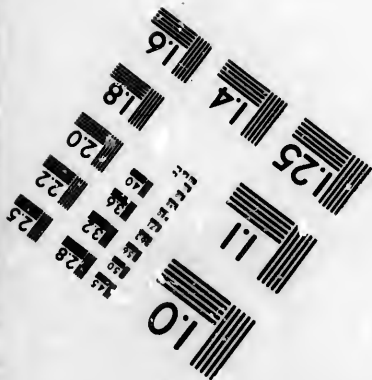
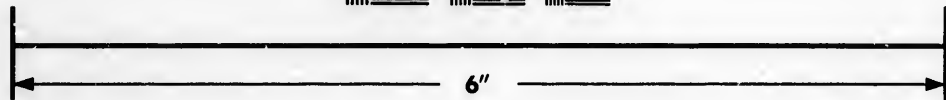
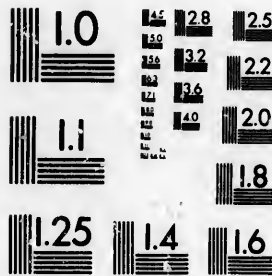


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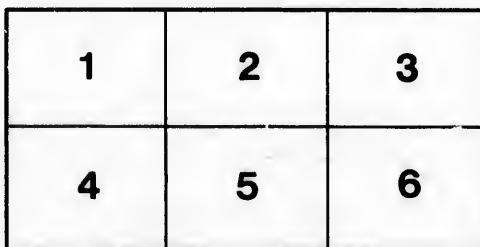
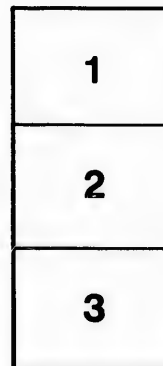
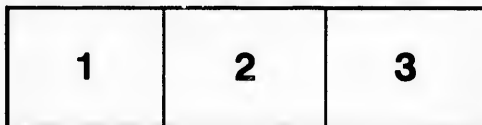
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John Nelson by - Nelson
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IMPORTANT WORK ON THE CANADAS.

AN IMPARTIAL AND AUTHENTIC ACCOUNT

OF THE

CIVIL WAR IN THE CANADAS;

WITH AMPLE DETAILS OF THE IMMEDIATE CAUSES AND PROGRESS THEREOF, FROM THE COMMENCEMENT TO ITS FINAL CONCLUSION; PRECEDED BY

AN INTRODUCTION

Containing a faithful Exposition of the more remote Causes of the present disastrous State of Affairs in these Colonies; the whole to be followed by

A COMPLETE AND HIGHLY INTERESTING

General Account of the Provinces & their Inhabitants:

COMPRISING,

- I.—A HISTORICAL SKETCH OF THE PROGRESS OF SETTLEMENT.
- II.—A FULL ACCOUNT OF THE RESOURCES (INCLUDING AGRICULTURE) AND TRADE OF THE COUNTRY.
- III.—A COMPLETE DESCRIPTION OF THE COUNTRY AND CLIMATE.
- IV.—A DESCRIPTION OF THE SOCIAL CONDITION OF THE PEOPLE, THEIR MANNERS, HABITS, CUSTOMS, AMUSEMENTS, SONGS, &c.
- V.—AMPLE DETAILS AS TO THE STATE OF RELIGION, EDUCATION, THE PRESS, &c.
- VI.—A STATISTICAL ACCOUNT OF THE POPULATION.
- VII.—INFORMATION FOR EMIGRANTS.
- VIII.—BIOGRAPHICAL NOTICES OF THE CANADIAN LEADERS, &c. &c.

ILLUSTRATED BY

Views of the Magnificent Scenery of Upper and Lower Canada,

MAPS OF BOTH PROVINCES,

PLANS & DIAGRAMS ILLUSTRATIVE OF THE WAR, &c.

WITH PORTRAITS OF

MONS. PAPINEAU, AND OTHER CANADIAN LEADERS,

AND OTHER HIGHLY INTERESTING ENGRAVINGS:

PART II. CONTAINING

ENGRAVING OF J. A. ROXBURGH, ESQ. AT THE BAR OF THE HOUSE OF LORDS,

AND

MAPS OF TORONTO AND NAVY ISLAND.

LONDON:

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Stevens and Pardon, Printers, Bell Yard.

CIVIL WAR IN THE CAROLINAS

THE HISTORY OF THE
SOUTH CAROLINA
AND THE HISTORY OF THE
NORTH CAROLINA

THE HISTORY OF THE SOUTH CAROLINA

THE HISTORY OF THE SOUTH CAROLINA
FROM 1776 TO 1865

THE HISTORY OF THE SOUTH CAROLINA
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THE HISTORY OF THE SOUTH CAROLINA
FROM 1776 TO 1865



J. A. ROEBUCK ESQ.

ALL THE PLAN OF THE BLDG. OF THE MILL IS TAKEN IN PART FROM THE ARCHITECTURE OF LOWER CANADA

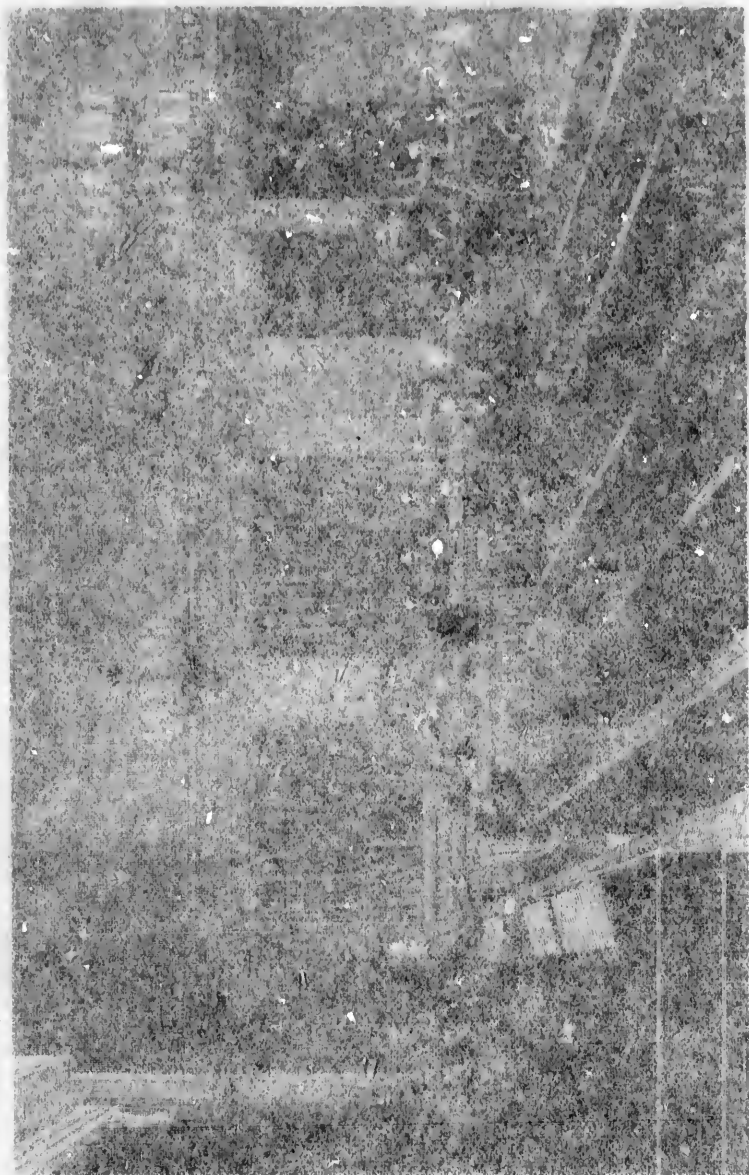
tion of the country has risen not with any systematic plan of revolution, but merely on the purpose of defending their political leaders from arrest. The rising is to be put down by force. This, in itself, is a severe retribution, but the consequent punishment will add greatly to that which the people feel; the dislike, the more loud the condemnation, and the more the indignation which the suspension of the constitution shall excite in the breasts of the Canadians, the more decided will be the proof that they wish to see a representative government. Much as we are in favour of the suspension of the constitution, however, we do not think it a far preferable measure to the one proposed above proposed. Why are the French Canadians alone to suffer? Are they alone the offenders? Certainly not, some of the most conspicuous among those who are said to have led them at St. Denis, St. Charles, and St. Eustache, were persons of British descent, namely, Dr. Wolfred Nelson, Mr. Brown and Mr. W. H. Scott. Thus if the matter of punishment is to be sought in the representative system, it should certainly be in a manner to reach both races. Suspension of the constitution affords with it this advantage over the disfranchisement of the French, namely, that the latter is a permanent and irrevocable act, the suspension of the constitution is a temporary measure, and of course may be long before they are open a restoration thereof. This restoration they may seek to confine to themselves, but we feel persuaded no such design can possibly find favour with English legislators. After the fever of the moment shall have subsided, we doubt not, but that the Montreal Constitutionalists themselves will repudiate the idea embodied in the second mode above alluded.

Schemes however will necessarily arise to give a preponderance to the constitutional party. The suppression of the French language will not fail to excite the indignation of the English counties of Lower Canada, who will not fail to demand for a representation of their interests. The English counties of Lower Canada have on the whole twice as many members as the French counties. On the English counties some how or other send members favourable to the majority, hence, to give more members to the townships will not answer the purpose of the constitutional party. What then will likely to be proposed? probably some scheme for the establishment of small boroughs, of which there is now only one in Lower Canada, namely, William Henry, which has recently become almost unmanageable. In Upper Canada, however, small boroughs have succeeded in giving influence to the dominant party, and this may induce an attempt to establish them in Lower Canada.

* See Reports of the Canada Commissioners (No. 50, 20th of February, 1837). Appendix to General Report, page 1.

J. A. ROEBUCK F.S.Q.

AT THE BAR OF THE HIGH COURT OF JUSTICE, IN THE PROVINCE OF LOWER CANADA.



U.S. GEOLOGICAL SURVEY

tion of the country has risen—not, we believe, with any systematic plan of revolution, but merely for the purpose of defending their political leaders from arrest. The rising has been put down by force. This, in itself, is a severe mortification, and the subsequent punishment will add greatly to that feeling. The more intense the dislike, the more loud the complaints, the more marked the indignation which the suspension of the constitution shall excite in the breasts of the Canadian people, the more decided will be the proof that they value the blessing of representative government. Much as we deplore the suspension of the constitution, however, it cannot but be deemed a far preferable measure to the ten years' disfranchisement above proposed. Why are the French Canadians alone to suffer? Are they alone the offenders? Certainly not. Some of the most conspicuous among those who are said to have led them at St. Denis, St. Charles, and St. Eustache, were persons of British descent, namely, Dr. Wolfred Nelson, Mr. Brown and Mr. W. H. Scott. Thus if the matter of punishment is to be sought in the representative system, it should certainly be in a manner to reach both races. Suspension of the constitution carries with it this advantage over the disfranchisement of one section of the people, namely, that the party which cannot brook any violation of the representative system in their own case, will of course not be long before they insist upon a restoration thereof. This retraction they may seek to confine to themselves, but we feel convinced no such design can possibly find favour with English legislators. After the fever of the moment shall have subsided, we doubt not, but that the Montreal Constitutionals themselves will repudiate the idea embodied in the second mode above stated.

Schemes however will necessarily arise to give a preponderance to the constitutional party. The suppression of the revolt has certainly raised their hopes of continued domination, and these hopes will not fail to embody themselves in the shape of a demand for a representative preponderance. The English counties of Lower Canada have already nearly twice as many members, compared with the population, as the French counties.* But the English counties some how or other send members favourable to the majority, hence, to give more members to the townships will not answer the purpose of the constitutional party. What then is likely to be proposed? probably some scheme for the establishment of small boroughs, of which there is now only one in Lower Canada, namely, William Henry, which has recently become somewhat unmanageable. In Upper Canada, however, small boroughs have succeeded in giving influence to the dominant party, and this may induce an attempt to establish them in Lower Canada.

* See Reports of the Canada Commissioners (No. 50, 20th of February, 1837). Appendix to General Report, page 1.

At the latest accounts, the Constitutional Association of Montreal had petitioned the Assembly of Upper Canada, praying that house to take into consideration the state of the Canadas, and especially urging the expediency of a re-union of the two provinces.

Towards the end of January, large numbers of the French Canadian population were said to be leaving the city and island of Montreal for other parts of the country. What may have been their motive for so doing has not transpired. The papers—exclusively, be it remembered, of the party bitterly opposed to the mass of the people—preserve a mysterious tone on the subject; but the probability is, that ill-treatment and insult at the hands of the unrestrained, and, according to the authorities, unrestrainable, “Loyalists,” is at the bottom of it. There are no people more attached to a locality than the Lower Canadians. They have often been accused of want of enterprise, in consequence of their propensity to crowd upon a narrow space, and subdivide their patrimony, rather than remove to distant lands; hence, it must be some extraordinary circumstance which is now breaking in upon one of their most deeply rooted habits.

The following extract on the subject is from the *Montreal Transcript* :—

“The *rumours* which had been for some days current, and which, for obvious reasons, we refrained from noticing, have not only continued to circulate, but *have produced their effect*; and the French Canadian population have been leaving the city and island of Montreal for several days past. We are far from wishing unnecessarily to denounce them, or wantonly to wound their feelings; but certainly there is in this something very remarkable, *something which seems to demand explanation*. While the British population are, one and all, in a state of the utmost tranquillity and confidence, this sudden bustle and confusion of French departure *bespeaks, on their part, a remarkable timidity*; or *it indicates a knowledge, an expectation of some intended outbreak*, which induces them to separate themselves from their British fellow-colonists, and to retire from what they suppose to be the field of approaching contest. Some satisfactory explanation is due to their own character, and we look for it accordingly.”

It will be seen that this extraordinary movement on the part of the Canadians is stated to be the effect of *rumours*. If the Montreal paper had given those rumours it would have helped us to the explanation which the colonial paper affects to desire. “A remarkable timidity,” without cause, does not appear to be a sufficient explanation of the conduct of men who could “fight like tigers;” neither does there seem the slightest evidence of any “intended or expected outbreak.” The province had been in a perfectly tranquil state for about six weeks, and, according to the despatches of Lord Gosford and Sir John Colborne to the 2d of

January, there was no disposition, in any part of the province, to renew the occurrences of November. To our minds, therefore, it is to the character of the *successful* party, and not to that of the French Canadians, that explanation is due; and, until that explanation is given, they will be liable to a suspicion that the vengeance wreaked on the village of St. Benoit* has not satisfied them.

It is satisfactory, at the same time, to record evidence of a more humane spirit than that which prompted the burning of the above named village. It seems that rumours had prevailed, that the captors of Dr. Wolfred Nelson had not treated him with that humanity which his situation demanded at the hands of men of ordinary generosity. The following letter sets these rumours (of which, be it observed, we were not aware until the letter came before our notice) at rest:—

“ Sir,—I regret to learn that a false impression has got abroad as to the treatment I met with after I was arrested in the townships. I take it to be a duty incumbent upon me to make the following statement:—

“ I was exhausted and extremely ill when I arrived at Shefford. The kindness I met with from Mrs. and Mr. Osgood, at their inn, I shall never forget. Mr. Wood and the other gentlemen of the village were very attentive, and to my friend Dr. Parmalee, I beg thus publicly to tender my grateful thanks. To the Rev. Mr. Selly, Methodist missionary at that place, I shall always entertain the highest regard; his humanity in accompanying me to Montreal, and his unwearied efforts for my ease and comfort, and the spiritual consolation which he proffered, I shall hold in grateful remembrance.

To you, sir, I owe a debt of gratitude I wish it was in my power to discharge. You neither tied nor bound me, and made every attempt to alleviate the pain of my situation, and to protect me. The first time I saw you was when I became your prisoner. My impression of you is, that you are a good and a humane man, and as such, with sincerity, I wish you prosperity and happiness.

And remain, &c.,

“ WOLFRED NELSON.

“ Montreal Gaol, Jan. 13.

“ Mr. T. A. Starke.”

We may observe, that Dr. Nelson is a high-minded and courageous man, who would not be induced to pen such a letter in the hope of bettering his condition in gaol, were there not ample warrant for it; on the other hand, such testimony being due, no consideration would make him withhold it.

By the end of January, some additional arrests had increased the number of prisoners in the gaol of Montreal, from 170, the number at the end of December,† to upwards of 200,‡ all for political

* See chap. v. p. 77.

† See page 81.

‡ Some accounts say 220.

offences, except one or two men charged with the murder of Lieutenant Weir, and some three or four charged with having murdered a poor *habitant* named Chartrand. With regard to Lieutenant Weir, we believe it will turn out as stated in the second Chapter.* In the case of Chartrand, we have no account but that of the anti-popular party, which characterises the poor man's death as a most barbarous murder. Should the death of either or both bear that character, the perpetrators will of course be dealt with as their crimes deserve, without any reference to the insurrection, with which they are only accidentally and not necessarily connected.

An attempt had been made by Mr. Debartzch's agent to get up a loyal address at St. Charles, but it was defeated by the spirited condition proposed by a respectable *habitant*, "restore to us our people (*nos gens*)," said he, "whom you keep in your prisons—give us back our Dr. Wolfred Nelson, and it will be then time to speak of addresses." All the satisfaction the generous man got was, that a day or two after he was lodged in gaol as a *mauvais sujet*.†

Before we close this Chapter, we many mention that an attempt has been made to establish a liberal paper in Lower Canada, and what is more, in the British county of Stanstead, the opinions of the population of which the Constitutional Association claims to represent. The first number of this paper, which is called the *Canadian Patriot*, appeared on the 22d of December, it continued to be published up to the 26th of January, the date of the latest advices of which we are in possession.

We have now brought the history of the disturbances in Lower Canada to a close. In the next Chapter we shall commence the history of the revolt in the Upper Province; recurring again to Lower Canada, should subsequent events render it necessary.

* Page 29.

† The reader who wishes to know what a *mauvais sujet* (literally bad subject) means, may turn to the 1st vol. of Paul Louis Courier's works, which if he has not got, can read French, and can afford, he ought to buy. For our purpose, we may define the term, anybody who does not do all the authorities please, or who does any thing they do not please.

CHAPTER VII.

STATE OF UPPER CANADA IMMEDIATELY PREVIOUS TO THE REVOLT.

General Election of 1836—Defeat of the Liberal Party—Means of Corruption at the Disposal of the Executive—Dr. Duncombe's Mission to England—Growth of Discontent—Organization by means of Political Unions—Meetings in favour of Lower Canada—Declaration of the Toronto Reformers—The Churchville Meeting—An Independent Constitution Proposed—Influence of Lower Canadian Revolt.

BEFORE we go into the details of the insurrection in Upper Canada, it is necessary that we should place before the reader a review of the political state of the province during the years 1836 and 1837, and especially, that we should record the remarkable change which took place in the character of the House of Assembly at the general election of 1836. Our object is to enable the reader to estimate the state of public opinion in the Upper Province just previous to the revolt;—to this end the present chapter is devoted.

The Assembly elected in 1834, coincidently with the general election in the Lower Province, was decidedly democratic in its character. Out of sixty members, thirty-five were liberals, and of these, twenty-five were deemed decidedly democratic. Of the twenty-five anti-reformers on the other hand, sixteen only were deemed ultra Tories, the remaining nine being "moderate men," not unlikely to vote with the majority on many questions.*

A careful analysis published at the time, exhibited the following total of the number of each party, and of the population represented:—

Reformers . . .	35 . . .	208,603
Anti-Reformers . .	25 . . .	98,346

During the progress of the first session, the liberal majority gradually increased in numbers, until at length the working majority of the liberal party was in the ratio of two to one.

In the month of May, 1836, this Assembly was dissolved by Sir Francis Head. The election took place in the months of June and July, and the result was, that the liberal party was signally defeated; the newly-elected Assembly exhibiting a political division the very converse of that which we have just recorded. During the first session of the new provincial parliament, the

*These numbers are from statements put forward at the time by the adverse parties. Thus the radicals had a "black list," and the ruling party their "white list." The sixteen ultra Tories above mentioned, are such as were on both lists—denounced in the one, recommended in the other. The same rule has been observed in relation to the ultra liberals.

majority gradually increased, as the liberal majority had before done, and as all strong majorities are wont to do; so that the present Assembly numbers certainly more than forty members favourable to the ruling party, and consequently, less than twenty friendly to reform, of whom, perhaps, not more than six or eight represent the average tone of opinion of the late Assembly.

This is so considerable a change, that it is difficult to attribute it to what is called a reaction of opinion. Popular opinion is certainly liable to perpetual changes, but not to sudden reversal; change of opinion is slow and progressive. Within a limited range of time it is difficult to appreciate it; by distant results only are we enabled to trace its progress. To suppose the Upper Canadian elections of 1836 to be the result of reaction, is to suppose a sudden overturning of opinion, such as never did, and probably never will occur.

Some change of opinion, however, must have taken place. Many timid politicians had, doubtless, become alarmed at the democratic proceedings of the late Assembly, the more especially, as the anti-popular party were constantly at work, predicting all sorts of fatal consequences as likely to flow from such proceedings. Hence, change of opinion may be taken as one of many causes—not as the sole cause of the defeat of the liberal party. The complete and extensive character of this defeat, requires to be accounted for on other grounds; these, we now proceed to enumerate.

The first we shall mention is the existence of several small boroughs, in each of which some individual belonging to the ruling party has property, and therefore influence. The small boroughs of Cornwall, Prescott, Brockville, Kingston, Niagara, Hamilton, are all represented by the most virulent of the anti-popular party. Adding Toronto to these, they furnish *one-ninth* of the whole Assembly.

An extraordinary means of corruption at the disposal of the ruling party is to be found in the vast number of small places scattered throughout the country, the tenure of which is during the pleasure of the crown, the crown meaning of course the local executive. These innumerable petty offices, render subservient to the ruling party, not merely the incumbents and their families, but all those also who view with a longing eye the good things which the executive has at its disposal, wherewith to reward the well-affected. The expectant class will, of course, include all "fathers of numerous families," who are too proud to dig (almost the only road to wealth and independence in a new country) but who, to beg, are not ashamed. It is fearful to contemplate the extent of demoralization in Upper Canada arising from this single use. One single office may stand as a bait for a score of hungry expectants.

The next source of corruption lies in the credit and instalment

system of disposing of waste lands. We are not here to discuss the social and economical evils which spring from this source; what we have now to describe is the instrumentality of this truly vicious system, in promoting the "foul influences" of elections. The Canada Land Company, and other large landowners, are in the habit of selling land at a price payable in four or five annual instalments. The industrious settler, ever eager to possess an independent freehold, has no sooner saved money enough to pay his first instalment, than he purchases a lot. He seldom stops to consider his prospect of paying his further instalments, so that in a large number of cases, second and third instalments remain in arrear; in which case, the independence of the debtor is destroyed. Any actual exercise of the power thus conferred on the ruling party is seldom, perhaps never, necessary. They need not say "vote as we desire, or we will oppress you," their known wishes being in most cases anticipated by their dependent and subservient debtors.

But it may be asked, if these sources of sinister influence prevail in Upper Canada, how is it that the liberals ever got a majority? The answer is easy. At periods of great excitement, when it became apparent to the electors that there was a point to gain worthy of the sacrifice, they "braved the foul influences." In this country, no one doubts the undue influence of the aristocracy. It might, in like manner be asked, how a majority in favour of reform has been obtained by the people of England? The answer is similar. Enthusiasm has at times prevailed to an extent sufficient to induce men to brave all the evils incidental to an independent vote.

At the Upper Canadian election we are speaking of, Sir Francis Head, the governor, was accused of having made votes by issuing a vast number of land patents about the time of the election. From parliamentary papers since published, however, this accusation appears to have been rashly made. All the land patents signed by the governor during the year, were insufficient to produce the effects alleged, and in the months of June and July the number is not sufficiently above the average to warrant any such supposition. It is not necessary, however, to look to extraordinary causes, the ordinary foul influences would operate, the instant the check furnished by a period of excitement in favour of reform was taken off. Upper Canada is, in short, a little England in all that relates to elections.

There are also several minor expedients to which the ruling party always resort, which may be nullified by enthusiasm, but which operate to some extent in the absence of that saving grace. The polling-places are fixed at places convenient to Tory candidates—inconvenient to Liberal candidates. Here again some of the Liberals made a bungle of their charge against Head. They made it appear that he was the inventor of the system—as if the improper mode of locating the polling-places had never

been heard of before. Head consequently had a good defence, in stating that he had made no change in the polling-places. Now this was precisely his offence, and so it should have been clearly stated. The system was vicious, the new Governor, a "Reformer," sent out by "Reformers," should have relieved the people from this vicious, oppressive and corrupt system; he neglected to do so, and on that ground he should have been accused; instead of which he was accused in so lax and careless a manner, as to enable him to convert his very offence into a plausible defence.

Another of the minor expedients is to fix the day of election for the boroughs where the ruling party are omnipotent, some days in advance of the county elections; in order that a few Tory returns at the commencement of an election, might depress the liberals, and stimulate and encourage their adversaries. This is another expedient which would be lost sight of during a period of enthusiasm, whilst in the absence of excitement it would become conspicuous.

There is one course pursued by Sir Francis Head, which is not pretended to be denied, a course which is certainly not within the fair province of a Governor, who ought to desire that a general election should be a fair expression of the opinion of the country, but which an aristocratic government will assuredly look upon as a venial offence, or, perhaps, even as a justifiable *coup d'etat*. About the time of the election, Sir Francis Head went about the country playing the part of a political agitator, receiving loyal addresses, and returning answers couched in the most inflammatory language.

To these several causes may, we think, be attributed the defeat of the liberal party in Upper Canada, and we are borne out in this view by the fact that a similar change has before occurred; indeed, parliaments in Upper Canada seem to be alternately liberal and anti-liberal; this being the turn of the latter.

The result of the elections of course excited in no small degree the discontent of the defeated liberal party, and of the great mass of the population, whose opinions and wishes they represented. They passed in review the several causes which had contributed to that result; and it is not surprising that they should, in the excited feelings of the moment, lose sight of the fact, that many of the causes were not new, but were merely newly revived. That, in short, they had suffered by causes which were interwoven with the system of government which prevailed in the province, but which had accidentally been in abeyance at the election of 1834. Hence they were disposed, as we have seen, to consider the executive, and Sir Francis Head in particular, more than usually corrupt, whereas they were merely as vicious and oppressive as others had been at a moment when the people had a right to expect improvement.

In this state of mind, Dr. Charles Duncombe was deputed to

this country by the "Constitutional Reform Society of Upper Canada," to lay their complaints before the government. He reached England two days before the close of the session of 1836, just in time to petition the House of Commons, his petition being presented by Mr. Hume. This petition is conspicuous as embodying the grand error above pointed out; in addition to which, it prefers the untenable charge against Sir Francis Head, of having made votes by granting small lots of land for the purpose;—a charge which the governor was, as we have already stated, able to repel by the very returns moved for the purpose of proving it. This, of course, strengthened the case of the ruling party. "A refuted fallacy," says a great writer on logic, "ought merely to go for nothing; instead of which, it is usually followed by another fallacy, and made to tell against the party using it."* The liberal party had what lawyers would call an admirable case. Corruption had exhibited itself, as it were, stark naked; but they tried to prove, not more, perhaps, than they believed, but, certainly, too much, and hence they weakened their case.

When Dr. Duncombe applied for an interview with the colonial minister, he was refused. Lord Glenelg had previously refused to see Mr. Robert Baldwin, and in both cases the plea was the same, namely, that they represented a minority. This they could not but deem a dishonest plea, when they found that individuals belonging to the party of the minority in Lower Canada, and not pretending to be deputed by any body, were admitted whenever they desired. This has been the constant practice of the Colonial Office. The most insignificant persons connected with the anti-popular party in either province, are received on all occasions, whilst men who are known to be connected with the popular party, have the utmost difficulty in obtaining a hearing. This impresses the colonists with an idea that the government is always against them, always leagued with their oppressors. It is inconceivable the quantity of discontent this treatment has alone occasioned. On this ground, if on no other, it is unwise on the part of the colonial minister, who of all things in the world ought to preserve a character for impartiality and justice. But it is also impolitic for other reasons. A Secretary for the Colonies ought to be desirous of obtaining evidence at all hands; he should be ready to hear every man's tale; of course he would reserve to himself the privilege of making all sorts of allowances for the heated feelings of this witness, or the manifest interest of that; but at all events no evidence should be rejected.† Instead of this wholesome rule, one party

* Dr. Whately's Elements of Logic. We give the substance, though perhaps not the words, as we quote from memory.

† For some admirable reasoning of universal application on the subject of the non-exclusion of evidence, the reader may consult Bentham's "Rationale of Judicial Evidence," vol. i. p. 152; ii. 541; iii. 541—637; iv. 1. 477—482.

alone is deemed *well affected*, and therefore invested with an exclusive monopoly of giving evidence, and the result is, that the colonial minister is the very last person to be made acquainted with the feelings and wishes of the people of the colonies, and generally the last person to receive even intelligence of mere facts.

It has been stated in parliament and elsewhere, on the authority of a committee of the present House of Assembly of Upper Canada, that Dr. Duncombe came to England merely as a private individual, that he was the delegate of no one, and that therefore he was not to be considered as representing the views of any considerable number of reformers. We have before us, however, the means of correcting this error, in the shape of a series of documents duly authenticated, showing that he was deputed by the executive committee of a society in Toronto, called the "Constitutional Reform Society;" that he was, moreover, furnished with a sum of money—an exceedingly moderate sum—to defray his expenses, and that consequently he was the delegate of the said society, and represented the opinions of all who concurred with this society, namely, the minority of the electors at the recent elections—a numerous body under any circumstances. The ground for the assertion that he had falsely represented himself as a delegate, seems to have been that it had been determined to keep his mission "a profound secret;" and the reason given in one of the documents to which we have referred is, "that in every instance, where friends of the people have gone to England to represent their grievances, the executive have resorted to the vilest slanders against their character in their secret despatches to Downing-street."* But even supposing Dr. Duncombe was no body's delegate, it should still have been deemed worth while to hear him. It was certain that he was the representative, in the Assembly, of a populous county, it was equally certain that there were some six or eight men in the Assembly whose political views were similar to his. Moreover, there had been, perhaps, forty or fifty candidates of similar opinions at the recent election who, although not successful, had, at all events, polled many votes. Under such circumstances, although not a delegate, his evidence might have been heard by Lord Glenelg, had it merely been for the purpose of gaining information as to the peculiar opinions of Dr. Duncombe and his colleagues; and of that large minority of electors who, although they had failed to seat their men, ought, nevertheless, to be counted, in estimating the state of opinion in the colony. If this had been done, the government would have been saved from one case of that lamentable ignorance which it always displays on colonial questions.

In the meantime the new Assembly met, and busied itself

* Proof of the justice of this suspicion has been furnished in a despatch of Sir F. Head's, just printed. Par. paper, No. 94, 23rd Jan. 1838, p. 93.

by reversing all that the last Assembly had done, and by passing a series of measures in the highest degree obnoxious to the liberal portion, believed to be the majority of the people. It has been part of the policy of the ruling party to create a provincial debt, to be laid out in improvements. Unfortunately, previous loans with this view had led only to interminable jobbing, so that the late Assembly had set itself against this system. It was now, however, revived. Loans were voted and directed to be raised, so that at this time, the debt of Upper Canada is very considerable; more, indeed, than the province can well afford to pay interest on, until some of the works on which it has been and is to be laid out shall begin to yield profit. This can scarcely take place for some years, and as jobbing goes on wherever a hundred pounds are to be expended in Upper Canada, it is difficult to foretel when such revenue will commence. In the meantime, new loans must be raised to pay the interest on former loans, and the province thereby become involved more and more deeply in debt.

This and other acts of the Assembly increased the discontent, which had been generated by the manner in which the elections had been managed, and which the conduct of the colonial office towards Mr. Baldwin and Dr. Duncombe did not tend to allay. Every expression of the dissatisfaction of the reformers was met by triumph and taunts and revilings on the part of the Assembly, now composed of the successful party; and although the numbers the reformers had succeeded in polling, against the most grievous odds, at the last election should at least have secured them some respect, they were treated by the executive, and especially by the governor, as a few factious demagogues, having no weight in the province, and representing no opinions but their own.

The result of this position, into which the liberals throughout the province saw themselves thrown, was the organization of political unions in almost every part of the province, all in communication with a central political union at Toronto the capital, at the deliberations of which, some of the most able men in the country presided.

By means of these unions, an extensive correspondence between all parts of the province, at least all the upper parts, was kept up. There is reason to believe that they had a very considerable effect in directing public opinion towards the vicious character of the Assembly, and had a new election taken place in 1837, on the demise of the crown, there seems no reason to doubt that a democratic Assembly would have been elected by the generation of a sufficient degree of enthusiasm and excitement in favour of reform, to over-weigh the influence which had contributed to the success of the ruling party at the last election. Indeed, the Assembly seems to have been aware of this; for knowing, from the infirm state of the late king's health, that the

demise of the crown was an event to be looked for, they passed a bill to continue the provincial parliament in case of such an event. This bill was agreed to by Sir Francis Head, and transmitted to the colonial office, in accordance with the 31 Geo. III. c. 31,* to enable the colonial secretary to disallow it, should he see fit. Lord Glenelg, however, could not but be delighted with the present Assembly, and the act, therefore, was allowed to remain law. This was another great disappointment to the liberal party, as they were ready to take advantage of any opportunity which should occur, to regain their lost position.

We now come to the period when Lord John Russell's resolutions reached Canada, in April, 1837. The Upper Canadians saw, at once, that the blow aimed at the liberties of the Lower Canadians would not be confined to that province, but would, at no very distant period, be extended to Upper Canada. As a result of this impression, the meetings in the upper province, to condemn the said resolutions, and to express sympathy with the people of Lower Canada,† were scarcely less numerous than the county meetings of the last named province. A few specimens of the resolutions passed at these meetings will greatly assist the reader in forming an estimate of the state of popular opinion at the time.

In the township of Whitchurch, lying north of Toronto, in the Home district, a meeting was held, in the month of September, to take into consideration the resolutions passed by the Imperial Parliament, and about to be enforced in the other colony, and to sympathize with M. Papineau and the Lower Canadians. At this meeting, a long string of resolutions was passed, denouncing the coercive measures of the Imperial Parliament. From these resolutions we extract the following:—

“That we view, with hatred and abhorrence, the course adopted by the British Government relative to Lower Canada; and that it is our duty, not only to sympathize with, but, in case of the enforcement of Lord John Russell's Resolutions, *to support the Lower Canadians in their struggle for independence.*”

“That, forasmuch as Sir F. B. Head has virtually succeeded in wresting from this province the same inestimable right that Lord John Russell's atrocious measures of coercion would take from the other colony by force, namely, the control of the provincial revenue, by which a constitutional check might be exercised over the corruption of the executive, we most heartily sympathize with the people of Lower Canada, and wholly approve of the course taken by Louis Joseph Papineau; and the majority of the House of Assembly of Lower Canada: *we consider their*

* By this act a right is reserved to the crown to disallow provincial acts within two years of the time of their receiving the governor's assent.

† For a description of the manner in which the resolutions were received in Lower Canada, see the Introduction.

cause our cause, and tender to them our warmest thanks and gratitude for their manful support of civil and religious liberty."

A few days after, a very numerous meeting was held in the township of Markham, immediately south of Whitechurch, which, after condemning "the atrocious Resolutions, moved by Lord John Russell, for coercing the Canadians, and governing them by the iron rod of colonial despotism," declaring "those who submit to such oppression unworthy of the name of freemen," and nominating "a committee of public safety," resolved as follows:—

"That, being well assured of the love of liberty and hatred of oppression, by which the Hon. Louis Joseph Papineau and his patriotic countrymen of Lower Canada are animated in their present noble struggle, *we are determined to make common cause with them*, and do hereby declare that we should consider the redress of their grievances the best guarantee for the redress of our own, which object we verily believe would have been obtained, had a responsible executive, on the principle laid down by Dr. Rolph, Mr. Baldwin, and the other members of the Executive Council, of January, 1836, been conceded to the colonists."

On the 6th of October, a public meeting took place at St. Thomas's, where the strongest feelings of sympathy with Lower Canada were manifested. From the resolutions passed by this meeting we select the following, as a specimen of the tone and spirit of the whole:—

"That we deem the resolutions, lately passed by the Parliament of the United Kingdom, a subversion of the chartered rights of these provinces; and we, therefore, applaud the patriotic stand taken against their baneful operation by our brethren in the lower province. We approve of their determination respecting the disuse of tax-paying articles, and we recommend their example as worthy of imitation in this province, until the obnoxious resolutions be annulled, and until both provinces obtain such an amelioration in the constitution, as will enable our respective legislatures to redress the grievances which have long pressed heavily on the people, and which have checked the prosperity of the provinces, and engendered such discontents as have at last destroyed the credits of the province abroad, and plunged it into bankruptcy at home.

"That, time after time, both in this province and in Great Britain, most loyally, nay, most servilely, have we petitioned for a redress of the long and frightful catalogue of the wrongs of Canada. Our prayers have been spurned, and our feelings have been deeply wounded by the insults that have accompanied the contemptuous disregard of our most humble supplications for justice; that we have too long hawked our wrongs, as the beggar doth his sores, at the fastidious threshold of haughty oppression, when, derided and mocked, we have been sent empty away. That, since our iron-hearted rulers have turned a deaf ear to the voice

of our complaints, we, confiding in the goodness of our cause, resting as it wholly does on reason, truth, and equity, for its support, will call upon the God of Justice to aid us in our holy struggle as Britons and as men."

"When the business of this meeting was over," says the *St. Thomas's Liberal*, "several rounds of heart-stirring applause were given for the friends of Canada in the British Parliament, and for Papineau and the Lower Canadians."

During the same month, "the great northern meeting of the inhabitants of the counties of Simcoe and York,"* was held at Lloyd Town, at which numerous resolutions were passed, from which we select the following:—

"That the present circumstances of our sister province of Lower Canada cannot fail to attract the attention, and awaken the sympathies, of all civilized men throughout the world, but, in a more especial manner, such of this province, who, being under the same government, must partake largely of the same evils which are threatened upon them, if the home government persist in the prosecution of the measures lately resolved upon by the British Parliament, which course, we fully believe, will only tend to the further distractions of that province, and the final dismemberment of the empire.

"That the distractions of Lower Canada are all owing to the partial and bad administration of the civil government, upheld by pretended 'English interests,' but really by an organised and intolerant party or fraternity, similar to, and mostly sprung from, the same class which opposed the restoration of civil and equal liberty to the Catholics of Ireland, and which is industriously occupied in producing division, discord, and slavery here.

"That we sympathize with, and approve the steady, peaceable, yet patriotic conduct of our brother reformers of Lower Canada, and believe it necessary at this crisis to adopt a rigid economy, and to abstain as much as possible from all articles which are subject to duties and taxes for the support of a government not responsible to the people. We regret that past experience has not yet sufficiently taught the lesson, that opposition to reformation generally ends in revolution."

We pass over the proceedings of several other meetings where similar resolutions were passed, to come at once to the course pursued by the reformers in the capital.

As early as the 28th of July, a very numerous public meeting took place in Toronto, which appears to have given the tone to several of those which subsequently took place. We need not trouble the reader with all the resolutions which were passed; it will be sufficient to quote those which bear witness of the intense interest with which the liberal party of Upper Canada and their

* For a statement of the population of these counties, and for a description of the country, see the next Chapter.

supporters viewed the progress of the measures of *passive resistance*, which had been adopted in Lower Canada. Among other matters it was resolved—

“That the warmest thanks and admiration are due from the reformers of Upper Canada to the Hon. Louis Joseph Papineau, Esq., Speaker of the House of Assembly of Lower Canada, and his compatriots in and out of the legislature, for their past uniform, manly, and noble independence in favour of civil and religious liberty; and for their present devoted, honourable, and patriotic opposition to the attempt of the British government to violate their constitution, to subvert the powers and privileges of their parliament, and to overawe them by coercive measures into a disgraceful abandonment of their just and reasonable wishes.

“That the reformers of Upper Canada are called upon, by every tie of feeling, interest, and duty, to *make common cause with their fellow-citizens of Lower Canada*, whose successful coercion would doubtless be in time visited upon us, and the redress of whose grievances would be the best guarantee for the redress of our own.”

Besides the general meeting of the reformers of Toronto, the central political union had several meetings where strong resolutions were passed; these we pass over to make room for a document of considerable length, which notwithstanding that feature, we are induced to print entire, from the circumstance of its presenting the most complete as well as the most recent view we have seen of the opinions of the Upper Canadian reformers, as to their own grievances:—

THE DECLARATION OF THE REFORMERS OF THE CITY OF TORONTO TO THEIR FELLOW-REFORMERS IN UPPER CANADA.

“The time has arrived, after nearly half a century's forbearance under increasing and aggravated misrule, when the duty we owe our country and posterity requires from us the assertion of our rights and the redress of our wrongs.

“Government is founded on the authority and is instituted for the benefit of a people; when, therefore, any government long and systematically ceases to answer the great ends of its foundation, the people have a natural right given them by their Creator to seek after and establish such institutions as will yield the greatest quantity of happiness to the greatest number.

“Our forbearance heretofore has only been rewarded with an aggravation of our grievances; and our past inattention to our rights has been ungenerously and unjustly urged as evidence of the surrender of them. We have now to choose, on the one hand, between submission to the same blighting policy as hath desolated Ireland, and, on the other hand, the patriotic achievement of cheap, honest, and responsible government.

“The right was conceded to the present United States at the

close of a successful revolution, to form a constitution for themselves; and the loyalists, with their descendents and others now peopling this portion of America, are entitled to the same liberty without the shedding of blood—more they do not ask; less they ought not to have. But, while the revolution of the former has been rewarded with a consecutive prosperity unexampled in the history of the world, the loyal valour of the latter alone remains amidst the blight of misgovernment to tell them what they might have been, as the not less valiant sons of American Independence. Sir Francis Head has too truly portrayed our country 'as standing in the flourishing continent of North America like a girdled tree with its drooping branches.' But the laws of nature do not, and those of man ought no longer to exhibit this invidious and humiliating comparison.

"The affairs of this country have been ever, against the spirit of the Constitutional Act, subjected in the most injurious manner to the interferences and interdictions of a succession of colonial ministers in England who have never visited the country, and can never possibly become acquainted with the state of parties, or the conduct of public functionaries, except through official channels in the province, which are ill calculated to convey information necessary to disclose official delinquencies, and correct public abuses. A painful experience has proved how impracticable it is for such a succession of strangers beneficially to direct and control the affairs of the people four thousand miles off; and being an impracticable system, felt to be intolerable by those for whose good it was professedly intended, it ought to be abolished, and the domestic institutions of the province so improved and administered by the local authorities as to render the people happy and contented. The system of baneful domination has been uniformly furthered by a Lieutenant-Governor sent amongst us as an unformed, unsympathising stranger, who, like Sir Francis, has not a single feeling in common with the people, and whose hopes and responsibilities begin and end in Downing-street. And this baneful domination is further cherished by a legislative council not elected, and, therefore, irresponsible to the people for whom they legislate, but appointed by the ever-changing colonial minister for life, from pensioners on the bounty of the crown, official dependents, and needy expectants.

"Under this mockery of human government we have been insulted, injured, and reduced to the brink of ruin. The due influence and purity of all our institutions have been utterly destroyed. Our governors are the mere instruments for effecting domination from Downing-street; legislative councillors have been intimidated into executive compliance, as in the case of the late Chief Justice Powell, Mr. Baby, and others; the executive council has been stript of every shadow of responsibility and of every shade of duty; the freedom and purity of elections have

lately received, under Sir Francis Head, a final and irretrievable blow; our revenue has been and still is decreasing to such an extent, as to render heavy additional taxation indispensable for the payment of the interests of our public debt, incurred by a system of improvident and profligate expenditure; our public lands, although a chief source of wealth to a new country, have been sold at low valuation to speculating companies in London, and resold to the settlers at very advanced rates, the excess being remitted to England, to the serious impoverishment of the country; the ministers of religion have been corrupted by the prostitution of the casual and territorial revenue, to salary and influence them; our clergy reserves, instead of being devoted to the purposes of general education, though so much needed and loudly demanded, have been in part sold, to the amount of upwards of 300,000 dollars, paid into the military chest, and sent to England; numerous rectories have been established, against the almost unanimous wishes of the people, with certain exclusive ecclesiastical and spiritual rights and privileges, according to the established Church of England, to the destruction of equal religious rights; public salaries, pensions, and sinecures, have been augmented in number and amount, notwithstanding the impoverishment of our revenue and country; and the parliament has, under the name of arrearages, paid the retrenchments made in past years by reform parliaments; our judges have, in spite of our condition, been doubled, and wholly selected from the most violent political partisans against our equal civil and religious liberties; and a court of chancery suddenly adopted by a subservient parliament, against the long-cherished expectations of the people against it, and its operation fearfully extended into the past, so as to jeopardize every title and transaction from the beginning of the province to the present time. A law has been passed enabling magistrates, appointed during pleasure, at the representation of a grand jury selected by a sheriff holding office during pleasure, to tax the people at pleasure, without their previous knowledge or consent, upon all their rateable property, to build and support workhouses for the refuge of the paupers invited by Sir Francis from the parishes in Great Britain; thus unjustly and wickedly laying the foundation of a system which must result in taxation, pestilence, and famine. Public loans have been authorized by improvident legislation to nearly eight millions of dollars, the surest way to make the people both poor and dependent; the parliament, subservient to Sir Francis Head's blighting administration, has, by an unconstitutional act, sanctioned by him, prolonged their duration after the demise of the Crown, thereby evading their present responsibility to the people, depriving them of the exercise of their elective franchise on the present occasion, and extending the period of their unjust, unconstitutional and ruinous legislation with Sir Francis Head; our

best and most worthy citizens have been dismissed from the bench of justice, from the militia and other stations of honour and usefulness, for exercising their rights as freemen in attending public meetings for the regeneration of our condition, as instanced in the case of Dr. Baldwin, Messrs. Scatchard, Johnson, Small, Ridout, and others; those of our fellow-subjects who go to England to represent our deplorable condition are denied a hearing by a partial, unjust, and oppressive government, while the authors and promoters of our wrongs are cordially and graciously received, and enlisted in the cause of our further wrongs and misgovernment; our public revenues are plundered and misapplied without redress, and unavailable securities make up the late defalcation of Mr. P. Robinson, the Commissioner of Public Lands, to the amount of 80,000 dollars. Interdicts are continually sent by the colonial minister to the governor, and by the governor to the provincial parliament, to restrain and render futile their legislation, which ought to be free and unhackled; these instructions, if favourable to the views and policy of the enemies of our country, are rigidly observed; if favourable to public liberty, they are, as in the case of Earl Ripon's despatch, utterly contemned, even to the passing of the ever-to-be-remembered and detestable everlasting Salary Bill; Lord Glenelg has sanctioned, in the King's name, all the violations of truth and of the constitution by Sir Francis Head, and both thanked and titled him for conduct, which, under any civilized government, would be the ground of impeachment.

“The British government, by themselves and through the Legislative Council of their appointment, have refused their assent to laws the most wholesome and necessary for the public good, among which we may enumerate the intestate estate equal distribution bill; the bill to sell the clergy reserves for educational purposes; the bill to remove the corrupt influence of the executive in the choosing of juries, and to secure a fair, free trial by jury; the several bills to encourage emigration from foreign parts; the bills to secure the independency of the Assembly; the bill to amend the law of libel; the bill to appoint commissioners to meet others appointed by Lower Canada, to treat on matters of trade and other matters of deep interest; the bills to extend the blessings of education to the humbler classes in every township, and to appropriate annually a sum of money for the purpose; the bill to dispose of the school lands in aid of education; several bills for the improvement of the highways; the bill to secure independence to voters by establishing the vote by ballot; the bill for the better regulation of elections of members of the Assembly, and to provide that they be held at places convenient for the people; the bills for the relief of Quakers, Menonists and Tunkers; the bill to amend the present obnoxious court of request laws, by allowing the people to choose the com-

missioners, and to have a trial by jury if desired ; with other bills to improve the administration of justice and diminish unnecessary costs ; the bills to amend the charter of King's College University, so as to remove its partial and arbitrary system of government and education ; and the bill to allow free competition in banking.

“The King of England has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them. He has interfered with the freedom of elections, and appointed elections to be held at places dangerous, inconvenient, and unsafe for the people to assemble at, for the purpose of fatiguing them into his measures, through the agency of pretended representatives ; and has, through his Legislative Council, prevented provision being made for quiet and peaceable elections, as in the case of the late returns at Beverley.

“He has dissolved the late House of Assembly for opposing with manly firmness Sir Francis Head's invasion of the right of the people to a wholesome control over the revenue, and for insisting that the persons conducting the government should be responsible for their official conduct to the country, through its representatives.

“He has endeavoured to prevent the peopling of this province and its advancement in wealth ; for that purpose obstructing the laws for the naturalization of foreigners ; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of the public lands, large tracts of which he has bestowed upon unworthy persons his favourites, while deserving settlers from Germany and other countries have been used cruelly.

“He has rendered the administration of justice liable to suspicion and distrust, by obstructing laws for establishing a fair trial by jury, by refusing to exclude the chief criminal judge from interfering in political business, and by selecting as the judiciary violent and notorious partisans of his arbitrary power.

“He has sent a standing army into the sister province to coerce them to his unlawful and unconstitutional measures, in open violation of their rights and liberties, and has received with marks of high approbation military officers who interfered with the citizens of Montreal in the midst of an election of their representatives, and brought the troops to coerce them, who shot several persons dead wantonly in the public streets.

“Considering the great number of lucrative appointments held by strangers in the country, whose chief merit appears to be their subserviency to any and every administration, we may say with our brother colonists of old—‘he has sent hither swarms of new officers to harass our people and eat out their substance.’

“The English parliament has interfered with our internal affairs and regulations, by the passing of grievous and tyrannical enactments, for taxing us heavily without our consent, for prohibiting us to purchase many articles of the first importance at the cheapest European or American markets, and compelling us to buy such goods and merchandise at an exorbitant price in markets of which England has a monopoly.

“They have passed resolutions for our coercion of a character so cruel and arbitrary, that Lord Chancellor Brougham has recorded on the journals of the House of Peers, that ‘they set all considerations of sound policy, of generosity, and of justice, at defiance, are wholly subversive of ‘the fundamental principle of the British constitution, that no part of the taxes levied on the people shall be applied to any purpose whatever without the consent of the representatives in parliament,’ and that the Canadian ‘precedent of 1837 will ever after be cited in the support of such oppressive proceedings, as often as the Commons of any colony may withhold supplies, how justifiable soever their refusal may be;’ and (adds his lordship) ‘those proceedings, so closely resembling the fatal measures that severed the United States from Great Britain, have their origin in principles, and derive their support from reasonings, which form a prodigious contrast to the whole grounds and the only defence of the policy during latter years, and so justly and so wisely sanctioned by the imperial parliament in administering the affairs of the mother country. Nor is it easy to imagine that the inhabitants of either the American or the European branches of the empire should contemplate so strange a contrast, without drawing inferences therefrom discreditable to the character of the legislature, and injurious to the future safety of the state, when they mark with what different measures we mete to six hundred thousand inhabitants of a remote province, unrepresented in parliament, and to six millions of our fellow-citizens nearer home, and making themselves heard by their representatives, the reflection will assuredly arise in Canada, and may possibly find its way into Ireland, that the sacred rules of justice, the most worthy feelings of national generosity, and the soundest principles of enlightened policy may be appealed to in vain, if the demands of the suitor be not also supported by personal interests, and party views, and political fears, among those whose aid he seeks; while all men perceiving that many persons have found themselves at liberty to hold a course towards an important but remote province, which their constituents never would suffer to be pursued towards the most inconsiderable burgh of the United Kingdom, an impression will inevitably be propagated most dangerous to the maintenance of colonial dominion; that the people can never safely entrust the powers of government to any supreme authority not residing among themselves.’

“In every stage of these proceedings we have petitioned for

redress in most humble terms; our repeated petitions have been answered only by repeated injuries.

“Nor have we been wanting in attention to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here; we have appealed to their native justice and magnanimity; and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connexion and correspondence. They too have been deaf to the voice of justice and consanguinity.

“We, therefore, the reformers of the city of Toronto, sympathising with our fellow-citizens here and throughout the North American colonies, who desire to obtain cheap, honest, and responsible government, the want of which has been the source of all their past grievances, as its continuance would lead to their utter ruin and desolation, are of opinion—

“1. That the warmest thanks and admiration are due from the reformers of Upper Canada, to the Honourable Louis Joseph Papineau, Esq., Speaker of the House of Assembly of Lower Canada, and his compatriots in and out of the legislature, for their past uniform, manly, and noble independence, in favour of civil and religious liberty; and for their present devoted, honourable, and patriotic opposition to the attempt of the British government to violate their constitution without their consent, subvert the powers and privileges of their local parliament, and overawe them by coercive measures into a disgraceful abandonment of their just and reasonable wishes.

“2. And that the reformers of Upper Canada are called upon by every tie of feeling, interest, and duty, to make common cause with their fellow-citizens of Lower Canada, whose successful coercion would doubtless be in time visited upon us, and the redress of whose grievances would be the best guarantee for the redress of our own.

“To render this co-operation the more effectual, we earnestly recommend to our fellow-citizens that they exert themselves to organize political associations; that public meetings be held throughout the province; and that a convention of delegates be elected and assembled at Toronto, to take into consideration the political condition of Upper Canada, with authority to its members to appoint commissioners to meet others to be named on behalf of Lower Canada and any of the other colonies, armed with suitable powers, as a Congress, to seek an effectual remedy for the grievances of the colonies.

“COMMITTEE.

T. D. Morrison, Chairman of John Montgomery
Committee John Edward Tims

John Elliot, Secretary	J. H. Price
David Gibson	John Doel
John Mackintosh	M. Reynolds
W. J. O'Grady	James Armstrong
Edward Wright	James Hunter
Robert M'Kay	John Armstrong
Thomas Elliott	William Ketchum
E. B. Gilbert	William L. Mackenzie."

About the 18th or 20th of November, a meeting was held at Churchville, in the county of York, for the purpose of framing, and recommending to the people of Upper Canada for adoption, a constitution, on the model of some of the state constitutions of America. Their publication of this constitution was called, by the papers of the United States, a "virtual declaration of independence." This, however, could scarcely have been intended, as such a course would have alarmed the authorities, and put them on their guard as to any actual declaration of the kind, which could only be made with effect by men fully prepared to maintain it by arms. All that was probably intended was the production of a moral effect; that is, to aid in leading the public mind to a state to render such a declaration successful at some future, and, perhaps, not very distant period.

The constitution is addressed to "the Convention of farmers, mechanics, labourers, and other inhabitants of Toronto, met to consider of, and take measures for, effectually maintaining in this colony a free constitution and democratic form of government;" and purports to be a report of "the committee appointed to draft a popular constitution with guards suitable for this province, in case the British system of government shall be positively denied to the people of the province." The preamble of this draft runs as follows:—

"Whereas, the solemn covenant made with the people of Upper and Lower Canada, and recorded in the Statute Book of the United Kingdom of Great Britain and Ireland, as the 31st chapter of the Acts passed in the 31st year of the reign of King George III., hath been continually violated by the British government, and our rights usurped; and whereas our humble petitions, addresses, protests, and remonstrances, against this injurious interference, have been made in vain—We, the people of the State of Upper Canada, acknowledge with gratitude the grace and beneficence of God in permitting us to make choice of our form of government, and, in order to establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of civil and religious liberty to ourselves and our posterity, do establish this constitution."

The first article relates to the free exercise of religion, and provides that "matters of religion and the ways of God's worship are not at all intrusted by the people of this state to any human

power, because therein they cannot remit or exceed a tittle of what their consciences dictate to be the mind of God, without wilful sin. Therefore, the legislature shall make no law respecting the establishment of religion, or for the encouragement or the prohibition of any religious denomination."

The following article proposes to devote all the lands in the province, except such as are held by private individuals, but not excepting those held by corporations, to the general purposes of revenue, reserving a portion for the support of common schools. This is in imitation of the excellent system of the United States:—

"The whole of the public lands within the limits of this state, including the lands attempted, by a pretended sale, to be vested in certain adventurers called the Canada Company (except so much of them as may have been disposed of to actual settlers now resident in the state,) and all the lands called crown reserves, clergy reserves and rectories, and also the school lands, and the lands pretended to be appropriated to the uses of the University of King's College, are declared to be the property of the state, and at the disposal of the legislature, for the public service thereof. The proceeds of one million of acres of the most valuable public lands shall be specially appropriated to the support of common or township schools."

The following articles provide for the erection of a legislature similar in all respects to those of the several states of America. To adopt language well understood in this country, the people of the province or state of Upper Canada were to enjoy universal suffrage, short (biennial) parliaments, and vote by ballot. The second chamber was to differ from the lower house only in requiring the qualification of a freehold—a universal qualification in Canada; and there was to be a fixed day for elections as well as for the assembling of the legislature. But let the articles speak for themselves:—

"The legislative authority of this state shall be vested in a general Assembly, which shall consist of a Senate and House of Assembly, both to be elected by the people.

"The legislative year shall begin on the day of , and the legislature shall every year assemble on the second Tuesday in January, unless a different day be appointed by law.

"The Senate shall consist of twenty-four members. The senators shall be freeholders and be chosen for four years. The House of Assembly shall consist of seventy-two members, who shall be elected for two years.

"The state shall be divided into six senate districts, each of which shall choose four senators.

* * * * *

"In order to promote the freedom, peace, and quiet of elections, and to secure in the most ample manner possible the independence of the poorer classes of the electors, it is declared that all

elections by the people, which shall take place after the first session of the legislature of this state, shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

* * * * *

“The next election for governor, senators and members of Assembly shall commence on the first Monday of next; and all subsequent elections shall be held at such time in the month of _____ or _____, as the legislature shall by law provide.”

The following relate to the choice of Governor:—

“The executive power shall be vested in a governor. He shall hold his office for three years. No person shall be eligible to that office who shall not have attained the age of thirty years.

“The governor shall be elected by the people at the times and places of choosing members of the legislature. The person having the highest number of votes shall be elected; but in case two or more persons shall have an equal, and the highest number of votes, the two houses of Legislature shall, by joint votes (not by ballot) choose one of the said persons for governor.”

The following article was probably inserted in token of amity with, and of the most liberal and friendly feelings towards, the United States of America. The free navigation of the St. Lawrence, being a privilege which the Americans have long sought, and to the enjoyment of which they are indefinitely approaching, by the increasing liberality of our customs arrangements in that part of the world.

“The river St. Lawrence of right ought to be a free and common highway to and from the ocean; to be so used, on equal terms, by all the nations of the earth, and not monopolized to serve the interests of any one nation, to the injury of others.”

What effect this publication may have had on the public mind we have no means of ascertaining, as the democratic newspaper of Toronto, the *Constitution*, was shortly after discontinued; besides which, events subsequently occurred of a character to absorb for a time all public interest.

It may now be well to place before the reader, the view which the governor took of the state of opinion at the time. In the month of October, Sir John Colborne had commenced concentrating his forces at Montreal, preparatory to the course which the executive then intended to pursue against the leading men in Lower Canada. He had written to Sir Francis Head to know what troops he could spare, and the answer of the latter had been *all*. On the 31st of October, Sir Francis addressed a letter to Sir John Colborne, again urging him to remove the *whole* of the 24th regiment, even to his “sentry and orderlies;” the following is the singular production:—

“On the receipt of your despatch of the 24th, which I re-

ceived yesterday, I immediately begged Colonel Foster to carry your wishes into effect, by sending you down the 24th regiment. Colonel Foster told me you were good enough to propose that a guard should be left for me and for the stores and commissariat, but I begged to give up my *sentry and orderlies*, and in fact to send you the *whole* of the 24th, which is stationed here.

"I will now endeavour to explain to you the course of policy I am desirous to pursue. I am sure you will be of opinion that a great deal, if not the whole, of the agitation which is carried on in Lower Canada is intended to have the immediate effect of intimidating the two Houses of Parliament in England, by making them believe that republicanism is indigenous to the soil of America, and that nothing else will grow there.

"But M. Papineau knows quite well that this assertion will not be considered as proved unless Upper Canada joins in it, and accordingly Mr. M'Kenzie and his gang,* under his directions, are doing every thing in their power here to get up any thing that may be made to pass for agitation in the London market.

"This province is, as far as my experience goes, more loyal and more tranquil than any part of England; however, this does not matter to Mr. M'Kenzie, provided he can get up a few sets of violent resolutions, which you know very well are easily effected.

"Now, what I desire to do is completely to upset Mr. Papineau, so far as Upper Canada is concerned, by proving to people in England that this province requires no troops at all, and, consequently, that it is *perfectly tranquil*.

"I consider that this evidence will be of immense importance, as it at once shows the conduct of Lower Canada to be factious; whereas, could it, under colour of a few radical meetings here, be asserted that the *two* provinces were on the brink of revolution, it would, as you know, be argued as an excuse for granting the demands of M. Papineau. I consider it of immense importance, practically, to show to the Canadas that loyalty produces tranquillity, and that disloyalty not only brings troops into the province, but also involves it in civil war.

"To attain the object I have long had in view, I deemed it advisable not to retain, either for myself or for the stores, the few men we have been accustomed to require; for I felt I could not completely throw myself, as I wished to do, on the inhabitants of the province so long as there remained troops in the garrison.

"I cannot, of course, explain to you all the reasons I have for my conduct, but I can assure you that I have deeply reflected on it, and well know the materials I have to deal with.

"The detachment of artillery and the barrack-master, who, I understand, is to take up his quarters in the barracks, will be, I believe, sufficient to take care of the barrack stores. The arms I have put under the charge of the mayor, which I am confident

* "Hancock and his gang" was the slang of 1776.

will arouse a very excellent feeling, which will immediately spread over the province. The military chest will be deposited for safe custody in the vaults of the Upper Canada Bank, where it will be much safer than in its present remote situation.

"I enclose you a copy of a communication I have addressed to the mayor, and also to Mr. Foote, which will explain the arrangements I have made, for which I am quite prepared to take upon myself all the responsibility I have incurred.

"I have now to ask you to assist me further in the policy I am pursuing, by removing the 24th regiment from Kingston, so as to take them out of Upper Canada. I have not the slightest occasion for them, particularly in that direction, where all is nothing but loyalty; but if they remain there, the moral I am desirous to attain will be spoiled, for it will be argued in England that all which has been done in Upper Canada is merely that the troops have been moved from the midland to the eastern district. I am afraid you may find difficulty in finding room for them in the Lower Province, but, if by any exertion you can effect my wishes, I feel confident you will do so.

"It is with reluctance I have incurred the responsibilities I have mentioned; I know the arrangements I have made are somewhat irregular, but I feel confident the advantages arising from them will be much greater than the disadvantages.

"What I am about to do will arouse loyal feeling throughout the province at a moment when it is of inestimable importance.

"Colonel Foster will tell you that the detachment you have desired to have from Penetanguishene is at your service. I shall be anxious to hear from you on the subject of the removal of the 24th from Upper Canada, and

"I remain, &c."

On the removal of the troops from Toronto, the militia requested to be placed as a guard over the arms in that city, amounting to about 4000 stand; "but," said Sir Francis Head, addressing Lord Glenelg, on the 3d of November—"I have insisted on their being merely under the care of a couple of policemen, and of the inhabitants generally. I know perfectly well that there exists no body of men in this province who would *dare* to attack government property under the protection of the civil authorities of Toronto."

We are now enabled to sum up, in a few words, the posture of affairs in Upper Canada at the time the disturbances commenced in the Lower Province.

In the first place, discontent prevailed, in various degrees of intensity, among a large proportion of the population. Even if no allowance be made for the effect of the foul influences we have pointed out at the commencement of this chapter, the sum of the minorities on the polls of the general election shows that a very large and influential portion of the population was opposed to the ruling party, and to the existing state of things. Whatever allowance

be made for the "foul influences," it must go to augment the estimate of the strength of the popular party; and as the leading men of that party could not but feel that those influences had been great, we must not wonder that they firmly believed a majority of the population to be actually in favour of the course pursued by the late assembly, and, consequently, opposed to the present.

To what lengths they were disposed to go in support of their views, was a question which the leading men would find it difficult to solve. As in this country, that portion of the population opposed to what they deem abuses call themselves "reformers;" the question to be solved by a body of men, contemplating an attempt to establish independence evidently was, what proportion of the whole body of reformers they could calculate upon carrying with them. This was clearly a case of extreme difficulty, and so it always must be. Nevertheless, there was some evidence on the point to which they might refer, and on which the sanguine would be disposed to rely to a greater extent than the nature of the evidence warranted. We allude to the meetings in favour of Lower Canada, to which we have already alluded. These meetings, it is true, were antecedent to the breaking out of the disturbances in November. It was not, therefore, with actual, or even apparent revolt, that the people sympathised; it was simply with that determined opposition to the local government, which the leaders in Lower Canada had adopted during the summer. Still, the language held at the township meetings of Upper Canada, might have induced the most sanguine of the popular party to believe that the province had arrived at that point of maturity, when the authority of the mother country should be thrown off. Now, this is precisely one of those opinions, the correctness of which cannot be tested beforehand. It is one which entirely precludes the idea of a canvass. To put it to the test, there must be some men willing to assume its correctness. If they meet with one success, a second becomes at once more probable, and at every subsequent stage, thousands declare themselves in favour of a change in the existing order of things, who, in the event of a failure, would either hold their tongues, or, perhaps, even be loudly loyal.

Thus, then, in Upper Canada there was, at the end of November, a body of reformers, of all degrees, in a state of discontent more or less intense, amounting certainly to a very large minority of the people, and, possibly, to a majority. Of this body of reformers, a section, more or less large, had expressed themselves, in very strong language, in favour of resistance of the government; so that looking at the matter calmly, and without passion or prejudice, we ought not to be much surprised, that the advocates of self-government should determine on the bold measure of putting their opinions to the test, the more especially if other circumstances wore at the time a favourable aspect. Let us now look

at some of the circumstances which may be supposed to have operated on the minds of those who believed their opinions in favour of independence to be participated by a large body of reformers.

In the first place, Sir Francis Head's somewhat bombastic request that *all the troops*, even to his "sentry and orderlies," should be withdrawn from the province, had been set forth in the anti-popular papers with the most ostentatious boastfulness. Every thing was stated calculated to tickle the vanity of the anti-popular party, armed and unarmed. How many times the "two policemen" were quoted as evidence of the supreme loyalty of the city, it would be dangerous to say; and the arms—the "4000 stand of arms,"* were constantly paraded on paper in all their naked defencelessness, as much as to say "come, steal me," to every gunless patriot. The want of arms, we have since learned, was felt as an almost insuperable impediment in the way of a successful assertion of independence, so that this peculiar stroke of policy on the part of Sir Francis Head, must be set down among the causes of the first outbreak. It was a rush for arms, as a necessary preliminary to further operations.

The next event, which cannot but have had considerable influence in accelerating the outbreak in Upper Canada, was the intelligence from Lower Canada at the time, namely, the end of November. The news of the rescue at Longueuil, of the defeat of the troops at St. Denis, and of the alarm in Montreal, would reach Toronto in rapid succession; and if the reader will take the trouble to turn back to the posture of affairs at the time Colonel Wetherall deemed it prudent to suspend his march on St. Charles, and remain at St. Hilaire, he will easily comprehend that even to less sanguine men than the Toronto patriots, it would look very like a successful rising; without making any allowance for the exaggerated statements which appeared at the time of the strength of the Lower Canadians.

It is quite impossible to read Sir Francis Head's despatches without looking upon the author as something very like a mountebank. To suppose him seriously engaged in the business of administration is out of the question; he appears to be perpetually occupied in managing some clever stage-trick, calculated to amuse men whose interests are in no way mixed up in the issue. The production just quoted affords ample evidence of this; but it will be more apparent when we quote some other despatches, equally flippant in style, equally tricky in the conception of the plans they detail, when the circumstances of the moment had assumed a hue of such intense seriousness, as to demand the utmost gravity of thought and dignity of narration on the part of a governor.

If the peculiar style in which these despatches are penned,

* Sometimes stated by Sir Francis Head at 6000.

had been confined to those documents which were intended only for the eye of the Upper Canadian ruling party, it might have been permitted to pass unnoticed. Judging from the inflated style of their newspapers, and of some of the speeches of their orators, which they delight most to praise, we should have been disposed to admit, that Sir Francis Head was merely suiting himself to his audience. But when we see that all his state papers addressed to the Queen's minister, and destined in all probability for the perusal of members of the House of Commons, and others, to whom such a style is especially offensive, we cannot award him even the poor merit above hinted at.

We have now carefully enumerated the several occurrences, the knowledge of which is necessary to enable the reader to estimate the state of the province towards the end of November, and especially to appreciate the state of opinion which prevailed among the popular party. In doing so, however, he will not have failed to perceive, that under any circumstances there is a very large portion of the population favourable to the ruling party. Making due allowance for the deception created by the operation of the sinister influence of that party at the elections, there is still a large number of persons attached to the existing order of things. The extensive prevalence of Orange societies is alone a proof of this. A large number of persons have emigrated from the north of Ireland within a few years, and by them the establishment of Orange societies has been encouraged. The government found them useful, and encouraged them, even after they had been discountenanced in Great Britain and Ireland. The dominant party found them useful also, and joined them. Thus while discontent was spreading on the one hand, there was on the other a degree of skilful organization which the government could at any time turn to account against the unorganized mass of the people. Supposing the two parties to be tolerably equal in point of numbers, the government could easily turn the balance in favour of that which it deemed well-effected, by providing it with an abundant supply of arms. Such being the state of the province at the end of November, it only remains to be added, that not the least manifestation of revolt had as yet been made. Sir Francis Head characterises it as "a state of profound peace;" the first interruption of that state will be detailed in the next chapter.

CHAPTER VIII.

Sketch of the Country around Toronto—the City—the Garrison—the Harbour—Yonge Street—Defective nature of the Evidence on which we are compelled to depend—The rising in Yonge Street—Death of Col. Moodie—The City alarmed—Effect on the Insurgents—The Volunteers—A parley—Attack on the Insurgents at the Gallows Hill—Their Dispersion—Duncombe in the London District—Success of M'Nab against him—The Rewards.

SKETCH OF THE COUNTRY ROUND TORONTO.



THE above sketch, aided by the brief description which we are about to give, will afford the reader a tolerable conception of the country around Toronto, the capital of Upper Canada.

The city of Toronto is situated on the northern side of a bay of the same name, in the township of York, in a county of the latter name, which county forms part of the home district.*

Previous to the year 1833 the city was called York, but people were wont to prefix the epithet "little" to the name, and, as this was offensive to colonial dignity, it was changed by act of the provincial parliament; the present sonorous title, which is the original Indian name, being wisely chosen as a substitute.†

The building of the city of York was commenced in 1794. At that time the Indian station, once a considerable village, was reduced to a single Wigwam.‡ The buildings proceeded under the immediate superintendence of General Simcoe, who paid considerable attention to the welfare of the then infant province.

M. Bouchette, the present surveyor-general of Lower Canada, who was then employed in naval surveying on the lakes, and who made the first survey of Toronto Bay, in 1793, thus describes the aspect of the country:—

"I still distinctly recollect the untamed aspect which the country exhibited when I first entered the beautiful basin which thus became the scene of my early hydrographical operations. Dense and trackless forests lined the margin of the lake, and reflected their inverted images on its glassy surface. The wandering savage had constructed his ephemeral habitation beneath their luxuriant foliage, the group then consisting of two families of Missessaguas; and the bay and neighbouring marshes were the hitherto uninvaded haunts of immense coveys of wild fowl; indeed they were so abundant, as in some measure to annoy us during the night. In the spring following, the Lieut.-Governor removed to the site of the new capital, attended by the regiment of Queen's rangers, and commenced at once the realization of his favourite project. His Excellency inhabited, during the summer and through the winter, a canvass house, which he imported expressly for the occasion; but, frail as was its substance, it was rendered exceedingly comfortable, and soon became as distinguished for the social and urbane hospitality of its venerated and gracious host, as for the peculiarity of its structure."

In 1834, the city contained about 1200 houses, and 9252 inhabitants, which at the present moment do not probably fall far short of 12,000. It is very regularly laid out, on the American plan, of streets at right angles. The streets are wide; but, unfortunately, a considerable number of the houses are built of wood, brick not having been introduced until within a recent period. The modern houses are, for the most part, of brick or stone.

* The city is in longitude 79° 20' west—latitude 43° 33' north.

† The name of York was retained for the township because Toronto was already the name of a township west of York.

‡ Bouchette, vol. i. p. 88.

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The legislature sits here, and there is a residence for the governor, besides the offices of the administration and the courts of justice. There is also a college for education, but it is, unfortunately, shut to a great portion of the people by its narrow and exclusive character.

Toronto is but ill protected from hostile attacks. Gibraltar point has, we believe, of late years been strengthened, but still the city is open on all sides to aggression. In 1813, it was taken by the Americans, but, after burning the public buildings, they evacuated it. There is, however, a small battery and two block-houses, situated at about one mile west of the town where the garrison is stationed, which, with Gibraltar point, affords some defence to the harbour. The ground between the garrison and the town is a government reserve; it will one day or other, most likely, be covered by the city.

"The harbour of York (Toronto)," says M. Bouchette, "is nearly circular, and is formed by a very narrow peninsula, stretching from the western extremity of the township of Scarborough, in an oblique direction, for about six miles, and terminating in a curved point nearly opposite the garrison; thus enclosing a beautiful basin, about a mile and a half in diameter, capable of containing a great number of vessels, and at the entrance of which ships may lie with safety during the winter. The formation of the peninsula itself is extraordinary, being a narrow slip of land, in many places not more than sixty yards in breadth, but widening towards its extremity to nearly a mile. It is principally a bank of sand, slightly overgrown with grass; the widest part is very curiously intersected by many large ponds, that are the continual resort of great quantities of wild fowl; a few trees scattered upon it greatly increase the singularity of its appearance; it lies so low, that the wide expanse of Lake Ontario is seen over it. The termination of the peninsula is called Gibraltar point, where a block-house has been erected. A light-house, at the western extremity of the beach, has rendered the access to the harbour safely practicable by night. The eastern part of the harbour is bounded by an extensive marsh, through part of which the river Don runs before it discharges itself into the basin."*

Immediately at the back or north of Toronto is a road leading to Lake Simcoe, called Yonge-street. Its length is thirty-seven miles, and it is perhaps the best in the province. On each side of this road are extensive and well-cultivated farms, the land being extremely fertile, and the city affording a constant market. The Yonge-street farmers are intelligent and wealthy, and have generally been attached to the liberal party, being exempt from any of the influences described in the last chapter. Montgomerie's tavern is about four miles from Toronto, on this road.

* Bouchette, vol. i. p. 88.

The country rises considerably north of Toronto, lake Simcoe being several hundred feet higher than lake Ontario. Lake Simcoe is computed to cover a surface of no less than three hundred square miles. It communicates with lake Huron by the river Severn, which falls about one hundred feet in its whole course. Lake Huron is higher than lake Erie; and lake Erie higher than lake Ontario by the sum of the falls of Niagara, and all the rapids on that river; hence, Simcoe must be higher than Ontario by the sum of all these falls.

Our sketch comprises nearly the whole of the county of York, and a portion of that of Simcoe, which two make up the Home District. In 1834, the county of York contained a population of 38,551, that of Simcoe, 7737, together, 46,288. The population of the Home District is now, perhaps, about 51,000, exclusive of the city of Toronto.

It is now necessary to state, that the evidence on which we have to depend for the details of the revolt in Upper Canada, is of a most scanty, unsatisfactory, and even suspicious nature. The Upper Canada papers being for the most part of a very inferior character, are scarcely noticed by those of New York; hence, their statements do not find their way into the London papers so constantly as those of Lower Canada do. This deprives us, first, of an insight into the views of the anti-popular party; and second, of the means of trying one piece of evidence against another. All we have to depend upon are the despatches of Sir Francis Head, which are really of such a nature, both as to the statements, and as to the manner of making them, as to deprive them of all claim to confidence. On reading these despatches, and comparing them with what is known of the previous state of Upper Canada, it is impossible not to believe that much is withheld from the public. In all probability, this is not the result of design on the part of the governor; he is most likely not aware that he withholds evidence; but his mind appears to be of that peculiar construction which makes him reject anything which tells against his hastily-formed conception of the state of the province. He deceives us, it is true, but he deceives himself still more; and greatly do we fear that subsequent events will afford melancholy proof of it.

Up to the moment of the appearance of an armed body of men in Yonge-street, there seemed to be no suspicion abroad that an outbreak was at hand. The anti-popular papers spoke indeed of "the revolutionary designs of a faction," and so forth, but that is their usual grandiloquent tone. They have over and over again spoken of the revolutionary designs of Lord Ripon, of Lord Stanley, of his late Majesty, and of her Majesty's present ministers, so that no heed has ever been taken of their inflated language. They had cried "wolf" too often to attract attention. They always write as it were in the clouds; so that had they affirmed that "M'Kenzie and the rebels" were on the point of entering the city, and burning it to the ground, sober-minded

men would have translated such *hyper* expressions to mean, that a democratic township meeting, or something of the sort, was intended in the neighbourhood of the city.

Sir Francis Head's statements respecting his knowledge of the intended outbreak, are not consistent with each other. In one place he says, "I was completely surprised by the rebels,"* in another, "I was not ignorant of these proceedings"† (armed meetings); and in his speech ‡ to the Assembly, he shows that what he calls the conspiracy, was all along known to him.

The following extract§ from Sir Francis Head's despatch to Lord Glenelg, dated 19th of December, giving an account of the insurrection up to the time, will bear out what is stated above.

"I have the honour to inform your lordship, that on Monday, the 4th instant, this city was, *in a moment of profound peace*, suddenly invested by a band of armed rebels, amounting, according to report, to 3000 men (but in actual fact about 500), and commanded by Mr. M'Kenzie, the editor of a republican newspaper; Mr. Van Egmont, an officer who had served under Napoleon; Mr. Gibson, a land surveyor; Mr. Lount, a blacksmith; Mr. Lloyd, and some other notorious characters.

"Having, as I informed your lordship in my despatch, No. 119, dated 3d ult. ||, purposely effected the withdrawal of her Majesty's troops from this province, and having delivered over to the civil authorities the whole of the arms and accoutrements I possessed, I, of course, found myself without any defence whatever, excepting that which the loyalty and fidelity of the province might think proper to afford me. The crisis, important as it was, was one I had long earnestly anticipated, and accordingly I no sooner received the intelligence that the rebels were within four miles of the city, than, abandoning government house, I at once proceeded to the city hall, in which about 4000 stand of arms and accoutrements had been deposited.

"One of the first individuals I met there, with a musket on his shoulder, was the chief justice of the province; and, in a few minutes, I found myself surrounded by a band of brave men, who were, of course, unorganised, and, generally speaking, unarmed.

"As the foregoing statement *is an unqualified admission on my part that I was completely surprised by the rebels*, I think it proper to remind rather than to explain to your lordship the course of policy I have been pursuing.

"In a former despatch, I respectfully stated to your lordship, as my opinion, that a civil war must henceforward everywhere be a moral one; and that, in this hemisphere in particular, victory

* Par. paper, No. 99, p. 3. † *Ibid.* ‡ Par. paper, No. 100, p. 13.

§ The whole of this despatch will be found in this and the following pages. The only liberties taken with it are to mark one or two passages in italics, and to cut it into portions suited to the course of our narrative.

|| This despatch is given at page 120.

must eventually declare itself in favour of moral and not of physical preponderance.

"Entertaining these sentiments, I observed, with satisfaction, that Mr. M'Kenzie was pursuing a lawless course of conduct, which I felt it would be impolitic for me to arrest. For a long time he had endeavoured to force me to buoy him up by a government prosecution, but he sunk in proportion as I neglected him, until, becoming desperate, he was eventually driven to reckless behaviour, which I felt confident would very soon create its own punishment.

"The traitorous arrangements he made were of that minute nature, that it would have been difficult, even if I had desired it, to have suppressed them; for instance, he began by establishing union lists (in number not exceeding 40) of persons desirous of political reform, and who, by an appointed secretary, were recommended to communicate regularly with himself, for the purpose of establishing a meeting of delegates.

"As soon as by most wicked misrepresentations he had succeeded in seducing a number of well-meaning people to join these squads, his next step was to prevail upon a few of them to attend their meetings armed, for the alleged purpose of firing at a mark.

"While these meetings were in continuance, Mr. M'Kenzie, by means of his newspaper, and by constant personal attendance, succeeded in inducing his adherents to believe that he was everywhere strongly supported; and that his means, as well as his forces, would prove invincible.

"I was not ignorant of these proceedings, and in proportion as Mr. M'Kenzie's paper became more and more seditious; and in proportion as these armed meetings excited more and more alarm, I was strongly and repeatedly called upon by the peaceable portion of the community forcibly to suppress both the one and the other. I considered it better, however, under all circumstances, to await the outbreak, which I was confident would be impotent inversely as it was previously opposed; in short, I considered that if an attack by the rebels was inevitable, the more I encouraged them to consider me defenceless the better.

"Mr. M'Kenzie, under these favourable circumstances, having been freely permitted by me to make every preparation in his power, a concentration of his deluded adherents, and an attack upon the city of Toronto were secretly settled to take place on the night of the 19th instant; however, in consequence of a militia general order which I issued, it was deemed advisable that these arrangements should be hurried; and accordingly, Mr. M'Kenzie's deluded victims, travelling through the forest by cross roads, found themselves assembled, at about four o'clock in the evening of Monday, the 4th instant, as rebels, at Montgomerie's Tavern, which is on the Yonge-street macadamized road, about four miles from the city."*

* Par. paper, No. 99, p. 5—6.

Postponing for the present that portion of the despatch which gives a detailed statement of what followed the intelligence of the rising, we crave the reader's attention to the following brief extract as a further elucidation of what is stated above.

"Your lordship knows that at the last election, Mr. M'Kenzie and his party in vain appealed to the farmers and yeomen of this country to support them, instead of supporting me. Driven by the voice of the people from their seats in the House of Assembly, they declared that they had only been defeated by the influence of a corrupt government. However, the moment the charges made against me in the House of Commons reached this country, the House of Assembly deliberately investigated the whole affair, which they proved and pronounced to be a series of wilful and premeditated falsehoods.

"Mr. M'Kenzie and his party finding that at every point they were defeated in the moral attack which they had made upon the British constitution, next determined to excite their deluded adherents to have recourse to physical strength.

"Being as ready to meet them on that ground as I had been ready to meet them in a moral struggle, I gave them every possible advantage; I in no way availed myself of the immense resources of the British empire; on the contrary, I purposely dismissed from the province the whole of our troops. I allowed Mr. M'Kenzie to *write* what he chose, *say* what he chose, and *do* what he chose; and, without taking any notice of his traitorous proceedings, *I waited with folded arms, until he had collected his rebel forces, and had actually commenced his attack.*

"I then, as a solitary individual, called upon the militia of Upper Canada to defend me; and the result has been, as I have stated, namely, that the people of Upper Canada came to me when I called them; that they completely defeated Mr. M'Kenzie's adherents, and drove him and his rebel ringleaders from the land."

The following extract from Sir Francis Head's speech to the legislature, which assembled on the 23d of December, is couched in a similar tone.

"Without either soldiers or weapons to enforce my cause, I allowed the leader of the intended insurrection a full opportunity to make his intended experiment—I *freely allowed him to write what he chose—say what he chose—and do what he chose*; I allowed him to assemble his deluded adherents for the purpose of drill; I even allowed them, unopposed, to assemble with loaded fire-arms, and in spite of the remonstrances which from almost every district in the province, I received from the peaceable portion of the community. *I allowed him to make deliberate preparations for revolt*; for I freely confess that I did under-rate the degree of audacity and cruelty which these armed insulters of the law were prepared, as events have proved, to exhibit. It did not seem to me credible, that in the bosom of this peaceful country, where every one was enjoying the protection of equal

laws, and reaping the fruit of his labours almost undiminished by taxes, any number of persons could be found willing to assail the lives, plunder the property of their unoffending fellow-subjects, and to attempt the destruction of a government from which they had received nothing but good.

"The ultimate object of the conspiracy was veiled under a mysterious secrecy which I had no desire to penetrate; and relying implicitly on the people, so little did I inquire into it or impede it, that I was actually in bed and asleep, when I was awakened by a messenger, who abruptly informed me, that a numerous body of armed rebels had been congregated by their leader; that the murder of a veteran officer of distinction, a settler in the province, had already been committed, and that the assailants were within an hour's march of Toronto.

"The long-looked for crisis had now evidently arrived; and accordingly, defenceless and unarmed, I called upon the militia of Upper Canada to defend their government, and then confidently awaited the result.

"With an enthusiasm which it is impossible for me to describe, they instantly obeyed the summons.*

"Upwards of 10,000 men immediately marched towards the capital; and in the depth of a Canadian winter, with no clothes but those they stood in, without food, and, generally speaking, without arms, reformers as well as constitutionalists, nobly rushed forward to defend the revered constitution of their ancestors, although the rebel who had dared to attack it was offering to his adherents 300 acres of our land,† and the plunder of our banks."

Here then, we have the governor of Upper Canada gravely confessing that he was fully aware of the intended outbreak, that he allowed the insurgents "to make deliberate preparations for revolt;" that he shut his eyes to the mysterious object of the conspiracy; that in short, although he could have prevented it, as Cicero prevented the outbreak of Cataline's conspiracy in its intended form, by simply showing him that his minutest plans were known, he nevertheless permitted it to proceed to the shedding of blood, for no other purpose as it should seem, than for that of proving that his previous statements relative to the attachment of the majority of the population to the existing state of things was correct;—a point which, after all, could only be proved by arming both sections of the population, or neither. The mere opening of the arm chests to one party, altogether destroyed that particular character which Sir Francis Head desired the struggle should assume, and for which alone he abstained

* This description is truly melo-dramatic. The rebels are within an hour's march of Toronto—*defenceless and unarmed*. Sir Francis calls upon the militia for aid; 10,000 *instantly* obey the summons, march through the woods and save him, within the hour, of course, or it would have been too late.

† This is not true; the offer of land was not made till the 19th, or a fortnight after. See p. 141.

from preventing bloodshed. Sir Francis Head speaks of allowing the insurgents "to make deliberate preparations for the revolt" with as much coolness as though he were planning the catastrophe of a melodrama, or of a fashionable novel.

To return now to the narrative, Sir Francis Head states above, that M'Kenzie's force was about 500, but that report had stated it at 3000. We learn from a statement of M'Kenzie's, that upwards of 3500 men had assembled, but that they were obliged to dismiss them for want of arms. They had not 200 armed men among those assembled in Yonge-street; indeed they had scarcely anything but "pitchforks to oppose the bayonets."

In their unarmed state, success entirely depended on securing the 4000 stand of arms which had been so boastfully paraded in the governor's tale, and it was to obtain these, no less than to gain possession of the city that they were assembled at Montgomerie's tavern.

In this position, on the night of Monday, it was beyond measure important that there should be no communication with the city. Everything depended on a surprise, for they could not conceal from themselves, that if the authorities should obtain a knowledge of their design, their force was insufficient to attempt the attack. The governor, they would naturally feel assured, would distribute so many of his 4000 stand of arms among the well-affected, as he could find bearers for, when any attempt on the part of 200 ill-armed men with an incumbering crowd of some hundred more waiting for arms, would be utter madness. It was, doubtless, with these feelings that they attempted to arrest every one passing towards the city as well as all those who came from the city, and who, on their return might expose their design. It was in attempting to pass towards the city, most likely with the express object of conveying intelligence, that Colonel Moodie lost his life. According to M'Kenzie's statement, he "was shot by a sentinel whilst attempting to escape," a statement which does not differ from Sir Francis Head's account, making allowance for the different language in which men of opposite views would naturally clothe such a transaction. Sir Francis Head says:—

"As soon as they had attained this position, Mr. M'Kenzie and a few others, with pistols in their hands, arrested every person on the road, in order to prevent information reaching the town. Colonel Moodie, a distinguished veteran officer, residing in Yonge-street, accompanied by three gentlemen on horseback, on passing Montgomerie's tavern was fired at by the rebels, and I deeply regret to say that the Colonel, wounded in two places, was taken prisoner into the tavern, where in three hours he died, leaving a widow and family unprovided for.

"As soon as this gallant meritorious officer, who had honourably fought in this province, fell, I am informed that Mr. M'Kenzie exultingly observed to his followers, *that as blood had now been*

spilled, they were in for it, and had nothing left but to advance; accordingly, about ten o'clock at night, they did advance."

For this advance, however, the governor was, by the merest accident, prepared. It appears by a statement in one of the Toronto tory papers, that on the night in question, a party of six or eight persons rode out on Yonge-street. They were surprised by an armed party, and several of them made prisoners. A Mr. M'Donnell and a Mr. John Powell were among the number; they were stopped by four men on horseback, one being M'Kenzie; were challenged with "Who goes there?" and were ordered to surrender on pain of being fired upon. At the same time, one of the party presented a pistol at Mr. Powell, who shot his assailant dead. M'Kenzie and Powell now snapped their pistols at each other—but strange to say, both missed fire; when Powell spurred his horse towards the wood, slipped off, and gained the city on foot with the loss of his horse. The prisoners remaining with the patriots were all men of standing—such as would have proved valuable hostages had the revolt then made further progress. They were, according to the paper from which we take the above account, Colonel Wells and family, Colonel Cameron and son, Captain Stewart, Mr. Brock and Mr. Archibald M'Donnell.

Mr. Powell's escape alone defeated the design of surprising the city.

"I was in bed and asleep," says Sir Francis Head, "when Mr. Alderman Powell awakened me to state, that in riding out of the city towards Montgomerie's tavern he had been arrested by Mr. M'Kenzie and another principal leader; that the former had snapped a pistol at his breast; that his (Mr. Powell's) pistol also snapped, but that he fired a second, which, causing the death of Mr. M'Kenzie's companion, had enabled him to escape.

"As soon as Mr. Powell reached Toronto, the alarm bell was rung, and as Mr. M'Kenzie feared we might be prepared for him, he forbore to proceed with his attack."

When this occurred, M'Kenzie had advanced to within two miles and a half of the city, and perhaps nearer—the alarm bell, however, told them their design was known, and the weakness of their armed body forced them to retire. A letter, dated Queenston, 11th Dec. says:—"There is one remarkable circumstance relative to the insurgents' march upon Toronto. On the first day, when they approached the city, they came within a very short distance of it, and *for some cause unknown*, they retired about three miles back, where they remained until the governor's attack upon them; and it is confidently said, that had they advanced upon the city the first time, that they could have taken the whole town and garrison, as the inhabitants were quite ignorant of their coming, and equally unprepared for resistance."

The cause of their retreat is no longer "unknown." It was the alarm-bell rung on Powell's arrival—a bell which plainly told

them that their force would certainly be out-numbered,* and that their foes would have the advantage of fighting under the protection of stone-walls,—a position which had defeated regular troops at St. Denis, and which, therefore, would greatly multiply the chances against M'Kenzie's ill-armed band. Thus we see that as in the case of the affair of St. Charles in Lower Canada, a mere accident favoured the fortunes of the ruling party.

We shall now continue our quotation from Sir Francis Head's despatch, to show what took place immediately after the sudden alarm in the city.

“ On arriving at the City Hall, I appointed Mr. Justice Jones, Mr. Henry Sherwood, Captain Strachan and Mr. John Robinson, my aides-de-camp. I then ordered the arms to be unpacked, and, manning all the windows of the building, as well as those of opposite houses which flanked it, we awaited the rebels, who, as I have stated, did not deem it advisable to advance. Besides these arrangements, I dispatched a messenger to the speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, of the Gore district, and to the colonels of the militia regiments in the Midland and Newcastle district. An advanced picket of thirty volunteers, commanded by my aide-de-camp, Mr. Justice Jones, was placed within a short distance of the rebels.

“ By the following morning (Tuesday), we mustered about 300 men, and in the course of the day, the number increased to about 500. In the night an advanced picket, commanded by Mr. Sheriff Jarvis, was attacked within the precincts of the city by the rebels, who were driven back, one of their party being killed and several wounded.

“ On Wednesday morning, we were sufficiently strong to have ventured on an attack, but being sensible of the strength of our position, being also aware how much depended upon the contest in which we were about to be engaged, and feeling the greatest possible reluctance at the idea of entering upon a civil war, I dispatched two gentlemen to the rebel leaders, to tell them that before any conflict should take place, I parentally called upon them, as their governor, to avoid the effusion of human blood. In the meanwhile, however, Mr. M'Kenzie had committed every description of enormity; he had robbed the mail—with his own hands had set fire to Dr. Horne's house—had plundered many inoffensive individuals of their money—had stolen several horses—had made a number of respectable people prisoners; and, having thus succeeded in embarking his misguided adherents in guilt, he replied to my admonition by a message, that he would only consent that his demands should be settled by a national convention; and he insolently added, that he would wait till two o'clock for my answer, which in one word was ‘NEVER!’”

* This view is fully borne out by the statement of M'Kenzie at Buffalo. See Chap. ix. p. 152.

The persons sent to Mr. M'Kenzie for the purpose of holding the above parley were Dr. Rolph and Dr. Baldwin, both men of considerable influence, and the former a man of acknowledged eloquence. The nature and result of their mission is correctly described in the extract, and the melodramatic termination is characteristic of the vain-glorious governor. The expressions "robbed," "plundered," and "stolen," however, are fallacious. They are terms applicable only to the ordinary state of society, and though sometimes applied to such acts as the insurgents committed, could only be so by a remote and figurative analogy; there was, strictly speaking, nothing in those acts to warrant the application of the terms in question, in their ordinary sense.*

On the same day that Sir Francis Head made the above communication with the insurgents, M'Kenzie addressed the following letter to the editor of a Buffalo paper, requesting assistance from sympathising Americans:—

"The reformers of this part of Upper Canada have taken arms in defence of the principle of independence of European domination; in plain words, they wish the province to be a free state.

"*They request all the assistance and skill which the free citizens of your republic may choose to afford.* I address this letter to your office, because you have expressed a friendly wish towards us in the *Buffalo Whig*. We are in arms near the city of Toronto—two miles and a half distant.

(Signed) W. L. M'KENZIE.

"Yonge-street, December 6.

"American editors will be pleased to copy this letter, whether they are or are not in favour of Canadian freedom.—W. L. M."

Before this letter could be productive of any result, however, Sir Francis Head found himself in a condition to make an attack upon M'Kenzie and his adherents.

"In the course of Tuesday," continues the despatch from which the foregoing extracts are taken, "the speaker of the House of Assembly, Colonel the Honourable Allan M'Nab, arrived from the Gore district at the head of about sixty men, which he had assembled at half an hour's notice, and other brave men flocking in to me from various directions, I was enabled by strong pickets to prevent Mr. M'Kenzie from carrying into effect his diabolical intention to burn the city of Toronto, in order to plunder the banks; and having effected this object, I determined that on the following day I would make the attack.

"Accordingly, on Thursday morning I assembled our forces under the direction of the Adjutant-general of militia, Colonel Fitzgibbon, clerk of the House of Assembly.

"The principal body was headed by the Honourable the

* See also the note at p. 139.

speaker, Colonel Allan M'Nab, the right wing being commanded by Colonel Samuel Jarvis; the left by Colonel William Chisholm, assisted by the Honourable Mr. Justice Maclean, late speaker of the House of Assembly; the two guns by Major Carfrae, of the militia artillery.

"The command of the militia left in the city remained under Mr. Justice Macaulay, and the protection of the city with Mr. Gurnett, the mayor.

"I might also have most advantageously availed myself in the field of the military services of Colonel Foster, the commander of the forces in Upper Canada; of Captain Baddeley, of the corps of royal engineers; and of a detachment of eight artillerymen, who form the only regular force in this province; but having deliberately determined that the important contest in which I was about to be engaged, should be decided solely by the Upper Canada militia, or, in other words, by the inhabitants of this noble province, I was resolved, that no consideration whatever should induce me to avail myself of any other assistance than that upon which, as the representative of our gracious Sovereign, I had firmly and implicitly relied.

"At 12 o'clock, the militia force marched out of the town with an enthusiasm which it would be impossible to describe; and in about an hour we came in sight of the rebels, who occupied an elevated position near Gallows-hill, in front of Montgomerie's tavern, which had long been the rendezvous of Mr. M'Kenzie's men.

"They were principally armed with rifles; and, for a short time, favoured by buildings, they endeavoured to maintain their ground; however, the brave and loyal militia of Upper Canada, steadily advancing with a determination which was irresistible, drove them from their position, completely routed Mr. M'Kenzie, who, in a state of the greatest agitation, ran away; and, in a few minutes, Montgomerie's tavern, which was first entered by Mr. Justice Jones, was burned to the ground.

"Being on the spot merely as civil governor, and in no way in command of the troops, I was happy to have an opportunity of demonstrating to the rebels the mildness and beneficence of her Majesty's Government; and well knowing that the laws of the country would have ample opportunity of making examples of the guilty, I deemed it advisable to save the prisoners who were taken, and to extend to most of these misguided men the royal mercy, by ordering their immediate release.

"These measures having been effected, and the rebels having been deprived of their flag, on which was inscribed in large letters, '*Bidwell, and the glorious minority*'—1837, and a good beginning! the militia advanced in pursuit of the rebels about four miles, till they reached the house of one of the principal ringleaders, Mr. Gibson, which residence it would have been

impossible to have saved, and it was consequently burned to the ground.

"The infatuated followers of Mr. M'Kenzie were now completely dispersed. Deceived and deserted by their leader, they sought for refuge in all directions, ashamed and disgusted with the murder, arson, highway and mail robbery* which he had committed before their eyes; and, detesting him for the overbearing tyranny of his conduct towards them, they sincerely repented that they had ever joined him; and I have been credibly informed that their wives and children now look upon Mr. M'Kenzie as their most malignant enemy. Mr. M'Kenzie has fled to the United States. Mr. John Rolph has absconded. Mr. Bidwell, who took no part in the affray, *has amicably agreed with me to quit*, and has quitted this province for ever. Dr. Morrison and Captain Van Egmont are our prisoners. Mr. Lount and Mr. Gibson have fled, and I understand are making for the United States."

This amicable agreement with Mr. Bidwell seems a very extraordinary proceeding. The governor says he took no part in the affray; Mr. Bidwell himself, too, in a letter subsequently written to the editor of an American paper, makes a similar assertion; and moreover avers, that he was in no way mixed up with, or cognizant of, the revolt—Why then quit the province? If, on the other hand, the governor's assertion, that he took "no part in the affray" is a mere quibble; but that, although not at the Gallows-hill, he was really implicated in the rising, Sir Francis Head has been guilty of neglect of duty in conniving at his departure. The proceeding, in fact, seems to involve a manifest dilemma. Mr. Bidwell was either guilty or innocent. If guilty, the governor has clearly connived at that guilt in permitting his departure; if, on the other hand, Bidwell is free from any share in the insurrectionary proceedings, the governor is chargeable with gross tyranny in forcing him out of the province. Even were there a suspicion against Mr. Bidwell, the governor's closet was not the place to try its validity. On the whole, this is one of those arbitrary acts that no ministry ought to permit a servant of the crown to exercise; and an explanation should be required of Sir Francis Head the instant he reaches this country.

Whilst these occurrences were going on in and near Toronto, it was reported that Dr. Duncombe, of whom we had occasion to speak in the last chapter, had collected a considerable force in the London district, but as to his intended movements nothing was said. Some reports counted his force by the thousand, but if any considerable number had collected, he was probably com-

* See the observations on the use of these terms at page 137. The anti-popular party burned the house of Gibson, but this act is not called *arson*. Powell (see page 135) shot one of the rebels, but that was not *murder*. The outrages committed during a state of revolt are deeply to be deplored, but they are not properly named, when designated by the same terms as are applied to crimes properly so called.

pelled to dismiss them, as M'Kenzie had been at Toronto, for want of arms; for it does not appear from subsequent accounts that Duncombe has ever been able to maintain a force of any degree of efficiency.

"As Mr. M'Kenzie," says Sir Francis Head, "had been particularly active in disseminating his principles throughout the London district, and as Dr. Duncombe was reported to be there with a body of armed rebels, I deemed it advisable, as soon as the militia returned to Toronto from driving Mr. M'Kenzie from Gallows-hill, to order a body of 500 men to proceed immediately to the London district. I placed this corps under the command of the Honourable the speaker of the House of Assembly, Colonel Allan M'Nab, who with great promptitude marched with it to the point of its destination."

The accounts of the termination of this expedition are very unsatisfactory, and especially scanty. In the American papers there appeared several reports of skirmishes, but it does not appear that Duncombe ever found himself in a condition to attack M'Nab's well-armed force.

On the 15th of December, M'Nab addressed the following despatch to the governor. He was then at a place called Scotland, in the township of Oakland.

"I have the honour to report that the rebels have dispersed in all parts of this district, and that I have taken every precaution to intercept them and cut off their retreat.

"I have received several deputations from these misguided men, praying for leave to come in and surrender their arms, take the oath of allegiance if necessary, and join the troops under my command. I endeavoured to find out those of the leaders who may yet remain behind. So far I have refused their request, unless their leaders are delivered into my hands. On this subject I am to meet some deputations this day, and will forward a more explicit despatch of it this evening.

"Intelligence having reached this place that a body of foreigners were threatening to cross the Niagara river, to join the rebels that may yet be found in the country, I have this moment been called upon by Colonel Rapeljis, Colonel Salmon, Colonel Aikin, Colonel M'Call, and the officers commanding the regiments of volunteer corps in this district, with a request that I will offer to your excellency their services, with 2000 or more of the gallant militia of the district, who will be ready, on the slightest notice, to march to the frontiers, should their country require their services; and I have no hesitation in stating, that, should any demonstration be made on that frontier, a sufficient force of cavalry and infantry can be poured into that quarter from the London and Gore districts, more than adequate to put it down.

"I cannot describe in terms sufficiently strong, the enthusiasm and ardour with which the loyal inhabitants of this country are crowding to my aid."

Thus, we have nothing in the shape of detail, relative to the proceedings in the London district; all we have is the result, stated in the following paragraph from the governor's speech to the Assembly, on the 21st of December:—

“In the London district, a similar proof of public opinion was practically evinced. To the militia, nobly commanded by Colonel M'Nab, speaker of the House of Assembly, upwards of 300 misguided men laid down their arms—craving pardon for their guilt—asking permission to assist the loyal militia in capturing the fugitive leaders, who they declared had not only deceived, but deserted them; and the affair being thus concluded, there remained not a rebel throughout the whole province in arms!—indeed, so complete was their defeat, that general orders were immediately issued by me, announcing that there was ‘no further occasion for the resort of militia to Toronto;’ and that the militia of the Bathurst, Johnstown, Ottawa, and Eastern districts, might march to Lower Canada, in aid of the Queen's forces.”

Sir Francis Head, writing always for effect, occasionally makes contradictory statements, and falls into chronological blunders. The announcement that there was “no further occasion for the resort of the militia to Toronto,” is stated above to have been made in consequence of the “complete defeat” of the insurgents in the London district. In the extract which we are about to quote, the announcement is said to have been made because “the numbers (of militia) which were advancing towards him were so great.” Now both these reasons cannot be true, though both may be false. Let us look at dates. The notice was issued on the 8th of December. At that time, M'Nab was only on his march to the London district, and his report was not written till a week after. Thus then, the announcement could not have been made as stated in Sir Francis Head's speech to the Assembly, quoted above.

The other account, namely, that of the largeness of the numbers,* involves no improbability—not even that of its being one of Sir Francis Head's stage tricks.

There is another slight inattention to chronological accuracy in the passage quoted at page 133. He there speaks of M'Kenzie, as having dared to offer his adherents 300 acres of land at the time the militia rushed towards Toronto; whereas, M'Kenzie did not issue his proclamation to that effect until the 19th of December, or about a fortnight later. We allude to these trifles only for the purpose of enabling the reader to estimate the value of Sir Francis Head's testimony.

We now take up the despatch, so often quoted, where we left it. “On the day of Mr. M'Kenzie's defeat, (7th Dec.) as well as on the following morning, bands of militia-men from all directions poured in upon me in numbers, which honourably proved that I had not placed confidence in them in vain. From the Newcastle

* See page 142.

district alone 2,600 men, with nothing but the clothes in which they stood, marched in the depth of winter towards the capital, although nearly 100 miles from their homes.

"From Gore, Niagara, Lake Simcoe, and from various other places, brave men, armed as well as unarmed, rushed forwards unsolicited, and, according to the best reports I could collect, from 10,000 to 12,000 men simultaneously marched towards the capital to support me in maintaining for the people of Upper Canada the British constitution.

"The numbers which were advancing towards me were so great, that the day after Mr. M'Kenzie's defeat (8th Dec.) I found it absolutely necessary to print and circulate a public notice, announcing *that there existed no further occasion for the resort of militia to Toronto*; and the following day I was further enabled to issue a general order authorizing the whole of the militia of the Bathurst, Johnstone, Ottawa, and Eastern districts, to go and lend their assistance to Lower Canada.

"I have now completed a plain statement of the events which have occurred in this noble province during the last week, and have done so at some length, as the moral they offer is most important.*

"It now only remains for me to inform your lordship that Mr. M'Kenzie, who has escaped to Buffalo, in the United States, has, by falsehood and misrepresentations, almost succeeded in exciting a large body of labourers, out of work, † to invade Upper Canada, for the purpose of plundering the banks and of gaining possession of the crown lands.

"This is at this moment causing, throughout the province, considerable excitement, and I must say that, for the sake of humanity, I earnestly trust and hope the attempt will not be made.

"I entertain the utmost reliance that the government of the United States will nobly prevent any such invasion. I am persuaded that all Americans of intelligence and property will feel that the character of their country requires them to discountenance a lawless and unprincipled aggression.

"Should, however, any of the inhabitants of Buffalo or other frontier towns, regardless of these sentiments, for the sake of plunder, invade the free and independent people of Upper Canada, I feel confident that every man in the province, Indians and black population included, will assemble together in one band to exterminate the invaders, or to perish in the attempt. ‡

Between the 7th and the 16th of December, various proclamations were made, offering rewards for the several persons implicated, or supposed to be implicated, in the rising. The following is a list of the persons for whom these rewards were offered, with the sums set against their names:—

* A passage following this has already been made use of at page 32.

† Who ever before heard of "large bodies of labourers out of work" in the United States?

‡ See Par. paper, No. 99, p. 7.

W. L. M'Kenzie	£1000
David Gibson	500
Samuel Lount	500
Silas Fletcher	500
Dr. John Rolph, M.P.P.	500
Dr. Chas. Duncombe, M.P.P.	500
Eliakim Malcolm	250
Finlay Malcolm	250
Robt. Alway, M.P.P.	250
— Anderson	100
Joshua Doan	100

On the 10th of December, the following general order was issued, seeming to imply that there had been something like a connivance with the insurgents on the part of some persons whom policy, for the time, had attached to the government side:

“His excellency the Lieutenant-governor directs, that no officer, whatever may be his rank, or on whatever service he may be employed, shall take upon himself to release any prisoner taken in arms against the government, or any one apprehended on suspicion of treasonable practices; but all such persons are to await the decision of the government, upon a careful investigation of the charges against them.”

But on the 14th, another order was issued, very nearly approaching to a repeal of that of the 10th of December. It runs as follows:—

“It is his excellency's the Lieutenant-governor's desire, that no further arrests shall be made by officers of the militia on duty, except in the case of notorious offenders.

“The arms of the disaffected are, however, to be secured as heretofore, and all officers will continue to act under the direction of the civil magistrates for arresting and securing those for whom warrants shall be issued.”

On the 11th of December the following notice was issued, announcing the organization of a special commission to examine persons accused of high treason, with a view, probably, of thinning the gaols of the “deluded” class, as we have already seen was done in Lower Canada, by the commander of the forces:—

“A special commission has been completed, appointing the Hon. Robert S. Jameson, vice-chancellor, and others, to examine all persons accused of high treason, &c., and all parties requiring or wishing to give information respecting prisoners are hereby directed to the vice-chancellor's for those purposes.”

We have now carried our narrative to the dispersion of the insurgents in Yonge-street, and the close of Colonel M'Nab's expedition into the London district. In the next chapter, we shall detail the proceedings of M'Kenzie at Buffalo, and the sympathy which was excited in the United States by the revolt in Upper Canada.

CHAPTER IX.

SYMPATHY OF THE AMERICANS.

M'Kenzie at Buffalo—Meeting at the Theatre—Adjourned meeting—M'Kenzie's address—Modes of supplying arms—Extension of Sympathy—Meeting at New York—Rationale of American Sympathy.

AFTER the defeat of the insurgent patriots under M'Kenzie, in Yonge-street, and whilst M'Nab was marching with very little check through the London district, the field of operations was shifted from Upper Canada to the State of New York, by the arrival of M'Kenzie at Buffalo.*

M'Kenzie's escape from the province was not without considerable difficulty. He was disguised as a farm labourer, and slept under hay-stacks or in out-houses. Being thus poorly clad, but at the same time well mounted, he fell under suspicion of being a horse-stealer.† He was armed, and in case of emergency, could have shot the officer who apprehended him, but not wishing to do so, except in self-defence, he began talking politics, in order to ascertain the officer's leaning. The officer, much to M'Kenzie's satisfaction, expressed himself strongly in favour of the popular party, and of M'Kenzie himself, upon which the latter avowed himself. The sheriff's officer, however, thought it a mere trick to escape from justice, until at length M'Kenzie proved his identity, by exhibiting the mark upon his linen. On producing this evidence, he received considerable aid from the officer in effecting his escape. He does not appear in the sequel to have been much beforehand with his pursuers, for before he had got much beyond the mid-channel of the river, a party of horsemen in pursuit appeared on the bank he had just quitted.

As Mr. M'Kenzie's name has been so long connected with Canadian discontent, as he is something more than what he has occasionally been called, the "Papineau of Upper Canada," having identified himself with the outbreak, we shall here state what we know of his history.

William Lyon M'Kenzie was born in the Highlands of Scotland, and is connected, on the side both of his father and of his mother, with some of the most respectable families in that part of Scotland; of his early career we have the following brief notice

* For the situation of Buffalo, see the sketch at the head of Chapter x.

† In 1835, Sir Francis Head, riding through the country plainly dressed, was apprehended on a similar charge, and had some difficulty—so said the newspapers—in proving that he was the governor.

written by himself in his paper, the *Constitution*. It exhibits a degree of candour which autobiography is generally destitute of.

"I got an excellent education—several of my school-fellows are inhabitants of the city. Two of my uncles, with my mother's consent, article me as a clerk to George Gray, the wealthiest, as he was one of the oldest merchants of Dundee. I was at fifteen admitted a member of the Commercial Reading Room. Before I arrived at that age, I was an active member, and for some time secretary of a scientific society, of which the late Mr. Edward Lesslie was vice-president. We were members together for several years. Although early instructed in the principles of religion and good morals, and kept constantly at school under excellent masters from the time I was five years old, I acknowledge that at seventeen I was reckless, wild, a confirmed gambler, and somewhat dissipated (more so perhaps than I like to own.) But, even at that age my thirst for useful knowledge was unquenchable. At twenty-one, I paused, threw down cards and dice for ever, and became temperate. Other twenty-one years have now elapsed since I began to exercise that salutary self-control, leaving me a constitution so hale and sound, that I hope to be able to weather the storms of *twice twenty-one years more*.

"I was several years in Canada before I got so angry with the conduct of the executive as to resolve to step out of my way to oppose it. My Toronto neighbours first knew me when I had a share in the profits of the business now carried on here by the Messrs. Lesslie—next, as a person in business, under the firm of "M'Kenzie and Lesslie," and afterwards on my own account. A thousand copies of No. 1. of the old *Advocate* brought me at once before the Canadian people as a supporter of their rights, and in that capacity I have since enjoyed their confidence, and received the highest honours in their gift."

It was as editor and proprietor of the *Colonial Advocate* that M'Kenzie was first generally known as a politician. He may have attended local meetings, and so may have become known within a small circle; but as he himself says, it was the thousand copies of the *Advocate* which brought him at once before the Canadian people.

The history of the first publication of this paper is curious, as showing the difficulty of establishing a newspaper in a young colony. We find it thus stated by Mr. M'Kenzie himself, in a book* he published when in England in 1833.

"In that year (1824), I frequently crossed the Niagara river, seven miles below the falls at the hour of midnight, and alone; the ferrymen on both sides having retired to rest. These dismal voyages I made in the infancy of printing in Upper Canada, in consequence of a contract then subsisting, by which an Irish

* Sketches of Upper Canada, and the United States. London: Effingham Wilson, 1833; 8vo. pp. 504.

gentleman at Lewistown had agreed to print from 1000 to 1500 copies of my earliest numbers. I was detained from home, making selections from the British journals which were obtained, *via* New York. On one occasion it was very dark, and I missed my way, going down the river a considerable distance towards fort George, and being in the greatest danger of upsetting, without knowing what course to take, and the river full of little whirls which change their place, and are not altogether free from danger.

"I have now in my possession a newspaper, one of the numbers of the '*Colonial Advocate*' for 1824, the paper for which was made at the falls of Niagara; the first side composed and printed off by an American and an Irishman at Lewistown, in the United States, on the south* bank of the St. Lawrence, and the second side set up and pressed off at Queenstown, Upper Canada, on the northern bank of that river. This number so printed was afterwards published and issued in York†, north of lake Ontario, and is probably the only newspaper sheet ever printed in two nations."†

The *Colonial Advocate* was established for the express purpose of exposing the manifold abuses of the dominant party. This was new to those who profited by the existing system—a numerous class in all our colonies, and in Upper Canada, especially so—and they had not then learned to treat such exposures with indifference. The consequence was, that the hard-working editor became especially obnoxious to them and their adherents, and they took every occasion to make M'Kenzie feel the violence of their hatred. In proportion to the hatred of the dominant party, did Mr. M'Kenzie acquire popularity among the yeomen of Upper Canada, and in 1828, he was invited to represent the metropolitan county, York, which had before that time been in undisputed possession of the anti-popular party. To their astonishment, however, M'Kenzie and his radical coadjutor were returned. "At five succeeding elections," says M'Kenzie himself, writing in 1833, "I have been returned by a county containing nearly 50,000 inhabitants, and 5000 freeholders, with continually increasing majorities; and although the first contest was attended with great expense to me, I must do the yeomanry the justice to acknowledge, that they never allowed me to expend one farthing during any subsequent struggle."

In the month of February 1830, M'Kenzie was elected for the fourth time by a majority of 628 against 23, the latter number being all the government nominee polled. Finding it was impossible to prevail on the hustings, a new scheme was now tried, which in due time ripened into a successful means of getting rid

* The river runs due north, so that this should be *east*, and that which is called north, *west*. It is customary to speak of the Canadian shore as the northern, without reference to occasional deviations.

† Now Toronto.

‡ M'Kenzie's Sketches, p. 339.

of the obnoxious member, but at the cost of disfranchising the county, and thereby exasperating the people.

Just before the election, M'Kenzie had, at his own expense, printed and circulated 200 copies of the journals of the house, without note or comment, "to show the people how their representatives had voted." On the 10th of February of the following year, Allan M'Nab, who now commands a detachment of the volunteers in Upper Canada, moved that Mr. W. L. M'Kenzie had abused his trust, and been guilty of a breach of parliamentary privilege, by distributing the journals of the former parliament *among persons not entitled to copies thereof*. For this session, however, the scheme was defeated by a small majority. The next session they succeeded; and on the 12th of December, 1831, the first step was taken towards making M'Kenzie the John Wilkes of Upper Canada, by his expulsion from the House.

On the 2nd of January, 1832, he was re-elected almost unanimously by his indignant constituents. A nominee of the ruling party was set up against him, but as he had only *one* vote when M'Kenzie had 119, he was withdrawn. Immediately after the close of the poll, a gold medal and chain, of the value of 250 dollars, or about 50*l.*, were presented to Mr. M'Kenzie. It bore the following inscription: "Presented to W. L. M'Kenzie, Esq. by his constituents of the county of York, Upper Canada, as a token of their approbation of his political career, January 2d, 1832." Five days afterwards, he was again expelled.

The people now turned their eyes towards the colonial office for redress. On the 19th of the same month, a large meeting was held of the population of the Home and adjoining districts, when Mr. M'Kenzie was delegated to England to endeavour to obtain a redress of their grievances. Petitions were afterwards prepared, and signed by about 10,000 land-owners and others, which were transmitted to Mr. M'Kenzie to act upon as he should deem fit.

Up to the time of his departure from Upper Canada for this country, Mr. M'Kenzie had continued to edit the *Colonial Advocate*; he had also printed political almanacs, of which the following is his own account:—

"In order the more effectually to unite all classes of the people against the system of misrule in Upper Canada, I compiled and published an annual fourpenny almanac, filled with political facts and astounding disclosures concerning the colonial authorities. Such a work is referred to at all times of the year, and becomes a sort of family record. In 1829, 30 and 31, I disposed of from 30,000 to 40,000 of these "poor Richards," and was sorry that my absence in England this year will cause them to be neglected.*"

In November 1832, during his absence on his mission to this country, he was unanimously re-elected member for the county

* Sketches of Upper Canada, p. 284.

of York. Mr. M'Kenzie's enemies now modified the course they had hitherto pursued; on the 9th of February, 1833, they carried a motion to the effect, that he was not entitled to vote, "on account of his former expulsion." In the summer of the same year, M'Kenzie returned to Upper Canada, without having obtained the redress he sought. He resumed the editorship of his paper, and, in order to influence the coming elections of 1834, he published a black list,* and a political almanac, under the pseudonymous signature of Patrick Swift. The result of the elections was a great triumph to the reformers of the province. They had an overwhelming majority, and to work they went, opposing the dominant party to the fullest extent in their power. The county of York had been divided into four ridings, for one of which M'Kenzie was returned. He was also chosen mayor of the newly elected town-council of Toronto; in short, as he himself says, he received "the highest honours his country had to bestow."

In order to give him more time to devote to his increased duties, the *Advocate* was given up, being incorporated with another liberal paper, called the *Correspondent*; but on the defeat of the liberal party in 1836, as already recorded,† Mr. M'Kenzie again entered the field as a journalist, by establishing the *Constitution*. Just before the rising in Upper Canada, the subscription list of the *Correspondent* was handed over to the *Constitution*, which thus became the sole organ of the ultra-reformers. It has since, of course, ceased.

Mr. M'Kenzie's characteristic is indefatigable laboriousness. As a member of the Assembly, as a municipal officer, as a journalist, in short, in everything he undertakes, this feature is conspicuous. A harder worker exists not in the British provinces. He has been for the last fourteen years a perpetual thorn in the side of the ruling party in Upper Canada. Their hatred of him is of course great, and they have never lost an opportunity of showing it. His repeated expulsion from the Assembly, an unwise and intemperate course, which entirely defeated its object, is evidence of this. Besides this, his printing office was destroyed certainly once, and we have an impression that it was more than once, by a "loyal," "well affected" mob. No baseness, no atrocity, has been deemed too bad to attribute to him; on the other hand, the warm attachment of a considerable portion of the people towards him is a proof that he is not without good qualities. One fact has been elicited lately greatly to his credit. His enemies accused him of having run away from Scotland in debt, and for some time they rung the changes on such words as cheat, swindler, rogue, thief, and so forth. It turned out that they only told *half* the

* Alluded to in the note at p. 101 of Chapter vii.

† Chapter vii. p. 118.

story, and that half they *coloured*. He had some debts when he left Scotland, but having got on in the world, he paid them all in full.

No one was more fit for the position he for many years filled than M'Kenzie; but as a leader he appears to have failed. He has generally had the character among his friends of being injudicious, and even rash, in his proceedings. The recent movement in Upper Canada appears to have been precipitated by him in the first instance; and yet at the moment when precipitation would have been of use—namely, on the night of the 4th of December, he seems to have failed. However, we deem it no more than just to remind the reader, that our judgment in this respect ought to be received with caution, inasmuch as it is formed on the facts stated by M'Kenzie's enemies only.

We must now follow Mr. M'Kenzie to Buffalo. His appearance in that town on the 10th of December, created a considerable degree of excitement. On the following day, a meeting was held in the Theatre, which is thus described in the Buffalo papers:—

“Last evening, much the largest public meeting we ever saw in Buffalo assembled at the Theatre, the use of which had been generously proffered by Mr. Dean. Every foot of the house, from the orchestra to the roof, was literally crammed with people—the pit was full—the boxes were full—the galleries were full—the lobbies were full—the street was full—and hundreds were obliged to go away without being able to gain admittance.

“The stage was set with the appropriate scene of a Roman forum; a fine military band occupied the orchestra, and played patriotic airs while the house was filling.

“It had been announced that Dr. Rolph would be present; but at the time of opening the meeting he had not appeared. The committee still expected him, and said he was on his way as fast as horses could bring him.

“It was expected that the officers of the former meeting would preside at this, but, from some cause or other, they did not make their appearance.

“The venerable Dr. Chapin was called to the chair. He made a few remarks on the object of the meeting.

“‘Gentlemen,’ said he, ‘we have met on an important occasion. Our neighbours on the north are at war, fighting for liberty. We have met to express our sympathies and good wishes. But, fellow-citizens, we must act with wisdom, prudence, and discretion; we sympathise with the oppressed, and it is highly proper we should do so; but, as I said before, and have said on a former occasion, let prudence and wisdom characterise all our proceedings. Let us act as high-minded, honourable men should act in view of the delicate position in which we are placed, with a country on one side resisting oppression, and enlisting all our warm and holy sympathies in its favour, and on the other a powerful nation, with which we

are at peace, and towards which we are bound to act according to the most friendly treaties.

“‘I have one word more to say,’ he continued—‘I have now men under my protection at my house on whose life a price is set, and whom I am bound to protect!’

“‘Who are they?’

“‘One of them is William L. M’Kenzie.’

“‘The whole vast assembly,’” continues the Buffalo papers, “burst into a thunder of applause. Never saw we such a scene—never heard we such a burst of exultation! Such enthusiasm is honourable to the feelings of our citizens. It was not M’Kenzie who called forth such electrical feelings. A few months ago he might have come among us and excited little interest. He comes now as the champion and martyr of liberty. A price is set on his life by the agents of Transatlantic power. That circumstance alone is enough to call out all the feeling of an American assembly.

“‘Fellow-citizens,’ continued the veteran, ‘his life is in our power, he has thrown himself upon our protection—will you protect him?’

“‘We will!—we will! Bring him out!’

“‘Gentlemen, he is too fatigued—too sick,* to come here to-night; but to-morrow night he shall address you [cheers]. I am an old man, but at the hazard of my life will I protect those who throw themselves upon my hospitality. If any mean scoundrels, for the sake of the reward of \$4,000 which is offered for him, should undertake to get him, they must first walk over me. I am rather old to fight, but I have got a good bowie knife † [here he showed one of very respectable dimensions, which was greeted with three cheers]. Now we must act with prudence and discretion. I want six strong, brave young men, as good sons as God has got among us, to go to my house to-night, for fear of any attempt on the part of the loyalists.’

“‘A hundred!’

“‘No, I want only six—who’ll go?’

“‘I—I—I,’ was heard all over the house. A dozen sprang upon the stage.

“‘Mr. Stow was loudly called for. He said: ‘It had been expected that others far more competent than himself would be there to address them, and he hoped they would yet have a hearing [They shall, they shall!] It was proper they should. Shall we refuse them what was granted by a corrupt court to Franklin, when they come upon the same errand [No]. They come here, as he went to the court of France, for sympathy and assistance. Gentlemen, I envy not the heart that does not sympathise warmly in this cause. Far be it from me to uphold a violation of treaties;

* Sick is the American word for ill or unwell.

† Bowie knives have lately made their appearance in the shops of the London cutlers—to their disgrace be it stated.

by so doing we should follow the example of Great Britain in the wars of the Peninsula—the taking of Copenhagen—the attack of the Turkish fleet at Navarino [cheers]. We will go no farther than it is proper for us to go—than it is our duty to go [cheers]. It was not likely that this country, after fulfilling her treaties for half a century, would now, for the first time, break them.

“Our feelings are natural—it is natural we should express them. On this spot where I now stand—when, in the mimic scene, tyranny is displayed, you are filled with involuntary emotions of hate—when freedom triumphs over oppression, your enthusiasm bursts forth in loud huzzas. Will you show less feeling when such scenes are acted before you in reality?” [cheers].

“Mr. Stow moved an adjournment to this evening.

“Previous to the motion being put, it was moved that the address of the Sons of Liberty be read. Mr. Edward H. Thomson was unanimously called upon to read it. It was warmly applauded, approved, and recommended to be printed in the papers of this city.

“After giving three cheers for M’Kenzie—three for Papineau—three for Rolph and others, the assembly left the house. They then formed a procession, and marched to music through the streets to the residence of Dr. Chapin, and gave three cheers for M’Kenzie and his worthy host.

“To-night the theatre will again be crowded, and we shall learn why M’Kenzie left his co-patriots at this critical juncture, and what he thinks of the present prospects of his party.”

On the following evening the adjourned meeting took place; and the following is a report of what took place from a Buffalo paper.

“The meeting,” says the paper alluded to, “was thronged by an enthusiastic and excited multitude.” Mr. Tillinghast was called to the chair, and after a few introductory remarks, he led forth Mr. M’Kenzie, the leader of the agitators in the Upper Province, who was received with repeated cheers. “M’Kenzie,” says *The Buffalo Commercial Advertiser*, “is a little Scotchman, five feet five, with a big head and sandy whiskers, bearing some slight resemblance to Martin Van Buren. He spoke for about an hour, in a plain matter-of-fact style, with an occasional dash of humour, but with no attempt at eloquence. As the speech of Mr. M’Kenzie, as we find it reported in *The Advertiser*, appears to present a condensed summary of the causes and prospects of the insurrection, we copy it at length, confident that we can give nothing which will be read with greater interest at the present moment.

“To prove the justice of the cause, he took the Declaration of Independence—went through it, article by article, and stated that, in every particular, the Canadas had the same grievances, and in some cases that they were even more onerous.

“He spoke of the government of Great Britain as good at

home, but uniformly bad abroad—of laws made in the province, repealed at London after being six years in operation—of the enormous salaries of their public officers—of taxation without the consent of the taxed—of the British monopoly of the trade of the St. Lawrence—of packed juries, and packed legislatures—of a perpetual senate, the creatures of the governor—of supporting church establishments with which the people have no sympathy—of the want of education, and the sequestration by the government officers of the funds raised for that purpose—of colleges endowed by the King of France turned into British barracks—of the London Company's land monopoly—of the repeated overwhelming majorities chosen by the people in the lower house, whose reform acts were uniformly set aside and vetoed—of his own repeated expulsion from the house, and his being elected mayor of Toronto in consequence—of the frequent and large petitions sent to the home government, but uniformly disregarded.

“He said that the recent unfortunate rising was in consequence of a mistake in the time specified in one of their despatches. They were organized, acting in concert with the people of the lower provinces, running almost daily expresses—despatches had been sent to the different towns who had joined in the league, but one of them, by accident or design, was written “Tuesday” instead of “Thursday.” They came on Tuesday, and made a forced march to the neighbourhood of Toronto, expecting to meet the citizens of the whole province. They were too weak to attempt the town that night, the government took the alarm, *the munitions of war were placed in the hands of the retainers of the executive, and the opportunity was lost.** They had a slight skirmish, in which some three or four lost their lives, and being destitute of arms, were obliged to retreat. Parties were coming in every direction, with bold hearts and strong hands, but they were unarmed, and there were no arms to be given them. Why? There are not probably 300 muskets in the Upper Province, except those in the hands of the government. Arms and gunpowder are, and have long been, contraband. They have nothing but pitchforks to oppose bayonets.

“He described the death of Colonel Moodie, who was shot by a sentinel, endeavouring to escape, and after he had first fired on the soldier.

“He spoke of the interest of the United States in the freedom of the provinces, the navigation of the St. Lawrence, the north-eastern boundary question, the trade of the Upper Province in wheat, its lumber, and its millions of acres of the best land in North America, and especially of the interest of Buffalo in the present struggle.

“They had little to contend with—a few thousand men would do the business in a hurry. There were no British troops—none

* This statement strengthens the view we have taken of the Toronto affair, Chap. viii. p. 136.

but the pensioners of the government, and a few of the old Tory brood, who still adhered to the principles for which their fathers fled from the states to this province of Upper Canada.

"There is, he said, no probability of England's debating the question. In her former struggles she had lost money, honour, men, and been shamefully defeated. He had watched the progress of seventeen successful revolutions: he did not believe that of Canada would be an exception.

"He had by chance seen some despatches from government officers in the Lower Provinces, which got into his camp instead of going into the post-office. One of them to the commandant at Niagara said, they were all rebels below, and made inquiries in regard to the Upper Province; recommending, moreover, that spies should be sent to Buffalo, as they apprehended danger from this quarter.

"He said he was not the principal man, he acted in an humble capacity; there were leaders abler than himself.

"Thirty-five hundred had come to them: they had no arms to give them—they were obliged to go home. They wanted arms—they wanted powder—they wanted ordnance—and they wanted blankets. Of those assembled in the neighbourhood of Toronto, there were but 200 armed.

"Would they be successful? He could not tell. They depended on the same overruling power that guided our fathers, and defended the life of Washington. The battle was not for the strong; he trusted that God would strike for the oppressed!

"England can hardly spare troops or money to carry on a foreign war. It takes 30,000 bayonets to keep Ireland quiet; those who make war in England are tax payers—they would hardly take money out of their own pockets to oppress their countrymen.

"Mr. M'Kenzie," adds the Buffalo paper, "was listened to attentively throughout, and frequently interrupted with bursts of applause. At the end he was greeted with prolonged cheering."

These two meetings increased the excitement in and around Buffalo, in favour of the Upper Canadians. Supplies of arms and ammunition were furnished from various quarters; provisions were promised when they should be required; and a considerable number of men engaged to embark in the liberal cause. One man publicly announced, that he had at home forty stand of arms—he did not intend to give them away, but he did not much care if they were stolen; others furnished arms and ammunition openly.

This process of collection from private sources does not appear to have been sufficiently fruitful or rapid for the friends of the Canadians. On the night of the 20th of December, the Buffalo watch-house was entered, and about 130 muskets belonging to the state of New York, were stolen therefrom. It is amusing to observe the tone of surprise and ignorance assumed

by the Buffalo papers on the subject. One says, "no clue is given by which the public can form any opinion who are the thieves;" another "wonders how any one could have the audacity to commit such an outrage, and cannot conceive by whom, or for what purpose, they were carried off." A third put the following ludicrous construction on the matter:—

"This is a 'little the slickest,' at the same time the boldest trick that has yet been played in reference to those oft-captured and re-captured arms. Who could have taken them is a mystery. It is suspected, however, by many, that Sir Francis Head had a hand in it, somehow or other! No watch was kept up against him and his royal myrmidons, and it is supposed to be altogether fair to infer that he has taken advantage of the circumstance! But be this as it may, the arms in question have walked off—either of their own accord, or in accordance with the wishes of others. Who these others are we should like to know!"

The official account of this important capture is thus given by the captain of the watch:—

"On Thursday morning, about 1 o'clock, a citizen of this place entered the watch-house, and informed me that there was a row at the points, and hearing a great noise in that quarter, I immediately despatched the watchmen in company with him to the scene of riot. He had not left the watch-house more than ten minutes, when about twenty-five men marched into the room, and there being but one watchman (whose hour it was to rest) and myself there, any opposition on our part would have been ineffectual, and of course was not attempted.

"The arms were taken, packed into waggons, and driven off in ten minutes from the time they entered."

Other captures of a similar kind were made in other places. At Batavia in Genesee county, about 40 miles east of Buffalo, a similar scene was enacted. Being the county town, or capital, as the Americans call it, there is a state arsenal here. Into this a body of men contrived to enter, taking as many arms as they could conveniently carry off. A supply was also obtained in a similar manner at Geneva, which is still further from Buffalo. In short, for two or three weeks from the time of M'Kenzie's appearance, every place was ransacked for arms; but New York not being, like Kentucky, Indiana, or Tennessee, a hunting state, the supply was not very abundant, and the arms were not very good. Rifles there were but few; and of the muskets, many of them were almost useless, being such as were used during the war, and being of little worth, they had not been kept with much care.

Every succeeding seizure of arms was treated by the American newspapers in the manner described in the case of that at Buffalo. They spoke, it is true, of preserving the national neutrality inviolate, but individual violations thereof were deemed

venial, if not absolutely praiseworthy acts. There seemed, in short, to be that nice sort of distinction which is sometimes drawn in the House of Commons, when one man calls another every thing base and mean, *in a public sense*, a distinction which no one can understand but those who are in the plot.

Contributions of money, too, were not omitted. Subscriptions were raised at Buffalo, and other towns on and near the frontier, to an extent sufficient to purchase a good supply of provisions for the garrison on Navy Island, the occupation of which will form the subject of the next chapter. A sample of the mode of extending pecuniary aid to M'Kenzie, and his adherents, is furnished by the following extract from the Buffalo Journal:—

“*The Spirit of the Country!*—We give the following extract from a letter from a gentleman in Tompkins county, to a business firm in this city, as one among the many which we have seen, indicating the feeling which prevails all over the country, in reference to the cause of the Canadian reformers.

“Dear Sirs,—I herewith send you a ten-dollar bill, which, with my respects and good wishes, please give to my friend, W. L. M'Kenzie, who I discover by the papers is in your city. If, however, he should have previously left, give it to some other Canadian patriot, and if the cause of freedom and disenthralment from petticoat government will be subserved by drawing on me for 50 or 100 dollars, I shall be happy to meet the demand.

“Yours, respectfully.”

We have already alluded to the sympathy excited in the state of Vermont, and in that portion of the state of New York lying along lake Champlain, by the affairs of St. Charles and St. Denis; we must now carry the reader to the city of New York.

If we had been asked in what part of the United States the insurgent patriots of Canada had been least likely to find sympathy and succour, we should certainly have named New York beyond all places. New York is overrun with a bad class of British commercial adventurers—ignorant, intolerant, and vulgar-minded, whose only means of distinction is pretended admiration of every thing that is aristocratic, according to their narrow notions, and “British.” Of course these persons' minds are perpetually on the stretch to do some overt-act of loyalty, if we may be allowed the expression, in order to show how remote is their connexion with the vulgar crowd, the “common people.” Their imitation of what they conceive to be genteel is the most amusing thing in the world, provided you can, by a strong effort, shake off the first impression of its offensiveness. Liberalism in any shape, or of any degree, is their abhorrence, as it might lead to a suspicion of the genuineness of their gentility, which would be intolerable; it is therefore to be

denounced and avoided. Any thing that savours of democratic associations is treated—much as a well-married milliner's girl treats a needle—as something of the existence of which they had been told, but of which they had no very clear conception. Not only was no demonstration in favour of the Canadians to be expected from these persons; but as all their aspirations would naturally be in favour of the dominant party in the colonies, composed in part of the same class of persons, all their efforts would therefore be directed to the suppression of anything like a public exhibition of sympathy.

The Americans of New York, too, are not very prone to side with the popular party in any country. To hear a New York mercantile man talk of the people, you may suppose yourself listening to a London shopkeeper. They accumulate wealth as the same class in England, and they then feel, and immediately regret, how little wealth will purchase in a democratic country, after the extreme point of comfort is attained. Like the rich Mr. Touchango,* the runaway banker, they sigh that they cannot purchase a seat in Congress with their own notes, and they soon learn to fall out with their simple and cheap government.

Thus taking off the "foreign" and "mercantile" portions of the population, the liberal portion, we should have conceived, would have found some difficulty in getting up a demonstration in favour of a revolutionary movement so near home; and this impression the tone of the New York papers was not calculated to allay, for, with some exceptions to be presently noticed, they were all opposed to the Canadians at the first outbreak.

It may not be out of place here to mention that we are perpetually falling into error in this country, as to the state of opinion in the United States, from the fact, that all our papers take their views of America and Americans from the New York commercial papers alone. These papers represent the opinions and desires of their supporters, and are generally opposed to the prevailing opinions of the people. They depend for their existence on advertisements, which the mercantile class can alone give, and the consequence is, that out of the thirteen daily papers, certainly only two, and we believe only one, is attached to the democratic party. The consequence is, that they are almost always at issue with the *ballot-boxes*—the great and all-commanding index of opinion in America. A singular instance of this occurred at the last presidential election. Nearly all the New York papers foretold a triumph against the democratic party, but the ballot-boxes soon gave evidence of the extent to which they had deceived their party and themselves. Now if this be the case, it is not very wonderful that they deceive us. To judge of the average state of opinion on any great question, involving a principle of government or affecting large interests, we should see the provincial

* Crotchet Castle.

papers, and these we conceive seldom fall into the hands of London editors. There are a large number of penny, and even halfpenny (cent) papers in New York, which are also a sealed letter to us; these are all democratic, and all, or nearly all, in favour of Canada.

The American correspondents of the London papers are equally mischievous as guides to the state of opinion in America. They have a purpose to serve at home, and by neither Whig nor Tory is democracy likely to be pictured in colours too attractive. The only correspondent who strikes us as giving generally a fair view of American politics is that of the *Times*, who calls himself "a Genevese traveller."

Notwithstanding this apparently unfavourable soil, a very enthusiastic demonstration was however made in New York in favour of the "suffering people of Canada." Of this demonstration, we have before us an animated picture drawn by an eye-witness, and transmitted in the shape of a letter* to his friend in London.

"I told you in my last that it was proposed to call a public meeting of the citizens of New York on Wednesday the 27th ult., to express their sympathy for the 'suffering people of Canada.' According to arrangement, this meeting was holden at the appointed time, at Vauxhall Gardens in this city. An effort was made to get the Bowery Theatre, Niblo's, or some other large building, but they were engaged, and though Vauxhall is rather at a distance up town, nothing could surpass the splendour and enthusiasm of the meeting. Fully *three thousand* people attended, whilst hundreds remained in the street unable to make their way in. I have put into the letter-bag to your address some newspapers containing an account of the meeting, with a copy of the report presented by a committee to the meeting on Canada grievances, and the resolutions passed on the occasion by this immense multitude of intelligent and wealthy American citizens. But nothing can convey to you an idea of the feelings of the meeting—the sympathy of all present in behalf of the Canadians, and their fervid enthusiasm.

"When seven o'clock, the hour fixed for opening the meeting, arrived, the large room was crowded almost to suffocation. Alderman Mangle Quackenboss took the chair. Several most respectable citizens acted as vice-presidents. The meeting was addressed by various citizens. After the resolutions and report were read, the president announced that Dr. O'Callaghan, member of the Lower Canada House of Assembly, and editor of the *Vindicator*, for whose arrest the British government had offered 2000 dollars, was present, and would, if permitted, address the meeting.

"It must be remarked that it was not previously publicly known that the Doctor was present or in town. } The announcement that

* This letter first appeared in the *Weekly Chronicle*. It may be relied on as authentic.

he was in the room, called forth the loudest burst of applause I ever witnessed, which positively shook the house; when he presented himself to the assembly—"Up on the table! up on the table!" was the cry from all parts of the house, and up the Doctor accordingly got. "Hats off," was the next order; and forthwith the assembled thousands, composed of a most intelligent and respectable class of citizens, many venerable by their white locks, stood uncovered before this stranger, whom none of them, except, perhaps, half-a-dozen, knew, and who had nothing to recommend him except his simple title of a Canadian patriot, suffering persecution in the cause of liberty.

"It is well to remark, that it is not the custom for the people to take off their hats at public political meetings in this country. Uncovering their heads is a particular mark of respect, such as has been paid to no public man in this city for a great many years, except to Mr. Cambreling, representative in congress for this city, on his last return from Washington, when he attended a meeting to give an account of his conduct.

"The cheering called forth by the Canadian patriot's *safe and sound* appearance among them continued for a full quarter of an hour. It was one wild and hearty cry of joy, excited by the sympathy felt in favour of Canada, and spoke trumpet-tongued in testimony of the feelings of the people towards Canada at the present crisis. It is unnecessary to enter here into a recapitulation of the Doctor's address. You will find a meagre report of it in one of the papers transmitted to your address. It was frequently interrupted with the most enthusiastic applause. When he met the 'national origin' fallacy, by asking them if their forefathers rejected Lafayette, because *he* spoke French, and then asked them if they would show themselves unworthy of their ancestors, by abandoning the Canadians, because they spoke the language of *Lafayette*, the early friend and champion of their republic?—one general shout for 'Canada, and liberty,' conveyed a full conviction to the minds of all present that the American people were not to be imposed upon by this 'national origin' fallacy. Three cheers for Papineau were most cordially given, when the Doctor pointed to the portrait of the honourable speaker which hung in one corner of the room.

"My pen is too feeble to convey to you a perfect idea of this enthusiastic meeting. I must remark that it was composed of all political parties without discrimination. Some active partisans of the British Tories in Canada, attempted to turn the tide against the Canadians at this meeting, but without the least success. They scattered hand-bills through the meeting, threatening the States with war from England, if the people here sympathised with the patriots of Canada; and also threatening to send the free blacks of the West Indies to 'sympathise' with the slaves of

the southern states, if the Americans expressed any sympathy for the Canadians ; but it produced no effect.

"A Dr. Anderson came forward to speak against the Canadians, but he could not get a hearing. Whilst Dr. O'Callaghan was speaking, he happened to mention the name of O'Connell. Immediately an agent of the British tories, who was present at the meeting, endeavoured to create a row by stating that O'Connell was 'an abolitionist.' The only answer this cunning gentleman received was, to be taken by the collar and pushed out of the meeting before you could count three.

"I casually turned my head to speak a word to a gentleman near me, when I heard the word 'abolitionist;' and before I had time to look back for the person who mentioned the unfortunate word, he was passed out of the room. All this was done with the greatest possible order and regularity.

"It may be said, perhaps, that this is a proof that the meeting was composed in great part of Irishmen ; but it was not so. The meeting was almost exclusively American ; but, although the feeling of the great majority certainly was anti-abolitionist, yet the man who interrupted the meeting was put out, because all present felt that local politics should be dropt ; that they assembled on neutral ground ; and that the man was a common enemy who would attempt to divert them from expressing their sympathy in behalf of the suffering people of Canada.

"I could convey to you other proofs of the generous feeling exhibited towards Canada on this occasion. Before adjourning, the meeting pledged itself to protect the Doctor whilst he remained in the city ; this was lest an attempt should be made to get him delivered up to the British authorities.

"Many most respectable gentlemen came forward after the meeting, to congratulate him on his safety, and 'to have the honour of shaking hands with him.' Now all this kind and overpowering reception the Doctor is by no means so vain or so foolish as to take to himself *personally*—it was not intended for the *man*—it was intended for his country, for *Canada* ; it was intended as a marked demonstration to England of the manner in which public opinion here pronounces itself regarding the suffering people which inhabit that province.

"The gentleman who stood before the meeting was a representative of that country—of the persecutions that Canada was undergoing at the hands of the British government—of the sufferings inflicted on the Canadian people by the myrmidons of British rule in the province, and the warm reception and welcome they gave him. The cordial response they gave to his speech in behalf of Canada, was a proof on their part how much they disapproved of these persecutions, and how warmly they sympathised in the sufferings of the Canadians.

"This reception, this expression of opinion on the part of New York in behalf of Canada, will be felt throughout the Union. It will give the tone to other cities; and in fine, will furnish a very good answer to the tory lies, and to the misrepresentations of Ellice and the royal commissioners, who would make you and us believe that there is no sympathy in those States for Canada. I told you in a recent letter that you would soon have proof to the contrary. You now have that proof. What's more, even the British newspapers in this city have much moderated their opposition to Canada, and now begin to acknowledge that their friends in Canada misconceive the state of public feeling here relative to the Canadians.

"P.S.—Every post brings intelligence of increased sympathy amongst the people of this republic in favour of Canada. The *Indiana Journal* of the 19th Dec. announces that the journeymen printers of Indianapolis have formed themselves into a volunteer corps, and set out on their march to Canada, 'to assist the patriots in their struggle for liberty.' They are commanded by Capt. Z. B. Gentry. The paper adds, 'May the bold spirits of the enlisted meet with success.' This will show you how the contagion is spreading.

"The example set by New York is about to be followed in the capital of this state, under the very nose of Governor Marcy. The citizens of Albany are to meet to-morrow, 'to sympathise with the Canadians.' The following is a copy of the notice, as extracted from the Albany papers:—'Public meeting of the friends of North American liberty!—The citizens of Albany and vicinity, who sympathise with the oppressed, and who are in favour of the extension of republican principles among the nations of the earth—who have a desire for the independence of the entire continent of North America from foreign vassalage, and who wish to perpetuate the blessings of self-government among their fellow-men, are requested to attend a public meeting in the City Hall, on Tuesday, Jan. 2, 1838, at 2 p. m.'

"Another meeting is called in the interior of the state. The following is the notice, as extracted from the Rochester papers:—'The people of Monroe county will assemble at the Court-house in Rochester, on Wednesday, Dec. 27th, at 1 o'clock, p. m. to express their sympathy in the cause of freedom by all lawful means, in contributing money, clothing, provisions, &c. for the relief of the struggling patriots in Canada. A committee will be appointed at the meeting to receive and apply the contributions which may be made on the occasion.' Here follow the names.

"In addition to this, the walls of this city are covered with notices of a *Benefit* to be given to-morrow evening at the Franklin Theatre, in this city, 'for the Canadians.' At the foot of the notice it is announced that 'Dr. E. B. O'Callaghan, one of the proscribed Canadian patriots, for whom the British government

has offered a reward of 2000 dollars, will be present.' This benefit is to be followed by a grand ball 'for the benefit of the Canadians,' on Thursday evening, at the Masonic Hall.

"A meeting of the citizens of Brooklyn is, I understand, to be holden also, to encourage the movement to the north of line 45 degrees.

"I am satisfied that these meetings will multiply throughout the Union, and that the Canadas will be assisted with money, arms, and ammunition; aye, and with men from these states, to drive the authority of England from this continent."

The reader will not fail to perceive from the fervid tone of the writer, that he is warmly attached to the cause of the insurgent patriots. We must observe, however, that although the writer's evident bias may have warmed his hopes, and induced him to give a very favourable colour to the state of feeling prevalent at the time, there can be no dispute about the facts. We have examined various American newspapers, and they all agree that the meeting was, as above stated, of the most enthusiastic kind. The reader may, therefore, make what allowances he thinks fit for the peculiar leaning and expressions of the above letter, bearing in mind, that of the facts related therein there can be no doubt. They are confirmed, and in some few particulars more than confirmed, by other testimony.

The only additional circumstance which occurred at the meeting worthy of being mentioned is, that Mr. William Hoare, a member of the London Working Men's Association, who presided at their meeting at the Crown and Anchor Tavern in favour of Canada, in April 1837, and who has since emigrated to America, addressed the citizens of New York in vindication of the mass of the English people in relation to the treatment of the Canadians. The sum of his argument was this:—that the people of England not being represented in parliament, the acts of the parliament must not be charged against the people. He showed that the persons of full age, in the United Kingdom, exceed 6,000,000; whilst the elective franchise is confined to a number not much exceeding 800,000; hence, it is only one-eighth, or at the most one-seventh of the population that has any control over the acts of the government. He quoted numerous instances in which the people and the government were at issue, and referred to numerous meetings to prove that, if universal suffrage prevailed in England, the Canadians would not now have to complain of the injustice of the mother country. His speech is described as eloquent, and above all, argumentative; as being fraught with a manly and generous spirit; and as having abundantly proved his case.

What may have been the case had the suffrage been universal, or even much more extended than it is, is of course impossible to say. Notwithstanding the demonstration which has been made

in many places against the course pursued towards Canada, we fear that prejudice and ignorance respecting the nature of our dominion over our colonies, has materially influenced opinion on the Canadian question. In the House of Commons, certainly, the tone of the debates exhibit no improvement, as compared with those which took place during our disputes with our old colonies. On the subject of those disputes we take leave to make a quotation from one of the most masterly—we ourselves are tempted to say, *the* most masterly work of the present age, expressing at the same time our deep regret, that the hope expressed at the conclusion has really proved more “romantic” than the philosopher who breathed it could then foresee.

“If the bulk of the people of England had thought and reasoned with Mr. Burke, had been imbued with the spirit, and had seized the scope of his arguments, her needless and disastrous war with her American colonies would have been stifled at its birth. The stupid and infuriate majority who rushed into that odious war, could perceive and discourse of nothing but the *sovereignty* of the mother country, and her so called *right* to tax her colonial subjects.

“But, granting that the mother country was properly the sovereign of the colonies; granting that the fact of her sovereignty was proved by invariable practice; and granting her so called right to tax her colonial subjects, this was hardly a topic to move an enlightened people.

“Is it the interest of England to insist upon her sovereignty? Is it her interest to exercise her right without the approbation of the colonists? for the chance* of a slight revenue to be wrung from her American subjects, and of a trifling relief from the taxation which now oppresses herself. Shall she drive those reluctant subjects to assert their alleged independence, visit her own children with the evil of war, squander her treasures and soldiers in trying to keep them down, and desolate the very region from which the revenue must be drawn? These and the like considerations would have determined the people of England, if their dominant opinions and sentiments had been fashioned on the principle of utility.

“And if these and the like considerations had determined the public mind, the public would have damned the project of taxing, and coercing the colonies, and the government would have abandoned the project. For it is only in the ignorance of the people, and in their consequent mental imbecility, that governments or demagogues can find the means of mischief.

“If these and the like considerations had determined the public mind, the expenses and miseries of the war would have been avoided; the connexion with England and America would not

* In the case of Canada, there is not even this chance.

have been torn asunder; and in case their common interests had led them to dissolve it quietly, the relation of sovereign and subject, or of parent and child, would have been followed by an equal, but intimate and lasting alliance. For the interests of the two nations perfectly coincide,* and the open and the covert* hostilities with which they plague one another, are the offspring of a bestial antipathy begotten by their original quarrel.

"But arguments drawn from utility, were not to the dull taste of the stupid and infuriate majority. The rabble, great and small, would hear of nothing but their *right*. 'They had a *right* to tax the colonists, and tax them they would, ay, *that* they would.' Just as if a *right* were worth a rush of itself, or a something to be cherished and asserted independently of the good that it may bring.

"Mr. Burke would have taught them better; would have purged their muddled brains, and 'laid the fever in their souls,' with the healing principle of utility. He asked them what they would get if the project of coercion should succeed, and implored them to compare the advantage with the hazard and the cost. But the sound practical men still insisted on the *right*; and sagaciously shook their heads at him as a refiner and a theorist.

"If a serious difference shall arise between ourselves and Canada, or if a serious difference shall arise between ourselves and Ireland, an attempt will probably be made to cram us with the same stuff. But such are the mighty strides which reason has taken in the interval,† that I hope we shall not swallow it with the relish of our good ancestors. It will probably occur to us to ask whether she be worth keeping at the cost of a war? I think there is nothing romantic in the hope which I now express; since an admirable speech of Mr. Baring, advising the relinquishment of Canada, was seemingly received a few years ago with general assent and approbation."‡

The Albany Meeting took place on the 4th of January, and the following is a brief report of its proceedings, extracted from the *Albany Daily Advertiser*.

"On the 4th inst. the largest meeting ever held in the city of Albany, assembled at the Capitol in pursuance of a previous call,

* Corn laws and tariff, for instance.

† This proposition is undoubtedly true in a general sense, but not as applied to the House of Commons, which represents the *wealth*, and not the *reason* of the country.

‡ The "Province of Jurisprudence determined," by John Austin, Esq., p. 57-60; a book to which it is impossible to allude without expressions of the most profound admiration. We may here mention that in the course of the discussions which arose out of the House, as well as in the House of Commons, on the subject of the Canadian Coercion Bill, it was our good fortune to listen to one speech, which from the excellent observations that fell from the speaker on the nature of sovereignty, convinced us he had read, nay, had carefully and profitably studied, Mr. Austin's work. That speaker was a working man of the name of Vincent.

to sympathise with the oppressed and persecuted patriots of Canada, and to adopt such measures as might be deemed necessary to afford relief and mitigate their sufferings. It is estimated that between five and six thousand persons were present. The large hall of the Capitol, sufficiently capacious to contain fifteen hundred persons, was completely thronged an hour before the time designated in the call for the meeting. Thousands were in the park, unable to gain admission. At three o'clock the meeting was called to order by Samuel S. Lush, Esq., who stated, in a few brief but eloquent remarks, the object for which the meeting had assembled.—On his motion,

“His Honor Teunis Van Nechten, mayor of the city, was appointed President; Erastus Corning, John Townsend, James Porter, Ichabod L. Judson, John W. Bay, Gerrit Y. Lansing, James Maher, James Robinson, John N. Quackenbush, and Gideon Hawley, Vice-Presidents; and Peter Cagger, Asa Fassett, and Charles S. Olmsted, Secretaries.

“At this stage of the proceedings, a motion was made that an adjournment be had to the park, and unanimously carried.

“After a meeting had organized in the park, the president, on motion of Mr. H. V. Hart, appointed the following gentlemen a committee, to draft and report resolutions, viz. Samuel S. Lush, Samuel Beardsley, Samuel Stevens, Dudley Burwell and S. De Witt Bloodgood.

“The committee retired, and after a short absence returned, and, through their chairman, reported the following resolutions, which were unanimously adopted, amidst the cheers of the assembled multitude:—

“That, recognising the right of the people in every country to adopt and establish such forms of government as are in their judgment best suited to their wants, we naturally sympathise with those of every clime who seek to achieve their independence.

“That, while in accordance with these principles we have sympathised with the Greeks, the Poles, the patriots of South America, and the reformers of Canada, we owe it to the character of our institutions, the policy of our government, and the sacred obligations of neutrality, to repudiate and disavow any and every attempt to disturb the friendly relations subsisting between two countries, allies by commerce, by mutual interest, and a common language.

“That, acknowledging the obligations of neutrality on our own part, we also insist upon their fulfilment on the part of others, and avow our most solemn conviction, that full and ample satisfaction and atonement should be insisted upon for the recent lawless and cold blooded murder of our unarmed citizens, and the destruction of American property by a British armed force at Schlosser* in this state; and that we pledge ourselves to sustain the government

* See the next chapter.

of our country in enforcing any satisfaction promptly, and at all and every hazard.

"That in conformity with the principles of our government, and a full appreciation of the weighty interests involved in, and the peculiar difficulties arising out of, the present situation of our western frontier, we respectfully recommend to the executive and legislature of this state, to take immediate measures both to repel aggression and maintain a strict neutrality.

"That we approve of the prompt and energetic manner in which his excellency the governor had presented the subject of the recent outrage on our fellow-citizens at Schlosser, to the attention of the legislature.

"Samuel Stevens, Esq., being loudly called for from all parts of the park, ascended a platform raised at the foot of the steps of the Capitol, and addressed the meeting in an eloquent and spirited speech—during the delivery of which he was repeatedly interrupted by loud bursts of applause.

"Joshua A. Spencer, of Utica, Daniel S. Dickinson, of the Senate, and D. B. Gaffney, were also loudly called for, and severally addressed the meeting in a manner replete with ability and patriotism. Loud and continued cheering interrupted these gentlemen during the delivery of their addresses.

"Mr. H. V. Hart offered the following resolution, which being read, was unanimously adopted:—

"That a committee of four from each ward be appointed to receive contributions for the relief of the Canadians in distress: and that the following gentlemen constitute such committee:—

"First Ward—Garret V. T. Bleeker, B. S. Van Rensselaer, William Barney, Levi Cornel.

"Second Ward—William Seymour, Robert Brown, Hiram Perry, Amos Adams.

"Third Ward—Garret W. Ryckman, Charles B. Lansing, Philip W. Grot, John Davis.

"Fourth Ward—Clark Robinson, Peter Cagger, Henry A. Williams, Cornelius Vanderbelt.

"Fifth Ward—James Gibbons, Z. Balknap, Charles Chapman, John McDowall.

"After the passing of the foregoing resolutions, Mr. Tracey, from Lower Canada, briefly returned thanks to the meeting for the sympathy evinced in behalf of his suffering countrymen.

"On motion, resolved, That the proceedings of this meeting be signed by the president, vice-presidents, and secretaries, and published in the daily papers of this city; and that the several papers throughout the state be requested to publish the same."

The sympathy so generally expressed was, without doubt, greatly augmented by the accounts, both true and false, of the shocking atrocities committed by the successful party, and by the perpetual cry for blood which was kept up in their newspapers. Of these

accounts, there were quite enough which were true to excite the commiseration of a generous and humane people. The burnings on the Richelieu river; the vindictive character of the attacks on, and destruction of St. Eustache; the brutal conduct of the volunteers at St. Benoit, all tended to excite the horror of the Americans. The party of the volunteers are continually speaking and writing of their British feeling. We must not, therefore, wonder that all those horrors are attributed by the Americans to the "British." The misconception is the price we must pay, and, perhaps, ought to pay, for the sanction given to a cruel and vindictive party; a misconception which can only be removed by a course of generous clemency, which we have great confidence will be pursued. The following article from the Albany Evening Journal bears testimony both to the prevailing sympathy and to the cause which we have pointed out:—

"THE REVOLUTION IN CANADA.—This question is assuming a more formidable character. It has already excited much feeling among us, and is likely to become one of pervading interest. The whole subject is surrounded with difficulties. The position of our state is one of equal delicacy and responsibility.

"The public sympathy and the popular feeling are with the patriots. These cannot be repressed. And yet our relations with England are of a character so amicable as to impose the strictest neutrality upon us. With these views we have thus far pursued a course dictated by convictions of duty. We cannot promise, however, to remain long indifferent, if the royalists continue their sanguinary mode of warfare. Defenceless villages may not be burned with impunity. Fires thus kindled, will blaze higher and burn longer than the incendiaries contemplate. This is not the age for oppressors to pierce the hearts of the oppressed.

"The government officers are pushing their advantages too far. There is a principle in human nature which rulers are slow to comprehend.—Men fight most desperately when driven to extremities.

"The government is not so clearly right, nor the revolutionists so palpably wrong, as to warrant the rigorous course pursued. If a majority of the citizens of Canada are in favour of governing themselves, there is nothing 'worthy of death or bonds' in the expression of that opinion. Nor was it in accordance with the spirit of the times, for the royalists to mob and destroy the presses which ventured to discuss this question.

"If the lessons taught by our revolution have been forgotten in England, that government will assuredly lose its Canadian provinces. The Tory presses in Canada are thirsting for blood. 'The gallows,' says a Toronto paper, 'is impatient for its prey, and will speedily have carrion in abundance.' Should the government venture to try and hang for treason, its power to wreak such vengeance will be short lived. The moment the royalists

condemn citizens to the 'gallows' for political offences, 'a warfare will be commenced which must terminate in the independence of Canada.'

The following commentary on the tone of one of the Toronto Journals is from a Buffalo paper:—

"It is to be hoped, for the honour of human nature, that but few persons can be found in Canada, or elsewhere, who will respond to the brutal sentiments of Dalton, the editor of the government paper at Toronto. His ferocity knows no bounds when directed towards the reformers of Canada, in whose ranks he once was. Human sympathy and a sense of justice have alike departed from him, and he exhibits a fiend-like blood-thirstiness that would disgrace a savage."

On reviewing the sympathy expressed by the Americans, in favour of the supposed revolutionary movement in Canada, it is impossible to withhold from ourselves the conclusion, that had the Canadians in either province been able to maintain themselves for a very short time, and to secure one or two moderate successes, such as the affair of St. Denis, so as to afford something like a guarantee that they were in earnest, there would have been a very general movement among the people of the Northern and Western States in their favour.

It is beyond measure important, that Englishmen should fully understand the state of opinion in America, on this question. It is the impression at this moment that the disturbances are over, hence the sympathy would very naturally subside. We must not, however, imagine that it was a mere "nine days' wonder," and that before this time it would have subsided at any rate. It may suit the columns of a party newspaper, to preach such a doctrine,* but it never can be the interest of Englishmen as citizens of the Metropolitan State, so completely to blind themselves to what may be called the strongest position, or rather bulwark of a revolting colony. The recent risings have, we repeat, proved that the people of Canada have but to commence with a few successes, and thousands of western rifles will be at their backs.

The interest which the Americans have in promoting the independence of Canada is obvious enough. Territory they do not certainly want. The vulgar European idea of conquest is at present, and may it ever be unknown to them; what they want is to get rid of European influence, and European opinion, and therewith remove the many latent causes of dispute and quarrel which the present proximity of the colonies entails upon them. No one can have observed the state of opinion in America, without perceiving that the ejection of kingly government from that continent is one of their most dominant wishes.

The powerful interest they take in the boundary question, has

* This doctrine has been held by more than one paper. It may render a colonial minister's position stronger against a hostile motion, but it can serve no good purpose to deceive the people of England on the point.

less reference to the few "acres of snow, somewhere towards Canada," of which Voltaire spoke, than to the greater question of the navigation of the St. Lawrence, and to the still greater question of elbowing monarchy off the continent.

The Texas question has an intimate bearing on that of Canada in more ways than one. About ten years ago, Texas tried a revolt, and was unsuccessful; the second time she was more fortunate. And why was she so? because she maintained the revolt for a sufficient time to enable the sympathies of American citizens to assume the tangible shape of an armed assistance. "Oh! but Texas is a country in which slavery is permitted, and the interference in favour of the independence of Texas was, in point of fact, for the sake of an extension of slave-holding territory, out of which several slave-holding states might be carved." Let this be granted, and to what conclusion does it lead? Simply to this, that the creation of a new slave-holding state generates an immediate demand for a counterpoise, and where can be found one so obvious as that which would be afforded by the Canadas, and the other British possessions, out of which would grow at least as many states as out of the territory of the Texas. Thus, whilst the sympathy in favour of Texas may be said to reside in the slave-holding states of the south* and south-west; that in favour of the Canadas finds its habitation among the active, enterprising, and adventurous spirits of the north and north-west. Among these, there is a strong opinion against slavery growing up. It is daily gaining proselytes. Men there are, who are willing to suffer martyrdom for what they believe to

* It may not be deemed out of place to give the slave-population of the chief slave-holding states and territories in 1830:—

Maryland	..	..	..	..	102,294
Virginia	..	..	..	..	469,757
N. Carolina	..	..	..	..	245,601
S. Carolina	..	..	..	..	315,401
Georgia	..	..	..	..	217,531
Alabama	..	..	..	..	117,549
Mississippi	..	..	..	..	65,659
Louisiana	..	..	..	..	109,528
Tennessee	..	..	..	..	141,603
Kentucky	..	..	..	..	165,213
Missouri	..	..	..	..	25,081
Florida	..	..	..	..	15,501
Arkansas	..	..	..	..	4,576
Columbia, D.	..	..	..	..	6,119
					<hr/> 2,001,443

In the other fourteen States and Territories, there were then only 7681 slaves in gradual process of emancipation. The aggregate population of each section of the Union was, in 1830:

Non-Slaveholding States	..	..	7,100,000
Slaveholding States	..	..	5,800,000

be a holy cause. The perseverance of these men is gradually breaking in upon the indisposition, and even repugnance, to discuss the question which has hitherto prevailed. In the northern and eastern states, men will just listen to anti-slavery doctrines. Thus, the question may be said to be brought to that favourable state in which we find the question of free trade, and some others in this country; namely, that although old abuses are not abated, new violations are not tolerated. This being the case, any movement, either individual or national, by act, or the expression of opinion, in favour of Texas, will, we repeat, excite a countervailing movement in favour of Canada. This will undoubtedly operate in some measure in checking the sympathy of the south in favour of Texas. This is a deduction, but only a deduction, from the sum of our argument. From the determination, however, which has been exhibited in Texas to achieve independence, the question must be sooner or later raised in the States; and then it is that the more populous, and therefore *more largely represented* States, will look to the Canadas.

Another question which increases the interest of the Americans in the independence of the North American colonies, is that respecting the boundary between the State of Maine, and provinces of New Brunswick and Lower Canada, "the north-eastern boundary question," as it is usually designated, dating of course from the United States. The dispute about this boundary arose out of the vague wording of a treaty.* The boundary between the two countries was to be a line drawn due north from the source of a certain, or as it turned out, an uncertain river, called the St. Croix, "to the highlands," thence along the highlands which divide the rivers which empty themselves into the St. Lawrence, from those which fall into the Atlantic Ocean, &c. Now it so happened that there are two ridges of highlands, one within a few miles of the St. Lawrence, and the other many miles south, but both lying between "the rivers which fall into the St. Lawrence, and those which fall into the ocean." Moreover the St. Croix river, obvious and assignable enough at its mouth, is not so as to its source. Further, the treaty speaks of the north-west angle of Nova Scotia as a *pointe d'appui*, as though the angle of a country were as easily determined as the corner of a street. Now not one of these points hath as yet been determined. After more than half-a-century of disputation and negotiation, references and arbitration, the source of the St. Croix, the highlands, and the north-western angle of Nova Scotia still remain as uncertain as before, leaving a large extent of neutral territory, over which neither nation can exercise jurisdiction. Now this territory is not the real, though

* The treaty of Paris, 1763, rendered still more vague by the treaty of Ghent, 1815.

it is the sensible matter in dispute. It is the St. Lawrence which the Americans desire to approach, and from which the British authorities desire to exclude them. Must it not be obvious that the independence of Canada would settle the whole question. Whether the few "acres of snow on the confines of Canada"* went to Maine or Canada, no one on that continent would care. The St. Lawrence would be a highway to the ocean open to all Americans, and this *teterrima belli causa*—this most dismal cause of war would be for ever set at rest. This is no speculative statement, we have seen the settlement of the boundary set down in more than one American newspaper, among the catalogue of advantages likely to accrue to them from the independence of Canada. From these considerations, those who are in the habit of carrying their views beyond the mere occurrences of the moment, will do well to ponder on the peculiar relations which subsist between the people of the United States, and the discontented population of the British colonies.

The enlistments at Buffalo produced on the executive of the State of New York the same effects as those at and near Swanton had produced on the executive of the state of Vermont.† The following proclamation was issued by Governor Marcy:—

"Whereas, information has been received that an armed body of men is assembled at or near the city of Buffalo, with the avowed intention of taking part in the disturbances which prevail in the neighbouring province of Upper Canada, and that similar movements are to be apprehended in other parts of the state adjoining the province of Lower Canada: and whereas any attempt to set on foot such military expeditions or enterprizes is in direct violation of the law and of the relations of amity subsisting between the kingdom of Great Britain and the United States:

"I do hereby call upon the persons who may be assembled, or who may design to assemble, as aforesaid, to desist from their unlawful proceedings; and upon the citizens of the state to cooperate with the officers and magistrates of the United States in their efforts to suppress all such violations of law, and to bring the offenders to punishment. I do also enjoin upon the good people of this state to abstain from all illegal interference with the domestic concerns of the said provinces, and they are hereby cautioned not to allow their feelings of sympathy for those who, for political causes, have fled from other countries and taken refuge in our own, to mislead them into any infraction of the law, or of those principles of neutrality which it is the duty of the government to maintain in relation to the dissensions, whether external or domestic, of foreign states."

This proclamation is not quite so fine drawn in its language as

* See Chap. iv. p. 65.

† See Voltaire's *Candide*.

that of the Governor of Vermont. Instead of "national interference" and "intermeddling as a nation," it deprecates all *illegal* interference, and especially the assembling of armed men. The Vermont proclamation seemed almost to invite individual interference; the above has not that feature. Both the proclamations arose out of a *request* from the general government to the governors of all the frontier states, to take measures to preserve neutrality, as we learn by the following notice from the *Albany Argus*—a paper which is in the confidence of the government, but which has all along been favourable to the Canadians :--

"We understand that a communication has been addressed by the Secretary of State of the United States, by direction of the President, to the Governor of this State, requesting his attention to any movements growing out of the present contest in the Canadas, that may violate the laws of the United States, passed to preserve the relations of amity with foreign powers, and fulfil the obligations of our treaties with them; and requesting also his prompt interference to arrest the parties concerned, if any preparations are made of a hostile nature against any foreign power in amity with the United States. Similar communications have been addressed to the executives of Vermont and Michigan, and to the district attorneys and marshals of those states and this."

With these friendly demonstrations on the part of the several governments of the frontier states, the Canadian authorities could not but be satisfied, however much they might marvel at the audacity of the people who could hold a meeting at Albany soon after the above proclamation, "under Governor Marcy's very nose."*

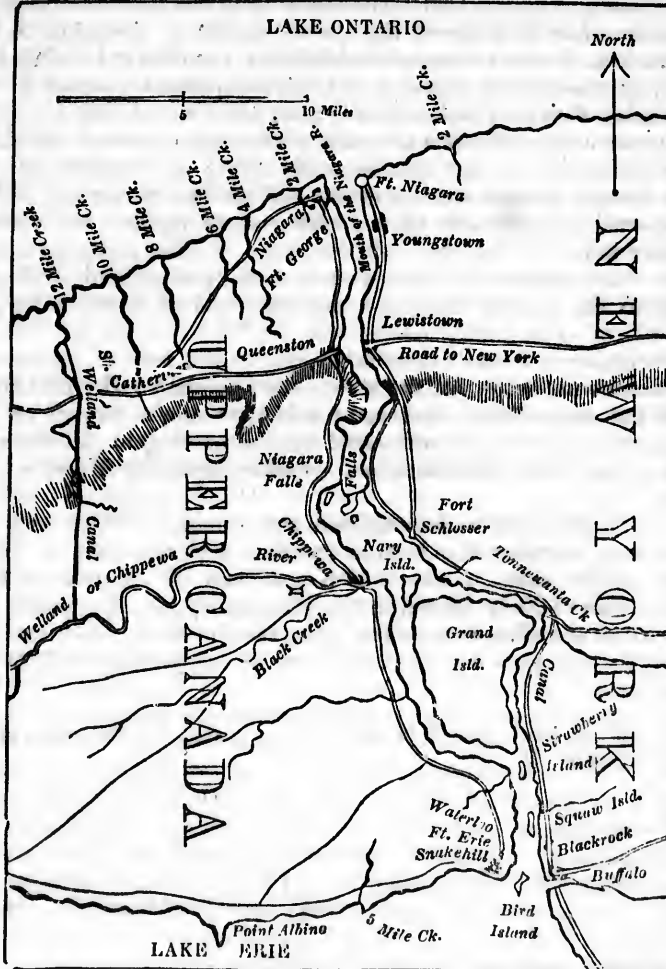
The artillery, arms, ammunition, and provisions, collected in the few days following the Buffalo meeting, and the men moreover who joined them, enabled M'Kenzie and his friends to take possession of Navy Island, in the Niagara river, just opposite the mouth of the Chippewa. The occupation of this island, and the events which grew out of it, will form the subject of the following chapter.

* See the letter quoted in this Chapter, p. 160, and the report of the meeting, page 163

CHAPTER X.

THE CAMP ON NAVY ISLAND.

Description of the Niagara River, and of the surrounding country—Occupation of Navy Island—Van Rensselaer—Increase of Force—M'Kenzie's Proclamations—Militia on the Frontier—Head quarters at Chippewa—Destruction of the Caroline—Affidavits—Governor Marcy's Message—President's Message thereon—Action of Congress—Effects of the Outrage—Its character investigated—Communication to the British Minister.



In accordance with the plan which we have pursued in other

cases;* we commence this Chapter with a topographical description of the scene of the transactions which it is designed to record, illustrating the same with the sketch placed at the head of the chapter.

The river Niagara connects together lakes Erie and Ontario, flowing from the former to the latter in a direction nearly due north. It is a portion of that great chain of waters flowing from the great western lakes to the ocean, and comprising lake Winnipeg, the lake of the Woods, lakes Superior, Huron, Erie, Ontario, and the river St. Lawrence. Though one chain of waters, the "great river of Canada" is known at different parts of its course under different names. Between lakes Superior and Huron, it is called the Sault Ste. Marie, or falls of St. Mary; between lakes Huron and Erie, we have the river St. Clair, expanding into the lake St. Clair, and when it again contracts, taking the name of the Detroit river; between Erie and Ontario, it is called, as already stated, the Niagara; below lake Ontario to the ocean, it is called the St. Lawrence; though, until very lately, that portion lying between Montreal and the last named lake, was called the Catarqui, or Iroquois.†

Besides connecting the lakes, it divides the British from the United States' territory; the province of Upper Canada lies on its left or western shore, the state of New York on the right or east.

The whole length of the river is about thirty-six miles and a half; namely, twenty-three miles and a half from lake Erie to the falls, and thirteen from the falls to lake Ontario. The fall of the river in that distance is 334 feet, distributed as follows.

	miles	feet
Lake Erie to the rapids	23	15
The rapids	$\frac{1}{2}$	51
The falls		162
The falls to Queenston	6	104
Queenston to Ontario	7	2
	<hr/>	<hr/>
	36 $\frac{1}{2}$	334

Buffalo, which was the principal scene of our last chapter, stands at what may be called the neck of lake Erie, on the New York shore. It owes its importance to the great Erie canal connecting the waters of the Hudson with lake Erie at this point; hence it is the great emporium of the lake trade. Its population is probably about equal to the present population of Toronto, as it contained 8668 inhabitants in the year 1830, and the rate of increase which it exhibits is much larger. It is tolerably well

* See Chaps ii. v. and viii.

† The waters of Canada will be more completely described in a Chapter exclusively devoted to the subject.

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other

built, and exhibits all the bustle of an American trading town, some of its inns being capable of accommodating from 100 to 200 lodgers. Some idea of the extent of its trading may be formed from the fact, that in 1836, a bankruptcy occurred there to the extent of 1,000,000 of dollars. In 1814, the town was burned by the British, one house only being left—a circumstance which may help to account for the recent exhibition of sympathy with the Canadians.

About three miles below Buffalo, on the same shore, stands Black-rock, which is a mere village. To Buffalo, however, it is of considerable importance, as it affords a safer shelter to the lake craft owned there, Buffalo being open to the lake, and lying extremely low. There is a good deal of ship-building carried on here for the lake trade, and there is a constant communication with the British shore by means of a ferry. Black-rock was partially destroyed during the late war, but has since lost all vestiges of that event.

On the British shore, nearly opposite to Buffalo, stands fort Erie. It was blown up during the war, and has not been thoroughly repaired since. Here the English were repulsed by the Americans in 1814.

The village of Waterloo stands nearly opposite to Black-rock, but is a place of small note. The islands in this part of the river are of no importance; they are Bird Island at the entrance, Squaw Island further up, and Strawberry Island, on approaching Grand Island. The river along this part of its course is broad and smooth.

Grand Island, which divides the Niagara river into two channels, is twelve miles long, and seven miles broad at its widest part, containing nearly 18,000 square acres. It belongs to the State of New York. Some years ago an enthusiastic Jew, named Mordecai Noah, the editor of a newspaper in the city of New York, formed the plan of planting a Jewish settlement here. It did not succeed, however, as the quiet pursuits of agriculture have no attraction for that trading race.

In the eastern channel of the river is the mouth of the Tonawanta creek, twelve miles of which form a portion of the Erie canal.

Immediately below, and north of Grand Island, lies Navy Island, where M'Kenzie and his friends, with their allies from Buffalo, fixed their camp. Navy Island belongs to the British, and contains no more than 320 acres of surface. It is covered with wood, and lies low towards the eastern channel, rising to about 8 or 10 feet towards the western or British side. This arises from the western stream being somewhat swifter than the other, so that it has in a manner worn away the banks, and rendered them precipitous. This circumstance, together with the fact of its being covered by Grand Island, belonging to a friendly, or at least a neutral power, rendered it of all other places, the best suited to the purpose of the insurgent patriots. First, there was great

facility of communication with the New York shore, by which they were enabled to receive men, arms, ammunition and provisions without difficulty or risk; second, the stream was swift enough, and moreover the Island near enough to the rapids, to render the approach of a hostile force almost out of the question, except from Grand Island, where a political difficulty stood in the place of a physical difficulty—Grand Island belonging to the United States, could not be occupied by a hostile British force.

Just below Navy Island are Chippewa on the British shore, and Fort Schlosser on that of the United States.

Chippewa is a village, situated at the mouth of a river or creek of that name. It is within the range of guns or mortars from Navy Island. Close to this place, a battle was fought in the summer of 1814, which, like all the American engagements where the rifle was used, was severe. Both sides claimed victory, but the Americans had rather the advantage.

At Chippewa, there is a remarkable spring, or rather part of a stream of water, emitting sulphuretted hydrogen gas, which readily ignites on the application of a lighted candle. It is called the burning spring. The most singular feature of this gaseous stream is, that it appears at several places in the State of New York, as well as in Upper Canada, being unbroken by the great river which separates the two countries.*

Fort Schlosser, a fort no longer, and scarcely a village, but merely what the Americans call *a landing*, (that is, a steam-boat wharf, near some great thoroughfare or place of traffic,) is on the eastern shore. It is from this landing, that the camp at Navy Island was supplied. The lake craft venture no lower than Fort Schlosser; there is, however, a ferry to Chippewa, and the passage is safe by daylight, and to experienced hands, even to Goat Island.

At the distance of about a mile and a quarter from Chippewa, are the falls of Niagara. The river is here divided into two channels by Goat Island, which is within the territory of the United States. The British fall, though irregular in its form, approaches to that of a semicircle, and is for that reason, called the Horse-shoe fall. Its height is about 150 feet. The American fall is somewhat lower down the river, which gives it a greater fall, namely, 162 feet; its form is that of a vast curtain. The two falls stretch across the river in a diagonal direction, making the whole circle, comprising the falls, the island, the Canada shore, and the ferry below, to occupy about a mile and a quarter, and forming one of the most magnificent panoramas in the world.

* For a considerable distance, the banks on both sides of the river are, in point of geological character, the counterpart of each other; the most conspicuous features being as fresh as though they had only just been cloven by the eruption of the waters of the lake above.

From Chippewa to Queenston, about seven miles below the cataract, the land rises rather than falls; whilst, at the same time, the bed of the river has a fall in that distance of upwards of 300 feet; it follows, that Queenston heights are at least that height above the bed of the river. Here, however, the high land suddenly terminates in a ridge, stretching east and west through the state of New York, and the province of Upper Canada, and at right angles with the Niagara river. Just below the heights, are the villages of Queenston on the Canada side, and Lewistown or that of New York. On the height, there is a monument erected to the memory of Sir Isaac Brock, who fell at the battle of Queenston. This monument is in appearance not unlike the column erected to the Duke of York at the Carlton entrance to St. James's Park. It commands one of the most extensive prospects in the world; the eye ranging over the Niagara district, to the west; deep into the state of New York, to the eastward; and commanding the ocean-horizon of Lake Ontario, to the north. The view of the heights from the river below is also magnificent in the extreme.

It is conjectured, that the cataract once fell over this ridge. Certain it is, that in every part of the river, between Queenston and the falls, the banks, as already stated, bear the appearance of having been cloven; and as the fall has retired within the memory of man, and is indeed continually wearing away the rocks, it comes quite within the range of geological calculation to say at what period the falls may have been so much lower down. On this subject, more will be said at a proper place.

It now only remains to state, that at the mouth of the Niagara river, both the Americans and the British maintain a fort on their respective territories. Fort George, on the English side, is situated close to the town of Newark, sometimes called Niagara, which was burned by the Americans during the last war. It is now, however, in a thriving condition. Fort George seems to be kept open only to frown on Fort Niagara, where the United States' government have a garrison.

Let us now return to M^cKenzie and his party. On the 15th of December, they took possession of Navy Island, which has been already described. Their force, at this time, amounted to about 500 men. They had with them, four pieces of artillery, namely, three brass six-pounders, and one nine-pounder. They were fully supplied with small arms, and with ammunition, both for their musketry and artillery; and in every respect, they appear, by the published accounts, to have been in a condition to defend their post, until they were prepared to effect a landing on the main shore. Of the force on Navy Island it was computed, though on what evidence we have not discovered, that half consisted of Canadians, and the other half of American citizens. Among the latter, was Mr. Van Rensselaer, son of the patroon of

Albany, who is the largest landed proprietor in the State of New York.* This gentleman was precisely the person they wanted. He had been educated, partly at a private military academy, near Philadelphia, and partly at the celebrated public academy at West point, on the Hudson; and is stated by those who knew him as a boy, to have been of a bold, dashing, and somewhat reckless character; always delighting in those adventures which involved some personal danger, and carry with them a certain degree of schoolboy-glory. This disposition, cooled down by the sobriety of manhood into energy of character, is of all others, the quality wanted in an insurgent chief; and, it is not to be wondered at, that to him the military command was assigned, whilst M'Kenzie himself acted as the chairman *pro tempore* of the provisional government.

Having thus established themselves on the island, their force increased from day to day. On the 16th they were joined by thirty-six men, with a six-pound brass field piece, two bales of ball cartridge, one barrel of powder, and from 50 to 100 pounds of shot. These, it is stated, came from the government forces at Chippawa. The arms which we described in the last chapter as having been taken from the various arsenals within reach of Buffalo, and those collected from private sources also, found their way to the Island. By the 23rd of December, they had on the Island twelve pieces of artillery and one mortar, with abundance of ammunition. Various accounts were current in the papers relative to the number of persons on the Island; the most probable statement is, that at this time the enrolled and organized force was 523, besides a number of persons employed in various ways.

On the same day, Mr. Jesse Lloyd, one of those for whom a reward had been offered, arrived at the Island, in company with several others. They had undergone severe hardships from hunger, exposure, and fatigue, having coasted down Lake Erie for upwards of forty miles in an open boat, with high winds and intense cold. Mrs. M'Kenzie also joined her husband at the same time, having obtained a pass from the governor.

We have already described the character and position of Navy Island, and especially the difficulty, amounting almost to impossibility, of approaching it from the Canadian shore. This difficulty was, if possible, still further increased by the expedient adopted by the garrison. The Island we have seen is covered with immense trees; those standing on the side opposite the Canadian shore, were thrown down with their bushy tops towards the river, thus making a barrier almost impenetrable to an invading force. Within this outwork a ditch was dug, and behind

* For an account of the family of Van Rensselaer, and of the title of patroon, see Washington Irving's Sketch Book, and Knickerbocker's History of New York.

this ditch, the batteries and raised works were thrown up. In all these arrangements, more than ordinary attention was paid to the point of the Island which was naturally the weakest; namely, the southern point, lying towards Grand Island, upon which boats might easily drop without danger of being swept into the rapids. On the approachable side, the defences were especially attended to by Mr. Van Rensselaer, and the point was moreover constantly guarded with the utmost vigilance. The side of the Island opposite to the American shore was less vigilantly watched, though by no means neglected. Indeed, the constant intercourse which was going on prevented the possibility of a surprise from that quarter, even had their enemies been so minded.

On the 19th of December, a proclamation was issued, offering both land and money to those who would assist in working out the independence of Upper Canada. The proclamation offering these inducements runs as follows:—

PROCLAMATION.

“Three hundred acres of the most valuable lands in Canada, will be given to each volunteer who may join the patriot forces now encamped on Navy Island, U. C. Also, one hundred dollars in silver, payable on or before the 1st of May next.

“By order of the committee of the provincial government.

“W. L. MACKENZIE,

“Chairman, Pro Tem.

“Navy Island, Tuesday, Dec. 19, 1837.”

Sir Francis Head called this a scheme for robbing the bank; but that is his usual mode of speaking and writing. There is no evidence of any such design on the part of M'Kenzie or his associates. What they hoped—what they were expressly in open rebellion for, was to establish a democratic government. Having done this, they would have ample means of fulfilling the contract stated in the above proclamation, by a vote of the legislature. The implied condition of the above proclamation; namely, *in the event of success*, would be understood by every one joining the insurgent patriots. No one would join the camp on Navy Island without understanding that he took the chance of success or failure. The chronological falsehood of Sir Francis Head in relation to the proclamation, we have already pointed out.*

About this time, a more important proclamation was issued, explanatory of the objects of the insurgent patriots. We have not a formal copy of this proclamation in our possession,† so that

* Chap. viii. p. 141.

† (March 28th.) We have delayed the completion of this chapter, in the expectation that certain returns promised by Sir George Grey, being in continuation of papers No. 72, 80, 99, and 100, would have been printed in time for us to make use of them. The printers, however, can wait no longer, so that we are compelled to depend on the documents within our reach, which

we must depend upon the extracts which the Canadian and American papers have furnished, which, fortunately, are sufficiently copious for our purpose. This proclamation, after calling upon the reformers of Upper Canada to rendezvous on Navy Island, or otherwise assist in establishing the independence of the province, states, that the force embodied on the Island is well supplied with artillery; small arms, ammunition, provisions, and other necessaries—the contributions of their friends in the state of New York.

The Canadian patriots are strictly enjoined not to commit any excesses upon the property of the royalists or upon their persons, upon pain of the severest punishments.

The proclamation (or one of the proclamations, for there appears to be more than one,) alleges that "Sir F. B. Head having been sent to this country with promises of conciliation and justice, and having violated his oath of office in the properly carrying out the legitimate objects of his mission, had become guilty of high crimes and misdemeanors. A reward of five hundred pounds is therefore offered for him, 'that he may be dealt with as may appertain to justice.'"

The ulterior objects for which the force on Navy Island is embodied, are set forth in the proclamation as follows:—

"Perpetual peace, founded on a government of equal rights to all, secured by a written constitution, sanctioned by yourselves in a convention to be called as early as circumstances will permit.

"Civil and religious liberty, in its fullest extent, that in all laws made or to be made, every person be bound alike—neither shall any tenure, estate, charter, birth, or place, confer any exemption from the ordinary course of legal proceedings and responsibilities whereunto others are subjected.

"The abolition of hereditary honours, of the laws of entail and primogeniture, and of hosts of pensioners who devour our substance.

"A Legislature composed of a Senate and House of Assembly, chosen by the people.

"An Executive to be composed of a Governor and other officers elected by the public voice.

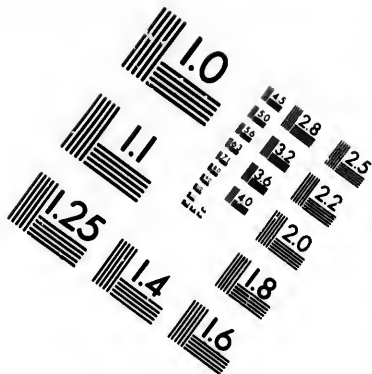
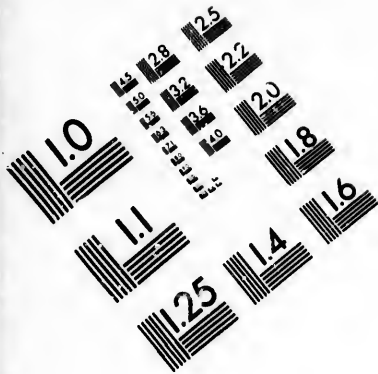
"A Judiciary chosen by the Governor and Senate, and composed of the most learned, honourable, and trustworthy of our citizens. The laws to be rendered cheap and expeditious.

"A free trial by jury—Sheriffs chosen by you, and not to hold office, as now, at the pleasure of our tyrants. The freedom of the press. Alas for it now! The free presses in the Canadas are trampled down by the hands of arbitrary power.

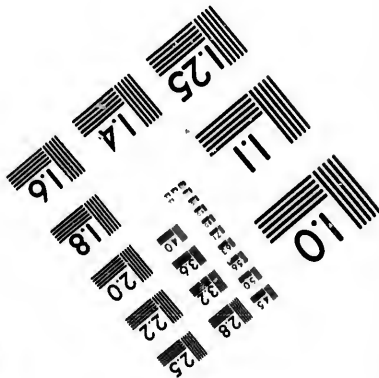
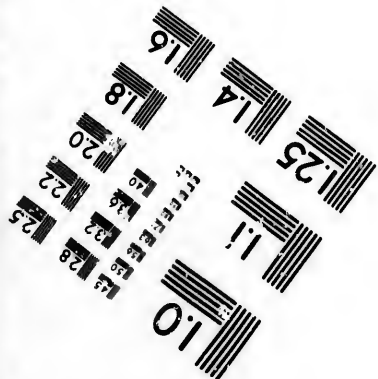
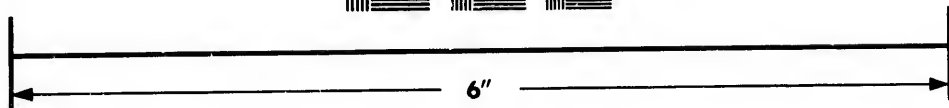
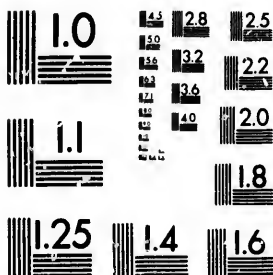
"The vote by ballot—free and peaceful township elections.

"The people to elect their court of requests, commissioners and

we believe are nearly all that will be printed in the parliamentary paper now expected. Should it afford any additional particulars, they will be introduced in a subsequent chapter.



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justices of the peace—and their militia officers, in all cases whatsoever.

“Freedom of trade—every man to be allowed to buy at the cheapest market, and sell at the dearest.

“No man to be compelled to give military service, unless it be his choice.

“Ample funds to be reserved from the vast natural resources of our country to secure the blessings of education to every citizen.

“A frugal and economical government, in order that the people may be prosperous and free from difficulty.

“An end for ever to the wearisome prayers, supplications, and mockeries, attendant upon our connexion with the lordlings of the Colonial Office, Downing-street, London.

“The opening of the St. Lawrence to the trade of the world, so that the largest ships might pass up to Lake Superior, and the distribution of the wild lands of the country to the industry, capital, skill, and enterprise of worthy men of all nations.”

These objects, it will be perceived, are in accordance with the constitution reported at the Churchville meeting,* both being based on the provisions of the several constitutions of the United States, which are popular at least with one section of the reformers of Upper Canada.

In the meantime, the governor of Upper Canada was making active preparations for the defence of the frontier, and, perhaps, for an attack on the Navy Island camp. The volunteers and militia were marched to the Niagara river, with directions to occupy the whole line from Chippawa to Fort Erie, making Chippawa, which was the point especially open to attack from the Island, the head-quarters of the forces.

At Chippawa, breastworks were thrown up, for the purpose of mounting a battery to open a cannonade upon the Island. This work appears to have been frequently demolished by the guns from the Island, and never to have been brought to a state of efficiency.

The following extracts from the *Montreal Herald*, and other papers, will give an idea of the progress of both parties up to about Christmas-day.†

The following is given as an extract from a private letter, dated Hamilton, 25th December.

“Matters wear a warlike aspect on the frontier. Accounts of the increasing forces of M’Kenzie on Navy Island have been such, that all efforts are making to strengthen our numbers from Niagara to Chippawa and up to Fort Erie. Yesterday it was said 500 volunteers, accompanied by the royal artillery, went over from Toronto, and this morning at half-past ten, under the command of Colonel M’Nab, about 800 men left this in sleighs,

* See chap. vii. p. 118.

† Allowing two or three days for the progress of the news to Toronto, and through the press.

and an hour afterwards 300 followed, all bound for the seat of war. The 24th regiment are expected at Niagara to-night, and by to-morrow we shall number on the frontier not less than 4000 men. So confident do our militia feel, that the opinion is freely expressed of regret that troops should come up; they wish it to be said 'we saved our country without a soldier!' The force of the enemy is variously estimated, and it is impossible to get at the truth. I apprehend, however, they are strong, perhaps 1200, with 10 or 15 pieces of artillery, (some say 16 pieces); M'Kenzie's situation is most favourable for him, but the determination of our government is to dislodge him."

The above extract rather exaggerates the force on both sides; in a subsequent statement, which we shall give presently, the force of the government is stated at 3000, whilst that of M'Kenzie is said to be 528, which agrees with what we have already given from another source. Under any circumstances, the government was to the patriot force as six to one, so that had it not have been for the strong position the latter occupied, they must have been annihilated.

The following extracts are from the paper already quoted, and purport to be from private letters, dated Toronto, 28th December.

"I have just seen a gentleman from Chippawa, who was at Buffalo, where he was pressed by a party of M'Kenzie's men, and taken to Navy Island, and there detained for several days; but being sent with a detachment to Young's Island for whiskey, he seized an opportunity of making his escape, and joined his own friends at Chippawa. In consequence of the intelligence which he conveyed to our party, they immediately commenced firing shells on the Island, and it is now blazing away with a fury not to be abated. Upon our first firing, M'Kenzie returned twenty rounds from his pieces, but not one shot reached our shore. His force is 9 field pieces and 528 men.

"Dr. Morrison was fully committed for trial yesterday by the Commissioners, as was also Col. Vonegmont. A messenger who has just come over from Niagara says, M'Kenzie has been firing away all yesterday with his six pounders, to endeavour to prevent our party from erecting batteries; however, without doing any damage except killing a horse. We are not yet prepared for an attack, but will be in a short time. Captain Drew, R. N., and Captain M'Donell, late of the 79th, went out in a boat to reconnoitre; they were fired upon, but no injury was done to them or the boat.

"Mr. Ruttan was elected Speaker pro tem.

"There are now 4000 men on the frontier, including 200 Indians. Col. Chisholm marched overland from Hamilton to the frontier with boats, oars, &c."

In another letter, dated on the following day, it is stated that

“Duncombe has escaped to Detroit. M'Kenzie's forces have rather increased at Navy Island; by looking at the map you will perceive it is next to impossible to attack him; should any accident happen to any of the boats, they would immediately be precipitated over the Falls. I am inclined to think they intend doing so. One of the steamers came over this morning to take over all the row-boats that can be procured here.

“The Traveller landed Captain Harris's company of the 24th at Queenston yesterday, and will leave this to go downwards this evening. Mr. Bethune returned this morning from Albany; but I have not learned the result of his mission, as every thing here is kept as secret as possible. It is well understood here that the respectable Americans are determined to put down the excitement at Buffalo. Sir Francis did not go over yesterday (as had been reported) to meet Governor Marcy, of the State of New York; but Judge Jones went.”

A third letter, dated Niagara, 28th December, runs as follows:

“No attack made on either side yet. Yesterday, when our party commenced throwing up their breastworks, the rebels fired on them with their six pounders, killed one horse, and almost destroyed Usher's house. The force at Chippawa is now nearly 3000 men. One company of the 24th arrived by the Traveller this morning, and proceeded to Chippawa. Preparations are now making to storm the Island.”

It thus appears that the first fortnight of the occupation of Navy Island was passed by both parties in strengthening their forces and position. Neither party seemed disposed to make a decided movement. The royalists did not deem it wise, even with three or four thousand men, and an abundant supply of artillery, to attempt to dislodge the insurgent patriots by assault. One of the above extracts states that shells were thrown on the Island, and that it “was blazing away with a fury not to be abated;” this, however, was not true. The shells may have been thrown, but there was certainly no great damage done; indeed, during 30 days, the casualties on the Island amounted to only one man killed; and this, be it observed, with a hostile force of eightfold, or at least sixfold strength, perpetually watching when and where to put in a shot.

On the other hand, the force on Navy Island was too small to make any attempt upon the Canadian shore; they therefore confined themselves to the defensive. Thus, both parties did little more, up to this time, than look at each other.

About this time, Sir Francis Head made application to Mr. Marcy, the governor of the State of New York, in a formal manner, to deliver up William Lyon M'Kenzie, on the ground that he stood charged with felony, in having robbed the mail. It should be observed, that there is a very proper arrangement between the two governments, that actual criminals shall be

mutually given up, but of course this arrangement does not extend to political offences. The governor of New York perceived at once that this was an unworthy and dishonourable trick of Sir Francis Head, a mere dishonest and disgraceful quibble to get possession of a political offender. He therefore replied, that the charge of felony evidently merged in the larger offence of high treason, and indeed merely arose out of it, and that therefore he could not consent to the governor's demand. He further stated, that Navy Island being a part of the British territory, M'Kenzie, being there, was not within his jurisdiction, but was in that of the British authorities.

The open honesty and true dignity of this reply contrasts most conspicuously with the meanness of Sir Francis Head's demand. Governor Marcy might have contented himself by answering, "Mr. M'Kenzie is not within the United States' territory;" but he appears to have deemed it his duty to read his brother Excellency a lesson respecting the disingenuousness of his conduct.

An event now occurred which produced, as indeed it could not fail to do, the greatest possible excitement, not merely on the frontier in the neighbourhood of its occurrence, but also in the more distant parts of the Union, and even at Washington, the seat of the federal government.

It appears that about the 28th of December, a small steam-boat, called the *Caroline*, had been cut out of the ice at Buffalo, where she was frozen up, to be employed in conveying passengers and goods to and from Buffalo, Fort Schlosser, and Navy Island. She had been so employed during the 29th of December, that is, "as a ferry-boat, between Navy Island and the American shore;" and at night was securely moored at Fort Schlosser, being made fast to the wharf, with a gangway thereto.

The American accounts state, that on the night in question, the taverns at Schlosser being full, several persons went on board the *Caroline* to lodge—an occurrence not uncommon in the United States. The number who thus went on board was twenty-three, and with the Captain and crew made up about thirty-three persons, who were on board at the time of the attack about to be related.

About midnight, the *Caroline* was boarded by an armed party from the Canada shore, who had crossed over to Fort Schlosser in four or five boats, and an indiscriminate attack was made upon the persons on board the boat. How many were killed does not appear in the accounts, but of the thirty-three on board at the time, only twenty-one could be mustered next day, and of these, one was dead, having been shot on the wharf. After the persons on board had been dispersed or killed, the boat was set on fire, cut adrift, and towed into the current, whence she drifted over the falls of Niagara. Of the twelve missing, two only were ascertained

to have been made prisoners; so that it was inferred that the rest were carried over the falls, either dead or alive, on board the burning steamer.

Such is the plain narrative of this most questionable transaction, stripped of all doubtful and immaterial allegations; we shall now give such documents as will enable the reader to judge of the true character of the occurrence, as well as of the feelings which it excited, abstaining for the present from every thing in the shape of comment.

The first in order as well as in importance, is the affidavit of the master of the boat, followed by the testimony of nine other witnesses who were on board at the time.

"Gilman Appleby of the city of Buffalo, being duly sworn, says, that he left the port of Buffalo on the morning of the 29th instant, in the steam-boat *Caroline*, owned by Mr. Wells of Buffalo, and bound for Schlosser upon the east side of the Niagara river, and within the United States. That this deponent commanded the said *Caroline*, and that she was cleared from Buffalo with a view to run between said Buffalo and Schlosser, carrying passengers, freight, &c.; that this deponent caused the said *Caroline* to be landed at Black Rock on her way down, and while there, this deponent caused the American flag to be run up, and that soon after leaving Black Rock harbour, a volley of musketry was discharged at the said *Caroline* from the Canada shore, but without injury.

"That the said *Caroline* continued her course down the Niagara river unmolested, and landed outside of certain scows or boats attached to Navy Island, where a number of passengers disembarked, and as this deponent supposes, certain articles of freight were landed. That from this point, the said *Caroline* ran to Schlosser, arriving there about three o'clock in the afternoon. That between this time and dark the said boat made two trips to Navy Island, landing as before. That at about the hour of six in the afternoon, this deponent caused the said boat to be landed at Schlosser, and made fast with chains to the dock at that place. That the crew and officers of the *Caroline* numbered ten, and that in the course of the afternoon twenty-three individuals, all of whom were citizens of the United States, came on board and requested this deponent and other officers of the boat to permit them to remain on board during the night, as they were unable to get lodgings at the tavern near by. These requests were acceded to, and the persons thus coming on board retired to rest, as did also the crew and officers of the *Caroline*, except such as were stationed to watch during the night. That about midnight this deponent was informed by one of the watch, that several boats filled with men were making towards the *Caroline* from the river, and this deponent immediately gave the alarm, and before he was able to reach the deck, the *Caroline* was

boarded by some seventy or eighty men, all of whom were armed. That they immediately commenced a warfare with muskets, swords and cutlasses, upon the defenceless crew and passengers of the Caroline, under a fierce cry of "*God damn them, give no quarter—kill every man—fire! fire!*"

"That the Caroline was abandoned without resistance, and the only effort made by either the crew or passengers seemed to be to escape slaughter, that this deponent narrowly escaped, having received several wounds, none of which however are of a serious character; that immediately after the Caroline fell into the hands of the armed force who boarded her, she was set on fire, cut loose from the dock, was towed into the current of the river and then abandoned, and soon after descended the Niagara falls. That this deponent has made vigilant search for the individuals, thirty-three in number, who are known to have been upon the Caroline at the time she was boarded, and twenty-one only are to be found, one of whom, to wit, Amos Durfee of Buffalo, was found dead upon the dock, having received a shot from a musket, the ball of which penetrated the back part of the head and came out at the forehead. James H. King, and Capt. C. F. Harding were seriously though not mortally wounded; several others received slight wounds. The twelve individuals who are missing, this deponent has no doubt were either murdered upon the boat or found a watery grave in the cataract of the falls; and this deponent further says, that immediately after the Caroline was got into the current of the stream and abandoned as before stated, beacon lights were discovered upon the Canada shore near Chippewa, and after sufficient time had elapsed to enable the boats to reach that shore, this deponent distinctly heard loud and vociferous cheering at that point. That this deponent has no doubt that the individuals who boarded the Caroline were a part of the British forces now stationed at Chippewa.

This affidavit was followed by the following attestation:—

Charles F. Harding, James H. King, Joshua H. Smith, William Seaman, William Kennedy, William Wells, John Leonard, Sylvanus Staring and John C. Haggerty being sworn, several depose and say, that they have heard the foregoing affidavit of Gilman Appleby read; that they were on the Caroline at the time she was boarded as stated in said affidavit, and that all the facts sworn to by said Appleby as occurring after the said Caroline was so boarded as aforesaid, are correct and true.

The following extracts from another account, furnished apparently by the persons whose names head the above list, afford some further details. The whole narration bears evident marks of being coloured by the excited feelings of the writer and of his authorities. The portions omitted are such as bear upon their face the stamp of improbability:—

"On Friday afternoon, the steam-boat *Caroline*, Capt. Appleton, came down from Buffalo to Schlosser, with passengers, and subsequently passed over to Navy Island, with a party of gentlemen, who wished to visit the island. Before dark she again returned to Schlosser, where she was to lay during the night.

"The tavern accommodations at the place being limited, and a large number of persons having collected there out of curiosity, under the expectation that an attack would be made during the night upon the island, all the berths in the boat were made up (20), and 15 or 20 mattresses spread upon the floor.

"These were all filled, as the steward and captain assert, and several besides were known to be asleep under the awning upon the deck. The whole number on board could not have been less than 45 or 50. Some 10 or 20 of them are missing. They were without doubt murdered, and have gone over the Falls.*

"At twelve o'clock all appeared in a profound slumber. A few minutes after that hour, however, the boat was attacked by what afterwards appeared to be five eight-oared boats, each contained from 10 to 15 regular British troops in sailor uniform.

"Captain Harding, of Buffalo, commandant of a schooner on Lake Erie, was awake by the tumult below, and immediately upon discovering his danger, he rushed for the companion-way. Before, however, he reached the deck he was met by a soldier, whose arms he caught hold of, making the remark that it was not possible he would attack an unarmed man; but he had scarcely made the remark, when he was struck a blow upon the head with a sabre, which laid bare his skull for several inches, and knocked him again back into the cabin. * * * He fell upon the body of a black man, who had been killed by the murderers; he soon, however, regained his feet, leaped from the stern window, and swam to the shore. Captain Harding had on a fur cap, with a thick front-piece, which doubtless saved his life.

"Captain King, of Buffalo, after having reached the deck, had a sabre aimed at his head. To guard the blow, he raised his right arm, and the sabre fell upon his shoulder, leaving a frightful gash.

* The whole number was thirty-three, and those who were ultimately missing, ten, or perhaps only nine. The following summary of the loss is from a Buffalo paper:—"Of the thirty-three persons on board the *Caroline*, nine are missing. Whether they made their escape or were killed, it is impossible to say. It is not ascertained with absolute certainty that any, except Durfee, was killed. He was found lying on his back on the dock, with a ball through his forehead. The seizure and burning of the *Caroline* was a most flagrant, outrageous violation of territory, and the death of Durfee was a murder. There may be palliating circumstances, but if there are we have yet to learn them."

The remarks made at page 141, respecting the language applied to the aggressions committed during a revolt, apply to the above case. Though the affair was a "flagrant outrage," it wants the essential feature of murder.

Another blow followed, which nearly severed his arm at the wrist. He, however, escaped, but is not expected to live.

“ Captain Appleby also reached the deck, but was knocked overboard by a blow upon the head from a musket. Although severely stunned, Captain Appleby succeeded in swimming to the shore.

“ The engineer escaped from the boat, but in his retreat he received a stab from a bayonet.

“ Two hands leaped from a window, and escaped unharmed.

“ Captain Case, who owns the *Caroline*, also escaped uninjured, as did also two or three others.

* * * * *

“ When the work of slaughter and death was complete, the murderers plundered the boat, broke up the cabin furniture, set her on fire, towed her out into the river, and permitted her to float over the Falls.

“ When she reached the centre of the river, she was a solid mass of fire. The flames continued to ascend with terrific sublimity until she reached the rapids on the west side of Goat Island. She then broke in pieces, and in a moment all was total darkness.

“ Several gentlemen who witnessed the heart-rending spectacle, affirm, that while the boat was in flames they saw persons moving upon the deck. While this may be so, we hope it may only have been the workings of their imaginations.

“ As soon as the boat on the river was visible, the murderers gave three cheers for Victoria, a large transparent signal was raised at Chippewa, to guide the direction of the boats to the harbour, and reiterated shouts were distinctly heard from the British troops.

* * * * *

“ When the boats were returning, a fire was opened upon them from the island, but as the night was dark the result was not known.

“ In the course of Saturday forenoon, Mr. West, of this city, crossed over to the Canada side below the Falls, for the purpose of ascertaining whether any bodies had floated upon shore. After encountering the fiery glances of forty or fifty savages stationed at this point, he was escorted into the officers' apartment, and bluntly told that no bodies had been discovered, and he was at liberty immediately to return.

“ He did return, and on his way back observed in the eddy many portions of the wreck, and a part of the body of one of the murdered inmates of the unfortunate steam-boat.”

The accounts of the aggressors differed from the above chiefly in this—that the persons on board the *Caroline* were armed and fully prepared, and that she carried the British flag, a circumstance of small importance, as we shall presently perceive.

The following is Colonel M'Nab's account of the transaction written immediately after its occurrence:—

" Head Quarters, Chippewa,
Saturday Morning, 3 o'Clock.

" I have the honour to report for the information of his excellency the Lieutenant-Governor, that having received positive information that the pirates and rebels at Navy Island, had purchased a steam-boat called the Caroline, to facilitate their intended invasion of this country, and being confirmed in my information yesterday by the boat, which was under British colours, appearing yesterday at the Island, I determined upon cutting her out, and having sent Captain Drew of the royal navy, he, in the most gallant manner, with a crew of volunteers, whose names I shall hereafter mention, performed the dangerous service which was most handsomely effected. In consequence of the heavy current, it was found to be impossible to get the vessel over to this place, and it was therefore necessary to set her on fire. Her colours are in my possession.

(Signed) A. N. M'NAB.

" P.S. We have two or three wounded, and the pirates have the same number killed."

Passing over the illiterate style of the above composition, and assuming it to be true as far as it goes, the only point established by it is, that the boat was under British colours. At the same time we may observe, that the fact would not be proved by the Colonel having a flag in his possession, or even by such having been taken on board the boat, though the latter would warrant a presumption that they were intended to be used.

The following is the report of the officer who commanded on the occasion.

" Head Quarters, Chippewa, 30th Dec. 1837.

" SIR,—I have the honour to inform you, that in obedience to your commands to burn, sink, or destroy the piratical steam-vessel which had been plying between Navy Island and the American shore the whole of yesterday, I ordered a look-out to be kept upon her, and at about five, P. M. of yesterday, when the day had closed in, Mr. Harris of the royal navy, reported the vessel to me as having moored off Navy Island. I immediately directed five boats to be armed and manned with forty-five volunteers, and at about eleven o'clock, P.M., we pushed off from the shore for Navy Island, when not finding her there as expected, we went in search, and found her moored between an Island and the main shore.

" I then assembled the boats off the point of the Island, and dropped quietly down upon the steamer; we were not discovered

until within twenty yards of her, when the sentry upon the gangway hailed us, and asked for the countersign, which I told him we would give when we got on board; he then fired upon us, when we immediately boarded, and found from twenty to thirty men upon her decks, who were easily overcome, and in two minutes she was in our possession. As the current was running strong, and our position close to the Falls of Niagara, I deemed it most prudent to burn the vessel; but previously to setting her on fire, we took the precaution to loose her from her moorings, and turn her out into the stream, to prevent the possibility of the destruction of anything like American property. In short, all those on board the steamer who did not resist were quietly put on shore, as I thought it possible there might be some American citizens on board. Those who assailed us were of course dealt with according to the usages of war.

"I cannot speak too highly of the conduct of the officers and men who accompanied me, their coolness and bravery shows what may be expected from them, when their country requires their services; where all behaved so well it would be invidious in me to particularize any one, but I may be excused for mentioning the gallant conduct of Lieutenant Shepherd M'Cormack, of the Royal Navy, who nobly seconded me, and had to encounter several of the pirates in the fore part of the vessel, by which I regret to say he has received five desperate wounds; we have also two others wounded, and I regret to add that five or six of the enemy were killed. A return of our wounded I beg to subjoin.

Your obedient humble servant,

ANDREW DREW,
Commander, Royal Navy.

"P. S.—I beg to add that we brought one prisoner away, a British subject, in consequence of his acknowledging that he had belonged to Duncomb's army, and was on board the steamer to join M'Kenzie upon Navy Island.

ANDREW DREW.

RETURN OF THE WOUNDED.

Lieutenant Shepherd M'Cormack,	R. N.	Desperately.
Captain Warren,	. . . . .	Slightly,
John Arnold,	. . . . .	Severely,
		ANDREW DREW."

The following statement is from a Toronto paper, of violent anti-popular politics, called the *Christian (!) Guardian*:—

"A small steamer, the *Caroline*, owned by persons in Buffalo, was purchased or hired by the Navy Island pirates, and employed in conveying to them men, arms, ammunition, and provisions, carrying a *British* flag when in the port of the United States. On the evening of Friday last, while lying at Schlosser, a party of

men under the command of Lieut. Drew, R.N., was dispatched with boats to cut her out and bring her over to Chippewa, if practicable. On nearing the Caroline, a sentry on her deck demanded the countersign from the men in the boats, and as they were unacquainted with it, they were immediately fired upon. The fire was returned, the steamer boarded in gallant style, several of her defenders killed, some wounded, and others taken as prisoners. The steamer was then towed out, but the rapidity of the current rendering it impossible to convey her to Chippewa, she was set on fire and left to the mercy of the stream, by which she was soon carried over the Niagara Falls. A friend in a letter informs us, that the spectacle was indescribably magnificent and sublime, as she passed in a sheet of flame down the rolling rapids above the cataract.—We are happy to say that this bold enterprise was effected by the Canadian militia without the loss of a single life on their side. A few were wounded; we hope not dangerously. Particulars will be given hereafter.

“Much diversity of opinion seems to exist as to the right of her Majesty’s subjects to attack this vessel in an American port. To us the act was clearly a justifiable one under the circumstances; and we doubt not that such will be the decision of the American government, who will never consent to become the protectors of pirates. Great efforts are of course being made to create excitement in the states; but with a righteous cause, and with due reliance upon the Lord of Hosts, the Canadas have no need to fear the issue.”

Whatever justification the attack may be susceptible of, it will easily be imagined, it was, on the first blush, calculated to produce the greatest possible excitement in the minds of the people of the United States. The tone of the newspapers of the various towns in the State of New York, was that of the strongest indignation. They spoke of it as a cowardly, murderous, and unprovoked attack, rendered doubly odious by being perpetrated in the dead of the night. They also treated it as a wanton breach of international law, and, *pro tanto*, a commencement of national hostilities. They called upon the authorities, both of the state in which it occurred, and of the general government, to take especial cognizance of the outrage, and to demand reparation of the British authorities; and failing this, they urge the people themselves to take the matter into their own hands, and avenge their murdered fellow-citizens. One address says, “it is not to be settled by diplomatic protocolling, but by blood;” another urges a measure of retaliation, “an eye for an eye—a life for every life.”

The funeral of Durfee the stage-driver,* who was shot on the wharf, which took place on the Sunday following the outrage, could not fail to augment the excitement. A gentleman, named

* Anglicé, coachman.

Smith, addressed the assembled thousands in a sort of funeral oration, expatiating on the enormity of the outrage, and the breach of national law which it involved. A Buffalo paper described the address as a feeling and patriotic appeal, and from the few passages quoted, it appears to have been couched in better taste than such orations usually are.

Meetings were also held to express the indignation and abhorrence which the transaction was calculated to excite; and for some time the state of the public mind was such as to lead to the inference, that the outrage would work considerable benefit to the occupants of Navy Island; and indeed, immediately after the occurrence, their force was considerably augmented.

The affidavits which were made at the time, together with such other evidence of the documentary kind, evidence for instance of the ownership of the boat, of the citizenship of the crew and passengers, of the exact nature of her employment, and so forth, were immediately forwarded to Albany, and to Washington. On the 2nd of January the following special message was transmitted to the legislature of the State of New York, then in session by Mr. Marcy, the governor.

"I received last evening, after my annual message was prepared, information of an occurrence which I hasten to communicate to you.

"The territory of this state has been invaded, and some of our citizens murdered, by an armed force from the province of Upper Canada.

"By the documents accompanying this communication, it will be perceived that the steam-boat Caroline, owned by one of our citizens, while lying at Schlosser on the Niagara river, within the limits of this state, on the night of the 29th of December last, was forcibly seized by a party of 70 or 80 armed men in boats, which came from, and returned to, the Canada shore. The crew and other persons in this steam-boat, amounting to thirty-three, were suddenly attacked at midnight after they had retired to repose, and probably more than one-third of them wantonly massacred. The boat was detached from the wharf to which it had been secured, set on fire, taken into the middle of the river, and by the force of the current carried over Niagara Falls. Twelve of the persons who were on board of it are missing, and there is ground to fear that they were killed by the invaders in their attack upon it, or perished in its descent over the cataract. Of those who escaped from the boat, one was killed on the wharf, and several others were wounded.

"I am warranted in assuring you, that the authorities not only of this state, but of the United States, have felt an anxious solicitude to maintain the relations of peace and strict neutrality with the British provinces of Upper and Lower Canada at all

times, since the commencement of the civil disturbances therein, and have in all respects done what was incumbent upon them to do to sustain these relations. The occurrence to which I have alluded, is an outrage that has not been provoked by any act done, or duty neglected, by the government of this State or of the Union. If it should appear that this boat was intended to be used for the purpose of keeping up an intercourse between this state and Navy Island, which is now held by an assemblage of persons in defiance of the Canadian government, this circumstance would furnish no justification for the hostile invasion of our territory, and the destruction of the lives of our citizens.

"The general government is intrusted with the maintenance of our foreign relations, and will undoubtedly take the necessary steps to redress the wrong, and sustain the honour of the country.

"Though I have received no official information of the fact, I have good reason to believe that the local authorities of this state have taken prompt and efficient means, not only to protect our soil from further invasion, but to repress any retaliative measures of aggression which our citizens under the impulse of deeply excited and indignant feelings, might rashly resolve to adopt; and that the patriotic militia in the vicinity of the scene of the outrage have obeyed with alacrity the call which has been made upon them for these purposes.

"It will probably be necessary for this state to keep up a military force for the protection of our citizens and the maintenance of peace, until an opportunity is given to the general government to interpose with its power. In that event, I apprehend that it will be necessary for you to provide by law for the payment and maintenance of such forces as the occasion may require.

"I shall doubtless receive, within a short time, official information of what the local authorities have done, and shall be better enabled to form an opinion of what will be necessary on the part of this state, to preserve our rights and the public tranquillity. I shall then communicate further with you on the subject, and suggest such matters in relation to it, as may require your consideration.

"W. L. MARCY.

"Albany, January 2, 1838."

The above message is conspicuous for that good sense, and calmness of judgment which the public documents of that country usually exhibit. The facts are stated without the slightest attempt at exaggeration. In this respect the message affords a remarkable contrast to every document put forward by Sir Francis Head, who seems to be unable to state the simplest fact without attempting at least to colour it. Mr. Marcy admits

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