. I am, &c.

ROBERT F. GOURLAY.

To the Duke of Wellington.

New York, April 2, 1835.

MY LORD — It was not my intention again to trouble your Grace, but look to the speech of the Governor-in-Chief of British America, (pasted on the margin from a newspaper,) and see that the Parliament of Lower Canada has been dismissed, after doing nothing, or worse than nothing; just as that of Upper Canada was dismissed seventeen years ago; and which induced me this very day, 1818, to advise sending commissioners to England, for inquiry into the state of the Province, having previously importuned Sir Henry Torrens to engage the attention of the Duke of York and Lord Bathurst. His Lordship made joke of the matter, and I was ruined by colonial villany.

Put an end to it. In or out of office, your Grace may do this. Advise the King himself to cross the Atlantic, and come with his Majesty, to break the spell of delusion. It would be but a trip of three months, and would achieve wonders. It would be a spectacle worthy of this age, and would emblazen the page of history till the end of time.

You could reach New Foundland in two weeks from Ireland by steam; in two more, visit Cape Breton, Prince Edwards, Nova Scotia, and New Brunswick; run down the American coast, and land here. Imagine the effect, were his Majesty handed on shore by the President of these United States, and lodged in the very house which the Duke of Clarence occupied fifty-five years ago; were William the Fourth to appear before the people of this free country, manifesting the good feeling of an English gentleman; and proving to the world that Britain and her offspring were again friends.

Hence let his Majesty ascend the Hudson, and proceed to the Falls of Niagara, there to contemplate nature's sublimest scene; and compare in their results, free with forced institutions—the United States with benighted and benumbed Canada. Then descend the St. Lawrence; and, on the heights of Abraham proclaim the Provinces independent.

May 1, 1835.

MY LORD — The above was laid aside till this day, that it may not go forth as a momentary effusion. I shall now explain. By *independent* it is not meant that British America should be severed from the Empire; but only that the people should be left to legislate for themselves in all matters, civil and religious.

The King ought still to retain the sovereignty, the forts, the unappropriated territory, and the water ways.

In 1818, I said that the waste lands of Upper Canada, well managed, might repair all the forts, maintain two regiments, and yield a revenue besides.

I say now that the waste lands of British America, notwithstanding the havoc of seventeen years, might still defray the charges of a general government; uphold the forts; and, in twenty years make good a water communication from Montreal to the Pacific. This, My Lord, would be worthy of Britain, and enable her to embrace the globe.

We are now informed that Lord Canterbury* is coming out for settlement of disputes in Lower Canada; but this is sheer trifling. Should the King's health, or other circumstances prevent his Majesty from appearing in person, one of his sons may come at the head of a commission. Parliament must of course be consulted, and were each House to appoint two commissioners, and the King two, to meet two from each of the provincial legislatures at Quebec, making in all nineteen, every point might be well discussed and the best possible constitution drawn up for approval of the imperial parliament.

It has been proposed to unite the Canadas, in order to control the French party, but all should be confederated; each province free within itself, as to local matters, while a council presided over by a Viceroy with powers of clemency should constitute a general government.

In 1818, I had hope through Torrens, that the Duke of York might be prevailed on to come out as Viceroy; but all was blasted by ignorance and brutality, and all will be blasted still, if something, like to what is suggested above, be not immediately resorted to.

No one has thought so much on these subjects as I have; nor paid so dear for experience; and it would be pusillanimous not freely to advise.

Although in a foreign land, I have by no means abjured my native country, and will not; Nay, I am here on neutral ground, merely to maintain my rights, and to say that British spirit shall uphold British America, whether the weaklings now in possession, governors or governed, will or will not.

Sir Robert Peel, has lately said in Parliament that commercial arrangements with the United States will deprive the Canadians of aid in this quarter, against their governments. Sir Robert should consider that there are two millions of British in these United States, still bound by the laws of native allegiance—double the number of all the subjugated French, and vagabonds who have been sworn to provincial allegiance—two millions who have yet warm feelings towards Britain, and who overlooking commercial arrangements may yet cross the lines to settle the whole account on loftier principles—at once for the advantage of themselves and their friends at home; one of them, who has just excuses for doing so, the moment that a favorable opportunity shall offer, and who has already given notice.

Were I an American citizen, I would not desire to see another acre added to the Union, for it is already too extensive for a Republic. But, My Lord, I am a British subject, and a loyal one.

Be so good as to lay this letter before the King in Council, and accept the assurance of my high respect. Your Grace's ob't servant,
ROBERT F. GOURLAY.

The Duke of Wellington.

* Lord Canterbury was appointed, but, for some cause, did not come out. Lord Aylmer succeeded to the appointment; came out: pleased nobody; and, made confusion more confounded.

New York, June 1, 1835.

MY LORD — We are now informed that your Ministry is at an end; but your influence at court will remain paramount; and if you have not acted on my suggestions, it is still in your power to do so. Throwing this sheet before the public, I feel that my duty is done.

Respectfully Yours,

ROBERT F. GOURLAY.

The Duke of Wellington.

CORRESPONDENCE WITH HIS EXCELLENCY SIR FRANCIS BOND
HEAD, LIEUTENANT GOVERNOR OF UPPER CANADA.

No. 1, *first series.*

Copy.

MONSTERS!

Mr Clark will show this to the inhabitants of Niagara district, and Mr. M'Kenzie may publish the duplicate to all the world.

Mr. W. Chisholm and Mr. Paul Peterson shall have copies to exhibit in the Gore and Midland Districts.

Postages will be paid on demand by the Great Bear of London District, or by the writer.

ROB. F. GOURLAY.

Ohio, December 22, 1835.

MONSTERS!!

I repeat it this 30th of January, 1836, and beg that Mr. Smart will, after showing this to his neighbors put it under cover, for the Speaker of the Commons House of Assembly, Toronto, to be there exhibited.

ROBERT F. GOURLAY.

With Mr. Gourlay's compliments.

Willoughby, Cuyahoga County, Ohio, February 15, 1836.

Sir Francis Bond Head.

No. 2.

Willoughby, Cuyahoga County, Ohio, February 19, 1836.

SIR — Seeing from newspapers that you had landed at New York, as Lieutenant Governor of Upper Canada, and that you had been one of the Poor-Law Commissioners, I despatched for your Excellency, three days ago, a printed copy of letters to the King, my daughter, and the Duke of Wellington. His Grace replied April 15; but as the Peel ministry resigned immediately afterwards, I sent fifty copies of these letters to members of Parliament, &c., in England; and then came here to wait results.

"I now offer to proceed with Commissioners to Canada, and thence to England; or I am willing to return to England directly from this place to communicate with your Grace or the existing ministry. Since leaving home I know that the poor-laws have been amended; but that will not suffice without a grand system of emigration."

These words are extracted from my letter to the Duke, and you may receive them as confirmation of continued devotion to a good cause.

I shall enclose a Copy of Testimonials obtained, and printed with many more, to counteract prejudice.

Being the only copy in my possession, you will have the goodness to return it to me after perusal.

Respectfully Yours,
ROBERT F. GOURLAY.

Sir Francis Bond Head.

No. 3.

Government House, Toronto, 26 February, 1836.

SIR— I am desired by the Lieutenant Governor to return to you your Testimonials, and to thank you for your obliging communication.

I have the honor to be, Sir,

Your obedient serv't,

F. HALKETT.

Robert F. Gourlay, Esq., Willoughby.

No. 4.

Willoughby, Cuyahoga County, Ohio, March 24, 1836.

SIR— May I beg you to peruse the enclosed memorial to the Honorable, the Commons of Upper Canada, and then cause it to be handed to the Speaker, who will, I hope, lay it before the House.

Your Excellency will further oblige me by looking over some more of my printed testimonials, to be returned, as were those formerly submitted to perusal.

I have the honor to be, &c.,

ROBERT F. GOURLAY.

Sir Francis B. Head.

No. 5.

Willoughby, April, 1836.

[PRIVATE.] Mr. Gourlay presents his compliments to Sir F. B. Head, has not yet received back printed testimonials enclosed with his last communication, of March 24, but hopes they are on the way.

Mr. G. subjoins part of a letter to his daughter, which with her letter enclosed, he begs may be retained till called for.

Toronto, March 31, 1836.

SIR—The Lieutenant Governor has read your testimonials which I beg to return to you. He has also perused your memorial, and has sent it to the Speaker of the House of Assembly.

I remain, Sir,

Your obedient Servant,

F. HALKETT.

To R. F. GOURLAY, Esq.

NOTE.

This correspondence with Sir Francis B. Head was continued till September 17, 1836, and printed at Cleveland, same year; but it is unnecessary to exhibit more of it at this time.

No. 1, headed "MONSTERS," was then left unexplained. It could not hurt or offend any body, and was intended to mark my feelings on the occasion of offering my services as a Statist to a foreign country, after my own had been regardless of what I did for it, in proposing in 1817 to publish in England the Statistics of Upper Canada, which I most faithfully performed, &c., &c., &c.

Turning to my correspondence with Governor Lucas, and comparing dates, this matter will be most clearly understood.

The reference to "THE GREAT BEAR OF LONDON DISTRICT," had an eye to my banishment from my landed property in that District, and was explained lately on publishing the Fable of "THE LION AND THE BEAR," in the British Whig, Kingston.

To Her Most Gracious Majesty, Victoria, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c. &c.

The Address of ROBERT F. GOURLAY, a native of Ceres Parish, in the County of Fife, North Britain: banished from Upper Canada; and now residing in the United States of America.

Willoughby, Ohio, October 13, 1837.

MOST GRACIOUS SOVEREIGN:

Far from home, and in a foreign land, your Majesty's Speech to Parliament has warmed my heart, strengthened my patriotism, and revived expiring hope. Through life I have been loyal, but now my loyalty is more fervent, seeing the British Crown sustained by the veriest purity. Long may it be so; and may Almighty God, on whom you depend, continue to Your Majesty every blessing.

With territory encircling the globe, two hundred* (one hundred and thirty†) millions of subjects acknowledging Your Royal sway, and the eyes of an enlightened world turned towards the British throne, what may we not expect, when love is paramount, and God propitious!

Your Majesty must be aware, that the people of Lower Canada have, for several years, refused supplies to Government, and are now threatening revolt, while many in other provinces sympathize, and would readily assist. Of immediate causes, I am ignorant, having for many years turned with disgust from Canadian affairs; but doubt not that the people are right. Certainly Lower Canadians were during war, and long after, the most loyal people in America; and from personal experience I know that nothing is too bad for provincial Government to perpetrate. Supplies ought to have been refused twenty years ago; and thereby twenty millions of pounds sterling might have been saved to Britain.

In an Address to the late King, my own case, opinions, and feelings were set forth; and a copy is annexed for Your Majesty's perusal. Permit me now, most excellent Queen, to advise, at once humbly, frankly, and earnestly.

When Constitutions were given to British America, the inhabitants were unfit to legislate for themselves: not so now;—now they are nearly as numerous as were the people of the United States when they achieved independence; and with helps of this enlightened age, are doubtless more able to frame Constitutions. Let them do so. Let the Queen of the ocean cross the Atlantic; and, at Halifax, Quebec, and Kingston, proclaim the Provinces free; saving to Britain the sovereignty and the forts, the water-ways and wild lands. Let Your Majesty give to the people a *carte blanche* for legislation; "*and in mercy shall the throne be established.*" Let love be the only bond of union between Britain and her Colonies: then it will be eternal, and all time will resound with applause.

No one is better entitled to speak of Upper Canada than myself. It is by nature the most enviable spot on the American continent; but how does it stand in comparison with this State of Ohio? It

* Maximum.

† Minimum.

began to be settled earlier; is more extensive and salubrious; as fertile and improvable; but already Ohio has three times the population; three times the extent of canals and rail-ways; ten times the wealth, and more than ten times the number of churches, colleges, and schools — all the result of freedom.

First and last, my object has been to make Upper Canada an asylum for the poor of England, and it may yet be a happy one. For this, I am about to revisit the Provinces, there to counsel peace, and there I shall await a reply to this Address. It shall be transmitted to Your Majesty by one of my daughters in Scotland, who will witness the purity of my motives, as well as my constant endeavors to maintain the unity of the Empire.

I am, most dutifully, sincerely, and respectfully,
Your Majesty's loyal subject,

ROBERT F. GOURLAY.

No. 1, *second series.*

Cleveland, Ohio, Dec. 27, 1837.

Sir:—Having removed to this city for warm winter-quarters and medical aid, a month ago, Captain Halkett's letter of 28th Nov. [See A.] did not come to hand so soon as it might; but is now before me, giving assurance that the third copy of my memorial to Her Majesty, was despatched for my daughter.

With sorrow and shame have I since read of rebellion in the Canadas:—sorrow for the poor deluded people—shame for British rule. Little did I imagine, when addressing the Queen, that the "*madness of the people*" would really break forth; and it is now some consolation to think, that the paroxysm being over, good may come out of evil;—that bad blood let off, fever may abate, and the body politic enjoy lasting health.

Immediately after returning to this place, from Upper Canada, last year, I printed my correspondence with Your Excellency, (a copy of which shall be despatched along with this letter,) and was actually on board a schooner for passage across Lake Erie, when accident induced delay. I then added to my printed "*Record*," and was again on the wing for Upper Canada, when it pleased God to strike me down with disease, which still renders me unable to move into the Province.

Sir!—however wicked and weak—blackguard, bloody, and bungling, have attempts been to rive the Colonies from Britain, no such disgraceful catastrophe would have been witnessed, had the Gov-

A.

Sir,—By desire of the Lieut. Governor, your letter to Miss Gourlay, and the Memorial to Her Majesty, have been despatched to Seafield.

Your obedient servant,

Toronto, 28th Nov. 1837.

F. HALKETT.

Seafield, (Fife, Scotland,) Jan. 3, 1838.

My Dear Father,—We received your letter of 25th November a few days ago. The two copies of the Address, which we have also received, have been forwarded—the one, by Jeany, to Her Majesty; the other, by me, to Sir John Campbell. I enclosed it in a note, with your compliments, and request for an answer.

Ever, my dear father, affectionately yours,

J. GOURLAY.

ernment been pure. It has been at once impure, wasteful, and regardless of principle, as I myself can attest. I allude to none of your doings. From all accounts your conduct has been honorable and masterly. Your latest political measure — the removal of the military from Upper Canada, and confiding in the people — is above praise — is itself satisfactory proof, that parties have had fair play; while the result already condemns revolters. We hear that they are in possession of Navy Island, with strong reinforcement from the United States. Let them abide to cool; and honor them not with a siege. A little time will show them off as truly contemptible.

Americans, generally, are grossly ignorant of Canadian affairs. They talk of tyranny and oppression, while Britain has been indulgent to a fault; — pampering fools, and caressing bears. They compare this miserable brawl to their glorious revolution! What would Washington say, were he to rise from the grave! The good sense of Americans will soon discover their mistake; and, if the fools, who in frenzy have taken part with run-aways, do not retire in shame, their countrymen will gladly see them kicked out from interference in family affairs.

I, Sir, am out of sight the greatest sufferer from colonial abuse; but, I am a Briton; and to Britain shall ever be true. I have constantly looked to Upper Canada as a field where the best principles and feelings may be cultivated; and despair not, even now, when it is putrid, of seeing its fruit of the finest flavor.

Four years ago I landed at New York; and, annoyed with the threats of one party, and the caresses of another, issued a proclamation against all. A year afterwards, my case was addressed to His Majesty, while I told the Duke of Wellington, that "*British spirit shall uphold British America, whether the weaklings now in possession — Governors or governed — will or will not.*" I say so still.

But, Sir, there is a cause greater than that of Canada, — more crying than the strife of nations, more sacred than that of patriotism — the cause of the poor; a cause which must be won, not by hostile attack, but by friendly admonition, reason, and religion. To that cause I am spell-bound.

This day thirty-seven years ago, I left London, under the auspices of the Board of Agriculture, (see Young's Annals of Agriculture, volume 37, and page 514,) to inquire as to means of bettering the condition of the poor; and from that day to this, have been devoted to the pursuit. You have been a Commissioner of poor-laws: I have made that subject the study of my life. I have informed Her Majesty, that "*first and last, my object has been to make Upper Canada an Asylum for the poor of England;*" and, with Her Majesty's assistance, shall render it "*a happy one.*"

Now, Sir, enough is said for the present; and all I ask of you is, to lay this letter and the enclosed Address to the Queen, before the Commons' House of Assembly; while you cause copies of the whole

to be published in provincial newspapers. If ignorance has hitherto taken my writings as bane, these may serve as an antidote.

I have the honor to be, with the utmost respect, your Excellency's obed't serv't,

ROBERT F. GOURLAY.

Sir Francis Bond Head, &c.

N. B. May I request that the enclosed dollar be paid to the Post Master of Toronto — postage of a letter from Scotland, forwarded to me last summer. Acknowledgment of receipt of this, will oblige,

R. F. G.

No. 2.

Toronto, 11th January, 1838.

SIR, — I am commanded by the Lieutenant Governor to acknowledge the receipt of your letter of the 27th December; and to inform you, that His Excellency will pay every possible attention to your wishes.

I have the honor to be, Sir, your obed't servant,

Robert F. Gourlay, Esq.

F. HALKETT.

No. 3.

Copy.

Buffalo, Dec. 26th, 1837.

My Dear Sir, — I take the liberty of calling upon you to give assistance in the cause of Patriotism in Canada. We are contending for our liberties. Our motto is, liberty or death. In haste. I am, Sir, yours,

W. L. MCKENZIE.

Robert Gourley, Cleveland.

Cleveland, Ohio, Monday morning, January 1st, 1838.

Mr. Gourlay received a letter, unclosed, of which the above is a copy, late last Saturday evening. Looking to it again, now, he thinks it may be a forgery — being not very like some of Mr. McKenzie's former letters; and Mr. Gourlay's name seemingly misspelled.

Mr. Gourlay knows nothing of the present state of Canada but from newspaper reports, some of which contradict others, and all of which may be incorrect. Will be glad if Mr. McKenzie, on receipt of this, writes him distinctly what assistance is required? on what grounds Mr. M. took up arms against the Provincial Government? what is the force now on Navy Island? and what the proportion of Canadians, there assembled? also, what steps are to be pursued? Being informed briefly on these points, Mr. Gourlay will immediately communicate his opinions. He has been lame twelve months, and could not now travel to Buffalo, though willing.

Along with this he will despatch a copy of "*The Banished Briton*," printed here a year ago, with intention to give it away in Canada.

W. L. McKenzie, in Camp, Navy Island, near Buffalo.

Cleveland, Ohio, January 2, 1838.

SIR — The above will speak for itself. Last night a very numerous meeting was held at the Court-House of this city. A *General Sutherland* was present, and stated, that he had come from Navy Island to ask assistance for the Patriot army; and he was ably seconded by several very eloquent speakers, who called forth loud applause.

I was then urged to stand up, which I did, telling them, that I took no part in the discussion, but would advise them to pause, and consider whether it was right to throw brands into a neighbour's house on fire, — whether it was becoming to proceed in this business, while not a single individual was present from Canada, to invite them. I said, that American eloquence was powerful; but that the greatest oratory of antiquity had been unavailing; for soon after the appearance of Demosthenes, Greece was subjected to a foreign power; and that Cicero saw the downfall of Roman liberty. I then read the above correspondence with Mr. McKenzie; and begged of them to give me a hearing, when his next letter was replied to. This request was disregarded; and a resident clergyman followed me, to urge on the cause of Canadian independence, &c.

A committee of twenty-one was appointed to manage matters; and a corps of volunteers is raising.

It was shown, that all this might be done without infraction of national treaties; and a high law authority was quoted, distinguishing between national and individual aid to belligerents.

I shall accompany this with a copy of "*The Banished Briton*," containing what was added to it, after the first printing; and will be obliged with acknowledgment of receipt.

I am, respectfully, yours, ROBERT F. GOURLAY.

Sir Francis Bond Head.

No. 4.

Toronto, U. C., Jan. 12, 1838.

SIR, — I have received your letter of the 2nd, and cannot refrain from thanking you for the part you took at the meeting at Cleveland.

The invasion of any country, by its allies, is an act of aggression revolting to a generous mind.

I remain, Sir, your faithful and obed't serv't, F. B. HEAD.

Rob't F. Gourlay, Esq.

No. 5.

"It is often by impulse, and not by reason, that public sentiment is drifted along: causing a tide in the affairs of men, which no wisdom—no experience can stem. There seems, at times, a blind and headlong necessity, even in the moral world, which can no more be withstood than the currents of the ocean—transitions in the history of nations, during which man, as if struck with impotency, stands in passive and trembling abeyance, till the hurricane has blown over him: till the sweeping anarchy—resistless as the onset of the elements—has spent its violence, and the high ordinations of Providence are fulfilled.—*Chalmers: Bridgewater Treatise.*"

Cleveland, Ohio, Jan. 5, 1838.

SIR — I have this morning read your speech to the Provincial Parliament, with infinite satisfaction, as it every way sustains British honor; and I have quoted from an old friend, what seems better than remark, on the aids given by the American people, to Navy Island; and consequent burning of their steamboat, in an American harbour.

Yesterday, 3 P. M. a schooner sailed from this port, with a fair wind, for Detroit river; but the wind, after a gale, chopped round during the night; and where the vessel now is, no one can say. She had on board *General*, alias Colonel Sutherland, of Buffalo, with up-

wards of sixty volunteers, for invasion of Upper Canada, under the name of emigrants; a hundred muskets, some field-pieces, &c.

Respectable citizens congratulate themselves on thus being rid of many base characters. Some say the intention was, to occupy Bois-blanc. Others, that 400 Blacks are at Malden, ready to receive them with the Patriot motto — "liberty or death."

No doubt Your Excellency has used every precaution.

Very respectfully, yours, &c. ROBERT F. GOURLAY.
Sir Francis Bond Head.

No. 6.

Toronto, January 15, 1838.

SIR — The Lt. Governor has directed me to offer to you his best thanks for your letter of the 5th instant.

I have the honor to be, Sir, your obed't humble servant,

R. F. Gourlay, Esq.

F. HALKETT.

No. 7.

(Copy.)

Navy Island, 8th Jan. 1838.

TO ROBERT F. GOURLAY, Esquire, *Cleveland*.

DEAR SIR — Your conjecture was right. The letter sent you from Buffalo, dated 26th December, was a forgery. I knew you was in America, but have declined to write you on political subjects, because I perceived, in the sharp letter you wrote to Mr. Hume [see B.] in consequence of his letter to me, when Mayor, that you was still favorable to the colonial yoke, and adverse to independence for Canada.

I do not doubt your sincerity, wherever you advocate any principle; but when I found we had arrived at the most opposite conclusions, on a cardinal point, I thought it was useless to trouble you with any more letters; for I felt grateful to Mr. Hume, for an

B.

To Mr. Hume, a Member of the British Parliament.

New York, June 3, 1834.

SIR — I have now before me, your letter to Mr. McKenzie, dated 29th March last; and am grieved to see it: nay, when first read, it disgusted me.

Very possibly Mr. Ryerson behaved ill to you; but, nevertheless, it was not for you, a member of the British Parliament, to descend to vituperation, evidently written for newspaper display.

Had you done justice to my petition, presented 27th February, 1822; or had you brought me before Parliament, any time during the six years I corresponded with you, for that end, all would have been well: indeed, Canada, instead of being a disgrace to Britain, would have been, before now, her joy and her strength.

Is it becoming in you, acquainted only with partial details of party politics, to fling out venom against British rule, however blameable, at a distance of four thousand miles? — to flatter "*the high-minded people of Canada*;" or, to speak of "*the baneful domination of the mother country; and the tyrannical conduct of a small and despicable faction in the colony*?" No, Mr. Hume! your letter is shameful. Your industry, your orderly habits, and your economy, may be commended; but your fault-finding, your feeling, and your philosophy, are, to use your own word, "*despicable*."

You say, "*the people of Lower Canada are taking the means of forcing their affairs on the Government*." I say, that without more force than you possessed twelve years ago, all that was desirable for Canada, might have been obtained.

My views have all along been chaste and elevated; and this day I have written to Lord Althorp — "*Let nothing be concluded, as to poor-law reform and Canada, till Commissioners — myself one of them — have met at Montreal*."

Advance this measure, and you may still be useful to me and the nation to which you belong.

Your obed't serv't,

ROBT F. GOURLAY.

honest and really valuable advice, while you concluded him worthy of sincere censure.

Your question, as to what were the causes that led us to take up arms, I think it useless to answer; for no one could answer that better than yourself. As to our object, *of course*, it is independence of European domination *for ever*.

I am sorry to hear of your lameness; and trust the day is not far distant, in which the country will (though late) make *some* reparation for the wrongs done you.

I thank you for "*The Banished Briton*;" and as to the progress of this movement, the public journals will, perhaps, be the best means of information. I dare say we shall succeed, though not so speedily as I at first anticipated.

The weather is very mild. Mrs. McKenzie stopt a fortnight on Navy Island; and left, for Buffalo, last Friday. I remain your faithful friend,

W. L. MCKENZIE.

"It is impossible but that offences will come: but woe unto him through whom they come!"

"If thy brother trespass against thee, rebuke him; and if he repent, forgive him."

Cleveland, Ohio, January 14, 1838.

WILLIAM LYON MCKENZIE — Your letter, dated Navy Island, 8th January, reached me last night; and this (Sunday) morning the above texts met my eye, on opening the Bible. Let them be used.

Without exception, you are now the most prominent person in America. Oh, that it were in honor! Offences have come, and woe unto you! God has used you as an instrument; and, as the vilest of instruments, will cast you away, if you do not repent. Do so immediately, and I, for one, shall forgive you.

Supposing, from my sharp letter to Mr. Hume, that I was "*favorable to the Colonial yoke, and adverse to independence for Canada*," you are wholly wrong; and, with fit occasion, this shall be made plain. Mr. Hume is a little man; and you less. There are constitutional means for reform, in Canada. Papineau was using these; and with patience alone, would have effected the end. Force was altogether unwarrantable. I had right to take up arms: you none; and had you succeeded, so far from rejoicing, I would have turned my back on America for ever.

During four years' residence in these United States, I have witnessed far worse than European domination, — the domination of the worst passions: mobs, murder, sacrilege, and profanity, of every kind. I have seen Texas conquered, only to extend the domain of slavery; and you holding out a bait of three hundred acres of land to Republicans, who would grant no asylum to slaves in Canada. You call yourself a Patriot, and fly from home to enlist scoundrels for the conquest of your country. This is patriotism with a vengeance; but God will avenge. I am, more in pity than in anger, yours, &c.

ROBERT F. GOURLAY.

P. S. — Let your comrades on Navy Island, have benefit by peru-

sal of this ; and furnish a *copy* to editors of Buffalo newspapers, that the public at large may reflect on the whole matter. R. F. G.

Cleveland, Ohio, January 23, 1838.

SIR --- Your letter of January 12th, and Capt. Halkett's of January 11th and 15th, reached me all together, yesterday, and I have now copied out above, Mackenzie's letter to me, with my reply.

I should be glad, did you order a copy of my memorial to Her Majesty, with copies of my communications to your Excellency, 27th December, 2d January, 5th January, and this, to be written out and despatched to the Home Government.

I have the honor to remain, with high respect, your obd't serv't,
ROBERT F. GOURLAY.

Sir Francis Bond Head.

No. 8.

Toronto, 2d February.

SIR --- I am directed by the Lieutenant-Governor to acknowledge, and thank you, for your communication of the 23d ultimo.

I have the honor to be, Sir, your obedient servant,

F. HALKETT.

R. F. Gourlay, Esq.

No. 9.

Cleveland, Ohio, February 10, 1838.

SIR --- Capt. Halkett's letter, 2nd instant, reached me last night, along with the inclosed, which will tell its own story. (*To be returned.*)

For several days last week, this city was thronged with troops from Navy Island, on their march westward ; and it is now said there are three thousand men armed with muskets, pikes, and bowie-knives, ready to cross into Canada, on the ice ; --- some at old fort St. Clair --- some at Sandusky. From the latter place, they are first to proceed to Cunningham Island ; but I question whether they will find footing, all ice having disappeared here, from a thaw five days ago ; though it is again forming.

I did not reckon more than one in five, who passed here, to be Canadians. These were generally dejected, and much to be pitied ; having left behind them friends and property. The rest were foul-mouthed scoundrels, of the very worst stamp ; mostly from New York State. Their horrid abuse of every thing British has generated feelings in old country people, which will not soon cool down. All but some low Irish are indignant at the interference of Americans in Canadian affairs.

I am extremely sorry to observe, from newspapers, that you have resigned the Government ; but you may do the state some service at home, with your experiences ; while ministers must be aware, from results, that all along you were in the right.

May I request that, before your Excellency leaves Toronto, my family letters put into your hands, in confidence, as sacred pledges of fidelity, together with all my papers relating to private affairs, including the annexed half sheet, be put under cover, sealed up and addressed for me, to remain in the hands of the Lieutenant-Govern-

or till called for. This will oblige yours, faithfully,

ROBERT F. GOURLAY.

Sir F. B. Head.

No. 10.

Toronto, 17th February, 1838.

SIR --- I am desired by the Lieutenant-Governor to acknowledge your letter of the 10th instant, and to return the enclosed.

Your family letters and other papers, which I have had charge of for some time, shall, according to your desire, be handed over to the new Lieutenant-Governor, sealed up and directed as you wish.

Your letter to W. L. Mackenzie has given general satisfaction, and has appeared in all the leading papers. I remain, Sir, your obedient servant,

F. HALKETT.

R. F. Gourlay, Esq.

No. 11.

Cleveland, Ohio, Feb. 14, 1838.

SIR --- Nine four-horse wagons, with sixty soldiers of the United States army, passed through this city, from the east, three days ago, to check movements for the invasion of Canada; and the day after, eighteen stand of arms, stolen from the civil power here, last week, with a field-piece, were recaptured, fifteen miles west of this.

It is now reported that a wagon has crossed from Sandusky point, on the ice, to Cunningham Island; so that the desperadoes, of whom eight hundred were said to be at that point, may have proceeded for Canada.

I mention this, not from any dread that the province will be conquered, but to make record of the strange warfare, and to guard, as much as possible, against bloodshed; for, so far as I know and have heard, nothing too murderous will be stuck at, against the Tories, as all are called, who stand up for British interests. Yours, respectfully,

ROBERT F. GOURLAY.

Sir F. B. Head.

NOTE.

Throwing these letters before the public, I wish it to be known, that they were all openly exhibited in Cleveland — where, during four months of excitement, I was uniformly opposed to every measure tending to countenance the self-styled Patriots — that, not only in the Court-house, but Lyceum — in bar-rooms, groceries, in doors and out, I lost no opportunity to dissuade from the murderous work; nor, will my mode of cooling down the "BLOOD, BLOOD, BLOOD!" of a certain rabid phlebotomist, be yet forgotten there.

The misguided Refugees from Canada, knowing the damnable treatment I had received in the province, and being more especially hopeful of my assistance from a false report published in newspapers, before the outbreak, that, I was ready for invasion, with ten thousand volunteers, were lost in wonder, when they found me adverse to their movements.

Van Rensselaer's Aid-de-Camp, above mentioned, (*this note was attached to the first publication. The "MENTION," is now below, — page 22, at the astrisk,*) spent half a day with me; and, by my advice, instead of proceeding westward, as the General had directed, immediately retraced his steps to Buffalo, full fraught with my opinions, and having heard me read the scroll of a letter, to his superior in command, beginning as follows:—

Cleveland, January 17, 1838.

SIR,—Being informed that you are a young man, belonging to a very wealthy family, and bred a soldier, I cannot imagine you destitute of honor, or wholly with-

out the feelings of a gentleman; but, in every age, from "Macedonia's madman to the Swede," we have seen military glory obscuring all else, and setting common sense at defiance. Never, however, was hallucination more blinding than yours. At a moment of profound peace, putting on armor, and, led on by the little editor of a blackguard newspaper, entering the lists of civil broil, and erecting your standard on Navy Island, to defy the armies of Britain! David before Goliath seemed little; but God was with him. What are you, in the limbo of vanity, with no stay but the devil! &c. &c. &c.

ROBERT F. GOURLAY.

Gen. Van Renssellaer.

NOTE.—April 22, 1843.

William Lyon McKenzie, self-styled Patriot, Hero of Navy Island, and Prince of mischief-makers, sprung out of me; and I countenanced him during five years, viz: 1824, till 1829, inclusive. Finding, then, that he had no stability, I cut correspondence, and during three years heard nothing of him.

In July, 1832, he wrote to me from London, and I returned his letter from Leith. He wrote again soon after, when I bade him call "*for a crack*," should he come to Scotland. In the spring of 1833 he did call, and pressed me to go back to Upper Canada, where he said "the people would pay me." I told him in reply, they must first settle the old account, or I would cut all their throats. In short, I used such language merely to express disgust with all their political doings; but I showed him and his wife,—a modest, well-behaved woman,—every civility otherwise,—going with them all over Edinburgh, through the castle, palace, &c., &c.

After my arrival at New York, early in 1834, I received a note from Mr. George Bruce, type-founder, saying there was a letter for me at his office. I called, and found it was from Mr. McKenzie. In reply, I penned an exceedingly coarse epistle, which I bade him publish in his newspaper. This, before despatching, I asked Mr. Bruce to read. After perusal, I asked him to attest the same at bottom with his signature; and this also he did. I then said, "Mr. Bruce, I have no bad feeling personally towards Mr. McKenzie, but wish to have no correspondence with him on political subjects."—Mr. Bruce, I know, remembers this well.—McKenzie wrote two letters more; and I then peremptorily desired him to desist, long before my "*sharp letter*" to Mr. Hume; nor did I see his hand-writing again till the above dated from Navy Island. In that letter, he says he "*declined to write*;" but it was I who *declined*: and, had he taken my advice, to "*repent, immediately*," it would have been well. It is never too late; and as he has some good qualities, I trust these may yet be cultivated, while the bad are laid aside for ever. On a future occasion, I shall have opportunity to illustrate his character further.

CORRESPONDENCE WITH SIR GEORGE ARTHUR.

Cleveland, Ohio, April 28, 1838.

SIR,—As successor to Sir Francis Bond Head, you are, I presume, in possession of my correspondence with that gentleman. It began with a communication despatched from Willoughby, 16th February, 1836, and closed with my letter from this place, February 14, 1838. During that correspondence, I placed in his hands, confidentially, certain letters and papers relating to private affairs, which, before his departure, I desired might be sealed up, and directed for me, to remain till called for, in your Excellency's possession. May I now beg the favor of a few lines, saying whether such a packet is in hand, and will be cared for.

I crossed the Atlantic, 1833, intending to do business in the United States, and not to enter Canada. Circumstances baulked expectation; and after six months correspondence with Sir Francis, I crossed from Detroit to Sandwich, perambulated the Western district, and finding the inhabitants friendly, returned here for my trunk,

thence to proceed for Toronto; but, on the eve of departure, was struck down with disease, which has these last sixteen months, rendered me unable to travel. Though not yet entirely recovered, I hope, with warm weather and steamboat navigation, again to visit the province; and would now bespeak your patronage, as I did that of your predecessor, in drawing up a second edition of my statistical account of Upper Canada. The first proved an abortion, from a tissue of melancholy and distressing events; yet will, nevertheless, afford valuable *materials* for a more perfect, and I trust, better fated work.

Till the late outbreak, I knew little of what was doing in the province, not seeing Canada newspapers for months together, and for years having no correspondent there; but from what I did hear, my opinion was in favor of the conduct of Sir Francis Bond Head. There is, however, now before me, his Excellency's letter to the British Ambassador at Washington, dated Toronto, Upper Canada, March, 1838, which requires comment and correction.

Speaking of the occupation of Pele Island, by people from the United States, he infers, that Gen. Scott, having "*passed up from Buffalo to Detroit, through Sandusky, must have had ample opportunity to know what was going on in that vicinity.*" In my letter to Sir Francis, February 10, your Excellency will see it stated, that a number of people who had abandoned Navy Island, were "*ready to cross into Canada on the ice; some at old fort St. Clair, some at Sandusky.*" In that of the 14th, will be found these words: "*It is now reported, that a wagon has crossed from Sandusky point, on the ice, to Cunningham island, so that the desperadoes, of whom eight hundred were said to be at that point, may have proceeded to Canada.*" Such was my information.

As to that of General Scott, I am told by the custom-house officer here, that as soon as the General arrived in Cleveland, on his way westward, he sent for him, to advise as to his movements; and that he, (Mr. Starkweather,) assured him, that the people who had assembled at Sandusky, had crossed the river and gone to Gibraltar, opposite Malden, where their main body was collecting, for invasion of Canada; and that Gen. Scott, in consequence, hurried on to that point. Sir Francis was, probably, not aware, that there are three places called Sandusky: one on the lake shore, distinguished as Sandusky City; Lower Sandusky, 35 miles up the river; and Upper Sandusky, still further inland. The great road to Detroit, travelled by General Scott, passes through Lower Sandusky; so that he might hear nothing there, of what was going on at Sandusky City, where the people had first assembled. He had, in fact, any thing but "*ample opportunity to know what was going on in that vicinity,*" being misdirected by Mr. Starkweather, while he, (Mr. Starkweather,) was out-witted by the people. They did, indeed, cross the river; but, instead of proceeding to Gibraltar, many remained at the point, (where there is a light-house,) as stated by me; and took the first safe opportunity to go on the ice, to Pele Island, by way of Cunningham Island.

Gen. Scott's zeal in repressing the outrage, could not, so far as I have heard, been exceeded: indeed, an Aid-de-camp of Van Rensselaer,* who conversed with me here, complained bitterly of the General for going beyond the law, in taking from them, arms which did not belong to the United States. I think, sir, that Sir Francis will himself thank you, for communicating to the Home Government, this correction of his account, that neither blame nor insinuation should rest against an officer so high in command as General Scott; and whose Government has undoubtedly been most solicitous to maintain peace. I say this more especially, looking to these words of Sir Francis: "*This is the last of the outrages for which the American Government has to answer to the British nation.*"

It should be kept in mind, that, from first to last, the whole has been a mob affair; and that mobs will, in the best regulated countries, sometimes gain the ascendant: witness the Bristol mob, which, for several days, controlled that ancient city, and burned down some of its finest edifices.

The Canada mob was got up by newspaper excitement, which Sir Francis allowed to gather strength — perhaps wisely — as, in the issue, much foul air has been exploded. The reported burning of Toronto, &c.: the escape of Mackenzie, to Buffalo, which itself had been burned down, and where many sufferers still remain furious against that act of just retribution; his representations to these people in the theatre: the romantic occupation of Navy Island, &c., &c., all tended to inflame the public mind, at a season of the year when many had little else to think of; while, too, rumors, echoing from town to town — doubling and redoubling, till the burning of the Caroline afforded the best subject for firing imagination to madness.

Sir Francis says — "*I am quite convinced, that nothing has been so instrumental as that single act, in deterring the rising inclination of the American people, to insult and trample upon the inhabitants of this province*" --- than which, perhaps, a more mistaken inference never was drawn. The following words will be found in my letter to his Excellency, dated December 27, 1837: "*We hear that they are in possession of Navy Island, with strong reinforcements from the United States. Let them abide to cool; and honor them not with a siege. A little time will show them off as truly contemptible.*" Immediately after this was written, Sutherland appeared here and began to recruit, aided by a notorious thief as his Lieutenant. By help of declamation, an offer of three hundred acres of land, and a hundred dollars, some dozens of the lowest rabble were got to enlist; but these would not have had means to move, had not news of the burning of the Caroline arrived. That fired all ranks of Americans, and abashed old countrymen. Then, money and provisions were collected; upwards of twenty recruits marched in from a neighboring town; people run through the streets with swords and guns for the self-styled Patriots; and anon, Sutherland sailed in a schooner, with seventy men, for the invasion of Canada, on the 4th January, cheered by a vast multitude; nor could any authority at that time have

interposed with success, or even safety. Nay more, during three successive weeks, a debate was kept up in the Lyceum, a corporate body composed of the most respectable citizens, stimulating more and more, to put down the British atrocity, as it was termed; and nothing, I am convinced, but the interference of the General Government, could have saved Canada from serious trouble. This was the best time and place to mark consequences; and sure I am, all the violence, both above and below, after the abandonment of Navy Island, arose from the burning of the Caroline. I do not say it was unjustifiable: on the contrary, even the burning of Buffalo might have been justified, from the atrocious conduct of its inhabitants; but far happier results might have followed a contrary course, and had there not been a shot wasted on Navy Island. Malcontents were allowed to drill for weeks, at the back of Toronto, to the eminent peril of that city: why, then, was fear manifested, when 7 or 800 ruffians, (so styled by Sir Francis,) were encircled by the freezing waters of Niagara? Notice had been sent to Washington; and, with coolness and concert, the two friendly Governments might have caught every man on the island; or left them to supreme contempt, in their own trap.

Soon after Sir Francis came to Upper Canada, he declared that "*experience was better than knowledge.*" Take it so, and have advantage from such acquirement. He admits his "*strong feeling of indignation.*" Be you warned against it. Let all such provocations pass unheeded, and be intent only on raising Upper Canada from the slough in which misgovernment has sunk her. Independent America looks down on her sister land, with disgust and pity, because she is spiritless and lazy — beggarly and in rags. In nature, the wounded stag is gored. Raise Canada from the mire; bind up her sores; let her enjoy, unrestrained, the blessings of her climate and her soil: then she will bound away from all harm, healthy, and clean, and vigorous, alike regardless of the sympathies and antipathies of the world.

Most respectfully, yours,

ROBERT F. GOURLAY.

Sir George Arthur.

NOTE.

After three weeks from the date of the above letter, having received no reply, I despatched a duplicate to Sir George, with my compliments, and requesting acknowledgment of receipt; but still was not honored with notice.

In August, while staying with my friend Judge McDonell, at Point Fortune, on Ottawa river, Sir George came there to embark on board a steamboat; and being introduced to his Excellency, I immediately asked if he had received my letter from Ohio. He replied in the affirmative. I then asked why he had not acknowledged receipt. He said, "*there were difficulties.*"

As it would have been wrong, before a large company, to enter into altercation, nothing more was said on the subject; but a little afterwards, seeing his Excellency disengaged, I handed him my card, and said I should be glad, when he next communicated with Lord Durham, if he would transmit it to his Lordship, and let him know that I was now in Upper Canada, where I had been proprietor of land, for upwards of thirty years; also, that I meant to proceed from the bottom to the top of the province, and appeal to every honest man, whether my treatment, twenty years ago, had not been infamous.

CORRESPONDENCE WITH LORD DURHAM.

No. 1.

Cleveland, Ohio, May 30, 1838.

MY LORD — Some months before it was known in America, that your Lordship would come out, with full powers from the British Government, to settle all disputes with the provinces, I sent home a copy of an address to her Majesty, dated Willoughby, Ohio, October 13, 1837, together with a letter to Sir Francis Bond Head, to be shown to Earl Grey and your Lordship, by my friend, Mr. Sergeant Spankie: and a month afterwards, despatched for him, copies of letters, in continuation, to Sir Francis, for the same end.

Presuming that your Lordship has now arrived at Quebec, or will be there, before this reaches its destination, I have to beg the favor of a few lines, saying whether your Lordship did see, in England, the above-mentioned Address and letters, or any of them.

In my address to the Queen, it was said, that I was "*about to revisit the provinces, there to counsel peace;*" but indisposition prevented my moving from this place; and I now consider it fortunate, not only as it kept me apart from the wretched brawl which ensued, but enabled me, here, to be of some service, both to Britain, and America.

I have the honor to be, with highest respect, your Lordship's obedient servant,

ROBERT F. GOURLAY.

The Earl of Durham.

No. 2.

Cleveland, Ohio, June 12, 1838.

MR. GOURLAY presents his most respectful compliments to Lord Durham: — despatched a letter to his Lordship, twelve days ago, a copy of which is subjoined; and if Lord Durham heard nothing of Mr. G.'s Address to her Majesty, in England, would feel honored, should his Lordship transmit the letter above mentioned, to Lord Grey, for his and Mr. Sergeant Spankie's perusal.

He also subjoins copy of a letter to Sir George Arthur, which has not been replied to; and begs acknowledgment of receipt of this, directed to him, at Niagara, Upper Canada, where he hopes to be, ten days hence.

No. 3.

Willoughby, Ohio, July 9, 1838.

MY LORD — I did myself the honor to write two letters to your Lordship, dated May 30, and June 12, which were despatched from Cleveland to Quebec. In the last, I begged that acknowledgment of receipt might be directed for me, at Niagara, Upper Canada, where I then hoped to be, in ten days.

Unforeseen occurrences have detained me here; and I am indeed glad that I did not proceed for the province, seeing, from newspapers, that great excitement exists there. Besides, I have now before me, your Excellency's Proclamation, dated the twenty-ninth day of May,

whereby it appears, that you are not only Governor-General, but her Majesty's High Commissioner.

Permit me, then, to state, that I corresponded, during two years, with Sir Francis Bond Head, while Lieutenant-Governor; and last winter repeatedly received his thanks, for my communications. I am, therefore, the more surprised, that Sir George Arthur has not replied to my letter of April 28, a copy of which was subjoined to my last communication to your Excellency.

It was my intention to have proceeded to Toronto, there, personally, to inquire of Sir George, why he did not reply; and I am now more anxious to know, whether the packet spoken of, is in hand, and will be cared for.

Having suffered more than any individual from colonial abuse, no one can look more anxiously toward "*the amelioration of defective institutions,*" than myself: no one depends more on such amelioration; nor does any one more confidently expect satisfaction from your Excellency's appointment.

The bare acknowledgment of the receipt of this letter, is all I now request; and I have the honor to remain, with the highest respect,

Your Excellency's obed't serv't,

ROBERT F. GOURLAY.

The Earl of Durham.

No. 4.

Niagara, U. C., July 24, 1838.

MY LORD — I beg leave to acquaint your Excellency, that on hearing of your arrival at Niagara Falls, I immediately set off from Ohio, to have the honor of a personal interview; but was disappointed, yesterday, finding that your Excellency had gone off for the lower province.

I am also disappointed this day, finding no letter in the Post-office, acknowledging receipt of my second letter to your Excellency.

I have the honor to be, with great respect, your Excellency's obed't serv't,

ROBERT F. GOURLAY.

The Earl of Durham.

No. 5.

*Exchange Coffee House, }
Montreal, August 3, 1838. }*

MY LORD — Disappointed of an interview with your Excellency, at the Falls, I came here, on my way to Quebec, there to solicit that honor. But, here, I am arrested with disease, and in the hands of the Doctor. Besides, I am told your residence may not be permanent where you now are.

Having followed a wild goose chase thirty-eight years, your Excellency will allow it to be reasonable for me, not to expend remaining strength unnecessarily; and will much oblige me with two lines, saying whether, when, and where I may have that interview, which is the sole end of my coming from Ohio, should I be able to move on next week.

Most respectfully, yours,

ROBERT F. GOURLAY.

The Earl of Durham.

No. 6.

MR. GOURLAY begs leave to acquaint the Governor-General, that he arrived here, yesterday, from Ohio, in hope of a personal interview with his Excellency; and solicits that honor as soon as convenient, having no other object in Quebec. *Payne's Hotel, August 11, 1838.*

No. 7.

Colonel COUPER presents his compliments to Mr. Gourlay; and begs to acquaint him in reply to his note of this day, that his Excellency the Governor-General cannot grant him the interview he solicits; but Col. Couper will be happy to see Mr. Gourlay, at his office, any time before 4 o'clock. *11th August, 1838.*

No. 8.

MR. GOURLAY presents his compliments to Lord Durham. On leaving Quebec, Mr. G. intended going directly to Queenston, whither he bade Colonel Couper transmit any communication for him, from the Governor-General; but found it necessary to come here for recovery of health, where he expects to remain over ten days.

Accompanies this with the third number of "*The Banished Briton*," which he trusts his Excellency will have leisure to peruse.

Caledonia Springs, Ottawa, September 8, 1838.

No. 9.

Quebec, 13th August, 1838.

SIR — I am commanded by his Excellency the Governor-General, to acquaint you, that his Excellency has before him, all the documents which you placed in my hands, previous to your departure from Quebec.

I am, Sir, your obedient servant,

G. COUPER.

Robert Gourlay, Esquire.

Queenston, Upper Canada.

A brief but sufficient and very faithful history of the Durham Administration, — written a few days after receiving the above trifling letter from Couper, October, 1838.

A Durham Ox came o'er the sea,
And landed at Quebec;
Canadians all were on their knee,
And instant at his beck.

The Durham Ox moved up the burn,
To see the muckle Falls.
The Buffaloes, on Erie's bank,
Thought he was come to balls.*

They asked if he would feed with them,
And said their grass was good;
But the Durham Ox turned round his tail,
And down the burn he stood.

The Durham Ox, now tethered fast
Upon Victoria's lea,
Bade Yankees come from every town,
His mightiness to see.

The Durham Ox looked smooth and sleek,
The Yankees, they seemed wondrous meek,
But yet were very pawkie;
And after all the shows he made,
They thought him but a gawkie!

And now the truth is wholly out;
Nor need we any longer doubt.
So all the world may fairly laugh,
To think the Ox was but a CALF.

* It will be remembered, that Lord Durham gave a ball to the gentry of Buffalo; and they, in turn, expected him at a civis feast.

† "Down Laurie's burn he took a turn."

NOTE.

Here ends my correspondence with the authorities of Canada; and, to shew the importance of these letters to Lord Durham, I shall add a connecting narrative.

I wished my communications, sent to Britain, shewn to his Lordship, merely because he was son-in-law to Earl Grey; and because his quarrel with Brougham made it more likely he would attend to them. His coming out to Quebec was, from all these circumstances, more especially ominous of good.

After despatching my letter, July 9, I resolved to visit the Western district, before finally leaving Ohio, in order that all excitement might be over, in Niagara district, before going there; but at Cleveland, on my way to Detroit, I heard that Lord Durham was at the Falls; immediately turned back, and proceeded thither. Approaching Buffalo, I heard that his Excellency had given a grand dinner and ball, to the Mayor, military, &c. — who, in turn, were expecting his presence at a civic feast; and I was at the Falls, before his departure was reported.

Hurrying on to Niagara, my next object was, to call at the Post-office; and my disappointment was indeed great, finding no letter. I instantly went into a store for writing materials; and having written my letter, July 24, with a copy, I asked the gentleman of the store, (Mr. Ralston) to compare them, which he did. I then asked him to accompany me to the Post-office, and witness mailing the letter. In this he also obliged me; and then certified the transaction, with his signature, on the copy.

My health now required recruiting, and my purse also, for a journey to Quebec. In both I was aided by friendship; and onward I moved, as soon as able.

Immediately on receiving Col. Couper's note, I waited on him, at the Government house. He asked, what my business was with Lord Durham — public or private? I said, both; but, in the first place, I wished to know why my letters had not been replied to? Col. Couper said his Excellency had received none: upon which, I put into his hands, copies.

He glanced over these, and coming to that from Montreal, he asked if it was put into the Post-office there: I replied, "certainly, with my own hand." Col. Couper said, his Excellency had not received it. "Then," said I, "there is some one between Lord Durham and me." Col. Couper, in conclusion, said — "*I shall take care his Excellency sees these*" — meaning the copies; and I withdrew.

That evening, about 8 o'clock, being much exhausted, I called for a candle to go to bed; and was told, that a gentleman waited to see me. He introduced himself — Mr. WAKEFIELD: (the same who had been announced in the newspapers, as accompanying Lord Durham, to instruct as to settling the wild lands of Canada.) He told me, that he was the writer of letters which appeared in the LONDON SPECTATOR, some seven years ago, regarding me. I called to mind the letters: they were highly complimentary, and intended to draw towards me, the notice of the Grey Ministry. Never before having known to whom I was thus obliged, I thanked Mr. Wakefield, and shook hands with him.

He then went on to say, that he was also author of a pamphlet on *Colonization*, which was sent me, soon after, under the frank of Lord Howick. This, too, I remembered. It was a very able pamphlet, and contained a quotation from my book on Canada. Mr. Wakefield said, he had taken his ideas on colonization, from my book. I replied, that it gave a very imperfect view of my projects: having been altogether an abortion, from distracting occurrences; and that even some engravings for illustration of my principles of settling wild lands, had never yet seen the light, while others, published, were not explained.

Mr. Wakefield added — "*Nevertheless, Government has established a colony on your principles, in Australia.*"

About 2 o'clock, Monday, 13th August, I sent in my card to Colonel Couper, desiring to see him. The answer was, that he was too much engaged. I bade the porter return and say, I *must* see him, wishing to leave the city that evening. Col. Couper then giving audience, I told him my sole object was, to know if I could now see Lord Durham. The Colonel replied, that his Excellency was deeply engaged: — then, said I, if I remain some days at Quebec, shall I see him? "*Quite impossible,*" said Col. Couper; but we shall reply to your letters: to what place shall we address for you? I told him I should that evening leave Quebec, for Queenston, where letters would find me; and then putting into his hand a sealed packet, directed to Lord Durham, containing a copy of my Address to her Majesty,

correspondence with Sir F. B. Head, and "*The Banished Briton*," I took my departure.

My note from Caledonia Springs, was meant chiefly to afford Lord Durham opportunity to recall me, or to correspond more immediately; but, behold the amount, in Col. Couper's letter, which awaited me at Queenston!

This is a record of facts: reflections will be in better season, after the public has had leisure to reflect!!

Edinburgh Castle, (Toronto,) June 4, 1839.

The above was published in the St. Catharines Journal, six months ago; and it is now good time to proceed with remarks.

Soon after it was published, hearing that Lord Durham had expressed a wish to the delegate who waited on him at Quebec, with an address from the inhabitants of St. Catharines, that a delegate should be sent from Upper Canada to London, there to back his proposals for the good of the province, I took measures towards appointing such a delegate, but, struck down with disease, was obliged to desist. I have now lauded his Report, and advised holding meetings in every township, to support it against the wretched opposition got up in the Assembly, the idiot presentment of Newcastle district, and the nibbling of a party *clique* in London, styled the Constitutional Association of British America.

Having gone thus far to sustain Lord Durham's Report—the thing which has cost England upwards of £30,000—the thing which has stirred up the mud of colonial pollution, and alarmed the tad-poles—the thing which is so far good, but greatly short of what is required; it remains for me to settle accounts with Lord Durham himself.

The lapse of time has brought to my knowledge, that all his disregard of my letters, and refusal to see me at Quebec, arose from dread that thereby he might incur the weightier malignity of Brougham; and to be sure, had he not made his peace with the ex-Chancellor, after playing the fool in Canada, and running home, he would not have had a chance any more than his chaste counsel Turton, whom Brougham has whitewashed in the House of Lords.

With these lights, let my letters to Lord Durham be again glanced at. They are all civil, and every one was worthy of a civil reply. Number 3 was written after perusal of his proclamation of 29th May, 1838, which says—"I therefore invite from you the most free, unreserved communications. I beg you to consider me as a friend and arbitrator, ready at all times to listen to your wishes." After reading these words, could I doubt of a hearty welcome? No: I was so assured of it, that on hearing of his arrival at the Falls, I seated myself in the first wagon which had place for me, and was off from Ohio, disregarding all matters of minor consequence. My disappointment of a letter at Niagara, is sufficiently marked, by calling Mr. Ralston as a witness, and Lord Durham's negligence is inexcusable; but what shall we say of his disregarding my letter from Montreal—suffering me, aged and infirm, to lengthen out my journey, merely to be spurned from his presence.

Although Col. Couper knew nothing of my letters, most assuredly one and all had reached Quebec, been opened by some other Secretary, and consulted about. Say, then, if the annals of machivalism can afford more striking proof of cold-blooded disregard of principle, justice, and feeling.

Col. Couper had informed Mr. Wakefield of my arrival in Quebec; and no doubt when he waited on me from the Government House, it was thought I would be received by his Excellency with open arms. He who was brought out from England to instruct Lord Durham, as to laying out the waste lands for colonization, certainly would not have hurried to me with the intimation that I was *his* instructor, had he not conceived it the best policy at once to make the confession. Col. Couper and Mr. Wakefield dwelt only in the outer court, and knew not the secrets of the divan. They calculated from ordinary experiences and common data; but suspected not the workings of selfishness, and the brewings of a bilious liver.

Lord Durham, in his Report, says—"Of the great number of American travellers who visited Quebec, during my residence there, and whose society I, together with the gentlemen attached to my mission, had the advantage of enjoying"—ay, indeed, he enjoyed advantage from all who flattered his vanity; but me, who had devoted my life to higher views—who had lost my all, by efforts for Canada—who went seven hundred miles, with no other object but to see him—me, he would not see—for fear of Brougham!

It is possible that Lord Durham neither saw my letters, nor knew that I was in Quebec. Although Col. Couper assured me that his Excellency should certainly see the copies, before shewing them, he might consult the Chief Secretary, Mr. Buller. Buller might say, I received all Mr. Gourlay's letters; but Turton and I deemed it prudent to withhold them from Lord Durham, that his Excellency should not incur greater displeasure from our friend Brougham, on whom Turton depends for a whitewashing. Let us have the copies, Colonel, and we will shield you from responsibility.

Law counsel will do more for a man, than a man can do for himself. Law counsel is not encumbered with feeling, or pledged in any way to regard truth. Law counsel may lie and deceive every way, for a client; but, such law counsel as Mr. Turton, who had set at defiance the decencies of life — what could such a one not do?

As to the Colonel's pledge, that his Excellency should see the copies, that could be managed as honestly as the assurance, by letter to me, at Queenston, that "his Excellency had before him all the documents."

His Excellency might see the letters, and have all the documents before him, without knowing one word of the contents, or from whom they came.

When I wrote to the Duke of Wellington, from New York, those letters which appear printed in "The Banished Briton," his Grace honored me with a note of acknowledgment, wholly written by himself; but Col. Couper writing to me, at Queenston, merely signs his name, that in case of after question he may, with greater show of honesty, exclaim — Oh! it seemed a matter of so little consequence, that I left it to my clerk.

Mr. Duncombe, a member of the British Parliament, who for some time made one of Lord Durham's suite, and with whom I conversed on the subject, crossing Lake Ontario, in October, as well as at the Falls, seemed surprised at my treatment — describing Lord Durham as the most affable of men. All who conversed with him, in this country, attest the same; and the delegate who went from St. Catharines, with an address to his Excellency, told me, he looked just such a man as would say, "make way for Mr. Gourlay, that I may talk with him." Here, again, I shall pause, that the public may have further time to reflect.

Published in the British Colonist, June, 1839.

FOR GOD—THE QUEEN—THE PEOPLE.

MR. GOURLAY respectfully and earnestly invites inhabitants of Grantham to meet him by 2 o'clock, to-morrow, 30th instant, at St. Catharines — then and there to discourse of matters vitally important to them and to him.

Allanburgh, February 4, 1839.

This day a numerous and respectable meeting, of the inhabitants of the township of Thorold, was held at this place, — JACOB UPPER in the chair, — J. H. LACY, Secretary, and JAMES SMITH, Assistant.

MR. GOURLAY handed a letter to the Chairman, which was read — stating that, about a month ago, it came to his knowledge that Lord Durham communicated to gentlemen, who waited on him, last October, with addresses from Niagara district, that other provinces purposed sending delegates to England, there to aid his endeavors for the common good; and he would be glad if Upper Canada did so.

Mr. Gourlay said, that this was a matter of utmost consequence; that he was in no way beholden to Lord Durham; but the contrary — for, on going from Ohio to Quebec, with the express object of an interview, he had been denied; but on such an occasion as this all little considerations were set aside; that it was not in his power to report what he heard, from ill health, till last week, when he did so, at a meeting in St. Catharines; and that he had been invited to this meeting. He said, that the Imperial Parliament met on the 5th inst.; that petitions to both Houses might be signed immediately and despatched, so as to be in London this present month; and that a delegate, or delegates, bearing addresses to her Majesty, might be there by the middle of March, so as to arrest attention, while the great question, regarding the fate of British America, was yet pending; that, till now, sending home petitions, and such delegates as Randall, Mackenzie, Duncombe, and others, was worse than useless; but now they would be hailed with joy, equally by the people and Government — now they would begin the work of regeneration.

The meeting, after some discussion, agreed to sign and send off two petitions, so as to reach New York prior to the sailing of the Great Western, on the 13th instant.

A committee of twelve, viz.: — Thomas Page, George Lacy, John Ranney, George Vanderburgh, Jacob Upper, William Sutton, John Cole, Jonathan Williams, John Hoover,

Thomas Ellenwood, James Hatcher, and Joseph Merritt, was then chosen, and authorized to take every requisite step for sending to England one or more delegates.

The meeting having adjourned, the committee proceeded, and *Resolved*,—

That it be recommended to the inhabitants of other townships, to meet on or before the 19th instant; each township to appoint a committee of twelve, and these to send two delegates each, to St. Catharines, by Wednesday the 21st instant, then and there to mature the whole business.

That this committee shall again meet on requisition of any two members, and on two days' notice given to all, by the Secretary, and at such meeting three shall be a quorum.

That the Secretaries shall send copies of these proceedings, together with copies of the petitions, to each of the district newspapers, for publication, attested by his signature.

A true Copy.

J. H. LACY, Secretary.

To the Right Honorable the Lords, spiritual and temporal, of the United Kingdom of Great Britain and Ireland, in Parliament assembled—

The Petition of the undersigned, Inhabitants of the township of Thorold, in the District of Niagara, and province of Upper Canada,

HUMBLY SHOWETH:—That the state of this province is now truly deplorable; nor can there be the slightest hope of improvement, either looking forward to peace or to war, till great changes are effected in the *system* of the government.

That your Petitioners understand, that the subject will immediately engage the attention of your Lordships' House: and as it is notorious, that the inhabitants of this district have ever been truly loyal, and at all times have borne the brunt of hostile attack, in defence of British principles—so, they doubt not, the most tender solicitude will be manifested towards them, by the Imperial Parliament.

That they do not wish in any way, to determine what is best to be done; but as it is clearly and absolutely necessary that some decisive measure must be resorted to, their sole desire is simply this, that before any legislative act is passed, Commissioners may be sent out to Canada—men of talent and business—above all selfish influence, who may, on the spot, and in every district, openly, fairly, and fully inquire into every cause of evil, and ascertain from the inhabitants themselves, what are their wants and wishes.

This your Petitioners now most earnestly entreat, and they will, as in duty, ever pray.

To the Honorable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled:

The Petition of the undersigned, Inhabitants of the township of Thorold, in the district of Niagara, and province of Upper Canada,

HUMBLY SHOWETH:—That it is notorious to all the world, that this province is now afflicted with accumulated evils; and, indeed, the condition of the inhabitants is deplorable—whether looking forward to peace or to war.

That your Hon. House may be well assured, such evils could not have ensued, but from weighty causes; and your Petitioners frankly confess, that much dissatisfaction has been long felt by many of them.

That twenty years ago, when the people of this province banded together, to send to England delegates, there respectfully to entreat for inquiry into the state of the province, the Colonial Government enacted a law which put this out of the power of the people: that this law was, after a few years repealed; but then, and for some years thereafter, it was hoped that all would go well, without further action of the people, as a body.

That, nevertheless, grievances were again complained of; and, being unattended to, a portion of the people, much excited and sadly misguided, rose in arms; but now the great majority have sufficiently manifested their desire to have all redressed, in a calm and orderly manner.

That your Petitioners, understanding that this subject is immediately to engage the attention of the Imperial Parliament, now most earnestly entreat, that before any legislative measure is adopted in Britain, Commissioners may be sent out to Canada—men of talent and business, above all little influence—who may, on the spot, and in every district, openly, fairly, and fully ascertain what are the wants and wishes of the people.

And your Petitioners will, as in duty, ever pray.

To the Editor of the Examiner.

Edinburgh Castle, (Tavern, Toronto,) May 25, 1839.

SIR,—Although neither acquainted with you, nor in the way of seeing your paper, understanding that it advocates the cause of freedom, and proceeds on liberal principles, I enclose an address "*To the Resident Land Owners of Upper Canada*," written last January, when confined to bed with sickness—making you welcome to publish it.

A kind-hearted friend, whose hospitality I then enjoyed, disapproving of a meeting, the address was laid aside till now, when I think it would be highly beneficial to meet and support Lord Durham's Report.

My friend will still remember, that the sole object for meeting at St. Catharines, was

to send home a delegate, in accordance with his Lordship's expressed wish, to enable him to maintain his positions in England.

Now that we see his Report, I am doubly anxious to give him aid. I read it for the first time, this week; and though short-coming, as regards this province, am highly delighted with it. From beginning to end, it is candid, fearless, straight-forward, and to the point; no useless verbiage — no mystification, as in most state papers. In its very style, indeed, we have hope that the age of darkness is over, and that common sense is to have a chance.

Twenty years ago, all the information afforded, and much more, might have been obtained at a tenth part of the cost, had my projects gone into effect; but the fulness of time, unfortunately for me, was not come.

I would now say to the people emphatically, "*meet in every township*," and hold up hands for the Report. Do this, and you need not dread invasion or conquest. It is only the villainous *system*, continued, which would endanger the province, in the event of war with the United States.

ROBERT F. GOURLAY.

TO THE RESIDENT LAND OWNERS OF UPPER CANADA.

St. Catharines, January 10, 1839.

GENTLEMEN,—Twenty, and twenty-one years ago, my addresses to you were read with avidity, and promised consequences altogether splendid.

The first pointed out simple means, by which the redundant population of Britain could be drawn hither; the second upheld the omnipotence of law, counteracted by arbitrary power; and the third laid down principles, with a plan, by which all your grievances could be speedily and peaceably redressed.

At this place, in May, 1818, I became the servant of the people of Niagara district; and in their service exerted zeal beyond what otherwise would have been becoming or proper. In their service I was assailed by foul-mouthed slanderers, attacked by ruffians, and arrested on most groundless charges.

The people's representatives met in convention, and distinctly declared, that their sole object was to send Commissioners to England, there to solicit a commission of inquiry into the state of the province. I advised delay, that public opinion might gather strength; that I might pass the ordeal of jury trial; and that the Provincial Parliament might have opportunity to advance the much desired object.

I was tried twice, and twice honorably acquitted; yet your Parliament was called together to listen to the veriest scandal against loyalty, and the most uncalled for proposals to put down the liberty of the subject in its most sacred, most essential privilege. The people's representatives, in Assembly, were the willing instruments of oppression, and the liberty of the subject was put down. I then became the butt of tyranny; was thrown into prison, without benefit of bail: remanded under process of *habeas corpus*; and at last banished, for no crime whatever, when so weak with cruel treatment as to be unable to protest against these monstrous proceedings!

What did Upper Canada gain by my banishment, and what of good is now to be seen in it?

Cast an eye over the length and breadth of the land — from Malden to Point Fortune, and from the Falls to Lake Simcoe: then say, if a single public work is creditable, or a single institution as it should be.

The Rideau canal! what is it but a monument of England's folly and waste, which can never return a farthing of interest, or, for a single day, stay the conquest of the province.

The Welland canal! has it not been, from beginning till now, a mere struggle of misery and mismanagement; and from now onward, promising to become a putrid ditch.

The St. Lawrence canal! no sooner begun than bungled; and now wholly at a stand. The only rail-way of ten miles, with two completed, and eight which cannot be finished for want of funds!

The Macadamized roads, all in the mud, and only causing an increase of wear and tear.

The province deeply in debt, confidence uprooted, and Banks beleagured!

Schools and colleges, what are they? Few yet *painted*, though lecturers on natural philosophy are *now* abundant. The Cobourg seminary out-staring all that is sanctimonious: so airy and lank, that learning cannot possibly take root in it. A college at Sandwich, built before the war, but now a pig-stye: and one at Toronto, indicated only by an approach.

The edifices of the church! How few worthy of the Divine presence! How many unfinished: how many fallen to decay!

The church itself, wholly militant. Episcopalians maintaining what can never be established; Presbyterians more sour than ever, contending for right where they have none whatever; Methodists so disunited that they cannot even join in a respectable groan; and Catholic priests wandering about in poverty, because their scattered and starving flocks yield not sufficient wool for the shears.

One institution only, have I seen praiseworthy and progressing—the penitentiary; but that is a concentrated essence, seeing the whole province is one; and which of you, resident, landholders, having sense or regard for your family, would remain in it a day could you sell your property and be off?

As for me, who have owned land here for upwards of thirty years, I have never drawn from it a single farthing; and at this hour, it is but an entanglement in the settlement of my affairs. No man, indeed, has ever suffered so much by connexion with Canada, as myself; while no one has so long striven to raise it from the mire. On first coming to this province, I was prosperous, and had many reasons to be proud; but trodden down by villany, one and all of you forsook me. Last year, when your lot was wretched, and your fate doubtful, did I take part against you? No: though aged, feeble and lame, I stood up in your defence; and in fact, did more for the province than hundreds of your armed men.

Invited by the Governor-in-Chief, and her Majesty's High Commissioner, I went to him, at Quebec—travelled 700 miles for an interview, and by him was spurned as a dog! Think you that I am humbled thereby? No! my old friends, I am now with you, to speak as plainly as ever: to offer you my best advice, and humble services.

Your situation is now deplorable in the extreme, either looking forward to peace or to war. In peace, who will now immigrate hither, till an entire change of system is achieved? In war, you have not the shadow of a chance. In a single month, your neighbors of the United States could overwhelm you, in spite of the utmost efforts of Britain. Last war, while there was neither canal, nor rail-way, nor road to the frontier, they held lake Erie beyond the hope of recovery; and there was but one question as to the possession of lake Ontario—who could build the largest ship.

Look now to your comparative strength on the lakes, and the very thought is decisive of the fate of this province; while lower Canada is still less tenable. That man indeed is a traitor to Britain, who would blink these considerations for a moment.

What, then, is to be done? Wait till Lord Durham speaks for you, in the House of Lords! Wait till the Imperial Parliament listens to him, whom that Parliament has unanimately declared to be incompetent, and deserving only of pity!—who is protected from impeachment, only by a bill of indemnity. Away with such folly: away with procrastination: away with doubt: away with dismay; and trust only to your own virtuous exertions.

I cannot go far, or speak to many; but there is a meeting-house within fifty yards of my bed; and I can be carried to that. Let the people of the township of Grantham meet me there, by two o'clock next Monday, and I will tell them all that is necessary. They can repeat it to others, and this province may even yet become "THE MOST ENVIABLE SPOT ON THE HABITABLE GLOBE."

ROBERT F. GOURLAY.

ERRATA.

Page 4, for "unattained," read "unattained."

" 8, Note, for "Lord Aylmer," read "Lord Gosford."

" 15, for "Robt. F. Gourlay," read "Robt. Gourlay."

" 16, for "Robt. F. Gourlay," read "Robt. Gourlay."

Page 23, "experience was better than knowledge." This was taken from a newspaper report, which, afterwards, was said to be incorrect.

REVIEW.

THE above correspondence with the authorities at home and abroad, regarding Canada, has been repeatedly published before, with the notes, in parts, but never till now all together; and thus only could it be appreciated. Even now it cannot be made the most of, nor till other documents, in readiness, are exhibited. With these, the whole will be worthy of gravest consideration; and then a full commentary shall follow.

In No. 10 of my correspondence with Sir F. B. Head, his aid-de-camp, Captain Halket, assures me, that my "letters and other papers" would be "sealed up and directed." Only this last week have I received a letter from Sir Francis, dated "Romney, Kent, England, April 10—43," which closes my evidence that the aid-de-camp was not a person worthy of trust. I am now, too, assured from respectable persons, most likely to know the truth, that Lord Durham was personally cognizant of the brutal treatment I experienced under his administration of the government.

ROBERT F. GOURLAY.

Boston, May 20, 1843.

THE
NEPTUNIAN.

No. 3.

CORRESPONDENCE WITH HIS EXCELLENCY C. POULETT THOMPSON, AFTERWARDS LORD SYDENHAM, &C. &C.

To His Excellency, the Right Honorable Charles Poulett Thompson.

No. 1.

St. CATHARINES, January 16, 1840.

SIR—Advanced years and indifferent health, would prevent my waiting on your Excellency, at this time, personally to pay respects, were I inclined; but inclination is small, after experiencing neglect from Sir George Arthur, and worse than neglect from Lord Durham. Indeed, it is more than possible that a man of my turn of mind, never can agree with the Herods and Pilates of Colonial Government. You, who have worked your way from the counting house to the Cabinet, may make exception; and ordinary rules may be set aside, by one whose extraordinary talents only, could have placed him where he now is.

All this apart, I deem it duty to draw attention to a matter, which, as Chief Magistrate of Canada, your Excellency may properly investigate.

Perusing the annexed print, it will be observed that Magistrates of St. Catharines, "*assigned to keep the peace*," did nothing to keep the peace. They bade me go back to Grimsby, (eighteen miles,) and apply to the nearest Magistrate. I pleaded bodily infirmity as excuse, while they had only to write to their brother Magistrate, or to the Attorney General.

Before the Grand Jury, the same advice was tendered, and the same excuse made, while nothing was effected.

After three days, Sir Allan McNab was written to; but he delayed four days; and at last, on the fifteenth October, the Jury went before the Court with a presentment against Andrew Muir. This done, the Judge immediately closed the session; and two months afterwards I heard, accidentally, that Andrew Muir was arrested, and laid under heavy bail for appearance at next Assizes, when it may not be in my power to attend.

Whence, Sir, is all this trifling? Would such a case be so treated in England? Ought it to be so here?

You, nor no gentleman bred at home, can readily conceive how the same laws, which, there, are in force, and effectually in force,

should here be only a dead letter; or, worse than that, used or not, as it suits ruling authorities.

Lord Durham's Report has but punctured Colonial abuses; and, till much more minute inquiry is made throughout, it is worse than useless for the Imperial Parliament to be legislating for Canada.

On this occasion let me say, that the greatest curse of all, from the beginning till now, has been the Magistracy. The same *materiel* for Magistracy existing in England, is not here. There, God knows, stupidity abounds; but meanness, and gross dishonor are not. Jackson, in his recorded pamphlet of 1809, says: "In Upper Canada, the shop keepers are the magistrates;" and, uplifted shop keepers are the very antipodes of English 'Squires.

In England, Juries represent the *country*. Here, Grand Juries are the *Government* — being composed chiefly of Magistrates; and every question affecting *power*, is settled just as it suits the corps, *sans* blush, trepidation, or fear, either of God or man.

I did not stir against Andrew Muir from regard to the individual; but to arrest the progress of party violence, with which I had not the slightest connection.

Had the Jury done its duty; or had Sir Allan McNab done his; had Andrew Muir been tried, the Court would have impressed solemnly on the public mind, sacred obligations as to keeping the peace; and all might have been guarded — men in authority, and men under it. Alas! on the very day that the Court rose at Niagara, the Sheriff of the Home district marched out of Toronto as a partisan: decency was set aside; while bloodshed and death ensued.

Should your Excellency so far improve on the practice of predecessors, as to acknowledge receipt of my letters, much more may be said. Meantime, accept the assurance of my respect.

Your Excellency's obedient servant,

ROBERT F. GOURLAY.

BRUTAL OUTRAGE.

NIAGARA DISTRICT, } Personally appeared before us, Henry Mittleberger, Wil-
TO WIT: } liam Hamilton Merritt and George Rykert, Esqrs, three
of her Majesty's Justices assigned to keep the peace in and for said district,
ROBERT F. GOURLAY, an inhabitant of Upper Canada, now residing at Queens-
ton, who, being duly sworn, deposes and saith:—

That, about noon of Tuesday, September 10, 1839, being in a pleasure wagon with Doctor Woolverton of Grimsby village, and on the mountain, about two miles from said village, having stopped to converse with some people returning home from their labor in the field, and being told that the proprietor of the adjoining farm was a countryman of the deponent, (*viz.* a Scotsman,) named *Muir*, and whose Christian name he, the deponent, afterwards learned, was *Andrew*, the deponent expressed a wish to be introduced to the said Andrew Muir.

That this Andrew Muir then approaching the wagon, and being about two yards from the same, was informed by Doctor Woolverton of the deponent's name, which was no sooner heard by Andrew Muir, than he rushed toward the deponent, struck him violently, and was in the act of repeating his blows, when Doctor Woolverton, whipping his horse, had the wagon removed beyond the reach of Andrew Muir, who instantly thereafter took up a stone, which the deponent believes he threw with fury toward the wagon, but which fortunately did no harm.

That the deponent asked Doctor Woolverton whether Andrew Muir was subject to fits of insanity, and was told that he was not, but an extremely ignorant man; and that the deponent afterwards learned that he was a rich man.

That the deponent, not wishing in any way to involve Doctor Woolverton with neighbours, by advice or otherwise, did, so soon as he got to the village of Grimsby, wait on Robert Nelles, Esq., J. P. to lodge an information, on oath, as to these occurrences, without the knowledge of Doctor Woolverton; but, finding him from home, then called on Henry Nelles, Esq., J. P. for the same end, who was also from home.

The deponent then wrote down facts in this case, and left the same, sealed up, for the said Henry Nelles—deeming it his duty, as well to himself as to the public, to take every step towards securing Andrew Muir from perpetrating such another act—Doctor Woolverton having joined the deponent in thinking that the said Andrew Muir would certainly have put to death, *instanter*, the deponent, under such furious impulse, had he held in his hand a pitch fork, or other deadly tool.

That the deponent could not imagine what had actuated Andrew Muir, till his arrival at St. Catharines, where, on the 13th September, he learned from John Clark, Esq., J. P. that a Mr. Patterson, from Grimsby, had been with him and stated, that the deponent was to hold a meeting at Beamsville, and that there, he would be opposed, as about three hundred men were prepared to put down meetings, with cudgels.

The deponent hearing this, and understanding that Mr. Clark was accused of calling, or intending to be at, the meeting, with the deponent, (which he certainly was not, being wholly ignorant as to the meeting at Beamsville,) thought it his imperative duty to stay, if possible, such illegal violence; and did, unknown to Mr. Clark, forthwith proceed to engage a wagon to carry him to Niagara, where he was informed he might go before the Grand Jury; but was soon after assured, that the sessions would be up; and has now lost no time in lodging this information, that steps may be taken by the proper authorities, in order to prevent dangerous consequences, which, your deponent believes more alarming and aggravated, as there clearly appears a conspiracy throughout, against meetings such as the deponent has held, and intends still to hold, not only in his right as a man, but a loyal British subject.

ROBERT F. GOURLAY.

Taken and sworn before us, at St. Catharines, }
this 15th day of September, 1839. }

H. MIETLEBERGER,
GEO. RYKERT,
W. H. MERRITT.

A true copy.

WM. HAMILTON MERRITT.

To the Foreman of the Grand Jury, now sitting at Niagara—to be communicated.

QUEENSTON, October 5th, 1839.

SIR—I bowed to the opinion of the Grand Jury, yesterday, who advised trying the assault on me, near Grimsby, before a Magistrate in that neighbourhood, and concerning which, you retained a copy of my affidavit. On further consideration, it seems wrong to follow that course; and for reasons which shall now be stated, I trust the Grand Jury will coincide with me, in opinion.

The simple act of assault at first sight, may have appeared to proceed from insanity, although Andrew Muir had not hitherto been considered insane; or, it may have appeared to proceed from some personal antipathy—some injury witlessly done him, or some misconception—all which could have been readily explained, before a single Magistrate; and it was for that end I waited, without delay, on Messrs. Robert and Henry Nelles.

But the information, afterwards obtained from Mr. Clark, places the matter on different grounds, and leaves no doubt in my mind that the assault was a consequence of conspiracy—a conspiracy of the most dangerous kind.

Andrew Muir is said to be an ignorant man, and doubtless was instigated to assault me, by others not so ignorant, but more culpable. Mr. Clark acknowledged

the truth before you, as to Mr. Patterson telling him that opposition would be made at Beamsville, but drew a distinction between the mode of proceeding there, and at Thorold, where the District meeting was held. He said that it was there only, that cudgels were to be used; but this is a distinction, without a difference; as it matters not where the cudgels were to be used, provided it was clearly intended to use them; and that intent was, in my mind, unquestionably connected with the assault upon me.

The court at Cobourg has recently tried individuals on a charge of conspiracy; and altho' no act was committed, the individuals have been severely dealt with, merely on proof of intention to assault, slay and rob. In my case, a most furious assault has been made, and the *animus*—the disposition of Andrew Muir, is palpable. He wanted only a deadly weapon, to have put me to death. Put this in connection with the fact, that three hundred men had engaged to perpetrate acts of the same kind, and the magnitude of the evil intent will appear far beyond that exposed to view, at Cobourg. That the conspiracy did not proceed to the extreme, ought not to interfere with investigation. Circumstances may have changed intention; and the assault on me, may have led to considerations which set aside the plot on its larger scale.

Reconsidering the whole, I do hope that the Grand Jury will bring the subject before the Court immediately, and take every requisite step to throw light on machinations so pregnant with evil.

Humbly submitted by

ROBERT F. GOURLAY.

To Sir Allan N. McNab, Knight, &c. &c. acting for the Crown, in the Court of Assizes, at Niagara.

QUEENSTON, OCTOBER 11, 1839.

SIR—I refer to copy of an affidavit laid before the Grand Jury, last Monday, and of a letter relating thereto, which require your gravest attention.

The Jury advised going before a single Magistrate, at Grimsby, under the petty trespass act, and set aside arguments to the contrary from, I believe, representations of Mr. Clark, which I protest against, he being party in the matter. He palliated the language of Mr. Patterson, whom he previously characterized as a violent man; and I look to the whole proceeding as a result of violence.

While at Grimsby, I knew nothing of the character of Henry Nelles; but since then have learned, that he also is considered a violent man; and I now firmly believe, that to his violence may be traced the brutal conduct of Andrew Muir. That ignorant man could know little of me, and I doubt not was excited wholly by the wrong representations of others.

As evidence of the extent to which violence is now proceeding, I accompany this with a printed handbill, [a re-print from the Niagara Reporter, of 13th Sept.] which assuredly ought of itself to be subject of prosecution—not the less, because the writer is an ignorant man. He is so ignorant, that, on my speaking of the handbill, he boasted of it. Now, Sir, I bid you critically examine this, and say if any thing more inflammatory was ever published—any thing better calculated to cause a breach of the peace.

Many copies of this handbill were circulated at St. Catharines, on the morning of the 14th Sept. As soon as read, I declared my opinion of it, to Mr. Clark; and in two or three hours afterwards, a most serious riot ensued, caused, I have no doubt, by the handbill in question.

I returned to Upper Canada, as a MEDIATOR—a Peace-maker—seeing the province involved in misery, from party strife; and when assaulted at Grimsby, had gone there for the express purpose of cautioning against violence, at the great District meeting expected to be held at Thorold. That meeting, though called without my knowledge, and altogether at variance with my principles and views, was, nevertheless, quite legal, and consonant with the custom of Britain; and in that country would not have been opposed by such a production as the handbill spoken of; nor would any such riot as that stirred up by it, have been witnessed there. Even in Edinburgh, noted for Tory principles, I have seen political meetings of 20, 30 or 40,000 persons, with flags of all kinds—black flags, bloody flags, flags with death's head and bones, and flags with the Crown reversed—all without opposition or ill humour. In fact, it is good policy to suffer such vagaries of the mob to pass unheeded.

It is impossible, Sir, looking at all points, to conceive such brutal outrage as that perpetrated by Andrew Muir, to have proceeded from an ordinary cause; or from the mere impulse of private and individual passion. It was clearly a result of conspiracy, and instigation by others. Looking to it in that light, I most positively say, that my case is not one for determination by a single Magistrate, under the petty trespass act; and especially in or near Grimsby. It is a case which loudly calls for investigation; And I do hope that, as a firm and faithful officer of her Majesty, you will yet call to it the unbiassed consideration of the Grand Jury, so that in open Court, full justice may be had, and such impressions made on the public mind, as may insure, in future, better results than what have lately disgraced society.

Most respectfully your's, ROBERT F. GOURLAY.

No. 2.

TORONTO, 21st January, 1840.

SIR — I am commanded by the Governor General to acknowledge the receipt of your letter of the sixteenth instant, on the subject of an assault committed on you, by one Andrew Muir, on the tenth September last.

I have the honor to be, Sir, your most obedient humble servant,

THO'S C. MURDOCH, *Chief Secretary.*

ROBERT F. GOURLAY, Esq. &c. &c.

St. Catharines.

To the Right Honorable Sir John Campbell, Knight, M. P., Attorney General, &c. &c.

ST. CATHARINES, Upper Canada, January 27, 1840.

DEAR CAMPBELL — I write to you on bed, having been an invalid, with short intervals, the last three years; and, urged only by the important occasion, make an effort.

This will be transmitted to you by my daughter, and will, I think, reach its destination, before the Canada constitutional bill is debated. Let that bill go so far, but not pass into law till much more minute inquiry is made, than that on which Lord Durham's Report is grounded. Let Commissioners be sent out, with the *advanced* bill, for full inquiry in every quarter, before it is finally passed. Indeed, could the constitution of this province, as of the Lower, be suspended till the same period, (1842,) it would be best; but that may be impossible.

The greatest curse of this province, is the Magistracy. The township of Grantham, in which this village is situated, contains about three thousand people; among them are eight Justices of the Peace, and as many Commissioners of the Court of Requests, while other townships have not one. It is, (as a Magistrate has this day said to me,) "*a family concern.*"

Magistrates are the majority in Grand Juries, and find bills, or not, just as it suits power or prejudice. In the case of Andrew Muir, they did nothing till the last moment, and then brought in a *presentment*. But enough as a hint.

Yours truly,

ROBERT F. GOURLAY.

No. 3. (Copy.) *Willoughby, Cuyahoga, co. Ohio, Dec. 12, 1836.*

SIR, — My intention was to have started from this place for Toronto a month ago; but letters from my family not coming to hand, I have been detained here, and may still.

At all times, however, I am ready, at a call of the British Government to proceed with Commissioners to Canada or to England, as offered in my letter to the Duke of Wellington, and repeated to your Excellency under date February 19, 1836, in order to enquire as to the general state of the Provinces.

I have employed spare time in stimulating the people of Ohio to draw up an account of the State — historical, topographical, and statistical; and beg leave to enclose a printed paper on that subject. Should your Excellency see fit to lay this before the Legislature of Upper Canada, in order to drawing up a perfect account of the Province, I should be much honored.

While in the Western District last autumn, I observed from a newspaper that a Doctor Rolph was publishing a work under this name, by subscription. It cannot amount to much; nor can any individual, without legislative aid, do any thing of the kind effectually. My unfortunate work on Upper Canada was put to press to redeem a pledge; then continued in hope of Commissioners appearing in England; and lastly, it became an abortion from the weakness of coadjutors, (conjoined to my own afflictions brought on by Colonial villany.) It is, nevertheless, a valuable record; and I have all along looked forward to raising on its wreck a superstructure creditable to myself and useful to the public. Assuredly it is in your Excellency's power to advance such a work. Permit me, therefore, to solicit your patronage.

Most respectfully yours,

Sir F. B. Head.

ROBERT F. GOURLAY.

St. Catharines, January 31, 1840.

SIR, — Gratified with your causing the receipt of my letter of 16th instant to be acknowledged, I am on the point of leaving this place for Toronto, there to wait on Your Excellency: but, being in very feeble health, am doubtful whether I shall be able to get so far.

Meantime, I call attention to the above letter to Sir F. B. Head, December 12, 1836, that you may see with what constancy I have aimed at certain objects; and, I enclose a paper this day printed (BANISHED BRITON EXTRA,) to register transactions up to this time. I have the honor to be, Your Excellency's obed't serv't,

ROBERT F. GOURLAY.

The Right Honorable CHARLES P. THOMPSON.

No. 4.

Mr. Gourlay offers his best respects to the Governor General; and would do himself the honor to wait on his Excellency, did he know it would be convenient, and, at what hour.

Edinburgh Castle Tavern, (Toronto,) February 3, 1840.

Not replied to.

BOSTON, JUNE 15, 1843.

Here is the whole of my correspondence with Mr. Thompson, afterwards Lord Sydenham; and a fit accompaniment it is to that with Lord Durham, and Sir George Arthur. When some more documents are exhibited, I shall be able, it is hoped, to draw aside the veil from the causes which led to so much contempt of me from these personages. Meantime, I shall wind up my account with the deceased Governor General. So much are these Gentlemen engaged with details, and with matters that they seldom understand, that it is easy for the machinery around to work out any species of villany. During the ten years which preceded the American Revolution, reason and common sense could not penetrate the Court of St. James's; and it was only through the vista of time that the stupidity by which Britain lost her noblest colony, could be seen, and the world be instructed. Oh, that history would instruct British Ministers at this crisis to do the best for the empire, which even now, may rise to excellence, or fall to pieces!!!

Mr. Thompson being the first man of efficient powers and business habits, who had ever appeared as a Governor in Canada, I was really anxious to pay my respects to him in person. Although ill with rheumatism, I therefore made an effort to reach Toronto in the mail stage from St. Catharines. I reached it on Saturday morning, and immediately went to bed. On Monday, my ailment being increased, I could not go to the Government house, but wrote No. 4, and despatched it by a special messenger. Receiving no reply, while yet in bed, I got a friend to write a duplicate, seal it, and put it into the Post Office, Thursday morning. By Friday afternoon, being assured of neglect and not choosing to be put aside in silence, I crawled out to the nearest printing office and engaged for printing "THE BANISHED BRITON, No. 3." For this I arranged newspaper slips—my letter to the Queen—correspondence with Sir F. B. Head, and Mr. Thompson. To add zest to it, I stuck in verses written at two different times—first, on coming to Toronto, May, 1839, and, now February, 1840, for publication, in the British Colonist, and signed "FIFEAN," i. e. a man of Fife,—my native county.

These verses were intended as a history of the rebellion and invasions; nor has any thing yet appeared better portraying the character of those outrages on common sense and decency. In fact, a detailed account, in prose, is hard to endure, and my verses are just about as much as the subject deserves. They will be found below, under the head—

"THE MONKEY WAR."

"BANISHED BRITON No. 3," was printed off just in time to have a hundred copies sent round among the boarding-houses and public offices, Saturday evening, by the hands of a porter, while the printer was instructed to keep up the type and let matters rest till Tuesday. About 2 o'clock, P. M. of that day, a special messenger delivered to me at the Edinburgh Castle Tavern, a note of acknowledgment from the Governor General's Chief Secretary. With this, I immediately wrote an account of the transaction: gave it to the printer: had it added to the Banished Briton; and then caused 500 copies to be thrown off and sold at 1d.—Advertising the same by a placard on the walls. Here is the addition.

Edinburgh Castle, February 12, 1840.

The above was hastily printed last Saturday, and a hundred copies distributed through the city, in consequence of my not receiving a reply from the Governor General to my note of 3rd instant. That note was delivered, by hand, the same day it was written, at the Government House; and a duplicate put into the Post Office three days later. Yesterday, about 2 o'clock, the following letter, under cover, addressed for me at the Edinburgh Castle Tavern, was received:

Toronto, 8th February, 1840.

SIR,—I am commanded by the Governor General to acknowledge the receipt of your letter of the 3rd inst., and to express his Excellency's regret, that it is not in his power to appoint a time to receive you. His Excellency, however, will be happy to consider any communication which you may desire to address to him, if addressed in writing to me.

I have the honor to be, Sir, your most obedient humble servant,

THOMAS C. MURDOCH.

R. F. GOURLAY, Esq.

No doubt my note of the 3rd was received the same day—Monday, and the duplicate on Thursday following. If the reply dated the 8th was written that day—Saturday—why did I not get it till yesterday—Tuesday? I do not believe it was written on the 8th; nor do I think it would have been written at all had I not published this paper. The materials exhibited above were selected, in order to put, in the strongest light, villany which has been at work against me ever since the departure of Sir F. B. Head. During two years' correspondence with that gentleman, all my letters but the last were replied to. Then he was about to depart, and had probably ceased to control the office clerks. My two last letters were more worthy of thanks than any that preceded, but the Red-tapists had given these no thought. Attended to, Mr. McCormick's property on Pele Island might have been guarded, and many lives saved: look but to dates.—The ungrateful return made me for services at Cleveland, marks strongly the true character of Colonial government. Who could have inflamed the horrors of war so powerfully as myself at Cleveland? and what had half the effect in cooling down the fever within the Province as my letter to Mackenzie? But behold, immediately after its publication, Sir George Arthur cannot make me a civil reply; Lord Durham cannot see me at Quebec; and now in Toronto, "His Excellency regrets that it is not in his power to appoint a time to receive me." I must be at the mercy of his paltry clerk, whose letter before us is a tissue of shuffling and palpable deceit.

☞ Wait of space precludes further remarks at present;—and ill health has made even this hard to accomplish.

R. F. G.

Let the British Government—the Cabinet Ministers—critically examine my correspondence with the authorities concerning Upper Canada; and even they may gain by it. The whole, with Lord Durham, Sir George Arthur and Mr. Thompson, exhibits the basest injustice to me—the grossest contempt of principle and decency, on which I yet mean to enlarge. At present let us dwell for a moment on what is before us—the shuffling and palpable deceit of Murdoch. I know

nothing of his origin or history ; but, assuredly, no man bred a gentleman could be thus guilty. Such a man could receive bribes—could lay letters and papers before the Governor General as it suited his interest. He says, that “ His Excellency however will be happy to consider any communication you may address to him, if addressed, in writing, to me.” What ! could I have any trust in such a fellow ? He still sits on a stool in the Colonial Department, Downing-street, and let him reply with that advantage.

I had friends in the Executive and legislative Councils, who would readily have introduced me to a personal interview with the Governor General ; but I chose rather to let such game proceed till the fulness of time ripened opportunities for advancing my greater objects—poor law reform and emigration, now more than ever worthy of the nation’s consideration.

Insulted by Governors, and disappointed by the blundering of the Upper Canada Assembly, I had to wait patiently till the meeting of the United Parliament for enquiry into my personal wrongs. It did me justice, and declared that my imprisonment and banishment, 1819, was “ *illegal, unconstitutional, and without excuse or palliation.*” Lord Sydenham confirmed the report with his signature and died next day. The day after that, I wrote the following, as an Editorial for the Kingston Herald ; and, it was the first newspaper announcement of the melancholy event.

DEATH OF HIS EXCELLENCY, LORD SYDENHAM.

All is finished ! Parliament is prorogued, and the Governor General is dead !—“ *sic transit gloria mundi.*” Let us now be calm, and reflect on these occurrences, as men and christians.

The first Parliament of United Canada has ended well—well beyond all expectation, and much good has been achieved. The labor was arduous, and could not possibly be completed in one session ; but the main positions of the new Government have been sustained, and some of the most essential measures of reform effected. Conflicting opinions have not been carried out to injury in any way, and all have parted in good humor.

What most concerns the people’s liberty—the institution of District Councils—is secure ; and, secured, may be amended. A Board of Works is established ; and an improved system of Education will be introduced. Fiscal regulations, of a critical nature, are very properly suspended, till well adjusted in all their bearings. We say this much, merely to proclaim our feelings on the eventful occasion ; reserving for the future, details and strictures.

The death of Lord Sydenham, when it happened, seems as if the Almighty decreed that matters so momentous should be sealed with the utmost solemnity. No sooner had the hand of His Excellency performed its most important offices—subscribed his WILL, and all the instruments of the Legislature,—than it ceased to move ; and there was but time for the effusions of affectionate feeling, thoughts of a better world, and for administering the Holy Sacrament to the dying man, before his spirit returned to Him who gave it.

The death of Lord Sydenham, thus strikingly marked, can leave but one impression on the public mind—submission to the All-wise Disposer of events ; and a humble trust that God will never abandon those who are worthy of his regard.

As an instrument, Lord Sydenham will be looked back to, as specially appointed, and singularly efficient. In business, he was indefatigable ; and what he accomplished in this way, must have been great indeed. As a statesman, he was undoubtedly wise and prudent ; for however some, who have heretofore basked in favor, may complain of neglect to them, and of promoting others, whom they looked upon with prejudice, yet, sure we are, nothing else could have secured peace ; and, peace secured, this noble Province needs but time to be prosperous and happy. So be it.

THE
NEPTUNIAN.

No. 4.

*To the Honorable, the Commons of Upper Canada,
in Parliament assembled—*

The Memorial of Robert F. Gourlay, Sheweth:— That your memorialist, a native born British subject, acquired right to land in Upper Canada, by marriage, 1807; and soon after, purchased an equal quantity adjoining thereto, which he paid for in Edinburgh, 1810—

That, he went from England to Upper Canada, 1817, to see his land, and consider whether he should not settle there with his family—

That, being pleased with the Province, he resolved to become a settler, and to establish a land agency—

That, he circulated queries for information to emigrants, which led him to know that abuses prevailed which retarded the improvement of the Province—

That, he then proposed sending Commissioners to England for the removal of abuses, and was generally countenanced—

That, inhabitants of Niagara District chose certain of their number to meet and take measures for this end, and in furtherance of the same, ordered a pamphlet entitled "*Principles and Proceedings*" to be printed and circulated—

That, your memorialist was twice arrested and held to bail for trial at Kingston and Brockville Assizes, for circulating the pamphlet—

That, after being twice honorably acquitted, he hastened to New York, and sent to England a power of attorney for settlement of his affairs in Britain, that he might follow out his business of land agency; but, on return to Upper Canada, was thrown into prison and confined eight months without benefit of bail—

That, at the close of this period he was called before a court of justice and banished, while so weak with cruel treatment as to be unable to protest against proceedings—

That, returning to Britain, he found his property both in England and Scotland out of his possession, and disputed in the Court of Chancery and the Court of Session—

That, after four years' litigation, he succeeded at every stage; but then was exposed to other and continued trials, so as still to be kept out of possession of his property—

That, losing hope of success by law process, he had printed all essential papers regarding his property, and acquainted his son that he could not move further, who, in consequence, returned to Scot-

land from Upper Canada, to give aid, but this proved in vain; whereupon your memorialist crossed the Atlantic to New York; placed printed copies of affairs in the hands of Andrew S. Garr, counsellor at law, who wrote his power of attorney 1818, for him to witness transactions and continued efforts for settlement; but after eighteen months' residence in that city, no progress was made, and your memorialist retired to his present residence in Ohio, to wait the issue of events.

That, he is now informed that public affairs both in Lower and Upper Canada, are more and more occasioning trouble: — that, he is more and more assured that no peaceful settlement can be obtained but by full and fair inquiry, which can only be had by application to the Imperial Parliament, whence emanated the constitutional act of the Provinces.

Your memorialist therefore now presses what he recommended eighteen years ago, namely: — sending Commissioners to England, there to invite, what he believes the competent authorities will cheerfully grant, free and fair inquiry into every cause of evil.

Your memorialist maintains, that every step taken against himself in Upper Canada, was oppressive and barbarous. He can still produce every word printed by him there, in proof, that nothing but zeal for public good actuated him throughout. He can prove that his efforts for the benefit of the province were unremitting for seven years after his banishment; and he feels confident that, with justice done, he could, still more than any other individual, advance its prosperity and happiness.

Witness his signature this twenty-fourth day of March, one thousand eight hundred and thirty-six, at Willoughby, in the county of Cuyahoga, Ohio.

ROBERT F. GOURLAY.

WITNESSED BY *Caleb Wilmot Wraton, and Andrew Houlston.*

No. 7. First Series.

Willoughby, April, 1836.

[PRIVATE.] Mr. Gourlay presents his compliments to Sir F. B. Head; has not yet received back printed testimonials enclosed with his last communication, of March 24, but hopes they are on the way.

Mr. G. subjoins part of a letter to his daughter, which, with her letter enclosed, he begs may be retained till called for.

No. 8.

Toronto, March 31, 1836.

SIR — The Lieutenant Governor has read your testimonials, which I beg to return to you. He has also perused your memorial, and has sent it to the Speaker of the House of Assembly.

I remain, Sir, Your obedient servant,

R. F. GOURLAY, Esq.

F. HALKETT.

No. 9.

Mr. Gourlay presents compliments to Sir F. B. Head; received back testimonials immediately after despatching his last communi-

cation; and, has now to thank the Lieutenant Governor for sending his memorial to the Speaker of the House of Assembly.

Mr. Gourlay has read, with infinite pleasure, His Excellency's exposition of duties, relating to the Executive Council;—subjoins copy of letters, and encloses one from his youngest daughter, begging that the same may be retained till called for; and, that this strange liberty may be pardoned.

Willoughby, May 20, 1836.

No. 10.

Government House, Toronto, May 31, 1836.

SIR—The Governor has received your letter of the 20th instant, which he has read with great attention. The letter from your youngest daughter, shall, according to your desire, be kept till called for.

I remain, Sir, Your humble servant,

F. HALKETT.

R. F. GOURLAY, Esq.

No. 11.

Willoughby, Ohio, June 8, 1836.

SIR—I received, yesterday, a letter dated May 31, from Mr. Halkett, who is, I presume, your secretary, acknowledging receipt of mine of the 20th.

He says, "the letter from your youngest daughter will be kept till called for," and, I presume, that from my oldest daughter, formerly enclosed, was also received, and will be, in same way, honored. I now enclose one from my other two daughters, confiding the whole to your keeping, as a gentleman:—either to be returned to me, when justice is done for the outrage to British right, perpetrated in my case beyond all example: or, to the writers after my death, with this assurance, that I never, for one moment, was untrue to my family or my country.

This, as two former letters, is marked *private*, only as regards the enclosed letter to my dear girls.

I have the honor to be, most respectfully yours,

ROBERT F. GOURLAY.

SIR FRANCIS B. HEAD.

No. 12.

"On the fourth ultimo, a numerous deputation of noblemen and gentlemen, composed from all political parties, among whom were the Earl of Devon, Mr. O'Connell, Mr. W. W. Whitmore, the Right Hon. Mr. Courtney, Mr. H. G. Ward, M. P., Mr. Hutt, M. P., Mr. Angerston, M. P., Col. Torrens, Mr. Ferguson, of Raith, and Mr. Wyse, M. P., had a long interview with Lord Melbourne, to suggest to his Lordship the expediency of raising an emigration fund for Ireland, by means of the sale of the waste lands in the Colonies. The result of the conference was, that an inquiry into the subject would be immediately proposed to parliament, with the sanction of government."

Mr. Gourlay presents his compliments to Sir Francis B. Head; has extracted the above from a late newspaper, and appends printed letters to Sir George Murray and the Duke of Wellington, Septem-

ber and October, 1829, as they bear upon the same subject of emigration, etc.

Takes this opportunity to subjoin copies of letters respecting his private affairs, which Sir F. B. Head will have the goodness to put along with the letters to his daughters, intrusted to the care of Sir Francis. Two lines, acknowledging the receipt of this, will be obliging.

Willoughby, Cuyhoga County, Ohio, July 13, 1836.

I have read the above, with the annexed print.

SIMEON FULLER, *Associate Judge, C. P.*

I also have read these letters.

JOHN M. HENDERSON,

Post Master, Willoughby, Ohio.

"Sir Geo. Murray said, that if any practicable plan could be devised, his Majesty's Government would have no objections to carry it into effect; but they could not agree to go to any expense."—Morning Chron., 3rd June, 1829.

2, Bridge Street, Leith, Sept. 25, 1829.

SIR GEORGE—I addressed to you a letter dated July 1, and November 25, 1828, as I do this, to call attention to what is engraved above, (my card as Colonial Land agent, engraved in London, with my family arms 1828,) and I have kept the extract from the Morning Chronicle till this quiet time of the year, when probably you have most leisure to reflect on the subject, and when you may compare it with what I recorded, page 4 of the general introduction to my statistical account of Upper Canada, under date 1820.

"I do assert, that, by proper management, the miseries experienced by emigrants going to Canada, might be averted, and that even people destitute of means could be comfortably settled there."

I addressed the Duke of Wellington April 19, 1829, and annexed my last letter to the King. Five days afterwards, I requested to have this returned, if its contents were of no moment to his Majesty's government. It was returned under the Duke of Wellington's frank, and then lodged with the chief magistrate of Leith, for upwards of three weeks. It shall accompany this, and you may reproduce it to the Premier. He has fought a duel without necessity, and indicted a newspaper editor for calling him "*proud, overbearing, grasping, and unprincipled*,"—all beneath the dignity of a British Minister. His opposition to Canning's corn-bill induced me to call him stupid, and when that opposition appeared to proceed from mere dislike to Canning himself, I thought worse of him; nor would aught less than Catholic Emancipation have tempted me to submit to him my letter to his Majesty.

Had the Duke of Wellington remained in the army, his good fortune would have secured renown, and posterity would have bowed, for ever, to the conquerer of Napoleon. But now, that in the plenitude of his power, he becomes fretful:—now, when thousands of industrious people in London, Dublin, Manchester, Glasgow; nay, every where, and even during harvest, are unemployed and starving, he is occupied with prosecuting for libel, how little does he appear!

Sir! there is but one way of keeping the empire entire and happy, that is, by establishing a grand system of emigration; and, I can tell how that may be done. An able writer in the Quarterly Review of April last, has said, "*No pains should be spared to teach the laboring classes to regard the colonies as the land of promise, which it should be their highest ambition to be able to reach.*" This, sir, is most true; and I can tell how it may be done. Indeed, with the Duke of Wellington's power, it would be as easy as it was for Columbus to discover America by sailing westward. When I say this, is the Duke of Wellington justified in refusing me a hearing? No, sir; and it was to mark my sense of his conduct that I made our chief magistrate witness my returned letter. I assert, that letter is worthy of serious consideration; and the Duke of Wellington would do well to drop his paltry prosecutions, and yet, attend to it—yet, send for and hear me. Every age

has given proof of the intolerance of installed power; it would be worthy of the present to rise above it—worthy of the conqueror of Napoleon to take the lead in liberality. At this moment he can do more than any man that ever existed: at this moment Britain may become mistress of the world, merely by wise colonial policy, and without again drawing a sword. From this moment, she may pine, and fall to pieces. How vast then is the responsibility of her present Rulers!

I sent you, yesterday, plans for the improvement of Edinburgh, merely to show how I have employed leisure time; but, I assure you, it would give me pleasure to have more important matters to think of; and, should the Duke of Wellington and you incline, that may be speedily. He shall have a copy of this letter, and, *unheard*, you shall have no further trouble from me.

Your obedient servant,

SIR GEORGE MURRAY.

ROBERT F. GOURLAY.

2, Bridge Street, Leith, Sept. 30, 1829.

SIR—So little did I know of you, beyond being secretary of state, when addressing you last week, that I conceived you were head of your family in Perthshire.

Same manner, you may have heard of me only as having been confined in Cold Bath Fields Prison as a madman, and thence have cast aside my letters as mere ravings. Let me remind you, however, that I referred in that of July 1, 1828, to Sir Henry Torrens, and one of your constituents. This shall be accompanied with a letter from one of the most eminent men of the age, Dr. Chalmers, dated 17th February, 1825, and directed to me in the above-named prison. Dr. Chalmers, you will observe, not only speaks of me with kindness and respect, but states that I was "*one of the ablest of his fellow students.*" I soon afterwards wrote to him as lecturer on political economy, and asserted that "*a common laborer may earn the price of half a bushel of wheat per day, while the present amount of rents and taxes is paid.*" and, this, I repeated in letters to more than eighty clergymen of Fife, April 1827, offering to explain, if the Doctor gave no solution by May following.

Now, sir, to all that I have said to you, and in my letter to his Majesty returned by the Duke of Wellington, I add the above assertion, and shall prove it, if the Duke will send for, and hear me—prove it or be disgraced.

I meant his Grace no disrespect by the freedom of my language. I neither flatter nor fear, and value myself chiefly as an honest man. My wish was, to rouse him; and, by that rousing, I had proof of his having seen my letter to the King, which I could not obtain from a former minister. The victories spoken of were those of Britain, and if they "*turned on a straw,*" we have the more reason to give the glory to God—the more reason to make good use of the peace which they purchased, by calmly considering what should now be done to ensure happiness to mankind.

A copy of my last letter to you was transmitted to the Duke of Wellington, as a copy of this shall be; and all that I now beg, is to be informed if he will send for and hear me.

You will have the goodness to return Dr. Chalmers's letter; and if denied a hearing, enclose it in a blank cover, to give least trouble to yourself.

I have the honor to be, sir, Yours faithfully,

SIR GEORGE MURRAY.

ROBERT F. GOURLAY.

Pratis, Fifeshire, October 2, 1829.

SIR—While you and the Duke of Wellington may be perusing my letter of 30th ultimo, I am seated in a house, built and occupied by me two-and-twenty years ago, when I was perhaps, without exception, the most fortunate man in this country. My father then stood preëminent for public spirit, and as a gentleman was without stain. I, and my family, were provided for to our utmost wish, and beyond risk, as was then thought. Out of doors, I was well with all ranks,—in retirement, blessed with the society of a most amiable wife, and her friend, the lady of the late Sir Henry Torrens. An accident, at a county meeting, touched my feelings, and biased my fate. I left this place for England, not because of that accident, but to follow out studies of the poor law system, and I will dare to say, have encountered, in continued succession, during the last one-and-twenty years, more vexation than any man alive. At this moment, I am deprived of all property, abandoned by relations, unhoused, separated from my children, and can assist

them only by putting an end to my existence, which I shall not do while reason and hope remain. At this moment, Sir, I do not despair even of making good what is stated in my letter to the King, returned to me in the blank cover of the Duke of Wellington. His Grace may send for, and hear me; or, let me be examined in Edinburgh during the present month, by three university professors, who have known me from boyhood, viz: Dr. Chalmers, Dr. James Brown, and Mr. Leslie, with any other the Duke of Wellington may name, and I shall answer every question that may be put, either as to the assertions made, or conduct at home and abroad. If I have injured any human being, or offended against any law, I shall make proper amends; if I have erred in conduct, I shall submit to rebuke.

This letter, and a copy, shall be despatched without cover, to you and the Duke of Wellington, that if you refuse my offers, it may be in your power to oblige me by returning it to me in Leith, bearing the post-marks, that I may exhibit it to the public, and leave it as an inheritance to my children.

I have the honor to be, sir,

Most faithfully and sincerely yours,

ROBERT F. GOURLAY.

Sir GEORGE MURRAY.

St. Andrews, October 10, 1829.

MY LORD — I am here, in the arms of *alma mater*, and every way well circumstanced for philosophical reflection. Let us then indulge.

While you eyed your watch, counting the minutes of slaughter and endurance, till the Prussians came up; while, too, Napoleon surveyed the field of Waterloo, longing for Grouchy, — Napoleon, who said “that he had yet thirty years to live, and would not sit on a throne without glory:” was there not a superior power, a Disposer of events? Yes, most assuredly. All that has passed has been with the will, and by the power of an Almighty Being, who prepared you for the battle, and gave you the victory.

Up to this hour, believing all for the best, honor is due to you, not as our minister only, but as the instrument of God. But while we do you honor, should we flatter and seal up our eyes? — Should we not tell you what we think, and should you not submit to be arraigned and tried by the British people? — Should you not confide in public opinion, rather than in the award of a court of justice? — Should you not hear an individual, however low in your opinion, who stakes his all on the issue, and who can have no object but the good of his fellow men?

Believe me, my Lord, with high respect, Your Grace's obedient servant,

THE DUKE OF WELLINGTON.

ROBERT F. GOURLAY.

N. B. The Duke of Wellington may show the accompanying plan to his Majesty, and point out the situation for an equestrian statue of the King.

St. Andrews, October 10, 1829.

Sir — This letter has no other object but to close a series. Just now, twelve years, travelling in the United States of America, I saw the errors in the system of settling wild land, and the advantage which might accrue to Britain, from the adoption of a right system. In a letter addressed, soon after this, to Sir H. Torrens, to be laid before Lord Bathurst or the Duke of York, I asserted that, “Upper Canada might afford a revenue after maintaining two regiments, repairing, and keeping in repair the forts,” &c. My efforts in that Province, which led to my ruin, chiefly went to obtain inquiry into the principles of rightly settling wild land. Since then, efforts to the same end have been made year after year, but all in vain. Emigration committees have sat and reported again and again, but never have attended to this most important point. I am now about to return to Leith: have little hope of a hearing; but, if it is granted, either by the Duke of Wellington personally, or by a commission in Edinburgh, I shall shew, by a regular series of documents from the year 1817 till the present time, how constantly I have pressed inquiry on this subject, &c. &c.

To Sir George Murray.

No. 13.

Toronto, July 23.

Sir — By desire of His Excellency, the Governor, I have to acknowledge the receipt of your letter of the 13th instant.

I am, Sir, Your obedient servant,

F. HALKETT.

R. F. GOURLAY, Esq.

No. 14.

Ohio, August 26, 1836.

SIR — I corresponded, last January, with the Governor of this State, and offered six months of my time, in order to drawing up a statistical account. That correspondence was suspended, on seeing from newspapers your arrival at New York, as Lieutenant Governor of Upper Canada; and, the fact, that you had been a Commissioner of poor laws, induced me to think your appointment was more especially with a view to emigration. I, therefore, commenced correspondence with you; repeated offers to the British Government previously made through the medium of the press; and, these offers, I more fully explained by printed documents, appended to my letter to your Excellency, dated July 13, 1836.

These offers not appearing to be valued, I shall not again trouble your Excellency on that subject. But, as under date, Government House, Toronto, May 31, 1836, it was said; "*The Lieutenant Governor has received your letter of the 20th inst., which he has read with great attention,*" I shall take the liberty to submit a copy of a letter winding up the transaction spoken of.

Closing correspondence, permit me to state, that I have no connection with the party politics of Canada, and will have none. Indeed, for ten years, I have held all such in abhorrence.

At New York, eighteen months, I seldom saw Canada newspapers; and for six months after coming here, did not see any. Your *exposition of duties*, fell into my hands, by perfect accident, at Painesville, 16 April; and, going to Cleveland, a month afterwards, I saw, at a newspaper office, part of a Report to the Commons House of Assembly, couched in violent and abusive language; for which, till this moment, I am unable to account. I observed, from a New York paper, that messengers had been sent to England, at the same time, by that House, and your Excellency; but, to what end, I know not.

I have the honor to be, with great respect, Your ob't serv't,

Sir F. B. HEAD.

ROBERT F. GOURLAY.

No. 15.

Government House, Toronto, Sept. 12, 1836.

SIR — By desire of the Lieutenant Governor, I have to acknowledge the receipt of your letter of the 26th ultimo. His Excellency desires me to say, that he will pay as much attention to your suggestions, as lies in his power. I am, Sir, your ob't serv't,

R. F. GOURLAY, Esq.

F. HALKETT.

No. 16.

Sandwich, September 17, 1836.

[PRIVATE.]

SIR — Treading this day on the soil of Upper Canada, after an absence of seventeen years, I make it my first business to protest against the barbarous and oppressive treatment, to which I was subjected by the ruling authorities, during the years 1818, and, 1819.

I enclose a letter from my son, to remain with your Excellency, together with those from my daughters, and, for the same end.

I have the honor to be, Your very humble servant,

Sir F. B. HEAD.

ROBERT F. GOURLAY.

After mailing No. 16, I call'd on my old friend, Mr. Charles Askin, who had not seen me since 1817. He knew me instantly, and, with his accustomed kindness, entertained me three days. On Sunday, at Church, many recognized me, and all were friendly. In fact, even already, my heart again warmed towards the Province.

Hearing that a Mr. Priuce, an Englishman, had been chosen by the people, at the recent general election, to represent them in Parliament, I called at his house, distant about a mile from the village, to bespeak co-operation in establishing Emigration Societies, but he was from home. I left a memorandum, however, to this end; and, for the first time, wrote "THE BANISHED BRITON, MEDIATOR and APPELLANT, *Profunda Cernit*,"—(my family motto.)

From Sandwich, I proceeded to Chatham, and thence to Talbot-street. Here I got hold of some newspaper files, and found that party rancour was raging, all over. I had designed to make a progress from one end of the Province to the other; but now judged it prudent to pull up, satisfied that all parties were kind and respectful to myself. I returned westward, by the lake shore, to Malden, and thence back to Sandwich. October 12, I re-crossed Detroit river, and next day, sailed for Ohio; intending to fetch away my trunk, and proceed to Toronto,—there to publish a Periodical explanatory of my Emigration projects, unconnected with all party politics.

My destiny was fixed otherwise. Having printed a pamphlet, at Cleveland, containing my correspondence with the Duke of Wellington, Sir F. B. Head, and the Governor of Ohio, I went on board a schooner to cross lake Erie, but accidents prevented the sailing, and I then added to my pamphlet, resolving to wait for sleighing, and go by way of Buffalo, to Toronto.

The first week of January 1837, after enjoying for months improved health, I was suddenly struck down with erysipelas, in a Tavern at Willoughby,—from which I could not be removed to my former boarding-house, in the neighborhood, till the middle of April.

Afflicted with a complication of maladies, and, at same time, run out of cash in a country where I had no one willing to advance a single dollar, I wrote to my daughter to come to me, or to remit.—She travelled fifty miles on the way; but, at Glasgow, receiving a letter from me saying that I was then better, she changed her purpose; and, thinking I would be gone to Canada, wrote to the person with whom I had boarded two years,—remitting £20, and desiring accounts to be sent to her, if that was not sufficient to pay all. This was received, first week of August, by the person in question—a Scotsman, and friend of twenty-five years standing. This *friend*, thought proper to pocket the money—sufficient to pay all I owed in Ohio and carry me to Canada, where, at that time I had strength to be carried, and where I certainly would have gone, tho' still feeble. My *friend*, kept me prisoner till November 22.—On that day, I received two letters from my daughter:—one, informing me that she had lodged money in London to pay an order I had sent there, thro' a Bank in Cleveland, for £50,—and which was paid last week of August:—another, via Kingston, Canada, informing me of the remittance of £20,—to my *friend* the Scotsman!—I could scarcely believe my eyesight:—shewed the letters to two friends:—was confident that all was, as first read; and resolved immediately to leave my *friend*, and go to Cleveland for my money due at the Bank.—It was not yet received, I was told; but, in a fortnight, they could hear from New-York, and let me know where it was. At the end of that time, the £50 was paid to me—having been detained some where, rogishly, about two months.

Winter was now set in, and, I could do no other than fix myself, in Cleveland, till Spring. The Upper Canada rebellion broke out on the 4th December: on the 7th McKenzie had to fly, and, in four days reached Buffalo, where the Theatre was given to him, in order to address Citizens: Citizens ran mad; the Mayor let go the reins of government; and General Van Rensselaer marched from Buffalo, and took possession of Navy Island,—William Lyon McKenzie making all believe, that Canada, was ripe for throwing herself into the arms of the United States!—My letters to Sir F. B. Head shows what part I took. But, to shew what was said of me, I must state, that, on the 22d November, Doctor Henderson, the post-master of Willoughby said to me in his office, "Mr. Gourlay they are taking your name in vain," I enquired his meaning, and he then put into my hand "THE PAINSVILLE REPUBLICAN" of November 16, 1837—containing the following article, extracted from an Upper Canada newspaper with which I shall close this Number of "THE NEPTUNIAN,"—that readers may have time to pause and reflect.

Flying reports are not always lying reports.—There is a rumor now afloat, that the celebrated Robert Gourlay, who has been living in Ohio for some time, has engaged the services of ten thousand volunteers, to aid the Upper Canadians, whenever they are prepared to strike for "the Queen and LIBERTY." We cannot place entire confidence in the story; the number is, we think, exaggerated. Nor can we vouch for the truth of another report that has got into the papers, namely, that the Lower Canadians are determined on burning Quebec and Montreal, as the Russians burnt their city of Moscow, thereby to rid themselves, in the inclemency of the winter, of the troops and tories. The third report, worth noticing at "this juncture" is, that Sir Francis has spies employed in all directions, to take notes of all the sayings and doings of the "revolutionists!" "They call me their enemy," said Sir Francis, "and the truth is, I really am." The people have taken you at your word, Sir Francis, and they are accordingly preparing to defend themselves from the "enemy."

(St. Thomas, U. C. Liberal.)

THE
NEPTUNIAN.

No. 5.

To the Honorable the Commons of Upper Canada, in Parliament assembled:

The memorial of ROBERT F. GOURLAY:

SHEWETH—That your memorialist had a memorial presented to your honorable House in March or April, 1836,* which he now prays may be called up, read, and laid on the table, along with this memorial—

That, the object of the first was to register facts, in order to a parliamentary inquiry into the extraordinary circumstances of your memorialist—

That, your memorialist corresponded with Sir Francis Bond Head, with a view to the said inquiry; and put into his possession certain pledges and papers preparatory thereto—

That, your memorialist would have been at Toronto, early in 1837, there to prosecute the business; but was struck down with disease, in the State of Ohio, and detained sixteen months—

That, by this detention your memorialist had it in his power to communicate to Sir Francis, at various times, during the rebellion and invasions of the province, highly important intelligence, for which he was repeatedly thanked by his Excellency—

That, your memorialist, on learning that Sir Francis was to leave the province, requested him to seal up his private letters and papers in a packet, to be put into the possession of the succeeding Lt. Governor; and, had assurance, that this was done—

That, your memorialist, hearing of the arrival of Sir George Arthur, addressed a letter to him, begging to be informed if the packet was in hand, and would be cared for; but received no reply—

That, in consequence, your memorialist wrote a second time; but was still unnoticed, and has ever since been very uneasy, as to his letters and documents—

That, having read Lord Durham's proclamation, inviting all to apply to him; and hearing that his Lordship was at Niagara Falls, your memorialist hastened thither, from Ohio: then, finding that Lord Durham had returned to Quebec, followed him there, where he was refused an interview; and thus, in very feeble health, has been

* In the Journals of the House of Assembly, I found recorded, as follows:

"April 27, 1836, pursuant to the order of the day, the following petitions were read." * * *
"Of Robert F. Gourlay, of Willoughby, in the state of Ohio, praying that an inquiry may be instituted into the evils existing in the Province, &c."

I also learned, that, Sir F. Head, having delivered my memorial to the Speaker: he put it into the hand of Mr. Peter Perry, who presented it. Unfortunately, at that moment, Mr. Perry was employed in struggling against Sir Francis, and stopping supplies, then sadly out of time; indeed, outraging decency, as was declared at next election.

reduced to the most distressing circumstances; nor could he have held out, but from the very great kindness of many individuals —

That, it was the intention of your memorialist to have personally appeared, at this time, in Toronto; but disease has wholly disabled him, and in his present melancholly situation, he trusts that your honorable House will be the more disposed to give prompt attention to his most extraordinary case; more particularly as to his imprisonment in Niagara jail, in 1819, which reduced him from a state of happiness and prosperity, to the utmost misery and ruin.

Your memorialist always has, and still does, assert, that that imprisonment was not only illegal and unconstitutional, but altogether without excuse.

That, your memorialist is anxious while many are still alive who witnessed his last appearance on trial, to have it proved, that he was not in a fit state for trial; and, in fact, never would have consented to any such trial, had he been in possession of his faculties, which, from weakness, arising from cruel treatment, he was not.

He therefore entreats that a commission or committee may be appointed, immediately to investigate, on the spot, all the circumstances of this most barbarous affair, as well as to inquire into the truth of all the allegations set forth by your memorialist, in this and his former memorial:—And he will ever pray.

ROBERT F. GOURLAY.

St. David's, Niagara District, March 9, 1839.

Witnessed by David Secord.

ACTION OF THE HOUSE, ON THE ABOVE, EXTRACTED FROM THE JOURNALS.

March 18, 1839.

PETITION—of Robert F. Gourlay, praying that a Committee may be appointed to investigate his conduct.

March 21.

Ordered—That the petition of Robert F. Gourlay be referred to a select Committee, to be composed of Messrs. Thorburn and McMicking, and to report thereon by bill or otherwise.

To the Honorable, the Commons House of Assembly.

The Committee to whom was referred the Petition of Robert F. Gowlay, beg leave to make the following report:

It appears that the object of the Petitioner is to have an expression of the House of Assembly, relative to his conduct while in this Province, in 1817, 18 & 19, and on certain judicial proceedings of the local authorities, and the Court of Assize and of General Gaol Delivery, held in the District of Niagara, in the month of July, 1819, when a judgment was recorded against him as guilty of having disobeyed the order of certain Magistrates, acting under the authority of an act of the Province, entitled “an act for the better securing this Province against all seditious attempts or designs to disturb the tran-

quillity thereof:" which act was subsequently repealed. Your Committee find that the judgment aforesaid was perpetual banishment.

Waiving the legality of the judicial proceeding, your Committee having a personal knowledge of the conduct of the Petitioner during the aforesaid period, in the District of Niagara, and have no hesitation in giving full credit to the declaration of the Petitioner, that his motives were for the benefit of the Province; and however far he might have deviated from the then law of the land, it appears to your Committee that your Honble. House will render an act of justice to the Petitioner by addressing His Excellency the Lieut. Governor, humbly requesting His Excellency to use the prerogative of the Crown, to enable the said Robert F. Gourlay to return and reside in this Province, if he shall think fit to do so.

RICHARD WOODRUFF, Chairman.

Committee Room, House of Assembly,
25th April, 1839.

April 29.

Mr. Thorburn, seconded by Mr. Woodruff, moves that the Committee to whom was referred the Report of the select Committee, on the petition of Robert F. Gourlay be discharged, and that the Report be referred to a Committee of the Whole, forthwith —

Which was carried, and the House was put into Committee of the Whole on the same.

Mr. Merritt in the chair.

The House resumed.

The Chairman reported that the Committee had adopted the report, and submitted it for the adoption of the House.

The report was *accepted*.

Mr. Thorburn, seconded by Mr. Woodruff, moves that the report be adopted.

In amendment — Mr. Sherwood, seconded by Mr. Boulton, moves that the report be not adopted, but that it be resolved that an humble address be presented to His Excellency the Lieutenant Governor, praying His Excellency to extend the Royal clemency to Robert F. Gourlay, by granting him a pardon.

On which the yeas and nays were taken as follows:

Yeas — Messrs. Aikman, Attorney General, Boulton, Burritt, Cornwall, Elliot, Gamble, Hotham, Kearnes, Lewis, Malloch, McDonell *of Northumberland*, Ruttan, Sherwood, Solicitor General — 16.

Nays — Messrs. Alway, Armstrong, Burwell, Caldwell, Cameron Chisholm *of Halton*, Cook, Dunlop, Mathewson, McCargar, McCrea, McDonell *of Stormont*, McIntosh, McKay, Merritt, Moore, Prince, Richardson, Robinson, Rykert, Shade, Shaver, Thomson, Thorburn, Wickens, Woodruff — 26.

The question of amendment was decided in the negative, by a majority of ten.

In amendment — Mr. Solicitor General, seconded by Mr. Robinson, moves, that all after the word "moves" be struck out, and the following inserted: "That in the absence of any application by the Peti-

tioner to the Lieutenant Governor, for the exercise of the Royal prerogative of mercy, and considering that such prerogative should be freely exercised on a direct application of the Petitioner, without making any use of any branch of the Legislature as an intermediate channel, it is therefore proper that the Petitioner, Robert F. Gourlay, should lay his case before the Lieutenant Governor, prior to the adoption of any proceedings being taken on his petition by this House."

On which the yeas and nays were taken as follows :

Yeas — Messrs. Attorney General, Bockus, Boulton, Burritt, Burwell, Cornwall, Elliott, Gamble, Hotham, Hunter, Kearnes, Lewis, Malloch, McDonell of *Northumberland*, McKay, McLean, Robinson, Ruttan, Shade, Sherwood, Solicitor General — 21.

Nays — Messrs. Aikman, Alway, Armstrong, Caldwell, Chisholm of *Halton*, Cook, Dunlop, Mathewson, McCargar, McCrea, McDonell of *Stormont*, McIntosh, Merritt, Moore, Prince, Richardson, Rykert, Shaver, Thomson, Thorburn, Woodruff — 16.

The question of amendment was decided in the negative, by the casting vote of the Speaker.

In amendment : — Mr. Hotham, seconded by Mr. Kearnes, moves, that, after the word "moves" in the original motion, the whole be expunged, and the following be inserted: "That whereas the law under which Robert F. Gourlay was convicted and banished from this Province, in the year one thousand eight hundred and nineteen, has since been expunged from the statute book, it is resolved, that an humble address be presented to his Excellency to extend the Royal clemency to the said Robert F. Gourlay, upon the said conviction, by granting him an unconditional pardon."

On which the yeas and nays were taken as follows :

Yeas — Messrs. Attorney General, Bockus, Boulton, Burritt, Cornwall, Elliott, Gamble, Hotham, Hunter, Kearnes, Lewis, Malloch, McDonell of *Northumberland*, McLean, Ruttan, Shade, Sherwood, Solicitor General — 18.

Nays — Messrs. Aikman, Alway, Armstrong, Burwell, Caldwell, Cameron, Chisholm of *Halton*, Cook, Dunlop, Mathewson, McCargar, McCrea, McDonell of *Stormont*, McIntosh, McKay, Merritt, Moore, Prince, Richardson, Robinson, Rykert, Shaver, Thomson, Thorburn, Woodruff — 25.

The question of amendment was decided in the negative, by a majority of seven.

On the original question, the yeas and nays were taken as follows :

Yeas — Messrs. Aikman, Alway, Armstrong, Caldwell, Cameron, Chisholm of *Halton*, Cook, Dunlop, Mathewson, McCargar, McCrea, McDonell of *Stormont*, McIntosh, McKay, Merritt, Moore, Prince, Richardson, Rykert, Shaver, Thomson, Thorburn, Woodruff — 23.

Nays — Messrs. Attorney General, Bockus, Boulton, Burritt, Burwell, Cornwall, Elliott, Gamble, Hotham, Hunter, Kearnes, Lewis, Malloch, McDonell of *Northumberland*, McLean, Robinson, Ruttan, Shade, Sherwood, Solicitor General — 20.

The question was carried on the affirmative, by a majority of three, and the report adopted.

On the motion of Mr. Thorburn, seconded by Mr. Woodruff,

Ordered, that Messrs. Chisholm of *Halton*, and Merritt, be a Committee to draft and report an address to His Excellency the Lieutenant Governor, on the Report of the select Committee, on the Petition of Robert F. Gourlay, as adopted by the House.

Mr. Merritt, from the Committee to draft an address, pursuant to the foregoing Resolution, reported a draft, which was received and read the first time, and ordered for a second reading to-morrow.

May 4.

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, on behalf of Robert F. Gourlay, was read the third time.

On the question for passing the address.

In amendment, Mr. Prince, moves that the address do not now pass, but that it be amended by striking out the words "beg leave to communicate to your Excellency a copy of report of a select Committee of this House, upon the petition of Robert F. Gourlay, which has been adopted by this House, and"

Which was carried.

May 6th.

Pursuant to the order of the day, the address to His Excellency the Lieutenant Governor, on behalf of Robert F. Gourlay, was read the third time and passed, and is as follows:

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic order, Lieutenant Governor of Upper Canada, Major General commanding her Majesty's forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY.

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request that your Excellency will be pleased to exercise the Royal prerogative in annulling the sentence of the law passed upon Robert F. Gourlay, banishing him for life; so enabling him to make his permanent domicile in this Province, as a true and loyal subject of Her Majesty, should he think fit to solicit the same.

ALLAN N. McNAB, Speaker.

Commons House of Assembly, sixth day of May, 1839.

May 9th.

Mr. Merritt, from the Committee to wait on His Excellency the Lieutenant Governor with the address of this House, on behalf of Robert F. Gourlay, reported delivering the same, and that His Excellency had been pleased to make thereon the following answer:

Gentlemen:—In reply to this address, I have only to assure you, that any application from Mr. Gourlay, for the exercise in his favor of the Royal prerogative of mercy, will receive that attention which is due to your recommendation of him.

Boston, July 10, 1843.

Under page 29, and date, "Allanburgh, February 4, 1839," it appears, that I was invited to meet there; and, there, an old friend, Major Secord, of St. Davids, invited me to visit him, and meet the people of Niagara Township. On the day appointed, I was suddenly struck down with erysipelas, at the Major's house, and could not rise from my bed for a whole month. Wherever I have been taken ill, in Upper Canada, the people have been kind. On this occasion, one, thinking I might be in want of money, sent me dollars; another, wine, and so on; while many called to sympathise. Mr. Richard Woodruff was one of these; and, on his second visit, having learned that he was a member of the legislature, I asked if he would present, for me, a memorial. He said it would be of no use, in the present House; but I told him all Houses were alike to me; that I was not a party man; nor was mine a party question. A week afterwards, hearing that he had gone off to his post in parliament, I set up in my bed, and wrote the above memorial. A few days later, I inclosed it for him, with two lines, merely saying it was what we had spoken of, and, some days after, wrote, begging him to present it, and get a Committee appointed. Becoming worse, I made an effort to write once more, requesting he would do, what he had to do, quickly. In fact, I was anxious, for the sake of my children, that proof might be had, before my death, as to my cruel treatment in Niagara jail, 1819.

At the end of the month, having rallied, and the weather being fine, I was removed, in a wagon, to Queenston, where was my trunk, &c., and there I remained several weeks, gradually gaining strength. Having heard from Mr. Woodruff that a Committee was appointed, I now removed to Niagara, where I felt confident that Commissioners would be directed by the House of Assembly, "to investigate, on the spot, all the circumstances of this most barbarous affair, as well as to inquire into the truth of all the allegations."

I waited at Niagara, day after day, and week after week, four weeks, when, to my astonishment, I received a letter from Mr. Woodruff, inclosing the Committee's Report, *investigating* nothing; and, instead of advancing my interest, thrusting in my face provocation of the grossest kind, "*requiring His Excellency to use the prerogative of the Crown, to enable the said Robert F. Gowley to return and reside in this Province, if he deems it necessary*,"—the said Robert, having felt assured, in the years 1836-7, that, had he deemed it necessary, he could have taken "*this Province*" from "*His Excellency*," backed by the House of Assembly, with its Speaker commanding. My first impulse, on reading the incomprehensible stupidity, was, to write, and correct errors; but, it being suggested, that my PARDON might be gazetted, if I did not make haste, I lost no time in stepping into a steam boat, for Toronto. Arrived there, I wrote the memorial, below, and went with it to the parliament house, in quest of Mr. Woodruff. He was in high spirits, and, before I could hand him the memorial, narrated how, the preceding evening, the Report was debated, for seven hours, before a Committee of the Whole; that Thorburn, Chisholm, and others, had spoken with the greatest animation on my case; that my friends had borne down all opposition; and, that no question, during the session, had caused such excitement. I thanked Mr. Woodruff for good intentions, but informed him of the woful blundering, and gave him my memorial to present, that I might be called to the bar, where, I said, all should be made plain in ten minutes. He was lost, and proposed calling out Mr. Thorburn, who had been chief manager. Mr. T. forthwith appeared, and, flushed with many victories, commenced, instantly, to detail by what means he had succeeded. He had compared me to Bill Johnson, an honor which I protested against. "Oh," but continued he, "I compared you to —," naming some one from the Bible. I assured him, that even that could not better my cause; that, unfortunately, he, and my other friends, had been fighting on the wrong side, and he could only do me service, now, by presenting the memorial, which I put into his hand. "Oh," exclaimed the honorable members, "that we cannot do; that will put us in the wrong." "But," said I, "you are in the wrong, and your errors have cruelly wronged me; do let me appear, at the bar, to correct them." No! they could not do that. Then, said I, remember you have, in possession, my memorial. It is your duty, at all events, to present that. Do so, and it will be a protest against injustice; but injustice was the order of the day, and, present if they would not.

Foiled by Lord Durham, I had consolation in "*THE DURHAM OX*." Foiled by these members of Assembly, I run off to my lodgings, and wrote "*THE MONKEY WAR, part first*," and, finally, nine months later, (the war being finished, and William Lyon McKenzie in Rochester jail, blackguarding the American, as he had formerly done the British government,) I wrote "*part second*," to console me, when foiled by Mr. Poulett Thompson. With these explanations, the verses shall be exhibited in the next number of "*THE NEPTUNIAN*."

Having written "*THE MONKEY WAR*," I employed the remainder of Saturday, May 6, in putting under cover, for each of the assemblymen, a copy of "*THE BANISHED BRITON*," printed at Cleveland, 1836, exhibiting a declaration of war, on the first page. The House being met in the evening, I ran to it with the packets, gave them to one of the messengers for delivery, and seated myself in the gallery. Presently I heard my name mentioned in debate, and was told that the House was passing the address to his excellency, in my favor! I could not jump on the floor and take the blockheads by the throat. I had got three years and eight months imprisonment in London for the mildest breach of privilege ever perpetrated; so I sat still: went home and cogitated. Early Monday morning, I wrote the petition below; went to the House, and obtained an office copy of the address. I next laid hold of an old friend, Mr. Elias More, M. P., gave him the petition, and begged of him to present it, as soon as the house was constituted. In half an hour he returned to me, handing back the petition, as if it had burned his fingers; and said, all my friends were opposed to presenting it. It was no use to explain—to tell him that, as the petition was mildly worded, I had a right to have it presented. Mr. Elias More, a Quaker, was immovable. I then tried others—Mr. Merritt, Colonel Chisholm, Mr. Cameron:—no, not one would hand in the protest against injustice; so I left it in the hands of the last, and, before Sir Allan Macnab took the chair, accosted him. "What," said I, "Sir Allan, have you passed an address to have me pardoned!" He acknowledged that they had. "Then," continued I, "remember, that I returned to the Province with this stick in my hand; and, if you do outrage common sense, I may yet knock you down with it."

This done, I ran off to a printing office; had a placard printed; posted on the walls; and a

copy put under cover for His Excellency Sir George Arthur, Lieut. Governor, which I doubt not regulated his reply to the Address, assuring "that any application from Mr. Gourlay for the exercise, in his favor, of the royal prerogative of mercy, will receive that attention which is due to your recommendation of him."—Asses all!—grossly ignorant, and wilfully unjust.

Here is a fac simile of my Protest.

PROTEST!

To the Honorable the Commons of Upper Canada,
in Provincial Parliament assembled:

The Memorial of ROBERT F. GOURLAY
Humbly Sheweth:

That, after remaining at Niagara four weeks, daily expecting to be visited by a Committee of your Honorable House, prayed for in his Memorial presented last February, your Memorialist received and read a Report laid before your Honorable House relating thereto, and dated 25th April, 1839:

That, seeing great mistakes in the said Report, your Memorialist lost no time in coming to Toronto, where he now is, in order to be heard at the Bar of your Honorable House, there to correct mistakes; and, otherwise to speak for himself:

He, therefore, entreats, that your Honorable House will be pleased to grant him such opportunity.

And he will ever pray.

ROBT. F. GOURLAY.

*Edinburgh Castle Tavern,
May 1, 1839.*

N. B.—No Member could be got to present these.
No Member had right to refuse.

R. F. G.

To the Honorable the Commons of Upper Canada,
in Parliament assembled:

The Petition of ROBERT F. GOURLAY
Humbly Sheweth:

That, your Petitioner being within the walls of your Honorable House, last Saturday, May 4th, 1839, learned that an Address to the Lieutenant Governor was then and there read relating to your Petitioner:

That, your petitioner did not know what was the object of the said Address, but has since heard, that it was for pardon to your Petitioner;—an object which he now protests against, inasmuch as he never sought for any thing of the kind, and never will.

That, your Petitioner would consider any offer of pardon, clemency, or favor from the present Lieutenant Governor, injurious to his interests, and derogatory to his honor; for reasons which he would be happy to state; and which would at once do justice to himself, and to his Excellency:

He, therefore, earnestly entreats, that he may be permitted to appear at the Bar of your Honorable House, there, personally, to state his reasons:

And, he will ever pray.

ROBT. F. GOURLAY.

*Edinburgh Castle Tavern,
May 6, 1839.*

STRIKE, BUT HEAR!

It was no use to say one word, in the newspapers, as to my case. All the newspapers had run out on the wrong scent, and taken it for granted, that entire justice was done to me. As a specimen, I shall give extracts from two, diametrically opposed to each other in politics; "THE PATRIOT" and "THE MIRROR."

First, extracted from "THE PATRIOT."

ROBERT GOURLAY.

Our House of Assembly have addressed his Excellency the Lieutenant Governor, praying that he will extend the Royal Pardon to Mr. Robert Gourlay, who, it will be recollected, was banished some twenty years ago, on some charge of sedition, or inciting to sedition. We should imagine there can be no hesitation in this case, for the fault of Mr. Gourlay was rather of the heart. Such an act of clemency, though tardy, will prove acceptable to the whole people of the Province; far more, than has been, the pardoning and restoration to crime, of so many incorrigible ruffians, whose bond was blood, plunder, and the destruction of the Government.

Second, from "THE MIRROR."

Toronto, Friday, May 3, 1839.

Mr. Gourlay still lives; and the House of Assembly, to the eternal honor of a majority of its members, are determined to extend justice to him. His case was under discussion on Tuesday last: and although the Attorney General, Solicitor General, Mr. Sherwood, *Says Slick*, and some of their hangers-on, used every effort to baffle the friends of this unfortunate gentleman, they were defeated. Their defeat was owing to the manly conduct of Messrs Thorburn, Rykert, Chisholm, McCoy, Cook, Shaver, Merritt, the gallant Speaker, Cameron, Richardson, and Prince. The latter gentleman, when the dark and foul persecution of Mr. Gourlay was laid fairly before the House, emphatically declared, that it would require the tears of an angel to blot from the records of this Province the foul, cruel, and unconstitutional persecution carried on, in the dark days of Maitland, against the unfortunate gentleman. Several amendments were moved in order to get rid of the report of the committee; and, on the division on one of them, the Speaker had the high honor of giving the casting vote on the side of justice and humanity. The Attorney appeared like a ship foundering in a heavy sea; and when all hope of shielding the character of "native malignancy" had failed, he sunk on his chair as pale as a corpse; and, as we then thought, his last dying words, when he turned up one of his eyes to the speaker, were, "I am deserted by my friends."

The Solicitor General, like his leader, displayed great ingenuity upon this occasion. He coaxed; he wheedled; he implored, and he menaced; and when he found all would not do, and that the

game was nearly up, his amiable and smooth features put us in mind of the sudden and various changes of an expiring dolphin in the third degree of latitude! But, when "the last hope" vanished, it changed to the color of a turkey-cock's head upon presenting to it a red handkerchief. As to *Sam Slick* and the Queen's Counsel, who are men of *bottom*, they preserved their *hang-dog* sullen look throughout the combat! As a last effort, the party sent for Mr. Hunter, who was engaged with a party in town; but the Hunter could not pull them out of the slough of despondency.

One of the speakers, we think the Attorney General, said, the Lieut. Governor would not comply with the address of the House. Let us see if he will comply with the request of the faction in opposition to the fair and honorable decision of the House!

Mr. Gourlay, a Scotchman, the most talented writer on this continent, came to this Province in 1817. He gave offence to the Maitland administration, and he was ordered by two legislative Councillors to leave the Province. He disobeyed the mandate, and was lodged in the cells of Niagara jail. There he remained eight months, when he was arraigned at the Assizes before Chief Justice Powell, not for high or petty treason;—not for violating any law in the statute book of Great Britain; but for disobeying the order of two Councillors! Upon this odious charge he was convicted, and Chief Justice Robinson prayed the judgment of the court. And, in compliance with the benign prayer of Robinson, Chief Justice Powell sentenced the unfortunate gentleman to banishment; and, in case of his return to this Province, he was to be executed as a felon! Poor Mr. Gourlay was ruined, from his long and loathsome imprisonment; and now, whilst verging on the brink of eternity, as the odious act has been swept from our statute book, he appeals to our Representatives for redress. Talk, indeed, of Algerine cruelty!—talk of the cruelty of a Nero, a Caligula, or a Domitian; or the hangings, the floggings, or the torturings of a Cumberland, in Scotland, and they were not more cruel or unjustifiable than the persecutions of Mr. Gourlay. The words of the tyrants were law! They cut off the objects of their hate; and, they sometimes, not often, countermanded their order for torture, or death! But, in this case, the man who had committed no offence against any constitutional law, was immured in a loathsome cell, exiled to a foreign land as an outcast to society, deprived of his means, and the use of his limbs; and in this state of lingering torture and cruel persecution he yet survives! We, who are as peaceable as a lamb, were not more peaceable than Mr. Gourlay: he violated no law: he committed no crime that we could hear of; yet he was treated worse than a highwayman! To such an extent was persecution carried at the period we speak of, that every man who had the honesty to reprobate the unconstitutional act, or express sympathy for the sufferer, was marked out as a victim by the *tools* of power, and denounced as a Gourlayite and a traitor.

REVIEW.

Will the courteous reader oblige me by reperusing these last eight pages; and say, if there ever was an equal portion of absurdity and injustice condensed in like bounds. The allegations of my Memorial are precise, and its prayer simple,—*"to investigate all the circumstances,"* and, *"to inquire into the truth;"* but what is reported?—that my object was to have *"an expression of the House of Assembly"* relative to my *"conduct,"* and, *"on certain judicial proceedings,"*—I, desiring no such expression; holding my *conduct* unassailable; and, pronouncing the *judicial proceedings* *"illegal, unconstitutional, and without excuse,"* which the present Legislative Assembly has confirmed.

On this monstrous Report, a debate ensues, and seven hours are wasted by my zealous advocate Thorburn, maintaining his positions against all deadly. The whole House is for *pardoning* Robert F. Gourlay, a consummation which my enemies in the ministry must have devoutly desired, while I sued for redress against false imprisonment, and barbarous treatment! This was the ACTON of April 29th. Next comes that of May 4th, when Colonel Prince moves that *"the Address do not pass, but that it be amended by striking out the words, 'beg leave to communicate to your Excellency a copy of a Report of a select Committee of this House, upon the Petition of Robert F. Gourlay which has been adopted by this House, and'—which was carried."* Now, this ACTON undid the whole of my gallant friend Thorburn's victories; whose drift in bringing the Report before a Committee of the WHOLE was, to have an expression of the WHOLE on my conduct in the years 1817—18, and 19; and, that expression conveyed in full to His Excellency—all the Excellencies since the years above mentioned having been hood-winked, and grossly deceived by the crafty crew then in power, who afterwards were known as "THE FAMILY COMPACT," which compact was now on its last legs. The object had not my credit only in view, but that of all surviving Gourlayites.—Colonel Chisholm, a Member of the Convention of 1818, at the head of them. After my ruin in Niagara Jail, not one of my friends had, till this time, dared to lift up his head, while the greater part had cried, *peccavi*. Now appeared the day of salvation for all, by these very words struck out by Colonel Prince, being carried before His Excellency, and so to the foot of the throne. Alas! where was my trusty and gallant friend and advocate Thorburn, on the fatal evening of Saturday, May fourth?—Gone, with the other two members of Committee, Woodruff and McMicking, to Niagara District, there to wind up their family clocks, altogether without suspicion that either accident or design could undo any of their work of the session, now near a close. Alas, frail and unfortunate men! Not only did Colonel Prince, (probably *accidentally*, being lately come to the Province, and perhaps equally unacquainted with the machinations of the olden day, and the present prowess of my friends, coming, though late, to the rescue:)—not only did he undo all the victories of April 29th; but, in the absence of Thorburn & Co., the Attorney General, thought *"dying"* and *"deserted,"* designedly took an unfair advantage of this absence, in a matter of mighty public moment. For years there had been a struggle, in the Assembly, to have the Clergy Reserves appropriated to other purposes than those of the Church of England, and friends of the dominant Church had been beaten. On this occasion, the Attorney General, by an unexpected movement, had all changed, and the Reserves again given back to the Church! This done, the session was closed.

THE
NEPTUNIAN.

No. 6.

To the Honorable the Commons of ~~Upper~~ Canada, in Parliament assembled:

The petition of ROBERT F. GOURLAY:

Humbly Sheweth: — That your Petitioner had a memorial presented to and received by the Commons House of Assembly, Upper Canada, 1836, of which the following is copy: — (*Here was inserted the Memorial, above printed, page 41.*)

That, three years after the above Memorial was written and received by the Parliament of Upper Canada, another, of which the following is copy, was written by him, presented and received.

(*Here was inserted the MEMORIAL above printed, page 49.*)

That, your Petitioner never, for a moment, imagining that this memorial could be misunderstood; and, learning that it was referred to a select Committee, doubted not that the prayer would be granted. He, therefore took up his residence at Niagara; and, day after day, during four weeks, expected Commissioners would appear, there, on the spot, '*to investigate the circumstances, and inquire into the truth of all the allegations.*' Instead of this, what was his astonishment on reading the Committee's Report, as follows:

(*Here was inserted the REPORT printed above, page 50.*)

That, your Petitioner seeing, in this tissue of incomprehensible blundering, the very wrong confirmed which it was his object to have redressed, hastened to Toronto, there to correct mistakes; but opportunity for this was denied him, as will best appear from the following copy of a printed bill which he caused to be posted on the city walls.

(*Here was inserted the PROTEST, printed above, page 55.*)

That, your Petitioner, finally to make record of the whole, had printed and published together, his memorials, the proceedings of the Commons House thereon, and the posting bill, along with articles declaring his opinions and maintaining his rights, as a British subject, in Upper Canada, — a copy of which is hereunto appended.*

He now most earnestly entreats that all may be seriously considered by your Honorable House; and, he anxiously hopes that the wisdom of United Canada may do him that justice which has been so long and so cruelly denied. And he will ever pray.

ROBERT F. GOURLAY.

Kingston, July 27, 1841.

* "BANISHED BRITON," printed at Buffalo, September, 1839.

OFFICE COPIES.

LEGISLATIVE ASSEMBLY, Monday, 25 August, 1841.

Ordered, That the petition of R. F. Gourlay, Esq., presented to the House on the twenty-eighth day of July last, be referred to a committee, composed of

Messrs. DUNLOP,
VIGER,
NEILSON, and
~~and~~ STEELE,

to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers, and records.

Report of select committee, to whom was referred the Petition of Robert F. Gourlay, Esquire, have the honor to report.

Your Committee having investigated the petition, and examined witnesses in relation to the same, and procured affidavits from persons cognizant of the matters and allegations contained therein, find the following facts to be fully proven.

The petitioner, Mr. Gourlay, first visited Canada in the year 1817, where he had acquired property by marriage, and also by purchase; and commenced Statistical inquiries into the capabilities of the Province: in the course of which he became aware of the existence of various abuses. He then proposed that a Commission should be appointed to proceed to Great Britain, to have these abuses rectified; and held public meetings for that purpose, accounts of the proceedings at which were published in a pamphlet, which was generally approved of by the people of the Province; but, by those in power, was considered as having a seditious tendency; and he was therefore arrested, and put upon his trial, for sedition, at Kingston, but, being acquitted, he was again tried at Brockville, with, however, a similar result.

He then had to proceed to New York, on business, and, on his return, was imprisoned in the gaol at Niagara, where ill treatment, in being confined in a cell for five weeks, in the dog days,—debarred from the sight of or communication with his friends, his counsel, or the Magistrates of the District,—threw both his body and mind into such a state as to render him totally unfit to defend himself upon his trial, or even to comprehend his arraignment. The result of the trial was, that he was banished from the Province for life, under pain of death should he return, his alleged crime being that he neglected to quit the country upon the order of a single Magistrate, (two legislative Councillors,) acting under an unjust construction of an unconstitutional statute, most illegally exercised.

Your committee do not think it necessary to comment on such proceedings.

From the evidence adduced, which will be found in the appendix to this Report, your committee are of opinion, that the arrest and imprisonment of the petitioner in Niagara, in 1819, was illegal, unconstitutional, and without the possibility of excuse or palliation.

That, debarring him from an interview with his friends or his counsel, was also illegal, unjust, and unconstitutional. That, preventing magistrates of a County or District from visiting the gaol of that county or district, is a violation of all propriety; and, if persisted in, would lead to the most pernicious consequences.

Your committee are further of opinion, that his trial and sentence, when in a state of bodily and mental weakness, from the sufferings which he had undergone, which prevented him from defending himself, was unjust, unconstitutional, and cruel.

Your committee cannot but express a hope that your Honorable House will do the petitioner that justice which has been so long denied him, and pass an Address to His Excellency the Governor General, declaratory of the above opinions, in order that the Crown may repudiate the transactions by which the petitioner has been persecuted, to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he has sustained, by the unwarrantable exercise of authority. In the mean time, that some allowance be made to him to defray his personal expenses, while in attendance before the Legislature defending the rights of a British subject.

Your committee are in possession of proofs, that during the late rebellion, when the petitioner was resident in the United States, his Excellency Sir Francis Bond Head, then Lieutenant Governor of Upper Canada, derived from him the most important intelligence of the movements of the brigands then organizing for an attack on the province. This, your committee humbly suggest, should neither be overlooked nor forgotten. All which is respectfully submitted.

W. DUNLOP,

Chairman.

Kingston, Sept. 11th, 1841.

Evidence of William H. Merritt, Esq., M. P. P.

Were you resident in the District of Niagara, during Mr. Gourlay's stay there, in the years 1817, 1818, and 1819? I was.

Was his conduct in that District generally approved of? It was so.

Do you remember the meetings held in that District, — first, to answer certain statistical queries put by him, and afterwards, for inquiry into the state of the Province? I do.

Did you conceive that any possible evil could result from those meetings?

I did not; on the contrary, I think they were convened with the best and most laudable of motives.

What was your impression, on the whole, of the treatment Mr. Gourlay underwent?

I was, and still am of opinion, that he was treated, throughout, with the greatest cruelty and injustice.

Evidence of David Thompson, Esq., M. P. P.

Were you present at the trial of Mr. Gourlay, at Kingston, in August, 1818? I was.

Did you perceive, in his conduct on that occasion, any thing weak or incoherent?

No; I did not. He made an excellent defence, and was afterwards entertained at a public dinner, at which I was present.

Were you present at his trial at Niagara, in August, 1819? I was.

Was his conduct, on that occasion, what you were given to expect? No.

Did he appear, on that occasion, in the full possession of his faculties; or, was not rather his speech incoherent, and his appearance that of one not in self-possession?

He did not appear in full possession of his faculties; and seemed not to know where he was, or what he was doing, — appearing to be in a great measure unconscious of what was going on around him.

What did you suppose to be the cause of the stupefaction you describe? I think it was from long and close confinement.

Did you reside in the Niagara District, in the years 1817, 1818, and 1819? I did.

Do you remember certain meetings held at that time in the District of Niagara, at Mr. Gourlay's suggestion? I do; I was chairman of one of them.

What was the nature of these meetings? For the purpose of gathering statistical information.

What was the general opinion of Mr. Gourlay's character and conduct, in that District?

It was favorable. I considered him loyal, and his conduct constitutional and honorable; and so thought nearly all the inhabitants of the District, except a small party that I considered interested in thwarting his plans.

Evidence of David Thorburn, Esq., M. P. P.

Were you present at the trial of Mr. Gourlay, at Niagara, in 1819? I was.

Was his conduct, on that occasion, what you were given to expect? No.

Did he appear, on that occasion, in the full possession of his faculties; or, was not rather his speech incoherent, and his appearance that of one not in self-possession?

His speech was quite incoherent, and he looked wild, and seemed indifferent to what was going on.

What do you suppose caused this?

Coming from a close cell, in hot weather, where he had been confined for weeks, into the sunshine and free air.

Did you reside in Niagara District in 1817, 1818, and 1819? I did.

Do you remember certain meetings held at that time in the District of Niagara, at the suggestion of Mr. Gourlay? I do.

What was the nature of those meetings?

To gather statistical information, as to the state and capabilities of the Province.

What was the general opinion of Mr. Gourlay's character and conduct, in that District? That his objects were laudable, and his conduct not inconsistent with the object in view.

Resolution of Legislative Assembly.

Resolved, as the opinion of this House, that an humble Address be presented to His Excellency the Governor General, communicating a copy of the Report of the Select Committee of this House, on the case of Robert F. Gourlay, Esquire, and praying that measures may be taken for carrying the recommendations therein contained, into effect.

Extracts from Newspapers.

HOUSE OF ASSEMBLY.

Saturday, September 11.

DR. DUNLOP brought up the Report of the Committee appointed to examine the Petition of Robert Gourlay, Esq. The Report confirmed the prayer of the Petition, and spoke of the persecutions that the Petitioner had endured in strong language. Several members of the House gave testimony in favor of Mr. Gourlay.

MR. CARTWRIGHT thought the Petition and Report out of order, and that they could not be sustained by the House.

MR. SIMPSON said Mr. Gourlay had been treated and persecuted as an Alien, though every body knew he was a Scotsman—such a thing was unheard of.

CAPT. STEELE thought the persecution of Mr. Gourlay had been most unjust, and if he had done nothing else to entitle him to the gratitude of this country, his letter in his reply to McKenzie, and his conduct during the Navy Island affair, entitle him to the consideration he laid claim to.

MR. HINCKS thought that Her Majesty's Ministers might very well spare a portion of the pension list of £5,000 which had been granted.

SIR ALLAN MACNAB thought the whole proceeding irregular and unconstitutional. He had heard of the sufferings of Mr. G., which he regretted as much as any man: he thought however, that the Report should be brought up before a Committee of the whole House.

The Report was adopted.—*Chronicle & Gazette, and other papers.*

MR. GOURLAY.

Last Saturday, a Select Committee of the Legislative Assembly, consisting of Dr. Dunlop, the Hon. John Neilson, and Captain Steele, with a French and English lawyer, Messrs. Viger and Price, reported on the case of this much injured individual.

The Report, which will be found below, needs no addition from us, being at once perspicuous, comprehensive, and trumpet-tongued. It will go down to posterity as the best commentary on compact government. With this

Report before him, the future historian of Canada will make marvel, not that an ignorant people rebelled, but that they so long quietly submitted to outrages against law, decency, and common sense. He will drop a tear over the fate of Lount and Mathews, Moreau, and Von Shultz, while his blood freezes within him to think that a human being existed, who, callous to feeling, could confirm a hard sentence, and, unmoved by the cries for mercy, from thirty thousand of his fellow-subjects, could consign to an ignominious death the companions of his youth, who were unquestionably honest and brave.—Aye, and that this man was not only the accuser of Gourlay, at Kingston and Brockville; but, after two honorable acquittals, could have the audacity to stand up to revile and condemn him, feeble and distracted in the Jail and Court House at Niagara!!! Compared to such a man, William L. Mackenzie is an angel. But these are the ways of an all-wise God, who maketh the wrath of man to praise him. Let us, therefore, be submissive, and trust that good will yet come out of evil;—that Canada will yet be happy, glorious, and free.—*Kingston Herald, and other papers.*

HOUSE OF ASSEMBLY.

MR. GOURLAY.

Thursday, September 16.

DR. DUNLOP brought up the case of Mr. Gourlay. He said that having gone so fully into the facts of Mr. Gourlay's case on a former occasion, he should not now go over the same ground. He would only briefly recapitulate what he had before stated at length. He then went over the facts as stated in the report before the House in a condensed form. It was now necessary to answer some of the objections that, on a former occasion, had been urged against his arguments. It had been stated that the banishment of Mr. Gourlay was legal, inasmuch as a law existed under which he was prosecuted. He denied the legality upon two distinct and separate grounds. In the first place, he denied the power of any Body on the face of the earth, whether King, Lords, and Commons of Great Britain, or the Governor, Council, and Assembly of Canada, to enact a law by which a British subject, unconvicted or uncharged with any crime, could be debarred from going to or residing in any portion of the British dominions; but, supposing such a law could be made, in Mr. Gourlay's case it was most illegally exercised. The law referred to, (an Act of 1804, of the Provincial Parliament of Upper Canada,) provided that a British subject, who had not been an inhabitant of the Province for six months, might be expelled, as Mr. Gourlay was; but, it was in evidence before the Committee, and indeed notorious to the whole Province, that Mr. Gourlay was an inhabitant, more than two years, of the Province. How was this objection to be got over? Why, by a most lawyer-like and quibbling construction as to the meaning of habitancy. The judge informed the astonished jury, that, to constitute habitancy, a man must possess a dwelling of his own;—living in the house of another could not make a man an inhabitant. Now, let us consider the effect of this beautiful legal subtlety. A child is born in Canada: he lives for a certain number of years in his father's house: he then goes into service, or, at any rate, he lives in the house of another, where he may live till the age of threescore and ten, and die at a good old age, without ever having been an inhabitant of Canada, or of any other country, or of this world itself. He (Dr. D.) had been accused of having made use of strong language, in the report of the committee. He acknowledged having drawn up that report, and had he to draw it over again he would not soften a word of it. What language, he would wish to know, was too strong to denounce tyranny and oppression;—what language too strong to stigmatize cruelty and injustice? None, thank

God, that a Briton knew. He now came forward to call upon the sense of honor of that House to do, as far as they could do, justice to a much injured individual: compensation he did not ask for, for the very simple reason that the House had it not in its power to bestow compensation. What could compensate a man for twenty-two years of complicated misery, for imprisonment, for legal infamy, for ruined health, and for a shattered constitution! Had this House voted to Mr. Gourlay the enormous sums which they had voted away within the last fortnight, it would be no compensation to him for what he has suffered, for who would endure his sufferings for any thing that the world has to bestow? He hoped that the House would not lose a moment in wiping away, as far as they could, the foul stain that had been put on the name of a British Colony, as far as their reprobation of all the acts of unparalleled injustice under which he (Mr. Gourlay) had suffered. Till that was done, Mr. Gourlay only held his life until further orders. He sat now at the bar of the House, and according to the dicta of the defenders of the Government, the Governor General might legally, and he hoped the defenders of the measure would add constitutionally, order the sheriff of Kingston to drag him from his seat, and hang him on the lamp-post at your gate without further form or process. He would not insult the House by supposing, for a moment, that they, collectively, or any individual of them, would oppose the motion he was now about to put.

The following motion was then submitted:

Resolved: That an humble Address be presented to His Excellency, the Governor General, communicating a copy of the report of a select Committee of the House, on the case of Robert Gourlay, Esq., and praying that measures may be taken for carrying the recommendations contained therein into effect.

Seconded by Mr. Aylwin, and carried unanimously.—*Chronicle & Gazette, and other papers.*

N. B. Confirmed, next day, by the signature of Lord Sydenham.

CORRESPONDENCE.

No. 1.

KINGSTON, October 11, 1841.

SIR: Three years and three months ago, I came to Canada — my chief object being to seek redress from the legislature for maltreatment in 1819; but, till the late session of Parliament, obtained no satisfaction. On the last day of the session, an address in my favor, unanimously voted by the assembly, was carried up to the Governor General, and acknowledged by his Excellency. May I now request to know what I have to expect from the Executive? This question I should have put sooner, but for the melancholy death of Lord Sydenham; and, when I say, that I am anxious to join my family in Scotland, from whom I have been separated twenty-four years, because of wrongs in Canada, your Excellency will not, I hope, prolong that period, by unnecessary delay, at this stage of my business.

I have the honor to be, your obedient servant,

ROBERT F. GOURLAY.

Sir RICHARD JACKSON.

N. B. — A letter will find me through the Post Office.

R. F. G.

No. 2.

GOVERNMENT HOUSE, October 14, 1841.

SIR: I am commanded by the Administrator of the Government, to acknowledge the receipt of your letter of the 11th instant, requesting to be informed of the decision of the Executive Government in your case, which was brought under the notice of the late Lord Sydenham, by Address from the House of Assembly. In answer, Sir Richard Jackson desires me to say that, as he is only in the temporary administration of the government, and the successor of Lord Sydenham may be very shortly expected; and, as the House of Assembly did not, in their address, point out the specific nature of the redress to which they considered you entitled — His Excellency would not feel justified in now entering on the consideration of so long standing a question. It must remain for the decision of the new Governor General, to whom the address of the Assembly will be submitted on his arrival.

I have the honor to be, Sir, your most obedient humble servant,

ROBERT F. GOURLAY, Esq.

T. W. C. MURDOCH.

No. 3.

SIR: Being from home last week, I have, now only, opportunity of replying to your letter of the 14th inst.

As there seems necessity for awaiting the arrival of the Governor General for a full settlement of my business, nothing more need be said of that; — but I may call attention to a clause in the Report, which perhaps you have overlooked — namely, 'In the *mean time*, that some allowance be made to him to defray his personal expenses while in attendance before the Legislature defending the rights of a British subject.' — This, I presume, your Excellency may readily grant; and, with this, I might immediately leave Kingston for Quebec, there to meet the Governor General, and have a chance of sailing for Britain before the navigation is closed.

I have the honor to be, your obedient servant,

ROBERT F. GOURLAY.

SIR RICHARD JACKSON.

No. 4.

GOVERNMENT HOUSE, October 26, 1841.

SIR: I am commanded by the Administrator of the Government to acknowledge the receipt of your letter of the 25th instant, and to inform you that in compliance with the recommendation of the House of Assembly, His Excellency has been pleased to direct the sum of £50, to be advanced to you out of the small amount appropriated by the Legislature for unforeseen contingencies. His Excellency regrets that it is not in his power to advance you a larger sum; but this will be sufficient to meet your immediate necessities, and to enable you to proceed to Quebec, to wait on the new Governor General.

I have the honor to be, Sir, your most obedient humble servant,

T. W. C. MURDOCH.

ROBERT F. GOURLAY, Esq.

No. 5.

KINGSTON, October 30, 1841.

SIR: Your letter of the 26th instant was received, and the Fifty pounds paid me; but your Excellency had previously sailed for Quebec. The object of this is to request that office copies of all the proceedings in my case last session of parliament, may be written out and transmitted to you without delay, in order that the Governor General may have the same laid before him at Quebec; and, thus, be enabled to judge in the matter.

I intend leaving this in a few days, and shall report my arrival at Quebec to your Excellency.

Yours, &c.

SIR RICHARD JACKSON.

ROBERT F. GOURLAY.

THE
NEPTUNIAN.

No. 7.

CORRESPONDENCE, (Continued.)

No. 6. KINGSTON, November 2, 1841.
SIR: About to proceed to Quebec, as advised in my letter to your Excellency of 30th ultimo, I found on applying for office copies in my case before the Legislature, that affidavits of John Clark, Esq. and William Kerr, Esq. had been mislaid. To procure duplicates will require some five or six days, and, by the end of that time, the Governor General may be on his way from Quebec to this place. May I now beg the favor of two lines, saying if I shall, after that period, still have opportunity of seeing His Excellency at Quebec, that I may regulate my motions accordingly.
Most respectfully yours,
ROBERT F. GOURLAY.

Sir RICHARD JACKSON.

No. 7. QUEBEC, November 10, 1841.
SIR: In pursuance of my purpose communicated at Kingston, I came here last night to meet the Governor General, and shall wait on your Excellency if required.

Respectfully yours,
ROBERT F. GOURLAY,
Union Hotel, St. Peter Street.

Sir RICHARD JACKSON.

No. 8. UNION HOTEL, St. Peter Street, Nov. 23, 1841.
SIR: You are aware that I have been here two weeks expecting to see the Governor General, for settlement of my business before the Legislature. This day it is notified at the Exchange, that His Excellency will not leave England till December, which is particularly distressing to me, and the more so as I am an invalid. In fact, I must either leave Quebec immediately, or be shut up for the winter. Permit me now therefore to ask if your Excellency, under changed circumstances, can do aught more in the matter, and favor me with an early reply.

I have the honor to be, your Excellency's obedient servant,
ROBERT F. GOURLAY.

Sir RICHARD JACKSON.

No. 9. QUEBEC, November 23, 1841.
SIR: I am commanded by the Administrator of the Government, to acknowledge the receipt of your letter of this day, and to inform you, in the absence of all the official correspondence and other documents relating to your case, it is impossible for His Excellency to come to a decision upon it; but His Excellency will be prepared, on his return to Kingston, to examine into the matter, and either to pronounce his own decision on it, or to submit his views to the Governor General on his arrival.

I have the honor to be, Sir, your obedient servant,
T. W. C. MURDOCH.

ROBERT F. GOURLAY, Esq.

No. 10.

Mr. Gourlay offers his respects to Sir Richard Jackson:—will be glad if His Excellency can find leisure to look over the accompanying sketch, &c. &c. &c. and then honor Mr. Gourlay with conversation on the subjects.

December 25.

No. 11.

KINGSTON, December 3, 1841.

SIR: At Quebec you pledged yourself to decide on my business, when again here; and it will be easy to do so,—perusing the documents, which are brief and explicit. Calling yesterday at the Clerk's office, I learned that the affidavits of John Clark and William Kerr, Justices of the Peace, were not yet had; but others, tantamount, can readily be procured. It is possible that Doctor Dunlop, who was Chairman of the Committee, may have the originals; and if written to, would transmit them without delay, to be filed in the proper place.

Your Excellency will please order as to this.

Had the Governor General landed at Quebec, I felt assured that in half an hour's conversation all might have been settled to my satisfaction, so as to admit of my sailing forthwith; and even now, with prompt attention, it appears possible for me to get to the seaboard, and thence home before the extreme rigor of winter sets in. It will indeed be obliging if your Excellency can facilitate a consummation, to me so desirable.

Your obedient servant,

ROBERT F. GOURLAY.

SIR RICHARD JACKSON.

N. B. Letters find me here through the Post-office.

No. 12.

Gov. HOUSE, Dec. 6, 1841.

SIR: I am commanded by the Administrator of the Government to acknowledge the receipt of your letter of the 8th instant, and to inform you that His Excellency has referred all the documents connected with your case, to the Executive Council, in order that they may furnish him with a report upon it.

I have the honor to be, Sir, your obedient servant,

T. W. C. MURDOCH.

R. F. GOURLAY, Esq.

No. 13.

KINGSTON, Dec. 13, 1841.

SIR: Under date of 6th instant, I am informed that your Excellency has referred all the documents connected with my case to the Executive Council in order that they may furnish you with a report upon it.

For this accept my thanks: but deeming it probable, from present delay, that the Council may not be aware of my anxiety for speedy settlement, I should be glad were they apprized of the circumstance.

Had I met the Governor General at Quebec, my full assurance was and is, that with ten minutes conversation, His Excellency would cheerfully have conceded all that I require.

Late as it now is, I would, with that much, make an effort to escape to a warmer climate for the winter, if not to my native land from this place, which yields me neither sufficient warmth, employment, society, nor sympathy.

I have the honor to be, your most obedient,

ROBERT F. GOURLAY.

SIR RICHARD JACKSON.

No. 14.

SECRETARY'S OFFICE, December 15, 1841.

SIR: I have the honor, by command of the Administrator of the Government, to acknowledge the receipt of your letter of the 13th instant, and, with reference thereto, I am now to hand you a copy of the Report of the Committee of Council on your case, which has been approved of by His Excellency.

I have the honor to be, Sir, your most obedient humble servant,

T. W. C. MURDOCH.

ROBERT F. GOURLAY, Esq.
Kingston.

"Such has been my fate during the last twenty-one years, (written 1829,) that I should not even know myself, but for records." Certainly, but for copies of letters and other documents, I could not expose the cruelty and injustice of Colonial government. Here closes correspondence 1841; and, be it observed, I have cut this correspondence in two. Up to No. 6, all is fair; and that much closed No 6 of "THE NEPTUNIAN." Onward, in this number 7, all is foul, unfair, and ridiculous.

By the new constitution of Canada, the Government has its servants in parliament, to watch and be watched. My case will show how far this is available; and also how ministers may play "*hocus pocus tricks*" in Canada, as Sir Francis Burdett accused them of doing in England some thirty years ago.

My case was regularly advanced in all its stages, and stood on "THE ORDER OF THE DAY," for debate, a week before Doctor Dunlop moved an address to the Governor General. In his speech, he happily exposed the sophistry by which Chief Justice Powell, (1819,) prevailed with a jury to return a verdict of guilty against me, when I was unable to know what he said,—far less to arrest judgment. Mr. Aylwin, a lawyer, and allowed to be the most eloquent man in the House, seconded the motion; but no one rose to reply,—neither the ministry nor opposition, (Mr. Cartwright* and Sir Allan McNab,)—so it was unanimously decided that my imprisonment and banishment was "*illegal, unconstitutional, and without the possibility of excuse or palliation*." Who, after that, had right to say a single word to the contrary? Not one. But, mark how the "responsible government" plays with me, and tortures!

I am paid £50—inorsement of the business completed; and though copies of affidavits could not be found, on my application, I had no doubt they would be forthcoming on the order of Sir Richard Jackson; so, I lay down to rest at Kingston, the night before leaving that place for Quebec, composed as I had not been for many years, and said to my landlady next morning, that I had "*nearly been asleep*,"—not having actually slept, neither night nor day, for twenty-two months preceding. At Quebec, I reported myself to Sir Richard, never doubting that my application to have "*office copies of all the proceedings in my case written out and transmitted, in order that the Governor General may have the same laid before him*," would be complied with; but how was I disappointed on being told, a fortnight after, that "*in the absence of all the official correspondence and other documents*," it was "*impossible for His Excellency to come to a decision*." In fact, even though Sir Charles Bagot had landed at Quebec, it now appeared that my journey to that place would have proved fruitless. I could not, even in that case, have had office copies authenticated by him; and I wanted no more. I wanted from him no DECISION; and, indeed, could I only have had the whole of my case,—my petition and the action thereon, printed in a newspaper, I would then have been satisfied, and sailed for Scotland. But how was this? I asked Mr. Bentley, formerly proprietor of the Kingston Herald, to

* The first day that I approached the Parliament House, in Kingston, the warm-hearted member for Byetown, run up to me on the threshold, and immediately introduced me to a cluster of the COLLECTIVE WISDOM. For a few minutes, he left us, and, soon after, seizing me by both hands, said, "come with me, and take a seat within the bar. You have but one enemy in the House—Cartwright." He had, indeed, made a motion for my being received within the bar, opposed only by Mr. Cartwright, a person I had never seen, to my knowledge; nor, till then, ever heard of. His reasons for flying in the face of a *courtesy*, by me neither asked nor expected, is, to himself, best known; and the circumstance is now recorded as a striking proof of "*MALIGNITY*," which grew up with certain characters in the Province of Upper Canada, and, which, even common decency could not suppress.

go with me to Mr. Mawby, who purchased it from him, and secure the printing and publishing in that paper. Mr. Mawby complied; but next day sent his foreman to tell me it could not be done; the reason appearing to me obvious, on being told that Mr. Mawby was looking out to be an organ of the government. Had I been a quack doctor advertising some trash, there would have been no refusal, as I offered to pay for my place in the paper, or take as many copies as would compensate. "Never mind," said Mr. Bentley, "you will get it better and cheaper done at John Neilson's press, in Quebec." Accordingly, on getting there, I handed my copy in at the Gazette office, and told the foreman how I should satisfy, in the same way, as agreed at Kingston. Neilson's Gazette is published on Friday, Monday, and Wednesday. I called again on Saturday, when Mr. Neilson passed through the office, and said, "that cannot appear in Monday's Gazette." On Tuesday, thereafter, I called a third time, when the foreman handed back the copy, saying it could not be inserted. The fact is, throughout the length and breadth of Canada, any press worth purchasing, or advocating a special cause, was bound up within itself; and two editors had been raised from zero to warm berths in the ministry, merely for supporting the Governor General's views. Not so Mr. Neilson; who was the most active opposer of Lord Sydenham. On complaining to him, he said he only now managed for his son's estate in the Gazette office. So, I have not even a guess as to the refusal at Quebec. Certes, it left me gloomy in the extreme; and, I was only relieved by the kind attentions of a jovial countryman, who, that very evening, as if providentially, waited on me, with another, at the Union Hotel.

Sailing to Montreal in the steamboat with Sir Richard Jackson, and seeing him both in the cabin and on deck perfectly at leisure, I wrote No. 10, and accompanying it with a map for improvement of Kingston, — one of three which had been hung up for public inspection at the Town Hall, &c., — I gave these, for delivery, to His Excellency's Orderly. In a few minutes after, a gentleman of his suite waited on me, with the map in his hand, and said Sir Richard would examine it at Montreal. It was somewhat amusing to observe, that His Excellency, from that moment, and all the way to Kingston, kept himself more retired from passengers; no doubt holding the ministry *responsible* even for courtesies.

Nos. 11, 12 and 13 of the correspondence need no remark.

No. 14, with the Report of the Committee of Council, to be seen in No. 8 of "THE NEPTUNIAN," needs so much, that it would be wrong to begin here; save to observe, that it "*has been approved of by His Excellency.*"

In No. 3 of "THE NEPTUNIAN," and page 34, under the heading "BRUTAL OUTRAGE," I have given a specimen, not only of brutality, but baseness of a Grand Jury, &c., &c. Here, I shall employ spare space, for exhibiting something more of the same kind, reprinted from a newspaper published a few weeks after the occurrence.

TO THE EDITOR OF THE MIRROR.

EDINBURGH CASTLE, May 23, 1839.

SIR: But for a disposition not to be intrusive while Parliament was in Session and very ill health since, I should sooner have thanked you for your papers handed me; and also, for holding up to public view, a vivid picture of the monstrous treatment to which I was subjected, twenty years ago, in this Province.

It is right and necessary to study such pictures from time to time, to keep in mind how fast tyranny will proceed, when unchecked by a spirited people. What you said of poor FERGUSON, the Printer, was far from sufficient. He was seized in the middle of the night, while in bed with his wife — thrust into Niagara Jail, and, by daylight, put in a schooner, which brought him to this place, where he was kept some days; and then sent back to Niagara, *via* Hamilton, to find bail; — exposed like a wild beast, become rabid: — and for what was all this? Had Ferguson committed any crime? No! While he was in the London District, 150 miles distant from Niagara, I sent to his printing office an article, which was published before his return home; and which the *sapient* splenetic Commons' House of Assembly

declared to be a TRAITOROUS libel. A traitorous libel!—the worst part of which was a quotation from a German ballad.

“Tramp, tramp, across the land he sped,
Splish, splash across the sea,
Hurrah!—the dead can ride apace,
Doest fear to ride with me!!”

Only think of a parcel of men, who sat in LITTLE YORK, chiefly to look after land and offices—commissions in the militia—commissions of the peace—law appointments, &c., for their self-aggrandizement, becoming conscience-smitten, and conjuring up treason in such a quotation—a mere ebullition of feeling. Only think of fellows paid by the people, to watch over popular rights, and, of all others, the freedom of the press, affording excuse to a villainous Executive for acts so atrocious! Fergusson gave bail to appear for trial: I entreated him to traverse, and leave me, the principal, to argue the matter; but, no; he was too confident in his innocence, to be advised,—though, I believe, that, by acquittal, he expected gain in public estimation. Alas!—a poor pleader in his Lawyer, and a Jury, who would have cried out “*crucify*,” even the Saviour, made a guilty man of him. He was thrust into one of the horrible cells of Niagara prison: all his property and business flung to the winds, and his poor young wife left forlorn! Fergusson printed for me nearly two years. At all hours I was in his office; and never saw him irregular. He was a mere printer; could not compose even a common article; and inserted in his paper whatever was sent to him—as much against as for me.

Every one knows that a Printer is responsible for what issues from his Press; but allowing my article to have been “*traitorous*”—which, now-a-days, the very idea would be laughed at—how monstrous was it *criminally* to punish the poor printer, who knew nothing at all about the publication! To make others cautious in future, he might properly have been fined; but, to immure him in jail and utterly ruin him, was barbarous in the extreme.

Did the people of Niagara do any thing to soften his fate? No: many of them even exulted in it:—just as they did, when they saw me banished for no crime whatever.

Even yet, barbarity—the joint product of ignorance and self-interest—is not uprooted in the town of Niagara. The very day I left it for this place—30th *ultimo*—a trial, before Justices of the Peace, gave evidence; and a minute account of it is worthy of record.

The public have seen my placard exhibited here, of which the following is an exact copy:—

THE BANISHED BRITON,
APPELLANT AND MEDIATOR.

Profunda Cernit.

The author of this work contemplates, not only pleading before the world against the villainous Power, which for twenty-eight years has held him down; but investigating the evils which now convulse *British America*, with a view to determine

THE FATE OF CANADA!

Arguing not only from the RIGHTS OF MAN, *but the duties*; and all to the end of bettering the condition of THE WORKING CLASSES.

On the fifth April, my memorial to the assembly was published in the *Reporter*; and wishing to have support to my prayer for a Committee to enquire as to my cruel treatment in Niagara jail, twenty years ago, I wrote out an invitation for friends—if I had any—to meet at the British hotel by twelve o'clock, next Monday, then and there to consider what might be done.

The better to call public attention to the invitation, and at the same time to advertise my intention of publishing “THE BANISHED BRITON,” I purchased three

large paste-boards, and had the above placard exhibited on these, together with my written invitation.

One of the boards was given in at HARRINGTON'S to be hung up on the front post; another was hung up on the front post of the BRITISH HOTEL, and a third was carried to JAMES MILLER'S TAVERN, there to be hung up on the front post.

Miller not being at home, and his bar-keeper not feeling at liberty to expose the board on the front post without Miller's leave, I left it in the bar,—the bar-keeper engaging to protect it till I returned and spoke to Miller.

Next morning I called, and seeing a person in the bar, asked if Mr. Miller was at home. He said he was that person; and I asked what he had done with the placard board. "*I destroyed it,*" said he. You have destroyed it! Why did you destroy it? Miller repeated his words, and added, "*You may do your best.*"

Now, it ought here to be known, that within an hour after the board was exhibited at HARRINGTON'S, certain wiseacres had discovered sedition in it; and I was informed that the exhibition had been injurious to my cause;—that the words "*villainous power*" had been construed as reflection against the government, &c., and, that the words "*RIGHTS OF MAN,*" stirred up still worse suspicions.

Overlooking such absurdity, I thought only of my property destroyed; drew out a bill of charge against James Miller, and placed the same in the hands of Mr. Clement, a Justice of the Peace, for recovery: thus,

James Miller, Tavern keeper, Niagara,	Dr.
To Robert F. Gourlay.	
A placard and board destroyed,	£0 10 6

Mr. Clement said he was not a lawyer; and, as the case was an extraordinary one, asked me to return next day, when Mr. Butler, a regular bred lawyer would be with him to advise.

Attending, accordingly, Mr. Butler said he thought the case was one for the Court of Requests; but, previously informed by a friend, I stated that it came properly before them, under the petty trespass act.

The Magistrates then asked me to delay till their minds were fully made up; an indulgence which I readily granted. Getting no notice, I at last wrote the following:—

"British Hotel, April 23, 1839.

Mr. Gourlay presents his compliments to Mr. Clement:—Reminds him that Mr. G. put into his hands an account, charging James Miller 10s 6d, for property destroyed:—that Mr. Clement put off acting till Mr. Butler was consulted:—that Mr. Gourlay attended next day, when both gentlemen seemed doubtful on the case:—that he said he would wait; and, now begs to be informed when the business will proceed."

No reply being received, I waited on Mr. Clement, Monday, 29th April. He asked if I seriously meant to go on with the action; and said that Miller thought he had an action against me for leaving the placard in his bar:—thus, the cloud of war darkened.

Mr. Clement said it would be necessary to make a declaration on oath; and I did so, reciting exactly all the facts. Mr. C. himself committed this to paper; and not being able distinctly to read his writing, I put my name to it, supposing all correct.

Ten o'clock next day, Tuesday, April 30, was appointed for the hearing; and then I attended with my witnesses,—Mr. Sewell, printer, ready to swear that he would not print any number of my placard for less than two and a half dollars, and the bar-keeper of the British Hotel, who had recommended me to go to James Miller's tavern, &c.

Mr. Miller appeared as Defendant, with his lawyer, who I afterwards learned was a Mr. Campbell.

After stating circumstances, the question was put by the Court, whether I could swear that the defendant, there present, was the identical one who had told me the board was destroyed. Here my case was about breaking down, as James Miller was not bound in law to confess that he was James Miller; and I certainly was

loath to swear as to him—having not for two minutes looked him in the face in his bar-room, nor ever imagined any such difficulty would be started. I said, however, if he chose to go out among his townsmen, thus victorious, he should be welcome to the triumph.

The Magistrates then liberally suggested that Miller's bar-keeper might be sent for, and I agreed.

Meantime, lawyer Campbell pointed to one of the placard boards, which I had in Court to show the kind of thing destroyed; and said, that alone ought to cast me; that these words, "*The Banished Briton*," were sufficient to prove I had no right to be in the country; and as to the words following, they clearly made out that "*villanous power*" meant the power which banished me, as the words "*twenty eight years*" indicated the exact number of years from the time of my imprisonment and banishment. (1819.)

Really, said I, you have, at school, made little progress in COCKER. You may be a devilish good lawyer, but, certainly, you are a miserably lame arithmetician! and to be sure the defeated advocate sung silent on the remaining manifestations of sedition.

The occasion, however, was not to be lost, for my showing that the placard was, in fact, the very reverse of what evil imaginations had made it:—that, the words, "BANISHED BRITON" were intended to arrest attention to the monstrous treatment I had received in Niagara:—that, the word "*appellant*" announced my return to the Province, here to get redress; and, the word "*mediator*," my coming as a peace-maker.

I then produced to the court a whole volume of printed records, regarding my private affairs—printed in Scotland, to maintain rights to my property there, in England, and Upper Canada; and showed that the words "*twenty-eight years*" alluded, solely, to law persecution. As to government, there was not in existence, any man who had been more constantly loyal; and, in fact, my family motto, "PROFUNDA CERNIT," was set forth, on the placard, to maintain this. The family of Gourlay being the most ancient and least tainted of any in Fife, if not in Scotland—all having sprung from the same individual Ingleramus De Gourlay, who came to Scotland with Prince William, about the year 1174.

I stated further, that the words, "RIGHTS OF MAN" were indeed conspicuously displayed on the placard; but it would be observed that I was to argue not only from these, but the "*duties*;"—that lawyers and others pleaded merely on the first, but that I resorted to the Bible, and had an eye, not to laws only, but to morals—to duties as well as rights.

Miller's bar-keeper being now in Court, he was put on his oath, and questioned:—whether he had received from me such a placard board as that on the table. He acknowledged this; also, that he engaged to protect it till Mr. Miller came home; and now my case was closed. But lawyer Campbell would fight every inch for his client: so, questions were started as to the liability to protect property in taverns, boarding houses, &c. &c. &c.; Statutes were referred to; law books produced, &c. &c.

Finally, the Magistrates retired; and after a considerable time, returned with a judgment against Miller. Stop, said the lawyer—arrest judgment; show me Mr. Gourlay's written deposition. He has declared that the placard board was destroyed, and here is the identical thing left in Mr. Miller's bar-room—fetching it from a hiding place. That, sir, said I, only makes your client a double liar, (meaning one who first tells a lie to injure another, and then trades upon it). What said Mr. Campbell, will you call a man a liar, when you have put your name to a wilful perjury. No, no, said Mr. Clement, (who saw that he had not written down my exact words—not that James Miller said he had destroyed the placard, but that it *was* destroyed,) there can be no accusation of wilful perjury: take your placard, Mr. Gourlay, and there will be no charges!

Here, then, ended this foolish, vexatious business;—James Miller retiring in very bad humor, as well he might; at every stage having falsified out of a bad spirit; and from the grossest ignorance, desired to involve me in trouble—no doubt, with hope of currying favor with the wretched crew, who have so long held down this fine country; now at last, thank God, about to cast its slough, and rank among the civilized portions of the earth.

ROBERT F. GOURLAY.

THE MONKEY WAR.

Promise was given, page 54, that these verses should be "exhibited in the next number of THE NEPTUNIAN." It afterwards was judged better to reserve them for this budget of brutality, crosses, and comicalities:—so here they are.

PART FIRST.

A monkey once sprung up aloft,
And gibbered in the trees;
The bears and wolves began to dance,
And bum went all the bees.

A shot or two being fired at Pug,
Away the creature scampered;
And, truly, it made unco speed,
With bulk being little hampered,

Arrived at Jonathan's out post,
And perched up in the play house,
A farce began, which, right to scan,
No man could say it was douce.*

Douce, did I say?—hoot, man, away;
'T was really sad, and sadder,
For men to Buffaloes were turned,
And they grew mad, and madder.

They gored the ground; they cocked their tails;
They flung up dust; they trod down rails;
And nothing could withstand them;
Till great Van Rensselaer stepped forth,
And said he would command them.

To Navy Island quick they marched,
And quick were in possession,
Quick ran the news across the land,
To Parliament in session.

Sir Francis said: "My dear McNab,
Rise from the chair, mount any cab,
And rouse the men of Gore;
Now I 'm awake, good care do take,
That no one else shall snore.

"When I sprung out of Romney marsh,
Just like a little punkie,†
I never dreamt of aught so harsh,
As fighting with a monkey.

"But since it is my knightship's fate,
Do you go forth and thunder,
That you may rise, in royal eyes,
And, then, we ne'er shall sunder.

"Sir Francis, I—Sir Allan, you—
The Yankees we will humble;
And this curs'd ugly monkey now,
Out o'er the Falls we'll tumble."

Britannia's flag you now may see,
From Drummond's Hill to Fort Erie,
While thousands range around;
With shot and shell the trees they fell,
And make a mighty sound.

Edinburgh Castle, May 6, 1839.

* Sedate, sober, decent.

† Will o' the wisp.

PART SECOND.

Good lauk, what next!—a boat unfixed—
The little Caroline,
Cut from the ice; and all so nice,
Now on the lake doth shine!

"A spec!—a spec!—a glorious spec!"
The Buffaloes roar out,
Victoria's wealth is all our own,
And Canada, no doubt.

"We'll moor the boat: we'll store the boat,
With 'articles of freight,'
And when our flag is hauled aloft,
We'll swear the whole is right."

"For trade is free to all the free,
And we're the sons of freedom;
We'll freedom take, there's no mistake,
Nor need we longer dread 'em."

Ah, Jonathan!—Ah, Jonathan!
Thou art a boastful loon;
But there's a God above, I trow,
Will make you change your tune.

Snug in your port, you deem it sport
To laugh at human woe;
But God above will you reprove;
And that you soon shall know.

It matters not what are His means,
Or what you call the deed;
The whole is rightly ordered, man,
Your wickedness to feed.

To make you stamp, to make you swear,
To show you off a good long year,
That all the world may know—
Till human nature better is,
You have no right to crow.

Look back to Malden and Pelé,
The Short Hills interlude;
Look back to Prescott's bloody field,
And Windsor, still more rude.

All villainous!—most villainous!
Not one redeeming act.
Historians cannot better it,
Nor e'er dispute the fact.

But when we think upon the thing
That led you on to war;
A monkey vile, chock full of bile,
It beats the Globe by far.

The monkey first, made you to thirst
For acres and for dollars;
But now in cage, it spends its rage
On Uncle Sam's tight collars.

ROBERT F. GOURLAY.

Edinburgh Castle, Feb. 5, 1840.

NOTE.—1843.—Sir Allan McNab fired off some four or five hundred "shot and shell" among the trees of Navy Island,—killing one man, and wounding the trees piteously; as I discovered, walking all round the Island with Captain Usher, a month before his murder. How much better would it have been had Sir F. B. Head taken my advice, page 13.—"Let them abide to cool, and honor them not with a siege."

NEPTUNIAN.

No. 8.

To the Honorable the Legislative Assembly of Canada :

The petition of ROBERT FLEMING GOURLAY :

Humbly Sheweth:— That, your petitioner's case was reported on, last session of Parliament, by a select committee, and the report approved of, unanimously, by your Honorable House.

That, satisfied with the award, your petitioner, prepared to rejoin his family in Scotland, from whom he has been separated twenty-five years, by wrongs in Canada, and did proceed so far as Quebec, on his way home, requiring only office copies of proceedings in your Honorable House, to be authenticated by the Governor General.

That, the non-arrival there of his Excellency, brought your petitioner back to Kingston, where, to his astonishment, he was served with a Report* of a Committee of the Executive Council, denying what had been affirmed by your Honorable House; and, thus, he has been detained in Canada, cruelly, and he will say vexatiously.

Your petitioner cannot help thinking, that this most irregular step has been taken clandestinely, by enemies who, all along, have pursued him, at home and abroad, through back-stair's influences and underhand plots; and he most earnestly entreats that your Honorable House will give to the subject gravest consideration.

Your petitioner, in the sixty-fifth year of his age, and in feeble health, is little able to contend with arbitrary power; but, were a Commission appointed to visit, examine, and assist him, where he now is, the darkest machinations may be exposed, and your petitioner at last freed from persecution, which has no parallel, and which, at his time of life, is almost intolerable.

Trusting that the Almighty may direct the wisdom of your Honorable House to successful issue in the whole matter, your petitioner will ever pray.

ROBERT F. GOURLAY.

St. Catharines, September 17, 1842.

*Copy of a Report of a Committee of the Executive Council of the 10th December, 1841, and approved by his Excellency the Administrator of the Government, in Council, on 13th December, on the application of Mr. Robert F. Gourlay.

The Committee of Council, in obedience to your Excellency's commands, have considered the application of Mr. Robert F. Gourlay, praying to be informed, what he has to expect from the Executive Government in consequence of an address of the Hon. the Legislative Assembly, founded upon a Report of a Select Committee of that Hon. House, of which the following is an extract :

OFFICE COPIES.

LEGISLATIVE ASSEMBLY COMMITTEE ROOM, }
 Wednesday, 5th October, 1842. }

In Committee, on the petition of ROBERT F. GOURLAY, of St. Catharines.

Present, Messieurs JOHN NEILSON, DUNLOP, HARRISON.

Mr. Neilson called to the chair.

Read the order of reference.

Read the petition.

Your committee, in the present state of the session, have not thought it expedient to enter into any inquiry into the reasons that have prevented the Address of this House to His Excellency, of the 16th September, 1841, and the report therein referred to, from being fully acted upon. They are of opinion

That, in consideration of the losses and misfortunes of Robert F. Gourlay, Esquire, as set forth in the investigation of his petition of last year, he is entitled to an adequate provision, in the form of an *annuity* during his natural life, and humbly recommend that the same be submitted to His Excellency the Governor General.

Ordered, That the Chairman leave the chair and report.

All which is nevertheless humbly submitted.

(Signed)

J. NEILSON, *Chairman*.

CHARLES BAGOT,

The Governor General informs the House of Assembly, that, in consideration of the losses and misfortunes of ROBERT F. GOURLAY, Esquire, as set forth in his petition to the House, and recommended by them, for remuneration, in their address of the 6th instant, he has directed that the sum of £50 be granted, annually, to the said Robert F. Gourlay, during his natural life.

GOVERNMENT HOUSE, *Kingston*, 10th Oct., 1842.

Montreal, Nov. 11, 1842.

Sir:—The object of this is to declare, that, the printed correspondence, posted on the margin, (*Extracted from St. Catharine's Journal, and exhibited below*;) bearing my signature, is genuine and correct:—also, respectfully to request, that your Excellency will be pleased to peruse the same, and cause this to be preserved for after reference.

I am your Excellency's obedient servant,

ROBERT F. GOURLAY.

Sir CHARLES BAGOT.

"Your Committee cannot but express a hope that your Hon. House will do the Petitioner that justice which has been so long denied him, and pass an Address to his Excellency the Governor General, declaratory of the above

opinion, in order that the Crown may repudiate the transaction by which the petitioner has been persecuted to his ruin, and that the Legislature may declare his sentence of banishment null and void, and cause him to be compensated for the losses he sustained by this unwarrantable exercise of authority;—and, in the mean time, that some allowance be made to him to defray his personal expenses, while in attendance before the Legislature, defending the rights of a British subject.”

The wrong complained of, by Mr. Gourlay, appears to have originated in an act of the Provincial Parliament, passed in the year 1804, entitled “An Act for the better securing this Province against all seditious attempts or designs to disturb the tranquillity thereof.”

This Act authorized the Governor, Lieutenant Governor, or person administering the government of the Province, the members of the Legislative and Executive Councils, the Judges of the Court of King’s Bench, or other persons authorized in that behalf, by warrant, to arrest any person or persons not having been an inhabitant or inhabitants of the Province, for the space of six months next preceding the date of such warrant, and not having taken the oath of allegiance, who, by words, actions, or other behavior or conduct, hath or have endeavored, or hath or have given just cause to suspect, that he, she, or they, is or are about to endeavor, to alienate the minds of his Majesty’s subjects of the said Province from his person or his government, or, in any ways, with a seditious intent, to disturb the tranquillity thereof; and, upon such arrest, and, upon examination, to order such person to leave the Province. The same Act provides, “that, upon any such person being found at large within the Province, without license to return, granted by the Government, he should be committed, without bail, until released by the Government, or be delivered by the court of Oyer and Terminer, in due course of law; and, that he should be liable to imprisonment and banishment, from which banishment, if he should again return without license, he should be liable to suffer death as a felon.”

This Act has been long since repealed, in the opinion of the Committee most wisely and properly, by the Legislature; but, in the consideration of the present question, the Committee feel bound to look to the law as it stood at the time of the events complained of.

It appears that Mr. Gourlay, upon information given upon oath by a member of the House of Assembly, was arrested, and brought before two members of the Legislative Council, upon a charge of having endeavored, by words, actions, and behavior, to alienate the minds of his Majesty’s subjects from the King’s person and government, and to raise a rebellion against the King’s Government in the Province; and, not being able to give full and complete satisfaction, to the gentlemen who issued the warrant, on these points, he was ordered by them to quit the Province, within a time limited.

Mr. Gourlay chose to disregard the order thus given, and, by his disobedience, rendered himself liable to the penalties of the Act; and, being found at large within the Province, contrary to its provisions, he was arrested, tried, and convicted, upon the statute, and sentenced to be imprisoned and banished. Mr. Gourlay now claims redress, and is desirous to know the intentions of the Executive Government, respecting his case.

It appears, that in accordance with one part of the address, your Excellency has directed a payment to Mr. Gourlay, of fifty pounds.

It is further required by the Address, that the Government should repudiate the transaction.

The proceeding against Mr. Gourlay does not appear to have been an act of the Executive Government, but of a tribunal, exercising extraordinary and extensive power, and having the widest discretion as to the mode in which it should be used. In assenting to the repeal of the Act itself, the Govern-

ment* has already expressed its opinion, in the strongest manner, against the continuance of such arbitrary power, in any person, or body of persons; but, the Committee do not see how the disavowal of the act of persons, over which the present Government of the Province had no control, can, in any wise, help Mr. Gourlay's case.†

If the legality of the proceeding be called in question, on the ground that the statute was not intended to apply to British subjects, a reference to the act itself will show that actual residence in the Province, and the taking the oath of allegiance, were the necessary qualifications which would exempt any person from the operation of the law. The being a natural born subject of the Crown, does not enter into the question. On looking to the history of the time when the act was passed, only a few years after the suppression of a formidable rebellion in Ireland, and almost immediately after an attempt of the same nature in the same country, and at a period when the war of the French revolution was raging, a contest of principle by which all men's minds were more or less agitated, it is not extraordinary that such a measure should have been entertained in a distant and then weak portion of the empire. There is no good reason to suppose that it was not intended to operate against British subjects quite as stringently as against Foreigners, and the power summarily to prevent even British subjects from settling in British colonies, and ordering them to depart therefrom, was not so unprecedented as to found an argument on the impossibility of the Upper Canadian Legislature meaning to extend the provisions of the law to all persons, whose presence in the Province appeared to be dangerous to its peace, and who came within the strict letter of the act. There is no ground to question the power of the Legislature to pass such an act, and the repudiation of the proceedings under it, as illegal, would, without benefitting Mr. Gourlay, have the effect of a declaration purporting to make invalid what was, nevertheless, manifestly legal, however harshly the law may have operated against the applicant for redress.

If the statute of the Provincial Parliament be admitted to be valid, it will be seen, that the widest power and discretion were given to those who were to act under it.

It appears not to have been necessary for the procurement of an order to leave the Province, to state or prove any positive overt acts of sedition or treason to produce a general impression from a person's act or general deportment. Even, amounting to suspicion, was all that was necessary, and the law appears to have been so far complied with. A satisfactory inquiry into the grounds for the proceeding, would at this day, if practicable, tend to no good purpose. Mr. Gourlay suffered for direct disobedience to the law as it stood. He could not legally have been acquitted by any jury, for such disobedience; and, no regret that such a law should have existed, or that it should have been used with severity against him, and no commiseration for his sufferings, will authorize the admission of the dangerous and destructive principle, that individuals are to judge for themselves, and, with impunity, act in defiance of the positive law of the land.

* The Attorney General, (*now Chief Justice*), acting for the Government, withstood the repeal of this act, singly, in the House of Assembly, year after year, till 1829; and, only after the Lieut. Governor (Sir John Colburn) expressed a desire that it should be repealed, did the Legislative Council cease to throw out bill after bill, for its repeal. During the whole of Sir Perigrine Maitland's time, the act was sustained: — sustained by a man, who ought to have been impeached. Yes! — and hanging was too good for him.

† The present Government!! — ? — The present Government suffered the question to be settled, *unanimously*, in the Legislative assembly, — not even a whisper of opposition from the ministerial benches.

Mr. Gourlay appears, legally, to be in a position requiring protection from the sentence passed upon him, as to its future operation. The Committee believe that he might, at any time since the repeal of the act in question, have procured this protection, by means of a pardon, under the great seal, and there is no good reason why, if he wishes it, he should not be granted a pardon now; but, he further seeks pecuniary indemnity for what he considers an illegal prosecution and conviction, which cannot be granted in the shape he requires it, unless it can be shown that the prosecution and conviction were really illegal.

Before any grant of indemnity can be made to Mr. Gourlay, it is necessary that the matter should be brought under the consideration of the Legislative Assembly, by the Government. It is not the intention of the Committee of Council to advise a limitation of the liability of the Legislative Assembly, by withholding from it an opportunity of granting a sum of money, which would relieve Mr. Gourlay, to any moderate extent; but, it would be unjust to him, were he to be permitted to remain under the impression, that the Government recognizes the illegality of the sentence pronounced against him, or liability of the public funds, to indemnify him, as a matter of right, against the consequences of his own deliberate infringement of the law of the Province.

Certified,

WM. H. LEE, *Acting S. E. C.*

ACTION OF THE ASSEMBLY.

Extracted from St. Catharine's Journal, and, copied into that, from a Kingston newspaper.

PETITION PRESENTED, of R. F. Gourlay, of St Catharines, for redress of certain grievances.

The Speaker stated, that the Petition was informal, and contained improper language.

Mr. Neilson said, the Petition was that of a man who had been ruined, by acts not authorized by law. He was feeble in body, and in mind; the result of the persecution which he had sustained, and he thought the House should overlook the informality. The Petition desired merely that the House would act upon the Report of a Committee of the House, of last session, and the address then adopted.

Dr. Dunlop said, that it would be in the recollection of the House, that he had brought the case of Mr. Gourlay before the House, at its last session. If the Petition was unparliamentary, it was not to be wondered at. That individual had sustained persecutions — terrible persecutions — for the space of twenty-five years. He had been ruined in his fortune, in his health; and, it was not too much to say, that his mind had been shattered by disease. In such a case, it would be a hardship for the House to deal strictly with his petition. It was only last year that he had taken from above his head, the sentence to hang him. The Governor had the power to order the sheriff to hang him up, as he had said before, even at the lamp posts of the House. He hoped the House would look compassionately and humanely on the frailties of a man, who had been so much abused.

The address was read, and, on the motion being put, was received. Mr. Neilson then moved, seconded by Dr. Dunlop, that the Petition, with the Report and Address of last session, be referred to a Committee of five.

CORRESPONDENCE.

No. 1.

ST. CATHARINES, September 10, 1842

MY DEAR SIR: I have this moment perused the Governor General's speech; and, presuming that you are now at your post in Kingston, as a legislator, I beg leave to call to mind my business there, last session.

You brought to the notice of the Legislative Assembly my Petition, which Doctor Dunlop took the lead in advancing; and, with aid of Mr Viger, Mr. Price, and Capt. Steele, it was ably and favorably reported upon. The Report was unanimously agreed to by the House, and obtained the signature of Lord Sydenham.

Three weeks after his death, the Administrator of the government, ordered payment to me of £50, with apology that want of funds forbade further advance; and, thus satisfied, I immediately resolved to go home to Scotland. You saw me at Quebec, on my way; but, the non-arrival of Sir Chas. Bagot, rendered it necessary for me to return to Kingston. There, to my astonishment, I was served with a Report of '*a Committee of Council*, withstanding your Report; and, thus, my motions homeward were stayed. I was confined four months to the house with ill health, at Kingston; and since have been moving from place to place for recovery. Here, I am trying the effect of the warm salt-water baths; but am ready, at a call, to return to Kingston, for a final settlement of my most distressing case — at this juncture, more especially distressing, as my mother-in-law, (sister of the late Judge Hamilton, of Queenstown,) died in Scotland, last May; and my two unmarried daughters, of whom she was the stay, since their mother's death, now require my protection.

The object of this, is to ask, if you can immediately bring up my business before the House, or if I must again petition for that end. At your earliest convenience, you will oblige me with reply.

Yours most respectfully,

The Hon. JOHN NEILSON.

ROBERT F. GOURLAY.

P. S. I shall lose no time in attending in Kingston, if you think it necessary for me to be there.

R. F. G.

No. 2.

KINGSTON, September 14, 1842.

MY DEAR SIR: I was favored with your letter of the 10th, this morning.

I think you had better petition, stating, in as few words as possible, the facts, attending your case, since the Report of last year, and send it to any member you please.

I remain, your very obedient humble servant,

J. NEILSON.

ROBERT F. GOURLAY, Esq.

No. 3.

ST. CATHARINES, September 28, 1842.

MY DEAR SIR: I have just read a newspaper, whereby it appears, you presented my Petition, and procured a Committee. Understanding, also, that the House will be prorogued to-morrow, I lose no time to beg of you to send me the Committee's Report; as, with that, I would immediately leave this place, where the baths have availed little, and proceed for the sea-board and the South, in quest of better health.

Yours respectfully,

ROBT. F. GOURLAY.

The Hon. JOHN NEILSON.

P. S. I mailed for you No. 6 and 7 of the '*BANISHED BRITON*,' that

you might read the TRANSACTIONS OF THE UPPER CANADA CONVENTION, in 1818. Did they come to hand? * R. F. G.

No. 4.

QUEENSTON, September 30, 1842.

MY DEAR SIR: Understanding that parliament was to be prorogued yesterday, I wrote you from St. Catharines, begging to be favored with a copy of the Committee's Report, in my case: but, at this place, Mr. Thorburn tells me, the prorogation will not be for some time; and that may admit of further consideration of the case.

By newspapers, I observed, my Petition was considered *informal*, but received, on the ground that "infirmity of mind" had caused the *informality*. I cannot see wherein there is any *informality*; and, although the language is strong, and a complaint against the Executive may be extraordinary, still, I presume it warrantable, if allegations can be proved. "Back stair's influences and underhand plots,"—have existed; and, if existing, why not expose them? I thought a commission best suited for this; and Niagara District, the best place for examination. Should you think Kingston best, I am ready to go there, on a call.

In my petition, I say nothing of the argument of the Report of the Executive Council, because I conceived you, and others, who drew up the Report on my case last year, fully able to refute it. But, I will here characterize it as, *false, frivolous, and vexatious*—*mawkish and impertinent*.

Favor me with your thoughts on the whole, in course, addressed to St. Catharine's.

Yours, faithfully,

ROBERT F. GOURLAY.

The Hon. JOHN NEILSON.

QUEENSTON, October 12, 1842.

No. 5.

MY DEAR SIR: I left St. Catharines, this day, after waiting a week, there, in expectation of hearing from you, or some one of the Committee, and am now on my way for Avon Springs, in quest of health.

The Report of last year can be sustained, or it cannot. If it can, there still may be question as to whether an act should be passed for compensating me, or an address to the Throne, for the same end. It struck me, last year, that the latter might be preferable.† But, I would have neither the one nor the other, unless the House was resolute, as to my claim of *right*; which,

* They were reprinted, expressly to be read by the People and Legislators of Canada, in order that my case might be completely understood; and, finally printed, with additions, under the title, "CHRONICLES OF CANADA."

† *The following copy of a letter to Dr. Dunlop will best shew my opinions, at that time.*

Kingston, Sept. 15, 1841.

My dear Sir:—Permit me to say, that, there is an error, as to my business before the House,—an error, which if you explained, would enable you to proceed, *instanter*, and have the address to the Governor passed, as well as a Committee appointed to deliver it, this very day.

I did not pray for *money*, but for a Commission to examine witnesses; and, when Mr. Neilson proposed my petitioning for compensation, I said, that should be an after question, in which you agreed with me.

You had witnesses examined, and procured affidavits, which made good my case; and, *then*, you recommended compensation; but this was not to come out of taxes, but from the Crown. It does not, therefore, rank with a money bill; nor was it subject to the rule of delay, for twenty-four hours.

Twenty-two years ago I had, when banished, no charge against the People, but the Executive; and, now, I have less right to apply to the People for compensation,—the People, who were *then*, not being the People who are *now*. But, the Crown is ever the same, and liable *now* for damages sustained by an undue exercise of its authority, as much as it was twenty-two years ago.

It is most material for me, that this should be clearly stated and well understood;

on my own part, I shall not give up, on any terms; least of all, to be treated as an object of compassion.

If the House is resolute, as to my *right*, and time is required for completion, I trust the recommendation of last year, as to the interim payment of my expenses, "*while before the Legislature, defending the rights of a British subject,*" should not be forgotten. By inspection of parliamentary journals, it will be found, that, I have been before the Legislature since April, 1836; and, a year ago, I was paid fifty pounds!!—with an apology, it is true.

Lest the House should be prorogued before this reaches Kingston, I shall despatch a copy for Capt. Steele, that the Province, both east and west, may witness my protest against delay, more cruel than the worst decision.

Yours, respectfully, ROBERT F. GOURLAY.

The Hon. JOHN NEILSON.

No. 6. HOUSE OF ASSEMBLY, 10 October, 1842.

DEAR SIR: A message has just been received, from the Governor, that he has directed fifty pounds to be paid to you, annually, as a pension, in consideration of your losses and sufferings. It is out of the Civil List.

I remain, very sincerely, your most obedient servant,

R. F. GOURLAY, Esq.

J. NEILSON.

No. 7.

ST. CATHARINES, November 1, 1842.

DEAR SIR: In consequence of my absence, at Avon Springs, your letter of 10th instant is only now received.

That you have meant to befriend me, I doubt not; but all offering, on the score of compassion, I must, in duty to myself and family, spurn as insult; nor could there be greater, than placing me on the Civil List of Canada, with a pension of fifty pounds a year, "*in consideration of losses and sufferings.*"

I shall lose no time in quitting the country, where I have been so insulted; and, should God grant means, the world shall be made acquainted with my reasons, at length.

Yours, faithfully,

ROBERT F. GOURLAY.

The Hon. JOHN NEILSON, M. P. P.

No. 8.

Boston, July 29, 1843.

MY DEAR SIR: It appears by newspapers this day, that the Canada Parliament is prorogued till 31st August, and, then, not to meet for despatch of business. Possibly, I may be dead before it really does business; but, having printed all papers essential to a right understanding of my case, I trust that justice will at least be done to my family, from whom I have been separated twenty-six years by wrongs in Canada.

Assured that you and the great majority of the legislature have ever meant well by me, I now make over to my family, that same good will. As to myself it matters little even should the heavens fall.

Very truly yours,

ROBERT F. GOURLAY.

The Hon. JOHN NEILSON, M. P. P.

for, were my case to stand for one for which the People are answerable, and demand a grant out of the taxes, then the Legislative Council must be consulted; and, even were that Body acquiescent, the lapse of time, alone, would jeopardize my fate.

I think, if you would weigh these arguments, and see the matter as I do;—mention the case to the Speaker; and then, plainly, state to the House, where the error lies, all may yet be well finished, and I relieved from an almost intolerable load.

The opinion of the House being expressed to the Governor, I could return to Britain,—rejoin my family, and be, there, compensated by the Government.

Yours, &c.

WILLIAM DUNLOP, Esq.

ROBERT F. GOURLAY.

THE
NEPTUNIAN.

No. 9.

COPY-LETTERS.

No. 1. To HIS HONOR, THE MAYOR OF BOSTON.

SIR: Having resided in this city four months, and had much enjoyment, with improved health, walking in your glorious Common, I would now, about to depart, gladly leave behind a token of gratitude and usefulness.

The accompanying Testimonials shew that I was once a Farmer: and, assured of this, you will be more disposed to listen to what follows:

The Common, I understand, was once pastured with cows, and a friend tells me he used to have pleasure looking at them: nevertheless, they were objected to and excluded. I would substitute sheep, — ewes and lambs; but all exclaim against this. Sheep, they say, would never do: boys and dogs would chase them; they would run off; they would soil the paths, and bark the trees. No such thing. I would construct a moveable fold, elevated six feet, with an inclined gangway for entrance. The floor should be perforated for drainage of all moisture; and hatches made for the ready discharge of dung. Near the Common is a depot for street-sweepings. Over these, I would place the fold, moveable at pleasure, on rails, so that droppings would be mixed with these as manure, economically. In England, I had five hundred ewes and upwards, with their lambs, which, from the middle of March till the second week of May, were fed on fifty-two acres of water-meadow, and folded on arable land preparing for a crop of barley. The sheep were let run from the fold towards 11 o'clock, and driven back from the meadow about 3. Evening and morning they had hay in cribs; but, of this, they ate little, — their principal food being the grass, on which they thrive surprisingly. Hastening to the meadow they dropt nothing; and, returning, swelled like full blown bladders, they let little fall by the way, — the food in their stomachs being yet too crude for discharge. Thus no filth was to be seen.

Ewes and lambs let run twice a day on the Common, three hours each time, would need no hay. A man, with a dog, would manage all, and protect them from annoyance. Citizens, both old and young, would admire the animals, and hold them sacred. Let out to pasture hungry, the sheep would not loiter on paths to soil them; and the few trees, yet of tender growth, could be fenced in; although, in fact, the flock, having abundant grass, would touch none of them. — Ewes with lambs could be purchased when required; the lambs, when fit for the butcher, sold off gradually; and so, afterwards, the

ewes, till the whole concern was closed with the season. Any American Farmer can calculate the profit : I would guess, at least a thousand dollars a year. Sometimes, in England, I have let my water-meadow, for spring feed, as it was called, from the middle of March till the second week of May, for £2 sterling per acre. The owner of the pasturing stock found hay, and I had the manure, to boot, from his sheep folded on my land. — To the city of Boston profit is a secondary concern : but, by pasturing only, can the Common be most beautified. Look, at this moment, to the mowing system, and see how objectionable it is. No where is the mowing well done : in some places, as ill as possible ; and, in other places, the grass, run to seed and wirey, cannot be mowed. The hue of the verdure is not uniform, nor, so pleasant to the eye, as it may be, by pasturage. Under the mowing system, the grass is never fit for walking on ; certainly not when wet with rain or dew : nor, thus treated, is the Common available for fetes, and reviews. Let it be pastured with sheep, levelled where required, weeded, top dressed, and rolled, — I shall engage that, in a few years, the surface may be trod on, at all, times with comfort ; and rival, in appearance, the finest carpet.

Having read this letter, may I beg of you to honor me by laying it before the Board of Aldermen.

Most respectfully yours,

ROB. F. GOURLAY.

Marlboro' Hotel, June 15, 1843.

No. 2.

SIR : Understanding that you laid before the Board of Aldermen, my letter of June 15, I now beg you will do me like honor, by laying this, with the accompanying Map of a Pagoda and Flower Garden, before the same.

When summer set in, nothing seemed to me so unaccountable as the Common not being frequented by Ladies. By and by, it occurred, that want of proper resting places caused this ; and seated, daily, on the eminence beyond the Big Tree, at once to rest and enjoy the delightful prospects — the stirring scenes on the railways, and beautiful country beyond, — Roxbury, Brighton, Brookline, &c. &c. it struck me, that, a Pagoda erected on that spot, with a Flower Garden adjoining, and a Refectory, would supply every want.

For some weeks, I have been employed drawing, and submitting Plans to my friends. All pronounce the idea a happy one ; but some say it cannot be executed, because of an ancient charter, which forbids building on the Common. This I hold at naught, assured that it never could be contemplated to bar out what would promote the chief end of the Common, — recreation and enjoyment to the citizens at large. Such objection might be urged against gates, fences, and fire-works.

My plan would not be costly ; nay, I would ensure ten per cent. on any outlay of money, for any term of years.

The first floor of the Pagoda I would make free to all ; and exact payment from those choosing to ascend the Pagoda, or walk in the Garden.

People, with whom I have spoken on the subject, say that nothing, in Boston, would be so profitable ; and, that cash would readily be advanced to the

City Authorities, for execution: certainly, nothing could contribute so much to health, and happiness.

Mounting the State House, or the Monument, thence to view scenery unrivalled on this continent, is toil — disagreeable toil; and, at the top, there is no comfort. The Pagoda, having an easy stair, might be ascended, even by the old and infirm, resting stage after stage, and, tempted on, by the growing glory around. At the top, the view would be little less extensive than from the State House or Monument: otherwise, it would be superior, — free from giddiness, and fringed below, on the foreground, with foliage. The Telescope, too, would be an attraction, to be used either for the survey of the earth or the heavens.

It has been hinted, that, my being a Foreigner will militate against adopting the Plan. Surely not. Successors of the Pilgrims will ever keep in mind that they were Foreigners. Besides, were my history known, it would be allowed that no one has better claims to nursing in the Cradle of Liberty, — a martyr to freedom, since the year 1808.

I have been detained here months beyond expectation; but, the more am I attached to your famed city, and the more am I disposed to contribute my mite towards its improvement.

Your obed't and very humble servant,
ROB. F. GOURLAY.

Marlboro Hotel, July 11, 1843.

No. 3.

Sir: — It was not my intention again to trouble you; but, the wretched appearance, — the “*green and yellow melancholy*,” of the Common, at this time, urges me to write, and to say that it might be otherwise. In short, Sir, I would engage, as an AGRICULTURIST, that its verdure could be kept bright all summer; and more, that you may have grass in Spring earlier, and, in Fall, later, — thus increasing the enjoyment of citizens — objects, surely, worthy of consideration.

I came to Boston, solely to be at the nearest point, in the United States, for correspondence with my family in Scotland; and, same time, to be in the line of communicating with Canada, where I have property and business. In Boston, I have had much satisfaction every way, and infinite pleasure walking in the Common. To Boston and its people, I have become attached; and, confident that my suggestions may be made available for the improvement of the City, I hereby offer my services to realize the same.

FIRST: — I will engage, by pasturage, to make the Common, instead of a bill of expense, profitable; while the surface shall, at all times, be in the best condition for walking on.

SECOND: — I will ensure ten per cent, interest, on any money judiciously laid out on a Pagoda and Flower Garden, as planned by me.

THIRD: — I will engage to effect what is above set forth, as to the verdure.

As I am to remain here till Saturday, the Authorities may, if they incline, see and converse with me, on the whole matter: — and, meantime, you will honor me by laying this letter before the Board of Aldermen.

Respectfully yours,
ROBERT F. GOURLAY.

Marlboro' Hotel, July 17, 1843.

To the President of the Common Council of Boston City :

TO BE COMMUNICATED.

Sir: — Probably, all communications, laid before the Board of Aldermen, are submitted to the Council; but, as I am little known here, and my letters, written at different times, might not be attended to, in connection, I have thought it well, to write out the above copies, together; begging you will, in this form, present them to the Council.

It was my wish, also, to annex a corrected Plan; but feeble health forbids.

I have the honor to be, Sir, your obed't serv't,

ROBERT F. GOURLAY.

Marlboro' Hotel, July 19, 1843.

City Hall, Boston, July 21, 1843.

SIR, — I have the honor to acknowledge receipt of your several communications, in relation to the Common, in this City, which I have laid before the Committee on the Common, &c. I am directed to inform you, that the Committee do not consider themselves, or the City Government, authorized to place a building of any kind on the Common, — the citizens having especially reserved that power, in their own hands. The Committee do not deem it expedient to keep sheep on the Common.

Respectfully, your obedient servant,

M. BRIMMER, *Mayor.*

R. F. GOURLAY, Esq.

It now appearing, that the Citizens at large have to determine, the whole, is respectfully submitted to their deliberate judgement.

ROBERT F. GOURLAY:

Marlboro' Hotel, July 21, 1843.

SLEEPLESSNESS.

To the Editor of the Boston Medical and Surgical Journal.

SIR, — As you desire, for publication, an account of my extraordinary sleeplessness, I make you welcome to what follows: —

During three periods I have been bereft of sleep: — first, in 1833, for six weeks; again in 1837, for five months; and, now, these last four years and five months.

Prior to the first period, I never suffered from want of sleep; although, at times, little sufficed, for refreshment. My constitution, naturally sound and vigorous, was, till forty years of age, sustained by healthy exercise, as a farmer — riding and walking much; indeed, walks of thirty or forty miles a day, in no way distressed me. In the year 1819 I was cruelly imprisoned in Canada, ('illegally, unconstitutionally, and without excuse or palliation,' as the present Legislative Assembly has declared,) during eight months; the last of which, in solitude and stifling heat, undid me; and, for three years thereafter, I was debilitated; nor should I ever have regained energy, but for a resolution to go to hard labor, which I did for upwards of three months, — breaking stones for the roads in Wiltshire, England, and living on the earnings, — sixpence a day; viz. from September 9, till December 23, 1822, as minutely detailed in Parliamentary Journals.

PLAN AND ELEVATION
A PAGODA, with a FLOWER GARDEN, in Boston Common

TO THE CITIZENS OF BOSTON.

LADIES AND GENTLEMEN :

Informed by His Honor the Mayor, that you “*have reserved in your own hands the power to place a building on the Common,*” I have caused plates to be engraved for your better understanding my Plan of a Pagoda, &c.

Permit me, therefore, to submit the same to your inspection ; and, if approved by the majority, it will be easy to decide, at next annual election, whether or no the work shall proceed.

My offers to execute were made to arrest attention, as matter of business. If required, I would adhere ; being certain that all could be done to profit ; but, I wish no job of the kind ; and many are better qualified, for execution than I am.

Before the question is settled, I shall be gone hence : but shall ever bear in mind pleasing recollections of Boston, where I have had more enjoyment than I could have had any where this side the Atlantic, from general intelligence, moral discipline, and steady habits ; — much more than I have experienced in any other city — London, Edinburgh, or New York : — enjoyment, which has soothed me under cruel circumstances ; and, which, will be continued, should I succeed in adding to your’s.

Meantime, accept the best wishes of

Your obedient and very humble servant,

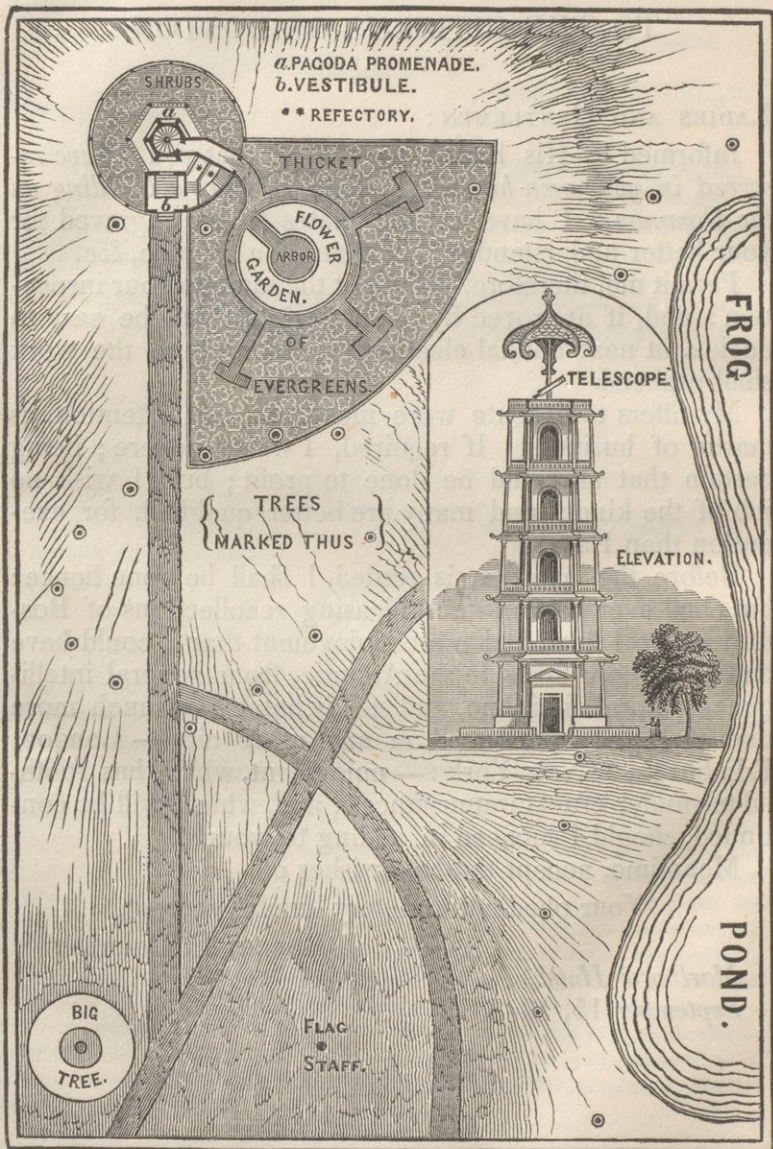
ROBERT F. GOURLAY.

Marlboro’ Hotel, }
September 15, 1843. }

PLAN AND ELEVATION

OF

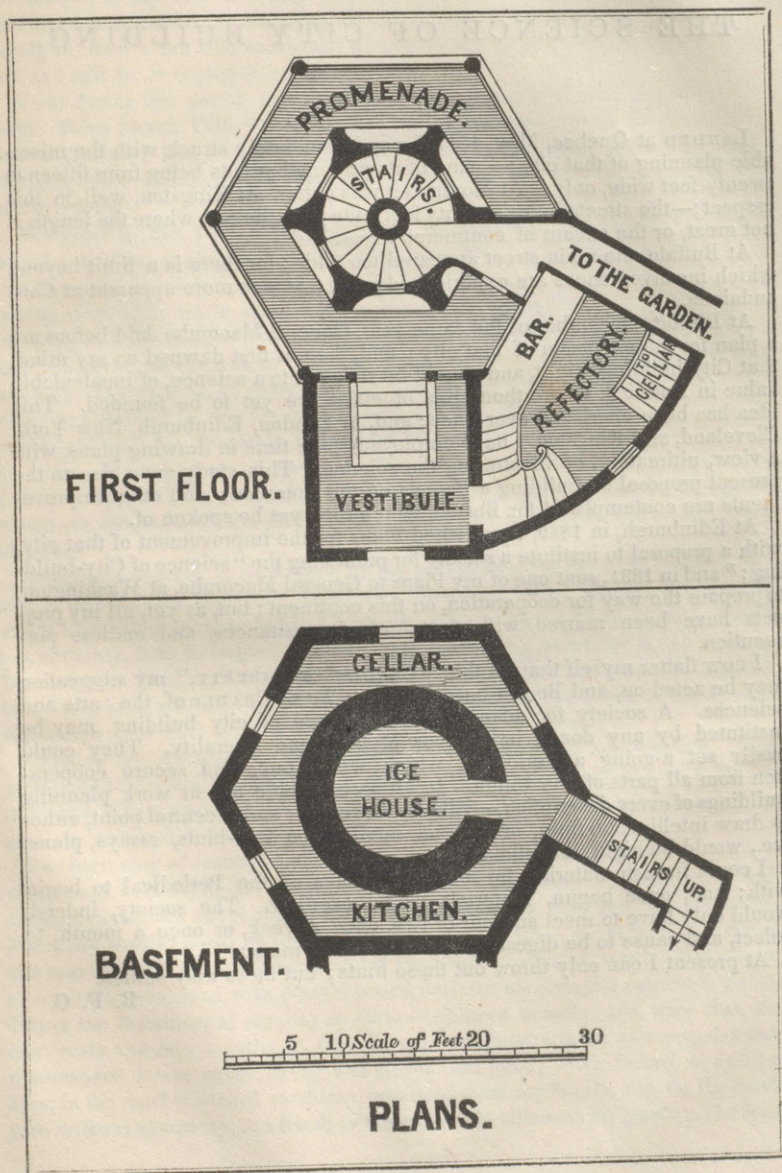
A PAGODA, with a FLOWER GARDEN, in Boston Common.



RESPECTFULLY DEDICATED

TO

The good taste and sound judgment of the Citizens at large.



RESPECTFULLY DEDICATED

The good taste and sound judgment of the Citizens at large

THE SCIENCE OF CITY BUILDING.

LANDED at Quebec, May, 1817, I was immediately struck with the miserable planning of that city;—some of its principal streets being from fifteen to twenty feet wide, only. At Montreal it was better. At Kingston, well, in this respect;—the streets being seventy feet wide;—sufficient, where the length is not great, or the stream of commerce excessive.

At Buffalo, the main street appeared too wide; for there is a limit beyond which inconveniences are experienced; and this was more apparent at Canadaigua.

At Detroit, December of the same year, General Macombe laid before me a plan for the extension of that city; and, then, it first dawned on my mind, that City-building might, and should be reduced to a science, of incalculable value in America, where thousands of cities are yet to be founded. This idea has been cherished ever since; and, in London, Edinburgh, New York, Cleveland, and Kingston, I have employed spare time in drawing plans, with a view, ultimately, of illustrating the science. This study gave rise to the present proposal of building a Pagoda on the Common; and other improvements are contemplated for Boston, which may yet be spoken of.

At Edinburgh, in 1829, I published Plans for the improvement of that city, with a proposal to institute a society for promoting the "science of City-building;" and in 1831, sent one of my Plans to General Macombe, at Washington, to prepare the way for coöperation, on this continent; but, as yet, all my projects have been marred with untoward circumstances, and endless persecution.

I now flatter myself that, in this "CRADLE OF LIBERTY," my suggestion may be acted on, and Boston become, also, THE CRADLE of the arts and sciences. A society for advancing the science of city building may be instituted by any dozen individuals of taste and liberality. They could easily set a-going a Periodical which would pay, and secure coöperation from all parts of the Union. In all parts, people are at work planning buildings of every description,—villages and cities; and, a central point, either to draw intelligence from, or to send intelligence to,—hints, essays, plans, &c., would be highly beneficial.

I could furnish materials for several numbers of the Periodical to begin with; and, once begun, materials would overflow. The society, indeed, would only have to meet an hour or two, once a week, or once a month, to select, and cause to be digested, the voluminous matter.

At present I can only throw out these hints; but these may suffice.

R. F. G.

PLANS

In the year 1824, I was again confined by British tyranny, in London, three years and eight months;—the purpose being to make me appear, to the world, insane; and, thus, have my influence with the people destroyed. I weathered this persecution by living on vegetable food; and, being free from all excitement, the time passed away happily. During this confinement, I had need of very little sleep; and, the greater part of my time in bed, never more than six hours, was given to reveries, chiefly as to schemes for bettering the condition of the laboring poor, plans for laying out land in the wilderness, and studies for city building, which I contemplated, and still do, to reduce to a science.

It was during this period, I think, that a habit of living without sleep began to form. From March, 1828, till November, 1833, I was tortured, in Scotland, with unsettled affairs; but, generally in the best health; and could walk, from morn to night, without fatigue, while four or five hours of sleep was quite enough for rest and enjoyment.

November 5, 1833, I left Edinburgh at six o'clock, P. M., in a canal-boat, on my way for America—choosing such conveyance that I might be along with my trunks, containing valuable books and papers. The boat was an iron one, and, jarring every little while against some other boat, bridge, or lock, subjected me, reclining in a vile hold, to unspeakable discomfort. Sleep was out of the question; and I had none, all the way to Glasgow, which we reached about 10 o'clock next morning. Taking time, on shore, only for breakfast, I forthwith had my trunks conveyed to a steamer in the Clyde, and immediately sailed for Greenock. There, getting on board the steamship *Vulcan*, we were under weigh, for Liverpool, in half an hour. We ran to sea in the teeth of a hurricane; sheltered, during night, in Lamash bay, and, by earliest dawn, ran through a stormy ocean to Liverpool, which we reached early the second day. These two nights, like the former, were sleepless.

Engaging a passage to New York, in the packet ship *Pacific*, to sail next morning, I told Captain Wait, how I had been deprived of rest. He recommended a warm bath before going to bed, in Liverpool. This procured, I believe, some sleep; but, certainly, from Liverpool to New York, embarking November 9, and landing December 22, I had not a wink of sleep. It was dark when we landed. I resorted to a warm bath, got into a comfortable bed, and slept, as I had done before leaving Edinburgh; nor did I again want sleep, nightly, for three years.

Crossing the Atlantic, my sleeplessness became subject of conversation. One prescribed laudanum, but that had no effect; another opium, which also failed; a third said, if I got tipsy, that would do; but that did not. I drank grog, which only made me sick, and that, for the first time, at sea.

The beginning of January, 1837, while lodged in a tavern at Willoughby, Ohio, I was seized with erysipelas in the leg, a disease I have been long subject to, and during five months was without sleep. After that period, sleep returned gradually. For many weeks I dozed by times, and had strange dreams; one of them so distinct and beautiful that I wrote it down, and it was really worthy of record. The attack of erysipelas, conjoined with other diseases, rendered me lame and extremely feeble during the remainder of my stay in Ohio—eighteen months; and, after that, for four years and four months, in Canada, with frequent attacks of erysipelas and rheumatism, I was never strong, and all the time lame; often, indeed, at death's door, in the most wretched condition, separated from my family, and, for the most part, without sympathy, or a friend to whom I could unbosom my griefs. The loss

of a beloved daughter crowned my calamities, and finally barred out 'Nature's soft nurse.' My children, four daughters and a son, the youngest now twenty-seven years of age, grew up, every way well; and my great consolation was, that whatever befel me, still my family would be prosperous and happy. Alas! when least expecting a reverse in that quarter, even when glorying over pleasant letters recently received from my daughters, I heard that the second was dangerously ill. I lay in agony two weeks, and then had the melancholy assurance of her death.

'Tired nature's sweet restorer, *balmy sleep*,
He, like the world, his ready visit pays,
Where fortune smiles. The wretched he forsakes;
Swift on his downy pinion, flies from woe,
And lights on lids unsullied with a tear.'

After seven months of this period of sleeplessness, I consulted Dr. Widmer, of Toronto, reputed the most experienced physician in Upper Canada. He advised to dine early, and eat nothing after, before going to bed; which, till this day, has afforded the most comfort. His medicine — acetate of morphia, which I took at two distinct times, for ten days together — had no effect. Corresponding with the doctor, he expressed an opinion that my sleeplessness proceeded from excitement of the brain, caused by much reading and writing on politics, which I told him was an entire mistake, as I read and wrote little, and troubled myself not at all with politics. In fact, my troubles spring from unsettled private affairs, as my family and friends well know.

After three years of this sleeplessness, being in Montreal, I advised with Dr. Robinson, but he could do nothing for me. Telling him that few would credit my accounts of sleeplessness, he said he could, having a patient, Mr. Jamieson, who had not slept the last five months.

For a year past, I have been attacked with no disease; and within these last six months, spent on the sea board, have been gradually regaining strength — partly, I think, from salt air: nor do I despair of sleeping, were all circumstances favorable. Long weakened with attacks of erysipelas, I am not able to take that degree of exercise which, in former days, contributed so much to brace my system; neither have I now sufficient stimulus, in any way. With these, I feel confident that sleep might be recovered.

Wherever I abide, this sleeplessness has been matter of jest; and few sympathize in my calamity, one of the most trying our nature can be exposed to. Fortunately, a native buoyancy of spirit sustains me against every jest, and the world's humors are repelled by my own.

Since coming to this city of '*notions*,' where everything is talked about, but nothing decided, I have been beset with inquiries, doubts and denials. Some proposed watching me night and day, so that I might be *caught napping*, and this they were welcomed to do; but did not. I then cast abroad a handbill, offering a *benefit* to any charitable society who might choose to bring together a multitude for wonderment, and thus have a fair trial instituted; but none have come forward; and *doctors*, as they have hitherto *differed*, may differ in opinion still.

Various books on the subject have been laid before me — McNish on the '*Philosophy of Sleep*,' and John Mason Good, M. D., on the '*Study of Medicine*.' The first author, in my humble opinion, is anything but *philosophical*. He amuses with many stories, but comes to no conclusion on the principal subject discussed. He

mixes up *absence of mind*, or what should rather be called *intensity of thought*, with sleep, which, to me, appear distinct things. He speaks of sleeplessness being a 'habit,' and 'habitual;' — states that General Pichegru did, with only one hour's sleep a day, through a whole year's campaign, — and mentions others, who 'remained weeks, months, or even years, if authors are to be believed, awake.' Now, why should he refer us to authors, thus to question their authority, after he had settled the point *dictatorially*, in a previous chapter, where he says, sleep '*cannot in any case be entirely dispensed with;*' and, elsewhere, deciding against the entire want of it as '*fabulous.*' — Who assured him of this?

Dr. Good is not thus contradictory. He sets forth views and theories, supporting them with instances of sleeplessness. Mr. Cooch, he says, 'gives a singular case of a man who never slept, and yet enjoyed a very good state of health till his death, which happened in the seventy-third year of his age. He had a kind of dozing, for about a quarter of an hour, once a day; but, even that was not sound sleep, though it was all he was ever known to take.'

Now, Sir, in all this we have yet no *certainty*; and, opinion after opinion, may be advanced without any good whatever. I say, a final issue may be reached, if I, here, in Boston, were subjected to trial; and, for the sake of science, — to have a fact established curious in the history, habits, and constitution of man, I am willing to subject myself to the test.

On various occasions, I have been *almost* asleep, but do not think I have absolutely been so, during these last four years and five months. In September, 1840, I travelled, with only one short pause from St. Catharines, Upper Canada, to New York, in stages, steamboats, and rail-cars; talking much and continually excited with varied scenes and occurrences. Arrived at New York, I immediately lay down in a luxurious bed, closed round with musquito curtains; and, next morning, declared to a fellow-traveller, that I would be unwilling to *swear* that I had slept none. Nine months afterwards, seated in the door of my log-house in the woods of Canada, during the stillness of a summer evening, and when the air all around was loaded with smoke, I verily believe I would have slept, had not a neighbor roused me. Five months later, in Kingston, thinking all my vexations in that quarter ended, and that I should soon rejoin my family in Scotland, I had a delightful night, and told my landlady that I had *nearly* been asleep; and, reaching Quebec a week afterwards, enjoying the same hope, and worn out with travel, I dozed and dreamt, which is certainly an approach to sleep. Six months ago, reaching Providence from New York, surrounded with agreeable objects, and entertained, for a whole day, in the most delightful manner, I flung myself into bed; and, if Morpheus did not obtain dominion over me, I had at least perfect repose.

These approaches to sleep are acknowledged, not for surrender of what I have maintained invariably; but to confirm the main position. In Ohio, two persons came into my bed-room, while my head was covered over, and, because I did not speak to them, said I was asleep; so, here in Boston, while reclining on a sofa, with closed eyes. On both these occasions, I knew the train of my thoughts perfectly. In another place, the servant who put on my fire in the morning, reported that, on two occasions, he had found me asleep. I was confident he had not, and tested the matter another morning, unknown to him. I covered up my head; kept silent; let him question me; and, then discovered, that it was, only from my being attentive, that his voice was audible, through the covering.

Both the doctors, above quoted, allow that sleep may be dispensed with for long periods; and, if for weeks and months, why not for years and forever? I have

not only done without it for years ; but, for months, have simultaneously suffered from acute pain, and torture of mind, still worse than that : nor could I have endured, but for a cherished principle, that, to endure is duty.

I have tried many remedies :—a hop-pillow, hop-tea, &c. &c. &c. Winter before last, at Kingston, Canada, in great misery from the deprivation, I resorted to laudanum, again and again — fifty drops, seventy drops, ninety drops, and, upwards of a hundred ; yet, still, I had no sleep. Here, in Boston, I have been advised to get Mesmerized ; and, if professors of that art are willing to try, they may try. Most surely to succeed, I say, — ‘let me rest from persecution, because of principles and opinions, which has been unrelenting during thirty-five years ; give me my rights as a British subject in Canada, and deeds to land there vexatiously withheld ; restore to me property in Britain taken out of my possession under most iniquitous pretences ; and, let me rejoin my children, in such a happy home as I once enjoyed.’

All this is now submitted, frankly and sincerely, to your learned and liberal profession.

ROB. F. GOURLAY.

Marlboro' Hotel, Boston, May 10, 1843.

SLEEPLESSNESS.—CONTINUED.

To the Editor of the Boston Medical and Surgical Journal.

SIR,— You have heard of my sleeping two hours ; and wish, for publication, a detail of circumstances, which I now furnish.

June 16, the British steamer being to sail, I was employed from daylight till noon, writing and despatching letters. Ten minutes past 12, the last was mailed. I then ran to a newspaper office, purchased the paper of that day, and mailed it also.

By this time the President of the United States was approaching ; and I stood, in heavy rain, till the procession had passed the post-office. After that, I was engaged with business till near two o'clock, — sometimes in, sometimes out of doors, and got drenched. Returning home, I put off my wet clothes, and went to dinner at half-past 2 o'clock. About 3, I retired to my bed-room ; sat down to read, having pulled off my coat and boots, but in a quarter of an hour, was overpowered with drowsiness ; flung myself into bed, under the coverlid ; immediately became warm ; perspired ; and, soon after, slept, soundly and certainly ! Awakening, I deemed it, for a few minutes, morning ; rejoiced that the weather looked propitious for the Bunker-hill celebration ; but, feeling my clothes, became undeceived ; started up ; looked from my window to the Old South, and saw by the clock that it was half an hour past 5, P. M. In fact, I had been in the land of Nod, as near as may be, the time above named.

One of the newspapers, with the too customary practice of misrepresenting, reported, that, I had ‘*been caught napping* ;’ — but, this statement was immediately conveyed to my fellow-boarders, and is perfectly correct. Some inquired, if I felt refreshed ; but no perceptible effect was produced ; and the occurrence has, in no way, changed my long-established habit. I have not slept since ; and, now, that the weather is hot, I have many restless and miserable nights.

‘ From short (as usual) and disturbed repose

I wake : how happy they, who wake no more ! ’

Marlboro' Hotel, July 15, 1843.

ROB. F. GOURLAY.

THE
NEPTUNIAN.

No. 10.

No. 1.

A SECOND FAREWELL.

To the Editor of *St. Catharine's Journal*.

On board the TRANSIT, Queenston, }
November 3, 1842. }

SIR: Leaving this place, perhaps for the last time, allow me to declare publicly my grateful sense of kindnesses experienced from private individuals in all parts of Upper Canada, from Malden to Point-Fortune, and from the Falls to Lake Simcoe, since my return to the Province, 17th September, 1836; and, that the pension set aside for me by Government may not be devoured by cormorants, I would present to notice a worthy recipient—Sarah Bloomfield, wife of Edward Defield, now residing in Queenston.

During last war with the United States, these persons kept tavern at Lundy's Lane, and had quartered on them two American soldiers when the enemy had possession of Niagara frontier,—a horseman and a rifleman. One day Mrs. Defield seeing Captain, now Colonel Fitzgibbon, riding towards the tavern, unaware of such customers, made signs for him to retreat; but, not comprehending her meaning, he advanced and tied his horse to a chestnut tree close by. Apprised by her of his danger, he called to the soldiers: "*Boys! surrender, for there are a thousand Indians at hand ready to kill you!*" Nevertheless, they levelled their fire arms, and a scuffle ensued. Mrs. Defield instantly picked up a stone, and with it struck the flint out of one musket, and thrusting up the cover spit on the powder in the pan of the other, thus rendering both innocuous. She next seized the Captain's sword, and pointing it at the Americans, threatened them with death; while Mrs. James Kirby and another female issued from the house, grappled behind, and thus the soldiers were made prisoners.

Say, O Heroic Muse, if you ever sung the praises of any one more deserving in deeds of arms than Mrs. Defield! so prompt, so collected, so brave, so efficient, so successful! Yet, till this day, now twenty-eight years, Mrs. Defield is neglected, unnoticed, unrewarded; while Colonel Fitzgibbon had five thousand acres of land granted him for his services in the MONKEY war and at Gallows Hill.

A month ago Mrs. Defield recounted to me what is now stated; and this morning, on my coming to the boat, she confirmed the statement. It can and ought to be taken down before witnesses, for record in the "*CHRONICLES OF CANADA*;" and I repeat that Sarah Bloomfield, alias Mrs. Defield, is worthy of fifty pounds a year for life from the Government, if the gallant Colonel does not, on seeing these presents, forthwith pension her out of the avails of Gallows Hill.

Astor House, New York, Nov. 16, 1842.

P. S. A continued hurry at Toronto, Kingston, Montreal, St. Johns, Troy, and this place, till now, has kept me from copying out the above statement,

which was read to a friend as soon as written in Niagara river ; and, again repeating what is above said of kindnesses, I remain ever the same in heart and principle,
ROBERT F. GOURLAY.

No. 2.

To the Editor of the British Whig.

KINGSTON, 21st Dec., 1842.

SIR : Having this day seen in your paper of yesterday a letter from Mr. Gourlay, to the Editor of the *St. Catharine's Journal*, and published in that paper, which contains erroneous statements relative to me, I request of you to insert in your next number the accompanying copy of a letter which I addressed to that Editor on the 12th instant.

I am, Sir, your obed't serv't,
JAMES FITZGIBBON.

(Copy.)

KINGSTON, 12th Dec., 1842.

SIR : The *St. Catharine's Journal* of the 1st inst. has just been put into my hand ; and a letter from Mr. Gourlay to you, and published therein, pointed out to me.

The facts of the occurrence mentioned in that letter are incorrectly stated. The part which Mrs. Defield performed was briefly as follows : Having succeeded in seizing hold of a rifle and musket presented at me by two American soldiers, which I could neither wrest from them nor could they from me, the rifleman retaining hold of his rifle with one hand, drew my sword with the other, and attempted to stab me with it in the side. While watching his uplifted hand, with the intent if possible to receive the point of the sword in my arm, I saw the two hands of a woman seize his wrist and carry it behind his back, where she and her sister forced the sword from him, and they ran away with and hid it in a cellar. This woman I afterwards learned was Mrs. Defield, wife of the tavern-keeper at whose door the affair occurred. An old man named Johnston then came up, and with his assistance I took the two men prisoners. An American detachment of 150 men was within one hundred yards of us, at a neighboring house, but we were screened from their view by a few young pines.

Until the end of the war I regretted exceedingly my inability to render any service to Mrs. Defield. But after the war, and on the return of Lt. Governor Gore to the Province, I, being then stationed with my regiment at York, now Toronto, waited on His Excellency and represented her conduct to him, and prayed of him to reward her, if in his power to do so. He said he could do so only by giving her husband a grant of land, but for which, however, a small fee must be paid, as he had no authority to make a free grant ; and asked me how many acres I desired for him. I answered one hundred. His Excellency promptly said, I will give him two hundred.

I wrote to her husband, Edward Defield, communicating the Governor's offer, and desiring him to come to York, if he were willing to accept the land upon those terms. He accordingly came, and my request was referred to the Executive Council, before whom I was summoned, and to whom I related the particulars of Mrs. Defield's conduct. Whereupon an order was made in favor of Edward Defield for four hundred acres, and the land was granted to him out of some of the best in the Talbot settlement.

As to my own circumstances, they have hitherto been such as to render it impossible for me to make any pecuniary gift to Mrs. Defield. Neither have I, as yet, received one acre of the land which Mr. Gourlay states was granted to me, and out of the avails of which he would have me give Mrs. Defield a pension.

In 1838, a son of Mrs. Defield was taken in arms at the Windmill, near

Prescott, with the Brigands who crossed from Ogdensburg, and he was condemned to suffer death as a traitor. When the late Mr. Alexander Hamilton, then Sheriff of the Niagara District, Mr. David Thorburn, one of the county members, and I, prayed of His Excellency, Sir George Arthur, to pardon the son in consideration of the former good conduct of his mother; and, after the lapse of some months, a pardon was granted for him.

From what I have known of Mrs. Defield, I would not suspect her of making the statement given by Mr. Gourlay; and from the very little I have known personally of Mr. Gourlay, I would not charge him with wilfully uttering an untruth. But as the statement of what has been done for Mrs. Defield, which I now make, is founded on written records which cannot be contradicted, the public can easily decide between the two statements.

Very reluctantly do I come before the public on this occasion, but I could not justify it to myself to let the misstatement in Mr. Gourlay's letter go uncorrected.

I therefore request of you, Sir, to insert this letter in a future number of the St. Catharine's Journal.

I am, Sir, your obed't serv't,

JAMES FITZGIBBON.

No. 3.

To the Editor of St. Catharine's Journal.

PROVIDENCE, Rhode Island, Jan. 7, 1843.

SIR: Your paper of December 22 reached me two days ago; and I am indebted to a friend for "THE BRITISH WHIG" of the 23d. In both these papers I have read Colonel Fitzgibbon's letter to you; and from it I learn that you published mine of November 3, headed "A SECOND FAREWELL."

Colonel Fitzgibbon says: "*the facts of the occurrence mentioned in that letter are incorrectly stated.*" Also: "*from what I know of Mrs. Defield, I would not suspect her of making the statement given by Mr. Gourlay; and, from the very little I have known personally of Mr. Gourlay, I would not charge him with uttering an untruth.*"

These quotations shall be briefly replied to. I care nothing for what the Colonel suspects of Mrs. Defield; as little for what he may charge me with, personally or otherwise; and as to "*wilfully uttering an untruth,*" I hold such insinuation light indeed, coming from a man who, it is well known, profited by that practice.

Having neither seen your nor any other paper in which my letter of Nov. 3 is printed, I can only speak from my scroll; and comparing Mrs. Defield's statement there with Colonel Fitzgibbon's, I am unable, even with the light he has furnished, to improve her's. Her's appears well ordered, luminous, consistent, probable, and complete. His, confused, evasive, insidious, obscure, and unsatisfactory. No competent judge of writing and evidence will say otherwise, on comparing the two statements, side by side.

When Colonel Fitzgibbon found fault it was his duty to correct; but he corrects nothing. He had before him a clear, connected story, but he only mystifies and misleads. He does not deny that he called to the Americans: "*Boys! surrender, for there are a thousand Indians at hand ready to kill you.*" No; in his first sentence he asserts that the facts in my letter "*are incorrectly stated.*" In his second he says: "*The part which Mrs. Defield performed was briefly as follows:*" but what follows? why, his "*having succeeded in seizing hold of a rifle.*" This is brief indeed; but he does not deny that, meantime, Mrs. Defield rendered that rifle and the other "*innocuous,*" which act of her's, and forcibly recovering from the hand of the rifleman the sword, made it easy to take the prisoners; as we now find by his statement that he had an old man to assist him, beside the two women who assisted Mrs. Defield.

But, by Colonel Fitzgibbon's statement, "*she and her sister ran away;*" and that the reader may lose sight of them "*in a cellar,*" he digresses to

state that he "*afterwards learned that this woman was wife of the tavern keeper.*" That "*an American detachment of 150 men was within 100 yards,*" heightens admiration of our heroine, but in no way helps the Colonel's story; and, when the painter does his part in illustrating her gallant achievement, "*a few young pines*" in the back ground, with the star spangled banner waving over them, will indicate where lay the detachment.

My only object for calling on Mrs. Defield was to obtain facts for "*CHRONICLES OF CANADA.*" I had heard long ago that Mrs. James Kirby with another woman had, in war time, taken two prisoners; but, only a few weeks prior to my first call on Mrs. Defield, did I learn that she was the woman, and resident at Queenston.

By reference to an advertisement prefixed to "*CHRONICLES OF CANADA,*" No. 1, sold by Carter & Bentley, Kingston, it will be seen that the design of that work "*IS TO COLLECT AND LAY BEFORE THE PUBLIC AUTHENTIC DOCUMENTS RELATING TO THE COLONY, WITH COMMENTS, AND INVITING INFORMATION, IN ORDER THAT A CORRECT HISTORY OF CANADA MAY BE ULTIMATELY DRAWN UP AND PUBLISHED.*" This history was projected twenty five years ago. I then began to collect materials for it; but cruel circumstances rendered my endeavors abortive at every stage. Nevertheless, I did not abandon my design. It was in view when I re-crossed the Atlantic in 1833; and I solicited for it the patronage of Government, in letters to Sir F. B. Head, and Sir George Arthur, afterwards published in "*THE BANISHED BRITON.*"

During the four years and four months of my late residence in Canada, I was constantly storing up materials for this work; and, to give example of zeal in doing so, I shall detail proceedings regarding a matter wherein Col. Fitzgibbon would be good authority were he not interested, personally, and could we not "*charge him with wilfully uttering an untruth.*"

So early as November, 1817, Mr. George Keeffer spoke to me of the battle of the Beaver Dams, and I then noted down the number of the dead whom he lent a hand to bury. Last June, being all night under his hospitable roof, I resumed inquiries on the interesting subject, when he referred me to his neighbor, Mr. Hoover; and to him forthwith I went. Mr. H. proved extremely obliging and communicative. On his farm the battle began, and he walked with me over the ground, pointing out where the two first shots were fired; where the Americans were placed at that moment; and where he assisted to bury their dead, &c., &c., &c. Before leaving him I sketched with my pencil the battle-ground; then called on the Rev. Mr. Fuller; re-touched my plan in his house, and with him returned to the ground, there to ascertain if it was correct.

Three months afterwards, wishing to know the exact position of the Americans after they were beaten by the Indians, and to consider how far they were in jeopardy when they surrendered to Fitzgibbon, I called on Mr. Ball, who lives north of the battle-ground, and had his account. I then waited on Mr. Jacob Upper, who walked with me from the south to the spot where the surrender was made;—all this trouble being required before I could comprehend the whole affair, and estimate a saying of the eventful day: "*THAT THE COCKENAWAGA INDIANS HAD ALL THE FIGHTING; THE GRAND RIVER INDIANS ALL THE PLUNDER; AND THE REGULARS ALL THE HONOR.*" The above named gentlemen will readily testify as to these facts, while I could refer to others who were present at the battle, and saw the arms delivered up.

I am thus very particular to arrest attention to the importance of obtaining well authenticated information regarding the history of Canada while yet it may be had from living witnesses; especially as £250 was voted to Major Richardson by Parliament for his slender history, wherein he does not bring

forward the best testimony as to the death of Tecumseh, although he himself was at the battle of the Thames.

But, to return to our main object, at present. My letter which happily Colonel Fitzgibbon has so particularly noticed, was a result of momentary impulse. Having breakfasted, settled accounts with my worthy host, Mr. Brown of Emigration House, and seen my trunks on a wagon, I hastened off for the steam boat. By the way I ran into Mrs. Defield's cottage; begged of her to hear me repeat her story, which, part after part, she verified. I then wrote down her, with her husband's name, and bade adieu. After being out of doors, she called to me: "*I hope you will get me a pension,*" and it instantly occurred, that what I had renounced might be available to her. My trunks were no sooner aboard the "TRANSIT" than I descended to the cabin, and penned my epistle to you. On that occasion I was wholly engrossed with admiration of the woman's heroism, without a thought of injuring any one. Mailing my letter to you at New York, it struck me as right that the Governor General should have a duplicate, which was forthwith written and despatched, in order that my hand-writing might be produced, should serious question arise; and that all parties might obtain justice at the fountain head.

Writing to you, it was not essential to state that Mrs. Defield repeatedly declared, as a motive for rescuing Captain Fitzgibbon that "*he was a fine man,*" or that he obtained pardon for her rebel son, for which she expressed gratitude. These acknowledgments only increased my admiration of her whole conduct, and induced me to ask if she had received compensation. Most assuredly she declared that none whatever had been tendered.

Colonel Fitzgibbon refers to "*written documents which cannot be contradicted,*" as to getting land for her husband; and for that he has credit; but the man is not the woman; and she may never have heard of the land. The friend to whom I read my letter, soon after written, in Niagara river, spoke harshly of the husband; but he did not say a word against her statement; and he had the best opportunities to judge of its truth.

Saying that "*his (Colonel Fitzgibbon's) circumstances*" rendered it "*impossible to make any pecuniary gift to Mrs. Defield,*" is wholly inadmissible. A chain for her neck might have been had for £10. Bracelets for "*the two hands of a woman*" for £5. And a single pound was sufficient to purchase a gold pin, which smallest token of regard would, I am certain, have been highly prized: nay, familiarity with that pin and its history might have infused such love and loyalty into the breast of Mrs. Defield's son, as to have held him bound to his sovereign forever. On the contrary, the ungenerous treatment of his mother may have nursed up discontent, and led the brave youth to deeds of desperation at Prescott, where assuredly he did not associate with cowards. He may have said, "*all that is good in Canada is eyed by hungry Jackalls, and gobbled up by gorged Cormorants, and I'll peril my life to rid the world of such vermin.*"

Regarding the "*five thousand acres of land*" presumed as granted to Col. Fitzgibbon, let it be known that I was in Toronto when he suddenly disappeared, to the amazement of every body. Some thought he had decamped with a large amount of Government treasure: others that he had only become a defaulter; and, an honorable member of the Legislative and Executive Councils said to me, "*Fitzgibbon has gone mad;*" but all were mistaken, for, he quietly returned; and then, it was reported, he had been in London securing his land grant. It would be satisfactory to know all about this extraordinary movement, and how it is that he has not "*received one acre of the land.*" To me the recommendation of the Assembly appeared a gross result of "*back-stairs influences and underhand plots,*" and it would be amusing to discover that Colonel Fitzgibbon returned bootless from Downing street, after a

wild-goose chase, because such *influences and plots* could no longer be countenanced there, in consequence of Lord Durham's Report, just then published.

There is more to say, but paper fails.

ROBERT F. GOURLAY.

No. 4.

DEATH OF TECUMSEH.

Having said that Major RICHARDSON "*does not bring forward the best testimony as to the death of Tecumseh,*" I proceed to produce my authority,—the only one, I believe, who can testify, positively, as to that; and, I trust, he is still alive—Captain WILLIAM CALDWELL, who resided in, or near, the Township of Colchester, Western District.

During the months of September and October, 1836, I perambulated that District. Having spent a night with the Post Master, Mr. Gordon Buchanan, he advised me to call on Captain Caldwell, as one who could give the best information. After introducing myself, we walked over his farm, and then sat down to supper. On my declining to eat mutton, he told me the sheep had been killed on my account. So, to do justice to the sheep, I agreed to remain and eat of it at breakfast.

Half a mile from the Captain's house, I had noticed a beautiful weeping willow, and being told that it had grown up in seven years, I returned before breakfast to measure it; thus to have proof of the great fertility of the soil thereabouts.

At breakfast, an accident happened, of which his lady will have a feeling remembrance; and I feel for her till this day.

Captain Caldwell entertained me with details of the most interesting occurrences during the war—the capture of Hull's army, &c., &c. Speaking of the Battle of the Thames, he said, "Mr. Gourlay, as you travel much in the United States, should you meet Colonel Johnson, ask him if he killed Tecumseh." By these words having more particularly arrested my attention, he repeated them with emphasis, and proceeded to explain. He said he had been recently at Detroit, and seen a picture of the Battle of the Thames, wherein Colonel Johnson was represented as shooting Tecumseh—that it was not so—that Colonel Johnson might have killed an Indian; but, certainly he did not kill Tecumseh.

He then went on to state precisely how it was, suiting the action to the word. He said that being of the Indian Department, he, with others of the same corps, and Tecumseh, stood together watching the enemy's approach—that they heard a rustling in the bush; and just then, Tecumseh was struck with a bullet—that he clapped his hand to his breast and gave signs of agony—that he, (Captain Caldwell,) called to him, "*Tecumseh, mount my horse, and get out of the way;*" but he immediately dropped on a fallen tree and expired—that the American horsemen coming in sight, he himself sprung on his horse and escaped.

He said, that from the direction the bullet must have come, his belief was, that it was a stray shot from some of their own people.

A month after this recital, being in the States, with little hope of ever seeing Colonel Johnson, I took opportunity, while attending a Lyceum Meeting in the town of Willoughby, Ohio, to repeat the story; and my friends in that quarter will yet remember well, as they listened with much interest, while I used the same gestures as did Captain Caldwell.

Pictures like that seen by him were shown all over the Union for political purposes; and the credit of killing Tecumseh did much to elevate Colonel Johnson to the Vice President's chair.

The sheep sacrifice is remembered by me as one of many tokens of kindness and respect experienced on my tour of 1836,—at Sandwich, Windsor,

the River Thames, Chatham, in the Woods, and on Talbot street—among the Tobacco plantations, in the Black settlement, and lastly at Malden. I am indeed glad of an opportunity, still, to express gratitude.

It was then my heart, after ten years of disgust, became again warm towards Upper Canada; and strange it is, after experiencing like kindness in every part of the Province from individuals—even from my quondam enemies,—my treatment by the Government, ever since the departure of Sir F. B. Head, was uniformly neglectful, cruel, contumelious, and insulting.

My return to the Province contemplated not political, but philanthropic objects; and I made record of this the third day. Learning that an Englishman—Mr. Prince—had been elected to serve in Parliament, I called at his house, to bespeak coöperation in establishing Emigration Societies. Being from home, I left for him a memorandum, and for the first time wrote "THE BANISHED BRITON—MEDIATOR AND APPELLANT.—*Profunda Cernit.*"

But, not to forget my principal object,—obtaining well authenticated facts for "CHRONICLES OF CANADA," I would have Major Richardson correspond with Captain Caldwell, and beg that whoever prints this paper will send the latter a copy, whereby he may be assured of my fidelity.

ROB. F. GOURLAY.

Providence, R. I., January 16, 1843.

No. 5.

THE LION AND THE BEAR.

Once upon a time, a Lion travelling northward met a Bear; and, with majestic growl demanded why he did not do homage.

The Bear, surprised, but no way discomposed, exclaimed, "homage!—what entitles you to homage?" "Is it possible, you unsightly clown," responded the Lion, "that you can be so ignorant as not to know that I am king of the beasts!" "Possible!" ejaculated Bruin, "I never so much as heard of you before; but pray, who made you king of the beasts?"

"On creation day, sir," answered the Lion proudly, "the Elephant and the Rhinoceros,—the Tiger and the Leopard,—the Jackal and the Monkey, with hundreds more, proclaimed me king; and, although there have been many rebellions, I have ever maintained the supremacy."

"That may be all true," said the Bear, "but, it is equally certain that, on the self same day, the Buffalo and the Deer,—the Wolf and the Fox,—the Beaver and the Racoon, with innumerable others equally respectable, anointed me king: nor has my authority been ever disputed: nay, I can sleep for months together, while my subjects continue to honor me; and, I would be perfectly happy did not the Eagle occasionally pounce on my cubs, and sometimes make off with one."

The Lion now changed his attitude: dropped his tail somewhat; and, eyeing the Bear all over, said, with subdued temper and courtly quiescence, "I do, indeed, perceive you are fearfully and wonderfully made. Your whole frame; your every feature betokens strength and hardihood; but, above all, your mild aspect gives assurance of truth; and I have now only to beg your majesty's pardon for my inconsiderate and rude speech."

"Make yourself easy," said the Bear; "your words only apprise me of error, which I cheerfully overlook."

The two kings now sat down, conversed on state affairs, and gratified each other with recounting experiences. "I never before," continued the Lion, "was so far north; and within the last week began to suspect I was out of my dominions. My subjects gradually disappeared, domestic animals multiplied, and, yesterday, my body servant, the Jackal, forsook me. To-day I feel chilly, and verily believe could not, with all my strength, exist where I now am another week."

"Your majesty's case," said the Bear, "resembles my own, only I need no servant; and coming southward begin to feel too warm."

An alliance, offensive and defensive was now agreed on,—the Lion being especially pleased with a clause providing against depredations of the Eagle, found to have preyed on young Lions as well as young Bears, contrary to nature, religion and good feeling,—all manifesting that Birds had no right to interfere with Beasts, and least of all with their helpless offspring.

"Certified," R. F. G.

West-End, Kingston, April 18, 1842.

NOTE.—The above fable was written for the Kingston Chronicle, but refused publication; perhaps from some misapprehension. It is therefore reproduced, with explanations, as follow.

Arrived at New York, December, 1833, I had occasion to address a member of Assembly, then in Toronto; and to keep alive my claim to lands in the Province referred for payment of postages to the "Great Bear, my Banker, London District." This was deemed an act of insanity; nevertheless, the practice was continued till 1836, and recorded in the BANISHED BRITON, printed in Cleveland, Ohio, that year.

Returned to the Province, I had Bruin cast in type metal to maintain my right, in *cheques* for payment of cash; but a wiseacre declared it illegal; and the bear was then placed at the head of one of my papers "for daws to peck at."

When the Assembly unanimously resolved in my favor, I designed a sleeping Bear, with rays from the British crown streaming down upon him, indicative of revival, which can be testified by an engraver and others in Kingston.

Lastly, the fable was composed that the Bear might supplant the Unicorn in sustaining the Royal arms; and I would appeal to every true Briton if it should not be so.

You may choose among varieties—a brown, white, or grizzly Bear. You may say he should first be washed and combed: you may say he should first go to school with members of Parliament, and obtain a diploma from Markham College. I object to none of that; but maintain positively, that the North should be equally honored with the South:—that British North America should appear as conspicuous in loyalty as the Cape of Good Hope and Hindostan. To conclude, I believe that Destiny placed the Unicorn where he now is, only as a *locum tenens*, till those born under the influence of URSA MAJOR shall have sense and spirit to claim for themselves the honor justly due:—again 'certified' at Boston, this fourteenth day of February, 1843.

ROB. F. GOURLAY,
"Profunda Cernit."

NOTE.

The above Nos. 4 and 5 were published in the *St. Catharine's Journal* and *British Whig*; but, No. 3, though sent to both, appeared in neither. Thus, a stop was put to the further unfolding of Colonel Fitzgibbon, who might have told us more about the 5000 acres of land. So far as I yet know, that transaction was wholly without excuse.

It is curious to observe how time and accidents unfold the doings of crafty men,—how, "murder will out." By the merest accident, my "SECOND FAREWELL" was written; and, most certainly, "without a thought of injuring any one;" but Colonel Fitzgibbon must needs expose himself in every way. He has, in fact, brought to recollection doings of twenty-five years since, which else might have been buried in oblivion. This day, I have examined newspapers published in 1818-19, and not read these last twenty years, in which I find that this same Fitzgibbon, after friendly declarations to me, turned round and led the van of the most wicked conspiracy which was ever got up by governmental power to ruin an individual.

We here see him, in 1842, declaring "the very little" he knew "personally of Mr. Gourlay," and saying, he "would not charge him with wilfully uttering an untruth;" but I can show newspapers of 1819, wherein, after I was imprisoned without benefit of bail, he represents me as the most villainous of mankind; and uses language which no one bred a gentleman would either have conceived or uttered. Expecting to be in Kingston in the course of next month, I promise to exhibit these publications, and face to face with Colonel Fitzgibbon, if he chooses.

Boston, September 28, 1843.

ROBERT F. GOURLAY.

THE
NEPTUNIAN.

No. 11.

CORRESPONDENCE

WITH THE AUTHORITIES AT HOME AND ABROAD.

No. 1.

KINGSTON, October 9, 1841.

MY LORD: Now that your ministry is restored, may I call attention to my letters addressed to your Grace from New York 1835, — a printed copy of which is appended hereto, — and have these put in connection with proceedings of the Legislative Assembly of Canada, exhibited on the margin. These, together, make out a case worthy of being submitted to the Cabinet council.

This case sets in the clearest light that misgovernment which finally drove an ignorant people to rebellion, — jeopardized British interests in this quarter of the world, and generated mischief not yet at an end.

The unanimous voice of United Canada has now declared my treatment in 1819, "*illegal, unconstitutional, and without the possibility of excuse or palliation.*" If the Crown is to regard this clearly expressed opinion, — repudiate the transactions by which I was persecuted to my ruin, and compensate me for losses sustained, that must be done soon, to be available, for my life is wearing to a close, and bodily infirmities hasten that event.

I have been separated from my family twenty-four years, and all that time cut off from opportunity of profitable employment by wrongs in Canada. I returned to the Province more than three years ago, hopeful of a favorable hearing, from the civilities evinced by Sir F. B. Head, and his repeated acknowledgement of services to the Government during the rebellion; — yet, strange to say, his successors, Sir George Arthur, Lord Durham and the last Governor General have treated me with invariable neglect, and I may say, cruelty.

My only hope now is that your Grace, above all influence or caprice, will cause that justice to be done, which has been so long denied.

Ever most respectfully yours, &c.,
ROB. F. GOURLAY.

The Duke of Wellington.

No. 2.

KINGSTON, October 26, 1841.

MY LORD: You will find, annexed, a duplicate of my letter to your Grace of 9th instant; and, above, is copy of my correspondence with the local authorities since. To complete the case which I presumed might be laid be-

fore the Cabinet Council, I now accompany this with printed copies of an Address to Her Majesty, October 13, 1837—correspondence with Sir Francis Head, Sir George Arthur, Lord Durham, and His Excellency, C. Paulett Thompson, &c.,—all which I submit to the most critical examination, together with my communications from New York, 1835, addressed to His Majesty and your Grace.—All will be found consistent, and breathing the same spirit; and all has been printed to bear me out in the mighty cause to which I have been spell-bound upwards of forty years.

It will gratify me to have acknowledgement of the receipt of these documents; and, at a future time, I shall refer to them.

With the utmost respect, your Grace's obed't serv't,
ROB. F. GOURLAY.

The Duke of Wellington.

No. 3.

QUEBEC, November 4, 1841.

MY LORD: My letters to your Grace, dated Kingston, October 9 and 26, 1841, with documents annexed, made out a case which I thought "*worthy of being submitted to the Cabinet Council.*"

Permit me now to offer a duplicate of all the Reports on my case, with correspondence up to this time; and, to beg the favor of acknowledgement addressed to me at Kingston, Canada.

I have the honor to be, with utmost respect,
Your Grace's obed't serv't,

ROB. F. GOURLAY.

The Duke of Wellington.

No. 4.

KINGSTON, December 4, 1841.

MY LORD: Had the Governor General landed at Quebec, I should now have been crossing the Atlantic to visit my family in Scotland, and to solicit an interview with your Grace on the subject of Poor-law reform and Emigration. It has been ordered otherwise, and this letter regards solely those most dear to me—my children, from whom I have been separated twenty-four years, because of wrongs in Canada, strongly pictured out in the Report of the Legislative Assembly and Speech of Doctor Dunlop, pasted on the margin.

I have been an invalid, with exception of short intervals, the last five years; and during the last three have not slept,—neither night nor day—a species of misery unparalleled.

Thus circumstanced my daughters have made efforts for my support beyond all praise; and should your Grace peruse two letters of theirs, printed in the accompanying paper, entitled "*THE BANISHED BRITON,*" you will have proof of their affection and piety.

From my correspondence with Sir Richard Jackson, it may be seen that he ordered payment to me of £50, expressing regret that the small sum voted for unforeseen contingencies admitted not of larger advance; but it has occurred to me, that "*losses sustained by the unwarrantable exercise of authority,*" may be made good from other funds; and, if so, part may be advanced to my family, in Scotland.

I throw out the hint for consideration of your Grace; and, in so sacred a cause, accompany this with a Captain's Commission, dated 1799,—declaring upon honor that I never, for a moment, to my knowledge, forfeited right to the Royal confidence therein expressed.—Further, I inclose in the commission a Note written by a hand which your Grace may possibly recognize,—a Note, which, being without signature, and naming no one alive concerned, may thus be submitted; and which will show that my

wrongs did not originate in Canada;—that they had a source whence virulence could be diffused in quarters beyond my reach.*

Let me beg that the Commission † and Note, after perusal, may be put under cover addressed to Miss Gourlay, Seafield, Kinghorn, Fife.

Most faithfully and respectfully

Your Grace's obed. serv.

ROB. F. GOURLAY.

The Duke of Wellington.

No. 5.

KINGSTON, Canada, February 21, 1842.

Mr. Gourlay presents his most respectful compliments to the Duke of Wellington: begs that his Grace will honor the subjoined extracts with perusal; and, submit the same to the Cabinet Council.

(The extracts were those printed above, pages 43, 44, 45, and 46.)

No. 6.

KINGSTON, Canada, March 19, 1842.

MY LORD: This is accompanied with duplicate of my last communication to your Grace, dated February 21, 1842. It appeared best to call attention to the most important of all subjects, poor-law reform and emigration, by exhibiting printed extracts shewing devotion to these subjects during many years. My assertion, that *'without altering a single statute, changing a single institution, or interfering with property, the whole system of the poor-laws and rates may be dispensed with in twenty years, while the national debt may be paid off within fifty years, from sales of Colonial lands,'* was first set forth in a letter to the Marquis of Lansdowne, when Home Minister, preparatory to its appearance in an Address to His Majesty, intrusted to his lordship, of which he would not even acknowledge receipt. It was afterwards printed and published; submitted to your Grace, 1829, and to many others in authority; yet, still, no attention could be won, and perhaps 300 years ago, I might have been persecuted as Galileo was, merely for promulgating opinion.

I shall now only say that I have ever been able, and still am willing, to give a rational account of what has been advanced.

Having received no acknowledgement of the receipt of my letter to your Grace, dated Quebec, November 24, 1841, I shall not again cause further trouble in the same quarter, beyond furnishing a duplicate of this letter.

Remaining, with high respect,

Your Grace's obedient servant,

ROB. F. GOURLAY.

The Duke of Wellington.

* NOTE, addressed to Mr. and Mrs. Gourlay 1816 by a Lady with whom the Duke of Wellington was intimately acquainted.

"MY DEAR FRIENDS: Believe me, that I read, with deepest interest, the eloquent statement of your wrongs, (my printed address to the special Jurymen of Wiltshire, March 12, 1816,) and I am not a little anxious to know what effect it produced upon the minds of those to whom it was addressed. How vexatious has been the conduct of your noble Landlord!—producing such a world of evil out of so trifling a commencement; as if he had determined on meanness for meanness' sake.—Completely unaccountable to rational and honorable minds are the motives of such conduct or the ends sought for in its pursuit.

I wish you would think more seriously of America. In this country you seem doomed to discomfort. I am intimately acquainted with an Officer who has lately been there; and who is in habits of friendship with one from whom you might derive the most ample information on every point connected with the subject—Mr. Young, who has been for many years one of the Executive Government of Canada—a man of great ability; and who will take pleasure in conversing with you and giving you every assistance in his power."

† The Commission, alluded to, was laid before the Special Committee of 1841—of which Doctor Dunlop was Chairman with other Exhibits: all delivered back to me.

No. 7.

BOSTON, North America, April 27, 1843.

MY LORD: This is accompanied with a printed copy of correspondence with your Grace, 1835. It is now more worthy of perusal, as the course of events demonstrates the truth of my assertions at that crisis in Canadian affairs.

This correspondence was printed at New York, as soon as known that your Ministry was at an end; again, at Cleveland, Ohio, 1836—having added to it my correspondence with Sir F. B. Head; and, it is a third time printed here, with a continuation addressed to Sir George Arthur, Lord Durham, and Thompson, afterwards Lord Sydenham.

Should the printing be finished before the Steamship sails, the whole 32 pages shall be transmitted to your Grace. At this moment it is more than ever important—more worthy of grave consideration; for, the present settlement of affairs in Canada, is by no means complete; nor calculated for tranquillity. Indeed, more than two years ago, I wrote to your Grace, that Lord John Russell's plan of government was "*altogether wrong*."

Eight pages which follow what is submitted to your Grace, are put under cover for Sir F. B. Head, as these are filled with my letters to him, &c. And the next following, chiefly filled with letters to Sir George Arthur, Lord Durham, &c., are put under cover for Lord Stanley; and, it would be well, could your Grace find leisure, on receipt of this, to see these gentlemen, so that all may be read in connection.

Now is the time to do the needful,—confederate the North American Provinces, and form them into a Vice-Royalty.

By such a measure, the old Tories—really harshly treated at present,—may be conciliated; the French, and all who, from expediency, are now in favour and in office, may be held fast; and, infinite good secured to all.

These are the opinions of one who never was connected with any party; and, seeking no favour, is dependent on no man,—no Government.

Most respectfully,

Your Grace's very humble servant,

ROB. F. GOURLAY.

The Duke of Wellington.

N. B.—Two lines, acknowledging receipt of this, will oblige:—addressed to PROVIDENCE, RHODE ISLAND.

R. F. G.

No. 8.

DOWNING STREET, May 17, '43.

SIR: I have been directed by Lord Stanley to acknowledge the receipt of your letter of the 23d ult., with the enclosure,

And have the honor to be,

Sir, your obed't servant,

W. WILBRAHAM,

P. Sec.

R. F. Gourlay, Esq.

No. 9.

BOSTON, June 1, 1843.

MY LORD: The British nation ratified Brougham's eulogy;* and, assuredly, the name of Wellington will go down to posterity, preceding that of Alexander, and Cæsar, and Marlborough, and Napoleon.—But, we may hope still more,—that ours will not only be the greatest of Conquerors, but the greatest of Peace-makers. I say *will*, for, with God's help, it is now in your power.

This day, eight years, at New York, I addressed a letter to your Grace;

* Lord Brougham's speech at the great dinner given to the Duke of Wellington by the *Cinque Ports*—some four or five years ago.

and, same day, had it, with others, printed. They have been reprinted again and again; and still I am proud of these letters. No action followed; but still they may be available for reflection, and copies have been furnished to your Grace.

Had my suggestions of 1835 been acted on, how different would have been results to Canada and Britain!—how much disgrace and misery and peril, would have been avoided!—how much comfort and glory secured!—Yet all, as it has been ordered by God, may result in good.

This paper (Printed Circular of the GENERAL PEACE CONVENTION) was handed to me yesterday. Of its authors, I know little. The "GENERAL PEACE CONVENTION," sounds pleasant to my ear; and, should it engage a favorable notice from the Duke of Wellington, the most desirable of all objects may be attained. The crisis is auspicious. All good men seem desirous of peace and good will on earth. Oh, then, step on the platform of this "CONVENTION" 22d instant; and let the world be delighted.

Your Grace's very humble servant,

ROB. F. GOURLAY.

The Duke of Wellington.

No. 10.

Copy of letter to Sir John Campbell, Attorney General, despatched to the Duke of Wellington and Lord Stanley, July 31, 1843.

INDIANA, Upper Canada, February 6, 1841.

DEAR CAMPBELL: I am to communicate to you, my early and once intimate friend, the history of the annexed Petition, which was written without the slightest thought of having it, or anything of the kind, presented to Parliament.

One morning in London 1822, seeing in a newspaper, the heads of a Bill then before the House of Commons regarding Canada, I instantly resolved to have a conversation on the subject with Mr. Brougham.

He then had in possession a Petition of mine whereon depended all my hopes in life; and, the prayer of which, he had pledged himself in the strongest manner to advocate.

To prepare myself the better for speaking with him on the Canada Bill, I scrolled out what you see annexed, and run off to Hill street, where he then resided. Just as I knocked at his door he himself came out. I told him my errand; and, as he was then going from home, asked another opportunity for conversation—handing him the scroll for perusal beforehand, that he, too, might be prepared for discussion.

We then walked together and parted in Piccadilly,—all the way speaking of my proper Petition which, every day, I expected he would present; and he, on this occasion, asked me particularly if I would wish a seat under the gallery, that I might better hear him speaking in my behalf. From that day, however, he abandoned all—both Canada and your humble servant:—in fact, betrayed me in the cruellest manner. My proper Petition was presented soon after by "a Member," sub selentio; and, strange to say, on looking to the VOTES and PROCEEDINGS, I found the scroll printed, as a Petition, along side of it.

Let the manuscripts yet be examined, and they will exhibit a striking contrast;—the one neatly engrossed by a Law Stationer: the other, palpably, a scroll.

I merely bid you witness these facts; and, at a future period, we may reflect on consequences to Canada, and me.

Sincerely yours,

ROB. F. GOURLAY.

Sir John Campbell, Attorney General.

To the Honorable the Commons, &c.

The Petition of ROBERT GOURLAY : *

Humbly Showeth, That your Petitioner has had three petitions presented to your Honorable House, praying for inquiry into the state of *Upper Canada* : — That these petitions were received and ordered to be printed, 11th July, 1820 — 27th July, 1821, and 27th February, 1822 : — That your Petitioner having now perused a Bill pending in your Honorable House to make more effectual provision for the government of the provinces of *Lower and Upper Canada*, to regulate the trade thereof, and for other purposes relating thereto, is more than ever convinced of the necessity of full and fair inquiry, not only into the state of *Upper Canada*, but that of the whole of *British North America*. That, instead of this Bill, which has originated in a trifling dispute, which has been got up without the general knowledge and concurrence of the Colonists, and which proceeds on narrow views, neither calculated to be effectual nor permanent in their operation, your Petitioner would propose that a commission of inquiry be substituted : that, ten men of business and talent be appointed, to proceed without delay to *British North America* : two to *Newfoundland*, two to *Nova Scotia*, two to *New Brunswick*, two to *Lower Canada*, and two to *Upper Canada* : — That, they shall have full powers to inquire into the state of public affairs, and to ascertain by what means the *North American Provinces* may be rendered most profitable to the Mother Country ; and at the same time most secure and prosperous within themselves : — That, having spent a month together in each of the provinces respectively, one of each two of these commissioners shall repair to *Quebec* for general consultation and correspondence : — That, the Provincial Parliaments be forthwith summoned to meet and give aid to these commissioners. That, instead of the present Constitutions, the Provinces shall each be governed, as to local matters, by an Assembly and Lieutenant-Governor in Council, and that those now acting in such, shall continue to act for the time being : — That, legislative councillors shall form a general council or congress to meet at *Quebec* for the management of all affairs concerning the common interests of the provinces and arbitrement of others : the Governor-in-Chief to preside : — That, as legislative councillors die out, others shall be chosen to supply their place by the people of the Provinces respectively to which they belong, those only having a right to vote at the election of such legislative councillors as are now qualified to sit in Assembly : — That, one legislative councillor for each Province shall have liberty to come home to *England* and sit in the Imperial parliament, to speak but not to vote : — That, the land reserved for a Protestant clergy, with other public lands, be put under the management of a land-board for judicious sale, the land-board to have head quarters in *England*, and branches in the provinces : — That, a supreme judicial court be held at *Quebec*, for the final decision of all questions of law tried in the Provinces, and that the Governor-in-Chief shall have power to pardon all offences : — That, two able engineers being sent out to *Canada* to survey the river *Saint Lawrence*, shall report generally, how, and by what means the navigation of that river may be improved : — That, duties levied at *Quebec* shall be wholly applied to that great national object : — That, no duties whatever shall be imposed on goods passing across the boundary between *British America* and the *United States* : — That, it be taken into consideration how the *British* army may be with greatest safety supplanted in its present posts, throughout *British North America*, by natives and others, not chargeable to the Home Government, and how the individuals in that army may be best provided for : — That, at the end of fifteen years, the people of the Provinces shall be at liberty to hold a convention for altering and amending the constitution. It is supposed that

* Presented by "A MEMBER," and ordered to be printed, July 18th, 1822.

commissioners and surveyors may be at their posts and doing duty by the first day of October, 1822; that the Provincial Parliament may be met by the beginning of November; and that the above, and all other matters and things, may be duly accomplished and considered by the first of December: so that a full and satisfactory report of the whole may be laid before the Imperial Parliament by February, 1823.

Your Petitioner now humbly intreats that your Honorable House will take these proposals into serious consideration,

And he will ever pray,

ROBERT GOURLAY.

No. 11.

SARATOGA SPRINGS, August 14, 1843.

MY LORD: Having despatched packets from Boston per last Steam Ship, for your Grace and Lord Stanley, I now write to keep in mind certain matters not important to me only, but the British Empire.

In 1817 and 1818, perceiving the vast worth of Colonial lands, I set this forth in a letter to your friend Sir H. Torrens, hoping to engage the attention of Lord Bathurst; and advised the people of Upper Canada to press the subject of enquiry, which led to persecution yet unsatiated.

In the years 1820-21 and 22, I had Petitions presented to the Imperial Parliament for the same; but nothing ensued; and, during five years more, other petitions were presented and printed, only for after reference.

By and bye, Government came alive to the consideration of Colonization; but no clear light was obtained; no sound principle adopted; and, no great good effected.

In letters to your Grace I freely expressed opinions; and these letters have been thrice printed to maintain the same.

A rebellion in Canada,—disgraceful to all parties,—at last caused enquiry to be made; yet, nothing stable and efficient has been settled. Government, indeed, has done nothing for nearly two years, and seems to dread calling the Parliament together.

Let Commissioners be sent out to meet with *all* the parliaments of British North America; let liberal principles be acted on: sound measures introduced, and vigorously carried out:—then, all may go well.

This is what I hinted to Mr. Brougham 1822, as stated in the copy of my letter to Sir John Campbell, furnished to your Grace and Lord Stanley in my last packet.

Ever most respectfully your Grace's obed't serv't,
ROB. F. GOURLAY.

The Duke of Wellington.

Refer back to page 94 — Neptunian No. 10.

Mr. Gourlay presents his compliments to Colonel Johnson. — Seeing Colonel J. in Boston Mr. G. thinks right to enclose for his perusal a circumstantial account of the death of Tecumseh, — that, if anything therein appears incorrect to Colonel Johnson, he may have opportunity of making remarks, which Mr. Gourlay will do equal justice to, as to the account given by Captain William Caldwell.

Marlboro' Hotel, October 13, 1843.

No. 12. MARLBORO' HOTEL, Boston, September 18, 1843.

SIR: Leaving Montreal for the United States, November 11, 1842, I put into the Post-office a letter, under cover addressed to His Excellency Sir Charles Bagot, Governor General, &c., &c., &c., Kingston.

I shall annex a copy of the letter, and beg to be informed if the original is in your Excellency's possession, as Governor General.

I have the honor to be

Your obedient, humble servant,

ROB. F. GOURLAY.

Sir Charles Metcalfe.

No. 13.

Gov't HOUSE, September 29th, 1843.

SIR: In answer to your letter of the 18th inst., I am directed by the Governor General to inform you that no such communication as that to which you allude, has come into His Excellency's possession.

I have the honor to be, Sir,

Your obedient servant,

JNO. HIGGINSON,
P. S.

Mr. Robert F. Gourlay, Boston, U. S.

To the Honorable the Legislative Council (Assembly) of Canada :

The Memorial of ROBERT FLEMING GOURLAY :

Humbly Sheweth:—That your Memorialist had Memorials and Petitions presented to the Legislatures of Upper Canada and Canada, in the years 1836, 1838, 1841, and 1842.

That, he was wholly neglected by the Commons House of Assembly of Upper Canada, the first of these years: greatly wronged by the same House, the second of these years: that, he was fully satisfied with the award of the Legislative Assembly of Canada, the third of these years; and, cruelly disappointed with the result of his last application.

That, to escape the rigour of winter in Canada, your Memorialist came to the seaboard, and has here resided eleven months, anxiously awaiting the meeting of the Parliament of Canada, in order that he may yet have a chance of justice — the grand object of all his prayers to the Legislatures of Upper Canada, and Canada.

That, he now sees from newspapers, that Parliament is in session; and would, without loss of time, proceed to Canada, were he assured of obtaining a personal hearing at the bar of your Honorable Council, (House,) which he deems essential to the undoing of very great mistakes and prejudices, which, hitherto, have proved subversive of hope.

He now, therefore, entreats that your Honorable Council (House) will express willingness that he may have that privilege, on appearing in Kingston, and that he may be informed of the same, where he now resides; viz.: in *Marlboro' Hotel, Boston, United States.*

And, he will ever pray.

ROB. F. GOURLAY.

October 7, 1843.

THE
NEPTUNIAN.

No. 12.

Chronicles of Canada.

'T is twenty-five years since.

EXTRACTS FROM AMERICAN NEWSPAPERS.

(Extracted from *New England Palladium*, May 5, and copied into *Boston Patriot*, May 6, 1818.)

A political reformer, as he considers himself, of the name of GOURLAY, from England, has been for some time busy in Upper Canada, in stirring up the people to a sense of their *wretched condition*, and to induce them to *insist* on a *reform* — and there is already considerable fermentation. The Legislature has lately been adjourned, in consequence of a difference with the Executive Authority. But GOURLAY says nothing is to be expected from a new Governor, or a new representation, the fault being in the system. He then boldly proposes the calling of a PROVINCIAL CONGRESS, the appointment of Commissioners to state their wishes and views to England, and the payment of a voluntary tax of one dollar, to defray expenses. He appoints a day for the people to meet and choose their Delegates. His own proceedings and writings in the newspapers prove there is some liberty in Upper Canada.

(From the *National Intelligencer*.)

TO THE EDITORS.

As Mr. Robert Gourlay appears to be acting a pretty conspicuous part in Upper Canada, an outline of that gentleman's life may not be unacceptable to your readers.

Mr. Gourlay was born in Fifeshire, his father a very respectable farmer* of a yeomanry who have long and still do consider themselves of the highest and most eminent grade in Scotland. He was at one time worth upwards of £30,000 sterling;* but the sudden lowering of landed property, and having entangled himself in securityships, ruin followed. His son, from his youth, possessed a bold and independent mind, so much so as to have become somewhat obnoxious in Fifeshire, for what was termed, there, his republican principles.*

Mr. R. G. has made a pretty extensive tour on foot through Scotland, and published a treatise on statistics and agriculture, somewhat after the manner of Mr. Arthur Young.* Some few years since, Mr. G. removed to Wiltshire, in England, where he was pressed by the Duke of Somerset to take the lease of one of his farms at a rental of £600 sterling. Finding that country dreadfully overburdened with poor rates, and a great proportion of its inhabitants (as he remarked) in a state of pauperism, he published a series of pamphlets on the subject, suggesting a mode of bettering their situation. The free style of his writings, and the severity of his strictures, and his unbending disposition to the Duke, who is a weak man, involved him in a lawsuit with his Grace, who now refused to grant the lease, which he had

by letter engaged to do when Mr. G. came up from Scotland. The latter gained his cause before a judge at Salisbury; the Duke threw it into the High Court of Chancery; the consequence has been, that, by delay, and the enormous expenses attendant on that court, Gourlay, with perfect right and justice on his side, has been nearly ruined. It was believed that his Grace of Somerset acted under the influence of the Duchess, who is said to be a very high-tempered dame. Mr. G. belonged to the Bath Society, of which he was considered a very useful and intelligent member; but by the influence of his Grace, his name was struck off the list.

When at Bath, the spring before last, Mr. G. called on me to procure information respecting the western States of the Union, having it in contemplation to accompany his friend, Mr. Birbeck, to this country. Mr. B. has published a pedestrian tour through France, and one from James river to the westward, both of which have been much read in England—he now resides in Indiana, (Illinois) State. (*Drowned in the Little Wabash, 1824.*)

Mr. G. declared to me, indignantly, that he must abandon his native country, where titled wealth trampled down his and his family's rights. His object then was to visit the western States, and select a future residence in a State where slavery did not exist. He mentioned he should take Upper Canada first, to visit his connection, Colonel Clark, of Niagara, who commanded a regiment on that side last war, and whose mills were burnt during that contest. Other views, however, appear to have arrested Mr. Gourlay's projected tour.*

I shall conclude this sketch by adding, that Robert Gourlay is a man well calculated for the object he has undertaken. He holds a ready pen; he writes in a style of considerable force and pungency; he possesses a mind of energy and execution, and a body capable to endure much fatigue. Although bold and decisive in his political opinions, he acts from real principle: there is not a particle of designing mischief lurking about him: in conversation he possesses a frank and honest zeal, the true basis of popular oratory, with pleasing off-hand manners; and he is one of three school-fellows who will do honor to Fifeshire;—the two others are Dr. Chalmers, the present famous Presbyterian minister of Glasgow, and David Wilkie, Royal Academician, the no less famous painter of the day, in a style unique, and entirely his own.

H.*

ALEXANDRIA, June 15th, 1818.

(*Extracted from Boston Patriot, June 25, 1818.*)

The Kingston paper informs, that the fifteen towns in the District of Niagara have chosen Delegates, many of them magistrates, who have met, and appointed four of their number to represent the District in Provincial convention, at York, on the 6th July. The object of the provincial convention, which has been recommended by a political reformer of the name of Gour-

* This was written by Alex. Henderson, long a respectable merchant at Alexandria. When we met, he was on a visit to his mother and sister, of Glasgow, my excellent friends. With the best intentions, his account is incorrect in some matters. I offended a few of the Lairds with my free opinions, 1808; but was not "obnoxious" in Fife, and the term "*republican*" was never used then, or there.—My father's estate was sold at two periods, viz., 1813, to the amount of £20,000; and, in 1817, under great disadvantage, to the amount of £96,000. I was independent of my father fifteen years before that; at a distance, in England, and ignorant of his affairs:—otherwise, the total wreck of his property would not have happened. My father was long, and till death, a magistrate.

I made an extensive tour in England and Wales, 1800 and 1801, during which time I was employed by the Board of Agriculture to report on the state of the poor, published by Mr. Young; but, I never published a "treatise on statistics and agriculture" in Scotland.

Mr. Henderson gave me letters of introduction to many of his friends in the United States; but, first, I was disappointed of a passage to New York, and, afterwards, sick in Upper Canada, two months, which arrested my "projected tour" to the west and south;—in fact, changed the whole course of my life.

LAY, without the sanction of the constituted authorities, is to send commissioners to England, with an address to the Prince Regent, in order to obtain some political privileges. The Albany Argus remarks, that "from the spirit that is manifested in the British provinces, we have reason to expect, ere long, some serious commotions, or the exemplary punishment of the leaders in reform."

(From *Boston Patriot*, June 26, 1818.)

Since the meeting of Township Representatives at St. Catharine's, a striking change is observable in the public mind, as to the propriety of addressing His Royal Highness the Prince Regent, on the state of the Province. All appearance of contempt and derision of the measure has now died away; and envy and malice, which found play against an individual, seem now to be completely abashed, since the strength of the country is enlisted in the cause. Even those who hold situations under government, wish it well; though by a strange perversion of sentiment, some of them seem to fancy, that openly to speak out would be a declaration of disloyalty: some are held back by more natural conclusions, thinking, that, should the old system of patronage and favouritism continue, they might lose their pensions, places, or worshipful honors. Every sensible man *must* know that this country cannot be retained to Britain, without a radical change of management; and, with this knowledge, it becomes the duty of every one to implore aid from the source whence only it can come — to do honor to the Prince by manifesting towards him affection and confidence.

What, may we suppose, would be the feeling of his royal highness, were he informed, that, in a certain remote corner of His Majesty's dominions, arbitrary power had grown to such a height, that even magistrates crouched beneath its dismal shade, and under the mastery of confirmed sycophancy, coveted this shade, only to hide personal infirmities, of which they had a lively consciousness. Sir Peregrine Maitland, tutored under the high-minded Wellington, is not likely to be so very indulgent to such worshipful gentlemen, as some Governors who have preceded him. — *Niagara Spectator*.

(From *Boston Patriot*, Sept. 7, 1818.)

The spirit of inquiry and investigation is stimulating the citizens of Upper Canada to look after their rights. Mr. Gourlay's zeal for the cause has alarmed the ministerial party, and a suit has recently been instituted and tried against him for publishing *libelous* and *seditious* matter. The assizes were held by Lord Campbell, at Kingston. The prosecution was conducted by Mr. Bolton, who, it is said, was, in his speech, illiberal and vindictive. Mr. Gourlay defended himself with powerful arguments, and his address contained much interesting and important political matter. The charge bore against the defendant, but the JURY, that impregnable barrier against oppression and injustice, returned a verdict of *not guilty*. Repeated acclamations of applause burst from almost every individual. Mr. Gourlay, who is the most popular man in Upper Canada, is from a highly respectable family, and of strict integrity; about 45 years old, and promises to become a most valuable citizen of that Province. — *Albany Register*.

(From the *Pittsfield Sun*, September 9, 1818.)

The Sackett's Harbor Gazette contains an account of the trial of Robert Gourlay at Kingston, Upper Canada, on the 15th ultimo, for a libel on the government of the Upper Province, and for an attempt to sow sedition among the people, &c. Judge Campbell presided, and the cause was opened by Mr. Bolton, the public prosecutor. He was followed by Mr. Gourlay, who conducted his own defence, and who was permitted to read to the jury an Address he had prepared for the occasion, which is stated to have exhibited a specimen of bold, energetic composition seldom equalled, and contained many excellent maxims of political wisdom and justice.

After the whole day had been occupied by the trial, the cause was submitted to a jury, who soon after returned a verdict of acquittal, amidst the acclamations of the audience.

On the following morning, "*Gourlay for ever!*" was found inscribed on almost every fence and corner-post of Kingston. A public dinner was given to Mr. Gourlay by the citizens of Kingston, the day after the trial, attended by respectable men from different parts of the Province—some of whom had come several hundred miles to attend the trial.*

EXTRACTS FROM CANADA NEWSPAPERS.

(Extracted from *Kingston Gazette*.)

To the Upper Canadian Friends to Enquiry.

MONTREAL, 5th Sept., 1818.

GENTLEMEN: I take the first leisure, since my trial at Brockville, (where I was honorably acquitted,) to put on record a few particulars connected with that affair. It will be remembered that I was bound over to appear at the Johnstown Assizes, under bail of £500, being arrested upon a warrant, of which the following is a copy:

Johnstown } Personally appeared before me, John McDonell, Esq., one of
District. } His Majesty's Justices of the Peace in and for said District,
Richard D. Fraser, and upon oath, saith, that he believes Robert Gourlay to be a
seditious person.

These are, therefore, in His Majesty's name, to command you forthwith to apprehend the said Robert Gourlay, and bring him before me or some other of His Majesty's Justices of the Peace, in and for said District, then and there to be further dealt with according to law.

Given under my hand and seal, at Johnstown, this 25th day of June, 1818.

(Signed.)

JOHN M'DONELL, J. P.

To any Constable }
in said District. }

[L. S.]

A true copy.

JOHN M'DONELL.

No man of sense will look for a moment on the above warrant, without being ready to declare it illegal; but what should be thought, when it is told that John McDonell, who issued it, had good occasion to know that the allegation upon oath of R. D. Fraser had not the slightest excuse?—what should be thought, when it is told, that John McDonell at once witnessed the riotous conduct of R. D. Fraser, and my extreme forbearance—my peaceable and temperate conduct throughout. Gentlemen, you should pause and reflect upon this. It is a poor boast that we live under the British Constitution, if our liberty is thus wantonly to be abridged by the caprice of wicked and foolish magistracy. You should reflect whether I, or any man who has experienced such things in Upper Canada, can go home to England and honestly recommend this Province as a desirable place of residence:—it is a reflection which should come home, at once, to your business and bosoms.

On looking back to my narrative, addressed to the worthy Inhabitants of Niagara District, under date 29th June, it will be found, that after giving bail I procured a warrant to arrest Duncan Fraser, and bring him to account for his riotous conduct. It now appears that though Duncan Fraser, backed by his friends, could have the brutal courage to attack an unarmed individual with a bludgeon, he wanted the best kind of courage,—that of an honest man. Before the constable reached him with the warrant, which would have secured his appearance at Brockville assizes, where I should have been

* Many more extracts were copied out; but the above suffice. In the *New England Palladium*, filed at the Athenæum, there are whole columns on the subject. The article from *The National Intelligencer* appeared all over the United States and Canada.

present to accuse him, he had the cunning to contrive with his brother Magistrate that he should be bound over to the Quarter Sessions, to plead guilty before his worshipful friends; and here, to be sure, a most shameful train of proceedings went forward. Several of the people who had rushed in to keep the peace when they saw Fraser attack me, at Johnstown, were indicted. Among these a young man of the name of Grant had been most active. Before using the least violence, he had received a severe blow from Fraser over the back part of the hand, and was consequently provoked to strike again. In the midst of the fray, John M'Donell interfered, and, seizing Grant by the breast, pushed him violently back to the wall, when Grant returned *his* rudeness, also, with a blow. This, according to the best information I could obtain, was the true state of the case proved before the Magistrates in Session; but what were their decrees? — Grant, who had, like a good subject, endeavored to keep the peace, and acted violently only after he had been violently assaulted, was fined 5*l.*, and condemned, besides, to a month's imprisonment; while they let off Fraser, who, being a Magistrate, was specially bound to keep the peace, — who had first struck me, and then the person who endeavored to keep the peace; — him, they let off for forty shillings!!!

At the Assizes, Fraser and M'Donell were on the Grand Jury, and they, with their friends, formed the majority. Having attended there, to do honor to my bail, I stood up, as soon as the court was fairly constituted, to protest against the illegal warrant, and obtain my discharge. This, however, the Judge would not grant, saying, that I must abide my trial. On the second day a presentment was made from the Grand Jury to the court, that I was a seditious person. On the fourth day, finding no indictment brought against me on this presentment, I addressed the Judge, and appealed to him, as to the extreme injustice of having my character aspersed by a presentment, while no trial was afforded me, by which I could remove the scandal. I spoke pretty strongly as to the conduct of the jury, as well I might, and, the same day, an indictment was brought in; — but for what? not for sedition, but, for libel against the Government, and Commons House of Assembly, contained in the very pamphlet, for the publication of which I had been arrested by order of the Attorney General, and tried at Kingston. Next day, Saturday, afternoon, I was arraigned. I then asked the Judge if upon this arraignment for libel, the bail required for my appearance to answer the charge of sedition, for which I was arrested, and on which the presentment was made to the court, was discharged: his Lordship said, it was! I then asked if fresh bail was required, to free me from imprisonment, till my trial came on: his Lordship said, none was required. The trial should have proceeded immediately with my consent; but I had assured some country people that it would not come on before Monday. The acting Attorney General was asked if he would fix upon that day. He would fix upon no particular day, he said, and, "*perhaps might not bring on the trial at all!*"

On Monday, 31st August, it was brought on. The indictment, for libel, set out with a fierce preamble, discharging allegations against me, of "diffusing discontents and jealousies, raising tumults," &c., no doubt, to stir up prejudices in the court, and support the proceedings of Fraser, McDonell, and Co. The words charged, as libellous, were contained in three passages of my address of the 2d April, viz: 1st. "*I had little hope of satisfaction from the sitting of Parliament, after perusing the Administrator's speech from the Throne; and this little was entirely extinguished with the disgusting reply made to that speech by your Representatives.*" 2d. "*It has been my fate to rest here nearly two months, viewing at a distance the scene of folly and confusion.*" 3d. "*The constitution of this Province is in danger, and all the blessings of social compact are running to waste. For three years the laws have been thwarted by executive power; — for three sessions have your legislators sat in assembly, and given sanction to the monstrous — the hideous abuse.*" Mr. Jonas Jones, lawyer of Brockville, and Member of Parliament for the County of Gren-

ville, opened the pleadings. He began by saying that this prosecution was brought on, not on the part of the Crown or Government, but of a person who thought himself aggrieved: he then said, it was on the part of the District of Johnstown: then, again, that he was employed by an individual; and, lastly, told us, that it lay between the King and Mr. Gourlay. Thus, the lawyer completely confounded the simple question as to who was the Prosecutor; and at this hour, I do not know; for, on desiring, after the trial, to be informed, Mr. Jones refused to tell, and the Judge would give me no satisfaction.

Mr. Jones's Speech contained no argument. It made a dead point at the assertion as to the Commons' taking no notice of "*the monstrous, — the hideous abuse*"!! and gaining breath by his rest, the orator asked, with an air of authority: "has not this publication been the cause of breaches of the peace?" — He then told the Jury that "libel was the malicious defamation of character," and that the words, here set forth, tended to expose to ridicule, the members of Assembly; but seemingly doubtful as to this crime, said, that his Lordship would tell them whether it was libel or not; further, quoth the member of parliament, this publication charges members of parliament with making a "*disgusting reply*," and then, bringing the matter home to the personal feelings of the Jury, asked, whether such language did not only degrade the members of parliament, but the people who elected them? — the people of the district of Johnstown! Finally, he apprized the Jury, that it might be said that I had already been acquitted as to this publication; but that I had not yet been tried, for the words, now charged, were not the same as those on which I had been indicted at Kingston; besides, I had published the pamphlet in another District; and, "Gentlemen, what have you to do with another jury?" — Did I say that the speech of Mr. Jones contained no argument? I must retract: it did contain argument; and, many inferences may be deduced therefrom.

When Mr. Jones had done talking, the poor persecuted pamphlet was produced. I had given this copy, it appeared, to some person on the 10th June; but neither wanting to know who this person was, nor to waste time, I bade them proceed, as, no doubt, I had given away many such. To prove the innuendoes was the next step, and for this purpose a wise man of the law was set up as Sir Oracle, to determine the truth of these; but, again, I cut matters short, by declaring that, "*I*," meant, *I, Robert Gourlay, — "Parliament," the Parliament of Upper Canada, and "Administrator," the Administrator of the same Province.* Having had but half a day, without interruption, after my arraignment, to prepare for defence, this was employed in writing a few sheets to introduce the jury to the circumstances connected with my coming to Canada, — my principles, and the events which had given rise to the publication — all of which are well known to those who read the Niagara Spectator and Kingston Gazette; but few in the Johnstown District have had the opportunity. As to reasoning on the question at issue, I left what was to be said, to the suggestions of the moment, and, to speak the truth, had scarcely patience for reasoning on the subject. I told the jury that there was nothing in mere words to constitute libel: — that, in the eye of the law, there was no more libel in the words quoted than in those of the Lord's prayer: — that libel must be inferred from evil intentions and injurious consequences, the very reverse of the intentions and consequences of my address of the 2d of April: — that the address had found enemies, as, what good thing did not? — but, that the general feeling was strongly in its favor, and that it had gained me public thanks from every part of the Province, where the light of information reached. — I asked, if a malicious production was ever so rewarded? I defied my accusers to produce the slightest proof of its being the cause of tumults; and offered to bring evidence, to show, that disorderly and riotous conduct had only been displayed by people now sitting on the grand jury. As to the sense which this very

grand jury held with regard to the *effect* of mere words, I had to quote an extraordinary instance. I knew it to be a fact, and no one present would dare to contradict it, that, since this grand jury had been appointed, a most respectable person had thought it his duty to present to them, that, the Reverend John Bethune, of Augusta, had instigated another person to wring my nose and pluck certain pamphlets out of my hands, at the first meeting called by me in that Township, offering, at the same time, to protect the person if he would do so. This presentment, the grand jury waived, saying, that the instigation *had not taken effect*. With this fact, uncontradicted, I appealed to the court, how this jury could refuse such a presentment so well grounded, and come forward, wantonly and maliciously, to asperse my character through the medium of a presentment which had not the shadow of a foundation.

As to libelling the Commons house of parliament, it was a thing which would absolutely be laughed at in England: — that, there, we were allowed to go almost any length in lashing the proceedings of the lower house: — that its members were mere ephemeral beings, — the servants of the people; and, being prone to betray their trust, it was a rule founded in right reason, that great liberties should be allowed in keeping them, by exposure, to the strict performance of their duty: — that, I had known instances of individuals being summoned to the bar of parliament, and even imprisoned for attacking the characters of individual members during session; but knew not, if an instance could be quoted of prosecution against the free expression of opinion, as to the general conduct of the House. Mr. Jones had told the Court, that the Assembly had a judicial as well as a legislative authority: — he had even hinted that I might yet be summoned to its bar to answer for my publications.* I ridiculed such presumption by referring to the absurd proceedings against Mr. Durand, wherein, I believed, this Mr. Jones had been a chief actor. He and his coadjutors had disgraced the Assembly of this Province by assuming judicial authority in that instance, — by taking cognizance of matters out of session, and which never could interrupt the proceedings of the House. The judicial authority of the House of Commons goes no further than to this, of checking immediate interruption, as the authority of a Judge may directly imprison a disturber of the court in which he presides. The House of Commons of England never would demean itself by noticing election placards. All sorts of stuff was allowed to fly about, at will, during the times of parliamentary election, and were considered as little affecting the characters either of the assailant or the assailed: — that such productions as that which had led to the expulsion of Mr. Durand, and the consideration of which had wasted a very considerable portion of the first session of the present parliament, might be picked up, by the dozen, in any rotten borough of England, during a general election; and, that the constituents of Mr. Durand had done right in again returning him, as their representative, had it only been to mark their disapprobation of the absurd, mean, and tyrannical disposition of the assembly, on that occasion.

Having done with my defence, I wished to call witnesses, who had observed my conduct, and the effect of reading the pamphlet, at all the meetings held in the District of Johnstown. This, however, the Judge would not allow; and, I am thus left without a remedy, of having it recorded, in a court of Justice, that I was a seditious person, and, that the publication of the pamphlet, in question, had “raised tumults and diffused discontents and jealousies.” The record will not, I trust, have the full effect, for which it has been mainly intended, — that of palliating the offences, against the law and decency, of Messrs. Fraser and McDonell. — Personal protection is the

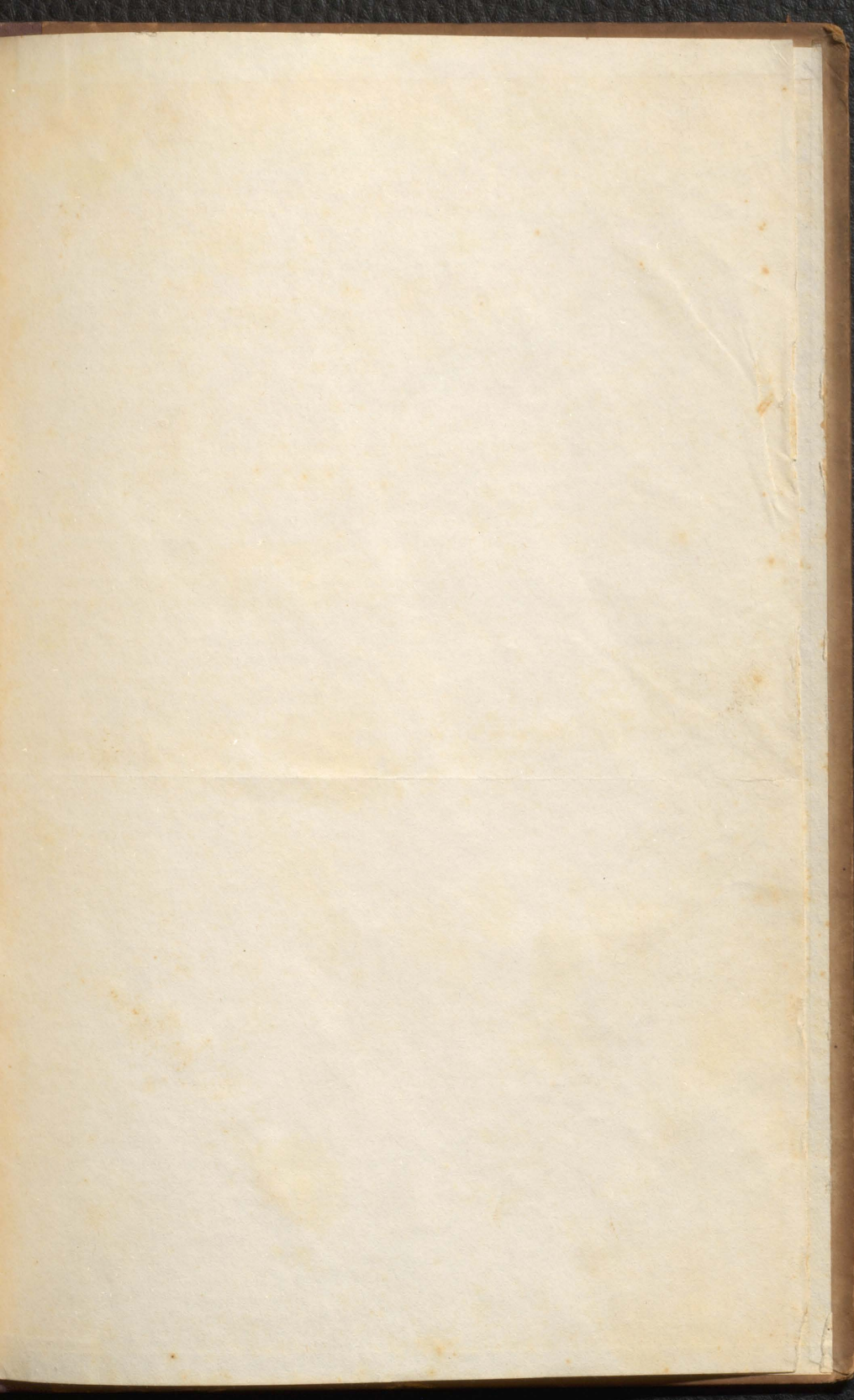
* It is a lamentable fact, that, notwithstanding my two trials for libel, and acquittal on both occasions, this man's rancor could not rest without debating before the Assembly that my address of 2d April was libel. Is it for such purposes that Members of Parliament are chosen by the people? Are they chosen, not only, to libel the country, but to bring disgrace on courts of Justice?

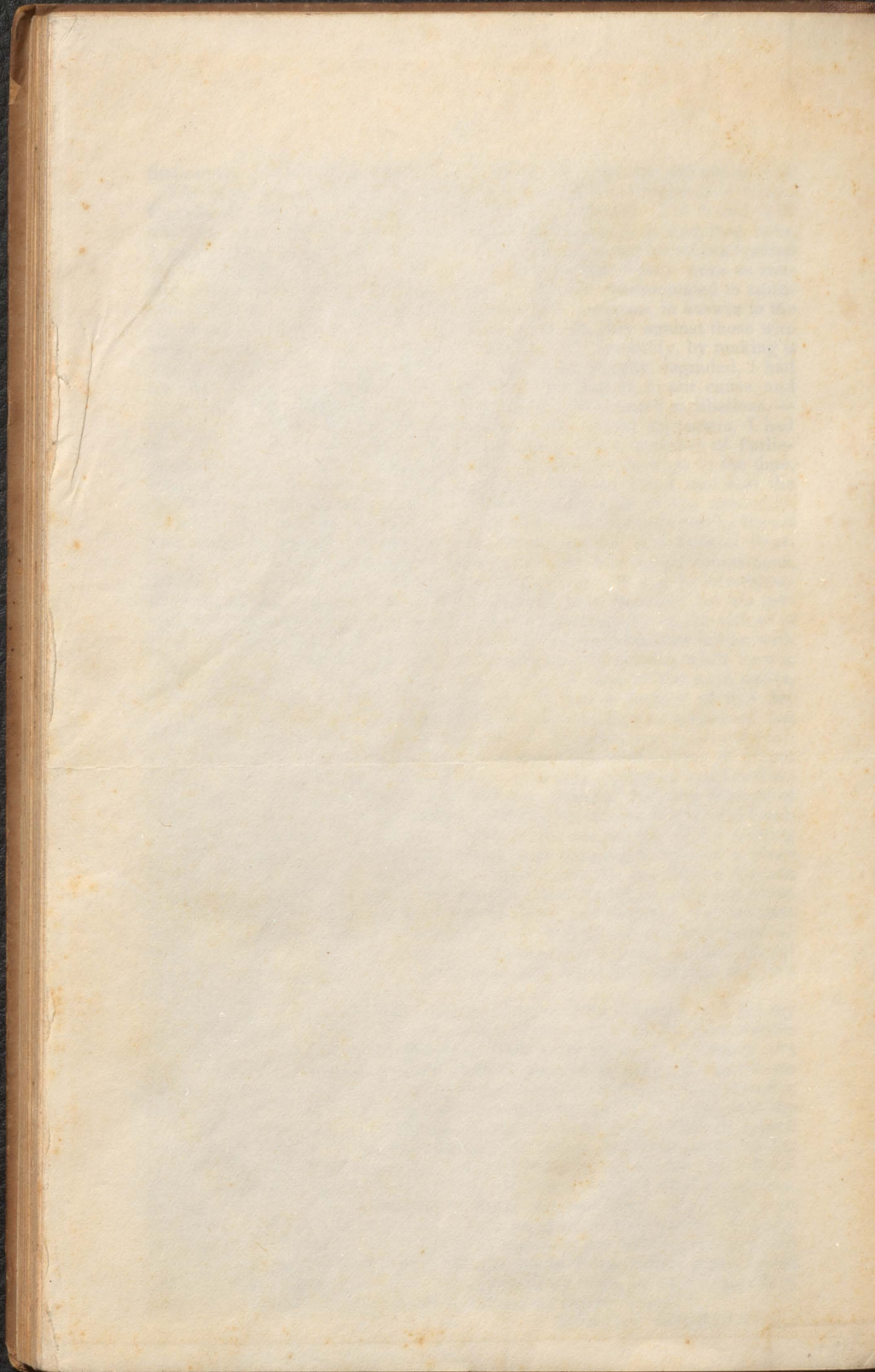
first object of law, and wrongful imprisonment the most flagrant abuse of it.

The reply was made by Mr. Henry Boulton, Solicitor General of Upper Canada, and on this occasion, acting Attorney General. The crowd, who witnessed this silly lad's conduct at Kingston, need only be told, that, here, it was but an excess of the same. At Kingston, he let out his spleen against the Convention of friends to enquiry, by saying that "they were as contemptible at York as they were at home." He now condescended to animadvert and run down individual characters; and, because, in answer to the attempt of Mr. Jones, to stir up the feelings of the jury against those who would speak freely of the conduct of members of Assembly, by making it appear that they, the people of the country, were thereby degraded, I had said that many of the members of assembly were friends to our cause, and never put a bad construction on the publication now charged as libellous, — because, in proof of this, and of the respectability of our supporters, I had said that the chairman of our very first meeting was a member of Parliament, and had honestly declared that he would always do what, at the time, seemed best for the interests of the country, — because I had said that the chairman of the Convention had been two years speaker of the Assembly, therefore, Mr. Boulton thought fit to run down and ridicule two as honest men as the Province holds in its bounds, — Mr. Secord, and Colonel Beasley, finishing with an eulogium in favor of his own family and connections, the conduct of whom he defied any one to impeach. It will be remembered by those who witnessed my trial at Kingston, that, provoked by his personal abuse of myself, and, in the face of a vain panegyric on the virtues of official characters at York, I said, that I could impeach his own father, with neglect of duty, — no less than the non-prosecution of murder, while he was Attorney General; and, I repeat, that a flagrant case of the kind exists, which would warrant such impeachment. It was a brother of this Mr. Boulton who first spread the report in the steam boat, in which I passed, last November, from York to Niagara, that Doctor Strachan was raising opposition to the success of my first address to the resident land owners of Upper Canada, and accusing me of presumption for having published that address; and, I am now informed that it was this Mr. Boulton, Solicitor General of Upper Canada, and one of his brothers, who composed the disgraceful handbill, printed at York, and circulated there, on the second day of the meeting of the Convention, — a production which was indignantly refused a place in the Montreal Herald; but which obtained one in the Upper Canada Phoenix, — a production which will paint the character of its author in colors far more expressive than any language of mine can display. Let our new Governors look upon this production, and it will prove the best mirror in which they can see the true characters of some now holding the first official situations in Upper Canada. (*Boulton is now degraded, and the Lawyer's gown taken from his brother.*)

Gentlemen! for nearly three months I have been harassed, and all my plans deranged by arrests, and law prosecutions: — for nearly three months the chain of communication has been broken off between my family and me. I am now hurrying to New York, to receive accounts of my private affairs, which, in the expectation of going home, I ordered to be sent to me, there, six months ago. My first duty is due to my family. If that calls me to England, I must go: if it admits of my return to Upper Canada, I shall immediately return. I am most anxious to return, for these times are big with the fate of this Province, and great changes must be made, or, a Province of England, it cannot long remain. If I come back, I trust I shall now be free from the illiberal attacks of little, ignorant men. Had I not been personally assailed, never should I have stooped to personality. It never could give me pleasure; but without the use of it my writings never would have aroused the people of Upper Canada, while I was beaten down, on all sides, by open exposure. Let it be remembered, that, in this, I have only acted up to the motto of my country, "*Nemo me impune lacessit.*"

ROBERT GOURLAY.





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MAN IS A RECORDING ANIMAL ; and this indeed is the best definition of him. Inferior animals communicate, by voice and by signal, over space ; but, through time, have no medium of intelligence, and from generation to generation remain the same. They are indeed the beasts that perish ; but man is the aspirant to excellence and the candidate for immortality. His spirit, though cradled in weakness and surrounded with difficulty, is destined to gain the ascendant and to triumph over every ill,—to enjoy a rational millenium on earth and at last to hold converse with Heaven.

Such has been my fate, during the last twenty-one years, that I should not even know myself, but for records ;—should not distinctly remember where I have been, how employed, who with, and of what thinking ;—should never be able to maintain my rights and manage my affairs ;—should never be able to correct my errors or accomplish my undertakings. Persuaded of this, I began, many years ago, to preserve my papers ; and, in 1826, to print them, regularly classed, lettered, and numbered, for after reference. What is contained within this cover is a continuation ; and should I live to have peace and freedom, these documents, however worthless by themselves, and disjointed as at present, may enable me to mature projects of mightiest moment to humanity.

Even at present my records are consolatory. They are the clue to reflection on past life ; and this reflection gives assurance that the chain of causes and effects proceeds from Almighty power :—gives assurance that there is a Providence—a Disposer of Events—a Superior Intelligence, whose ways are not as our ways ;—who can guide us through darkness into light, and over rugged paths to tranquillity.

It is nearly twenty-nine years since I engaged in the service of laborers. For this, I was maltreated at home : for this, I went to England and was persecuted there : this kindled my zeal in Canada ; and for this, I was banished : in the gloomiest stage of existence, this was ever in view ; and this made years of imprisonment pass swiftly away : this has deprived me of all property, separated me from my children, and left me alone in the world ; but, my records give assurance, that every misfortune has been only a step towards good ; and, that up to the present moment, all is for the best. I believe, indeed, that no other train of events could have prepared me to assert, with growing confidence, what no other man has thought of or dared to do, that, “without altering a single statute, changing a sing’s institution, or interfering with property, the whole system of the Poor laws and rates may be dispensed with in twenty years, while the National debt may be paid off, within fifty years, from sales of colonial lands.”

ROBT. GOURLAY.

2, BRIDGE STREET, LEITH, NOV. 26, 1829.