

PART I.

PRICE TWO SHILLINGS.

SECOND EDITION.  
**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 those 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 I. CONTAINING

**PORTRAIT OF M. PAPINEAU;**

AND

**TWO MAPS OF THE SEAT OF WAR.**

LONDON:

**J. SAUNDERS, JUN., 7, DYERS' BUILDINGS, HOLBORN BARS.**

Stevens and Fordon, Printers, Bell Yard.



*M. Papineau*

*Engraved from an Authentic portrait under the supervision of  
a gentleman personally acquainted with M. Papineau.*

London, Jm. Saunders Junr. & Dyers Buildings, Barbours Lane.

# ACCOUNT

OF THE

## CIVIL WAR IN THE CANADAS.

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### CHAPTER I.

#### IMMEDIATE CAUSES OF THE INSURRECTION.

State of the Province at the end of the month of October—Measures of resistance entirely passive in their character—Testimony of Lord Gosford—Rumours—A Riot—The *Vindicator* Newspaper attacked and destroyed—Character of the Paper—Dr. O'Callaghan—The Quebec Arrests—M. Morin—A new Commission of the Peace—Alarm—The Montreal Arrests—The Departures—M. Papineau—The Acadie Arrests—The Rescue.

IN the midst of the feverish excitement ever consequent upon a state of insurrection, we have undertaken to present the reader with a calm narrative of the events connected with the civil war in the Two Canadas. This task, we feel sensible, is not without considerable difficulty. A popular insurrection is an occurrence which cannot be viewed with that indifference which the historian ought to possess. On such a question every man must have his sympathies, not to say, his prejudices. These feelings will, unless especial care be taken, materially affect his views. This, however, is a contingency inseparable from contemporary narrative. It is doubtless an inconvenience; but it is one which cannot be gotten rid of. All that can be done is, to state the authority with the fact, on all occasions where it is practicable, so that the latter may be tested by the former, and a just conclusion thereby drawn. This rule we shall carefully attend to, in the course of the ensuing narrative, and thus we hope to reduce to the very minimum the peculiar defects of a contemporary memoir.

Whilst contemporary narration has what may be called its specific disadvantage, it has also its appropriate countervailing advantage. Its pictures are fresh and vivid—events stand out in bold relief—the various actors, as well as sufferers, are made to tell their own tales; and if there be sometimes exaggeration, there is, for the most part, a large predominance of racy truth; and certainly, a faithful exhibition of the actors' feelings, of their alternating hopes and fears.

Under these circumstances, the inconvenience which we have pointed out is one which the public has always been willing to bear, for the sake of the advantages with which it is allied; the more especially if an honest care be evinced to secure the good, with as small an admixture of the evil as possible. To effect this is our especial object.

By throwing into the shape of an introduction to this volume the detail of those events, the effect of which upon the present state of things in Canada was rather remote and indirect than immediate, we are enabled at once to enter upon those interesting occurrences which immediately preceded the Canadian insurrection—so immediately, indeed, as to assume with the latter the relation of cause and consequence.

Towards the latter end of the month of October, the state of excitement throughout Lower Canada, especially in the districts of Montreal and Three Rivers, was great indeed. The several public meetings which had been held in most of the counties in the latter, and in some in the former district, had been productive of the firmest determination on the part of the people to carry out, to the letter, the plan of *passive resistance* detailed in the introduction. By means of the non-consumption of all duty-paying articles, the popular leaders appear to have had every hope of driving the government to a redress of those grievances of which they had so long complained. A letter, written about this time by M. Papineau to Dr. Nelson of St. Denis, and since made public in the Montreal papers—not by M. Papineau's friends, but by his political adversaries—expresses the most vivid hope of success from this expedient, and strenuously urges Dr. Nelson to persevere in the course alluded to.

In this view, there is reason to believe, the popular party generally coincided; as their newspapers, the *Vindicator*, in English, and the *Minerve*, in French, continued to urge upon the people the necessity of “destroying the revenue which the resolutions of the imperial parliament proposed to seize,” by abstaining from the consumption of all articles which, by bearing a customs duty, contributed to that revenue. Some rumours were, it is true, afloat, touching “ulterior objects,” “independence,” and “resistance;” but Lord Gosford, writing on the 12th of October, says, “I do not myself credit these reports, nor yet apprehend any serious disturbance, although there are, I admit, some persons of experience and information who think otherwise.”\* Even as late as the 30th of October, Lord Gosford gives his opinion that the object of “the party fomenting sedition” was not active resistance or revolt, for he states it to be “evident

\* Par. Paper, December 23rd, 1837, No. 72, p. 65.—Most of our evidence for the statements made in this and the following chapters, is drawn from the series of parliamentary papers on Canada, printed this session, and numbered 72, 80, 99, and 100.



that one of the main objects of all the recent meetings and proceedings is to produce an effect in England, and to intimidate, as it is hoped, the imperial and local authorities.\* In other words, that *moral force* was to be relied on.

There is no doubt that, at the beginning of the month of November, the public mind was in a fearfully agitated state; still there was no appearance of revolt in any part of the country. For this, we have the very best evidence, that of the governor's despatches, wherein he continued to assure Lord Glenelg that there was no reason to doubt the loyalty and good conduct of the people. Indeed, so strong was his opinion on this point, that in his proclamation of the 29th of November, after the affairs of St. Charles and St. Denis, he speaks of the loyalty of the people as "*hitherto uninterrupted*." We dwell upon this point as being essential to the right understanding of the true character of the struggle.

It is now necessary to remind the reader that drilling had been for some time going on, both among the popular party, and among those opposed to them. In a despatch, dated the 6th of November, Lord Gosford informs Lord Glenelg, that "large bodies of men are openly drilled every Sunday, in and near the city of Montreal;" that, "in addition to these public drills, there were daily drills going on of small bodies of men in private yards;" whilst, "on the other hand," his lordship adds, "the English party in that city have revived an old association, called 'The Doric Club,' and are likewise drilling and arming; and I have every reason to apprehend that some unfortunate collision will, before long, take place."

Thus, then, the armings and the drillings were not confined to one party. They took place openly—no attempt at concealment appears to have been made. And in the same despatch we find Lord Gosford lamenting that "no attempt had been made by the civil authorities to stop this treasonable practice, or to arrest and punish those engaged therein."† The reasons given for this want of energy were—first, the absence of sworn information to identify the parties: secondly, the want of a civil force sufficient to vindicate the law.

The non-interference of the civil authority may possibly have arisen from a dislike to disturb the Doric Club, with whose political views they coincided; and as it would be impossible to suppress the one and not the other, both were left undisturbed. This appears the more probable from the statements in their papers, showing generally that they felt confident that, in the event of a collision in the city, their party would get the better of their opponents.

On the day on which Lord Gosford penned the despatch

\* Par. Paper, No. 72, p. 85.

† Par. Paper, No. 72, p. 94.

above alluded to, the collision which his lordship feared took place. In the afternoon of Monday, the 6th of November, the society calling themselves the "Sons of Liberty" had a meeting for the purpose (a lawful one, it must be admitted) of expressing their opinion on the resolutions of the Imperial parliament. The meeting was held in a private court-yard, at the west end of the city of Montreal. Whilst the meeting was going on, crowds of the adverse party collected around the place of meeting, and, like all adverse crowds, expressed their dissent by shouts and revilings. Subsequently stones were thrown into the meeting, soon after which it broke up. Two divisions went away; the third, unfortunately, came into collision with the Doric Club; stones were exchanged; the Doric Club retreated through a street called St. James's, where some windows were broken in the houses of two magistrates, one of whom was obnoxious to the people from his having called out the troops in 1832, (at an election!) when some persons were unhappily killed. Whether the windows were broken by accident or design\* is not clear, neither is it important; suffice it to say that the troops were called out and the Riot Act was read, but in the mean time the Sons of Liberty had passed into the suburbs, and had separated.

If the matter had ended here, there would have been nothing to regret—nothing, certainly, worth recording. But this was not the case. In the course of the same evening, the *Vindicator* newspaper was destroyed, under circumstances at once disgraceful to the perpetrators, and to the authorities, by whom they ought to have been restrained. At about six o'clock in the evening, after the dispersion of the Sons of Liberty, their adversaries rallied, and having broken into the office of the paper in question, they proceeded to demolish the property and cast the types into the street.

The worst feature in the case is, that magistrates were present, and were applied to to protect the property, but remained inactive. It is said they even refused; but we content ourselves with the fact of their inactivity, which cannot be disputed. Troops, too, were on the spot, but still there was no protection for the property. It has been alleged that friends would have mustered in sufficient force to afford such protection, but that they were overawed by the troops, whom they knew to be under the direction of magistrates opposed to them in politics. The impression of the people is, that had a mob, composed of the popular party, attacked one of the constitutional papers, the troops would have been ordered to fire with eager haste. The existence of such an impression is alone sufficient evi-

\* It has been stated that their doors were opened, so as to afford some of the Doric Club a shelter. If this be true, the stones were, doubtless, thrown designedly.

dence that there is much to deprecate in the conduct of the magistracy.

The newspapers of the "constitutional," or tory party, were not slow to perceive that the first attack upon property coming from them, was likely, not merely to do them considerable injury in the minds of right thinking people in this country, but that it was also a dangerous example to their adversaries. Accordingly it was generally alluded to by them as a most untoward event—as a circumstance deeply to be regretted. The tory party of Canada generally allege that they own the bulk of the property in the province. As far as the moveable property of the cities of Quebec and Montreal is concerned, the statement is perhaps true. Before they set so bad an example, they should have reflected that their property was of a destructible nature; indeed, this seems to have crossed their minds, for a few days after this they made application to the commander of the forces for troops to protect their steam-boats in winter quarters. It is probable, however, that at the moment no very nice calculation as to consequences was made. The perpetrators of the act were in an excited state; the *Vindicator* was their untiring enemy, to annihilate it was their object, and even had it required greater sacrifices they would willingly have been made. To silence the only liberal paper in the English language was fully worth the risk, and even the obloquy inseparable from its accomplishment.

It may be well to conclude this account of the riot in the words of authority. The solicitor-general's official report to Lord Gosford is couched in the following terms:—

"A riot took place last evening, about four o'clock. The accounts in the newspapers cannot be depended on, because party feelings will give an untrue colouring on both sides. Monsieur Martin gives the following statement as correct.

"The *Patriotes* met to the number of about three hundred and fifty, in a large yard opening in Great St. James's-street, near the American Presbyterian church. They had their speeches, and their huzzas, and their treason in private, the gate of the yard being shut. A number of constitutionalists were outside: stones were thrown into the yard, and towards the close of the meeting, grown-up boys were seen pushing sticks under the gate. An English flag was also carried about. The *Patriotes* broke out, and drove the constitutionalists before them towards the Bank, breaking the windows of Dr. Robertson *en passant*. They continued moving on victorious, until they reached nearly opposite the Court House; here the constitutionalists, having been reinforced by the Doric Club, made a stand, and drove back their assailants in their turn as far as the Place d'Armes, from which the latter made their escape into the suburbs. The troops then came out, and the Doric Club having dispersed, they followed the rioters, who kept in small bodies through the suburbs. Parties

of the Doric now re-assembled, broke some of the windows in M. Papineau's house, and then proceeded to the office of the *Vindicator*, the interior of which they demolished before the troops could return." This last statement is an error: the troops were there, except at the commencement of the affray, quite in time, indeed, to have saved the property from destruction. Colonel Wetherall, in his report, states, that he was too late to save the property; but he states also that the Patriotes were the aggressors, *in contradiction to the solicitor-general's report*; this vitiates his evidence in the first case.\*

As this paper and its editor, Dr. O'Callaghan, hold a conspicuous place in the history of Canadian discontent, we shall make no apology for detaining the reader a short time on the subject. The *Vindicator* was established about ten years ago, under the title of the *Irish Vindicator*, and was then supposed to advocate the interests of the Irish inhabitants of Canada. As the Irish generally adhere to the majority of the assembly, the politics of the paper were from the first decidedly liberal; and as the then editor was a dealer in strong language, it had the character, among the anti-popular party, of being a most merciless scarifier of its political enemies. Certain it is, that by its constant animosity to the official class and their partisans, it became as obnoxious to them as it was popular amongst its own immediate readers. In 1832, Dr. Tracy, the editor, was invited to become a candidate for the west ward of Montreal, against a gentleman named Bagg, a tory. At this election, party spirit ran very high: Tracy was of course hated by the anti-popular party, for his connection with the *Vindicator*. Bagg had not been previously an unpopular man, but he was now hateful because he was the opponent of Tracy. The popular party prevailed by a majority of one, Bagg retiring under protest, but not until the troops had been called out, on light grounds as it should seem, and had shot three of the citizens—an event which, like the Boston massacre, will never be forgotten.

Soon after this unhappy event, Tracy died of cholera, when the *Vindicator* fell into the hands of a mere trading scribe, and there seemed every reason to believe that it would lose the confidence of its subscribers. The difficulty, however, was subsequently gotten rid of, and in May, 1833, Dr. O'Callaghan became its editor, in which office he continued until its destruction, in November, 1837.

Dr. O'Callaghan† is a native of Ireland, and, we believe, of

\* Colonel Wetherall takes the merit of saving M. Papineau's house; the Solicitor General says the mob went from M. Papineau's house to the *Vindicator* office. A mob which had given evidence of its destructive disposition should have been dispersed or watched.

† It was intended to give short biographies of the leading men in a separate chapter, but it has been thought more advisable to embody them in the narrative.

Cork ; at least, in and about that city some of his relatives now dwell. He emigrated to Quebec about eleven or twelve years since, but for some time he does not appear to have mixed in politics ; at least, our early recollection of him is merely as a medical practitioner.

It is about the year 1830, that we first remember Dr. O'Callaghan in the character of a politician, attending public meetings during an election at Quebec ; as an elector, questioning the candidates, and speaking in behalf of those whom he deemed fittest for the trust. There must have been *something* in his speeches of that day, for we distinctly recollect that he was much abused in a paper owned and edited by official gentlemen.

When the cholera broke out in 1832, Dr. O'Callaghan made himself honourably conspicuous as one of the most assiduous of the medical profession, in relieving the sufferings of the poorer class of people ; especially, those of his unfortunate fellow countrymen, the recent emigrants from Ireland. The tory paper of Quebec forgot, for the time, his political sins, and he was only thought of as the Samaritan of the pest-house.

Soon after this period, the prospectus of a liberal paper made its appearance at Quebec, and it was understood that Dr. O'Callaghan was to be the editor. The project was not, however, carried into execution ; but O'Callaghan, nevertheless, occasionally contributed to the existing papers, in a manner to turn the eyes of the proprietors of the *Vindicator* towards him, in their difficulty with their editor, after Dr. Tracy's death. This ended in his assumption of the editorship in May, 1833, as we have stated ; and from that time to the period of its destruction the paper was under his sole control.

Notwithstanding he alone was responsible for the contents and tone of the paper, it was generally considered as the organ of the majority of the Assembly. Not that any one believed the speaker, or any set of members exercised any surveillance or control over its doctrines, but it was not denied that it advocated, and ably advocated their views ; and thus by common consent, it was referred to, both by friend and foe, as the liberal organ ; a distinction not always conceded to the *Minerve*, the liberal paper in the French language.

In the management of a Colonial paper the editor is all in all. He must know every thing,—he must do every thing. The “division of labour” is scarcely known among our colonial journalists. The editor is the sole lord of both the pen and the scissors, and his work never ends. The *Vindicator* was published twice a week, and is certainly a standing testimony of the editor's skill and industry. During the period of his “administration,” it exhibits all the energy of his predecessor, without his virulence. There was much more care as to facts, and whilst the exposure of abuses was constant, there was much less of mere personal in-

vective, than had formerly characterised its pages. In short, it took rank as the best paper in the Canadas; and even its enemies—those who on principle abstained from purchasing it—were anxious to learn what it said at periods of political excitement.

We have before us a long series of the *Vindicator*, and if we were called upon to state the leading feature of that journal, we should pronounce it to be the exposure of what has been called the “origin fallacy.” The “Constitutionalists” allege that the quarrel is one of origin; that it is one of French against English. The majority of the Assembly contend, that the struggle is for *good government*, and that origin has nothing to do with the matter. In proof of this, cases are cited where Englishmen—the representatives of English counties, are found voting with the French majority\*—whilst French Canadian constituencies are to be found returning British men,—English, Scotch, and Irish, to the Assembly.

As if to confirm the doctrine of our editor at the general election of 1834; an election which, be it remembered, turned on the application of the elective principle to the Legislative Council, he was returned for a French county, Yamaska; and what is still more worthy of remark, he ousted a French Canadian, named Badeaux. Use, or rather abuse, had been made of the appeal to origin at this election; but the Canadians replied, “Better a good Irishman than a bad Canadian;” and so O’Callaghan became member for Yamaska.

In the Assembly, he fully justified the confidence which had been reposed in him. He was always at his post, and as ready in debate, as he was indefatigable in committee. He is skilled in the use of the French language, which he speaks publicly—an accomplishment of rare occurrence among “old countrymen;” and, as to his industry, some evidence of that is to be found in sundry reports signed by him, reprinted last session by order of the House of Commons. Here we shall take our leave of Dr. O’Callaghan, until the chronological order of our narrative again brings him before us.

Rumours of the excited state of the country now increased from day to day, and various circumstances tended to generate an impression, that the government intended to strike a blow. Two days after the destruction of the liberal paper, the attorney-general unexpectedly made his appearance in Montreal. As this gentleman has been all his life opposed to the Assembly in politics, his proceedings were narrowly watched by the popular leaders. Whispers of affidavits, warrants, and arrests, were heard from time to time, but as yet, all was uncertainty and doubt. The public mind was evidently agitated; men looked suspiciously around them, as they asked “What is Ogden’s business here?”

\* See this question fully stated in the Introduction.

The mystery was soon cleared up. News reached Montreal that, on the 13th of November, M. Morin and four other persons had been arrested at Quebec, charged with *sedition practices*. This accusation probably arose out of a meeting which took place in that city in October, where some strong resolutions were passed, condemning the resolutions of the Imperial parliament. There was nothing in the language of this meeting, that we do not occasionally witness in this country; but a weak government, like that of Lower Canada, is prone to alarm, and, as former experience tells us, a vague charge of sedition may be made to spring out of a small matter.

M. Morin was obnoxious to the executive of Lower Canada, because he was one of the most active of the *majority* in the Assembly; being a good writer, an effective, but somewhat plain and unostentatious speaker, and moreover, one of the hardest workers in the House.

M. Morin is the son of a substantial farmer, and was educated at the seminary of Quebec. He chose the law as his profession, and has for some time practised at Quebec; but for many years he edited the *Minerve* newspaper, at which time it enjoyed considerable reputation as a sound and well-conducted paper. M. Morin has sat for seven or eight years for the county of Bellechasse, in the district of Quebec, where he has some property; and in 1834, he received testimony of the good opinion of his fellow-members by being deputed to bring their petition to this country, and to urge its prayer in any way which should be deemed expedient. M. Morin accordingly gave evidence\* before the committee of the House of Commons which sat in 1834, which evidence may be referred to as embodying the views of the Assembly, on all the subjects in dispute between the two contending parties.

M. Morin returned from his mission just previous to the general election of 1834, and was again chosen one of the members for his own county; he has since continued his political activity, not merely voting with the majority, but taking a prominent part in preparing most of the public documents put forward by the Assembly. Such being M. Morin's character, we must not wonder that he was marked out as an object of attack. Subsequently, M. Morin was admitted to bail.

A considerable source of alarm to the liberal party now made its appearance, in the shape of a new commission of the peace for the district of Montreal. From this new commission of the peace were excluded most of the former magistrates, who were known to sympathize with the majority of the assembly. Men of the most moderate, and even *passive* liberality, were omitted. If

\* This evidence was suppressed at the time, but will be found printed among the sessional papers of 1837, No. 211.

these had been fierce active politicians, there would have been nothing very remarkable in it, provided the active men on the other side had been omitted also. But this was not the case: the rejected were many of them men who had taken no part in the public meetings of the summer; whilst of those who were retained, many were among the most violent of the anti-popular party. Of course it would be alleged by the local executive, that the men who were retained, however violent, were *well affected* towards the government;—were, in short, of the governing party. This may, perhaps, be deemed a good and sufficient reason by many persons into whose hands these pages may fall; all that we desire to show is, that it created alarm in the minds of the liberal party. So long as liberal magistrates remained, there was some chance of escaping the horrors of a gaol by being liberated on bail. The new commission of the peace destroyed this hope.

A very few days confirmed these fears. On the evening of the 16th of November six persons were arrested and cast into prison, charged with high treason. Among these were André Ouimette, the president of the young men's society, called the Sons of Liberty, together with some members of the committee; and Louis Michel Viger, a member of the Assembly and president of the People's Bank. This gentleman had not mixed in politics for some time, except in the Assembly, at a public meeting of his own constituents, and at the meeting of the six counties, one of which he represented. Hence his arrest created a feeling of insecurity, and consequently of alarm, in the minds of all those who, without being active politicians, nevertheless coincided in opinion with the majority of the assembly.

It had already been whispered that warrants were issued, or were about to be issued, against the leading members of the assembly—M. Papineau, Dr. O'Callaghan, M. Ovide Perrault,\* and others. In order to judge of the effects produced on their minds by these rumours and arrests, it is necessary first to consider the constitution of the courts of justice, and the relation which the threatened parties bore to the judiciary: and second, to take in consecutive order all the events which had recently occurred. The threatened leaders had been for years endeavouring to render the judges responsible to the Assembly; and they felt that the judges could not but feel considerable animosity towards them. An act, providing for the summoning of juries on a fair principle, had expired, and had not been revived; so that the sheriff's will determined the mode of summoning. Now the sheriff is also an officer whom the Assembly had sought to render responsible, and to his ill-will they felt themselves in a manner entitled. In addition to this, the executive—the prosecutor in the expected proceedings, had, on the 15th of October, paid the judges and the sheriff, in virtue of the eighth resolution of the imperial parlia-

\* M. Perrault's name is not on the attorney-general's list.



ment; and this the Canadian leaders regarded as equivalent to the bribing of their judges. With such feelings predominant in their minds—no matter whether those feelings were justifiable to their full extent or not—it must be quite clear that confidence\* in the courts of justice was entirely out of the question. We have perused a private letter, written by one of the parties under the excited feelings alluded to, and stating that “with such a combination of circumstances against them, they saw in the gaol only a road to the scaffold.” They regarded the destruction of the *Vindicator*, the attorney-general’s visit, the new commission of the peace, and the arrests, as a preconcerted chain of operations on the part of the executive to convert the plan of passive resistance, from which they hoped so much, into a state of active revolt, capable of being put down by force. Such was the impression under which the Canadian leaders withdrew from the city of Montreal, about the 17th or 18th of November last.

(It has been asked, “Why were not the chief offenders arrested at once? Why was it permitted to transpire that warrants were out against the gentlemen in question? Assuredly,” it has been said, “M. Papineau ought to have been the first person arrested;—you denounce him as the chief fomentor of discontent, and yet you studiously, as it should seem, give him time to escape, and pounce only on the inferior persons of the drama. You had it in your power,” it is further urged, “to take such a step before suspicion of your design could possibly have entered into the minds of M. Papineau’s friends. While you were sounding the tocsin by Morin’s arrest, by the new magistracy, by your ostentatious preparations—you ought to have been busied in possessing yourself of the chief offender. The course you have adopted lays you open to the suspicion of intending either to drive the leaders into exile, or, perhaps, into revolt.”

There is, it must be confessed, some unexplained mystery in the conduct of the local executive, in relation to the proceedings of November. Lord Gosford is himself, in all probability, not chargeable with any such design; but his executive council is composed of men, between whom and the Assembly had long existed a perpetual feud: and it is possible they may have deemed it wise and proper to pursue the course pointed out, the more especially as M. Papineau had clearly kept himself within the bounds of the law, his measures of agitation notwithstanding.

In the meantime, all persons attached to the local government were encouraged to form themselves into volunteer companies,† and were furnished with arms by the commander of the forces. A regiment of volunteer cavalry had long existed in Montreal. This was immediately strengthened, and promotion given to the officers; though not, as it appears, without giving umbrage to

\* For some facts of a character to warrant this feeling, see Chap. iii.

† For details on this subject, see Chap. iii.

some who considered their merits to have been overlooked. A rifle corps was also either formed, or re-organised; and various other volunteer corps armed and equipped. In short, every man of the constitutional party called himself a soldier. The number of volunteers, at the end of November, is stated to have reached two thousand in Montreal alone; besides some few companies in Missisquoi and other counties. In Quebec too the enrolment of volunteers was very general.

Sir John Colborne had also called upon the pensioners scattered throughout the province to form a corps of veterans, but it does not appear that this led to any result.

An event now occurred which certainly hastened the resort to military force, and gave the character of insurrection to the defensive operations of the people. Among the persons against whom warrants had been issued, were Dr. D'Avignon and M. Demaray, a notary, both residing at St. John's, a small town at the northern extremity of the lake Champlain navigation.\* The execution of these warrants was entrusted to a party of eighteen of the royal Montreal volunteer cavalry, who, accompanied by a constable, succeeded in making the arrest. It should be observed that the regular road between Montreal and St. John's is by steam-boat to La Prairie, and thence by rail-road. By this route the prisoners could have been conveyed to La Prairie in fifty minutes, and thence to Montreal in thirty more. For some reason or other, however, the longer and more difficult route, by Chambly and Longueuil, was chosen. Probably this course was adopted for the purpose of intimidating. It was natural for the volunteers to think that the parading their prisoners through the counties would have a beneficial moral effect; and it is also not inconsistent with human nature, to suppose that a feeling of triumph at their success may have caused the captors to prefer the longer route. Be this as it may, the result was anything but fortunate to the volunteers. At several parts of their route they fell in with armed parties; but they were not molested until almost within sight of the city. Just before reaching Longueuil, on the shore of the St. Lawrence, opposite Montreal, they were met by an armed party of the peasantry, of considerable strength, who demanded the release of the prisoners. This demand was, of course, not complied with; when immediately the cavalry were fired upon, and three of their number, and some of their horses wounded. Hereupon they discharged their pistols and galloped off, leaving their prisoners. A further account states that "there were about sixty men on the knees, so as to take a deadly aim, when Malo (the constable) called out, "Do not fire!" and the command was given to the cavalry to halt, which was fortunately promptly obeyed, as a considerable portion of the enemy's fire, given at the same moment, proved ineffectual, owing to their an-

\* See Chap. ii., and Map.

ticipating the continued advance of the troop. The cavalry then wheeled about, and discharged their pistols among the crowd, and, it is reported, with some effect.\* There is one reason for the escape of the cavalry, not thought of by the Montreal editors, though, as it seems to us, a more probable one than any yet given—the assailants may have feared to injure the prisoners.

It is curious, that in the report of the law officers of the crown†, the cavalry are called “a body of mounted police,” and one of the newspapers contended, against some disputant, that they were “acting as special constables:” this was evidently done to bear out Sir John Colborne, who had expressed his unwillingness to employ the military until the civil force had proved inadequate. In all probability, the employment of these persons was much more obnoxious to the people, than the resort to a regular military force would have been, for the very obvious reason that the cavalry consisted of their political opponents, and they would naturally regard the step as an unfair and partial arming of their political enemies against them.

As may be imagined, the return of the cavalry created great agitation in the city of Montreal. A despatch was forwarded to Lord Gosford, detailing all the particulars; and recommending (such was the conjecture of the Montreal papers) a partial declaration of martial law. On the following morning, four companies of the Royals, a party of the artillery with two field pieces, and about twenty of the cavalry proceeded, under the command of Colonel Wetherall, to the scene of the rescue; or, as it was stated, on special duty not yet disclosed, between Longueil and Chambly. This force was accompanied by two magistrates, and the deputy sheriff of the district, “to authorise its movements.” Its operations will be detailed in the next chapter.

Of the absentees, little was known at the time.‡ The Montreal *Courier* we find expressing itself in the following manner:—

“Conflicting reports are current as to the *locale* of the un-arrested leaders, and of M. Papineau in particular. By some, it is confidently stated that he is in town; by others, that he has even left the country, and has crossed the line. We believe neither report to be correct. The authorities, we trust, will lose no time in following up the blow they have now struck. They have passed the Rubicon, and the success of their measures must henceforth depend mainly on their promptness.

“No stone must be left unturned to insure the arrest of every man against whom evidence can be found to warrant a fair hope of his conviction.

“There is a little doubt expressed in some quarters, as to the fact of a warrant being out against Papineau; but we trust, there is no ground for such a doubt.

\* Montreal Herald.

† Par. paper, Dec. 23, 1837, No. 72, page, 109. ‡ November 20.

"The number of warrants prepared is, we believe, considerable; and some one of them must be for the head offender."

It is now known that there was a warrant. Moreover, at a meeting of the executive council at Quebec, on the 23d of November, the following report was agreed to:—

"His excellency laid before the board the official communication from the attorney general, stating, that warrants had been issued for the apprehension of Louis Joseph Papineau, and twenty-six others, for high treason; and there being reason to suppose that M. Papineau had absconded from Montreal, and that he is now in the district of Quebec;"

"It was ordered by the advice of the board, and after having examined M. Duval, one of the queen's counsel on the subject, that immediate steps be taken for the apprehension of M. Papineau; and that it being expedient that a warrant, signed by a justice of the peace, for the five districts of Montreal, Quebec, Three-Rivers, St. Francis, and Gaspé, should issue for this purpose; it was further ordered, that M. Duval be directed to draft the warrant in accordance with the advice given by him on the subject."\*

We have now brought to a close our narrative of the events which immediately preceded the first military movement against the people of the country watered by the river Richelieu. The details of this movement will form the subject-matter of the next chapter, the present we cannot better conclude than with a short biographical notice of M. Papineau.

The family of M. Papineau was originally from the west of France, whence they emigrated about a hundred and fifty years ago to Canada, then more generally called New France.

The father of M. Papineau, who is still living, exercised the profession of a notary—an occupation of considerable importance under the civil law of France, which prevails in Lower Canada, inasmuch as the whole business of conveyancing, of drawing settlements, marriage contracts, wills, &c., is assigned to them. Moreover, being better educated than their neighbours, the office of general dispute-settler to their neighbourhood falls tacitly into their hands.

The elder M. Papineau was a member of the first Assembly,† summoned under the constitutional act in 1792, and he continued to be elected to each succeeding Assembly, until he retired from public life in 1814, universally respected by his compatriots.

Louis Joseph Papineau, the subject of this brief notice, was born in the year 1787, and was educated at the seminary of Quebec. He studied for the legal profession, and was in due course admitted to the bar; but he never practised, having

\* Par. paper, Dec. 23, 1837, No. 72, p. 114.

† He sat first for the county, and afterwards for one of the wards of the city of Montreal.

determined to devote himself to public life, which his election to the Assembly in 1809 afforded him an opportunity of doing.

His first election he probably owed to the respect due to his name, but he soon earned a reputation for himself by the energy and talent he displayed as an advocate of popular rights; and, on his father's retirement, he was invited to represent the west ward of the city of Montreal, for which he has continued to sit to the present time. On the elevation of Mr. Speaker Panet to the bench in 1815, M. Papineau was chosen to succeed him, the Assembly thus conferring on him the highest honour they have it in their power to bestow.

In the same year, peace was concluded with the United States of America, and as soon as the Assembly had gotten through certain matters of legislation, arising out of the late war, the old disputes about money were renewed.\* The offer of the Assembly to take upon themselves the civil expenditure was repealed, and England being in a state of embarrassment, it was accepted. Then came the manifold efforts of the official party to avoid being amenable to the Assembly, and the counter exertions of the Assembly to bring them under their control. In all these disputes M. Papineau took a prominent part, and he rose greatly in the estimation of his compatriots.

In 1822, a proposal was brought before parliament to unite the two provinces of Upper and Lower Canada. This measure was not popular in either province. In Lower Canada especially, the opposition was very great; petitions were prepared, and were signed by no less than 60,000 persons, out of a population of 400,000, and M. Papineau was deputed with Mr. John Neilson of Quebec, to convey the petitions to England, and there to support their prayer. M. Papineau accordingly proceeded to England, having first resigned the speakership.

This mission was successful. The two delegates returned to Canada in 1824, when they were enabled to communicate to the Assembly that the decision was for the present abandoned; and moreover, that "if the consideration of an union of the provinces should be resumed, the colonial minister pledged himself that the circumstance should previously be notified through the governor, to the inhabitants of the colony, in order to enable them to be heard in parliament if they should think proper, by commissioners, by petition, or in such other manner as they should see fit."†

Shortly after this period, the disputes between the Assembly and the executive, respecting the appropriation of the public money, became greatly aggravated by the conduct of the Earl of Dalhousie, who pursued a series of arbitrary measures which greatly exasperated the Assembly and the people.‡ Lord Dalhousie unwisely imparted to the disputes a personal character, as Sir

\* For complete details respecting these disputes, see the Introduction.

† Journal of Assembly, 1824.

‡ See Introduction.

James Craig had done in 1810. He dismissed with ignominy from the magistracy those who were opposed to his policy, and even refused to ratify the Assembly's choice of M. Papineau as speaker. On this, as well as on all other points, however, he was beaten by the firmness of the Assembly; as a matter of principle, they would certainly have persisted in their choice, and they were doubly disposed to do so, on account of their attachment to the object of that choice. The Earl was afterwards recalled, but not until he had set the province almost in flames; the exasperated state of the public mind resulting in the petitions of 1827, and the committee of 1828.\*

We shall not further pursue M. Papineau's political course. To do so, would be to write the history of the disputes with which he is so completely identified over again. We shall content ourselves by saying, that his master spirit has guided the course of the Assembly down to the latest period. With its virtues and its errors he is undoubtedly identified; and his public conduct must be approved or condemned, in the precise measure of the reader's approval or disapproval of the course adopted by the Assembly.

In person, M. Papineau is considerably above the middle stature; his countenance is grave, and, at times, even stern; in conversation, however, his expression is not unfrequently playful, though without interfering with the dignity of his air and manner. By his private acquaintances and friends he is greatly esteemed as a man of amiable disposition, and his address is certainly engaging;—yet, by his enemies, he is deemed a man of ungovernable temper—an accusation not unfrequently made against public men who are in the habit of expressing with force and energy, both of language and manner, the indignation which they feel.

M. Papineau's commanding eloquence is admitted by all parties. He is thoroughly acquainted with the English language, which he makes use of, when the occasion requires it, with the same fluency as that with which he speaks his mother tongue. He is thoroughly acquainted with what may be called the constitutional history, both of this country and the United States; and is even versed in the occult mysteries of our party politics. He has been said to be an enemy to trade; this, however, will be appreciated when we know who are his accusers. They are the colonial merchants, a class of men whose life-blood is restriction and monopoly. M. Papineau is, in fact, an enemy to trade, in the same sense that Mr. Poulett Thomson, Sir Henry Parnell, Mr. Warburton, and others of similar views are its enemies.

To characterize, in short, M. Papineau's political principles, a single word will suffice—he is, by conviction, a democrat;—a state of mind which he owes, perhaps, more to the circumstances

\* See Introduction.

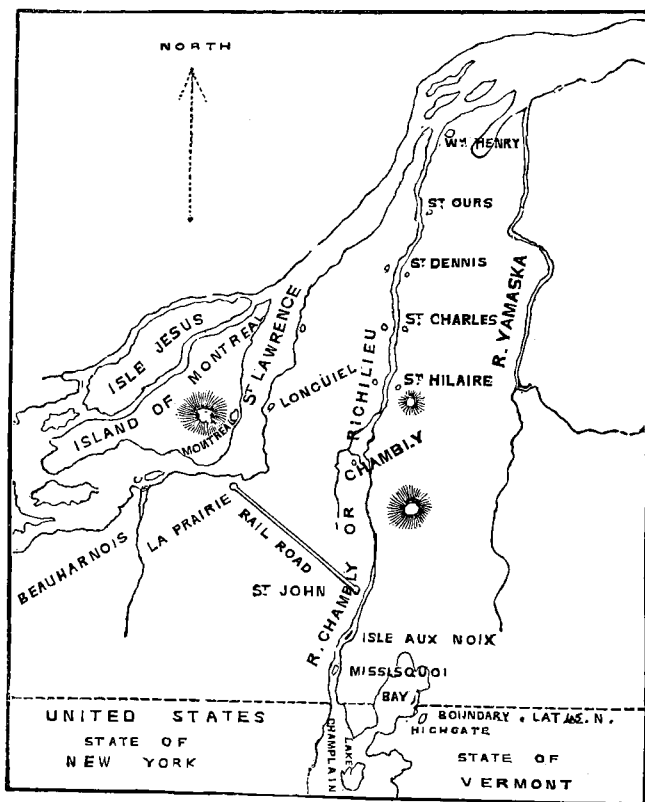
by which he is surrounded, than to any acquired theoretical views concerning government. In a country where the mass of the people are singularly equal in point of social condition,—where everything tends to self-government, it is difficult to be otherwise. Here the matter is entirely different: those who are theoretically democratic find great difficulty in casting aside their ancient associations—prejudices, though they be. In judging of the state of opinion in Canada, we shall do well to bear this continually in mind.

## CHAPTER II.

## THE SEVEN DAYS' CAMPAIGN ON THE RICHELIEU RIVER.

Description of the Country watered by the Richelieu River, extending from Lake Champlain to the River St. Lawrence. Departure of the troops under Colonels Gore and Wetherall—Their force—Object of the Expedition—Plan—Preparations at St. Charles—Mr. Brown. The affair of St. Denis—Nelson—Perrault—Lieutenant Weir—Retreat of Colonel Gore. The affair of St. Charles—The Retreat—Skirmishing—An intercepted Despatch—Alarm in the City—Rumours—Close of the Campaign.

MAP OF THE SEAT OF THE CAMPAIGN.



BEFORE we enter upon the military operations against St. Denis and St. Charles, it will be necessary for the right understanding



thereof, to describe briefly the theatre of the contest. To assist in gaining a clear conception of the relative position of the several places named in the despatches, and other accounts, the reader is requested to refer to the annexed map, comprising a triangular-shaped district, based on the boundary line of the United States, and extending to the island of Montreal on the north-west, and to the mouths of the Richelieu and the Yamaska rivers on the north-east.

The River Richelieu,\* which, with its tributaries, waters the whole of this district, flows out of Lake Champlain in a northerly direction, and empties itself into the River St. Lawrence, about forty-five miles below Montreal. It forms the northern end of a great chain of water communication, commencing at New York, and embracing the Hudson River, the Champlain Canal, and the lake of the same name.

This river is of great importance in a commercial as well as in a military point of view. St. John's is the northern limit of the ship and steam navigation of the lake; and is therefore a place of considerable trade. The direct communication hence to Montreal is by a rail-road to La Prairie, a distance of eighteen miles, and thence by steam-boat to the city. The navigation of the Richelieu River, from St. John's to Chambly, can only be performed in flat-bottomed boats, or bateaux, as there is much interruption from rapids. A canal, however, is in course of construction, to avoid these rapids. From Chambly, where there is a fine basin, the course of the river is smooth and tranquil, though shallow, and therefore requiring steam-boats drawing but little water. Between Sorel and St. Denis the channel is of greater depth.

By a series of fortifications along the whole course of the river, the communication with Lake Champlain is completely controlled. Isle aux Noix is an island situated only ten miles from the American lines. It lies low, but is well fortified, and completely commands the channel of the river. During the war, a thirty-two-gun ship, the *Confiance*, was built here. At St. John's there is also an old fort, but it has been long suffered to fall into decay.

Fort Chambly, on the south-west side of the basin, is a place of some, though not of very great strength. It was built by the French, previous to the conquest, and looks more like a county gaol than a fort: it has no outworks, and the storehouses are wholly unprotected.

Let the reader now carry his eye to the confluence of the river with the St. Lawrence. On the eastern bank stands Sorel, or William Henry, a small town of about fifteen hundred inhabitants, forming a stopping-place for the Quebec and Montreal steam-boats, where they usually take in fuel. The French had a fort here; we have a barrack with some slight defences, where

\* It is also called the Chambly River, and occasionally the Sorel.

a company, and sometimes a smaller number, are usually stationed. On the opposite shore is a blockhouse, which may in some degree protect the channel.

The places included in the military operations will be found in the following order, proceeding south from Sorel:—

St. Ours, St. Denis, St. Charles, St. Hilaire, on the east bank of the river; and Chambly and St. John's, already described, on the west.

The villages on this river, situated in seigneuries of the same names—with the exception of St. Hilaire, which is in the seigneurie of Rouville—are from two to three leagues (six to nine miles) from each other. The seigneurie of St. Ours contains about six thousand inhabitants; and the village consists of about ninety houses, many of them well built. The parish church is a handsome edifice, and stands in the centre of the village.

The seigneurie of St. Denis is not much above half as populous as St. Ours; nevertheless, the village is certainly as large, and perhaps rather larger. The church is a handsome building with three spires; and on the side of the village, towards St. Ours, stands a large stone house, the property of Madame St. Germain, the widow of the late seigneur—a house which was made to play a conspicuous part in the events we are about to relate.

The seigneurie of St. Charles does not contain more than sixteen hundred souls; and the houses round the parish church and seigneurial house do not probably number thirty. In our narrative, however, it is a place of some importance. The seigneur of St. Charles, Mr. Debartzch, is a person who has for many years played a singular and not very creditable part in the politics of Canada. For many years he was the most violent of the popular party. He was continually urging his political associates to resist by force; he it was who, in 1831 or 1832, organised the five counties, and so paved the way to the present outbreak. He is a man of considerable ability and education, and writes well. A few years ago, he set up a printing press in the village, and established a weekly newspaper called, *L'Echo du Pays*. It was well edited, but was distinguished for its excessive violence, openly recommending rebellion to the people. In 1834, in a speech he made in the Montreal convention, he is reported to have used language of similar tenor. No man was then more violently denounced by the anti-popular papers, no epithet was bad enough for him; now he is Lord Gosford's chief adviser. When at school, it is said, his great delight was to set two little boys to fight for apples, and when the strife was highest, he quietly walked away. His political conduct is now somewhat similar.

St. Hilaire is the name of a parish in the seigneurie of Rouville, rather than of a village, as there are only a few houses around the parish church. The place is remarkable for an

insulated mountain of surpassing beauty, about 1100 feet high, visible from a great distance in all directions.

All the villages on this river derive their importance from the wheat trade, the district being well cultivated, and the farmers intelligent and wealthy. The roads generally are in good order, running in lines parallel with the river. These roads are known as the Concession roads, as they divide the different ranges of lands conceded, and to be conceded, and therefore called *Les Concessions*.

The whole of the country between the Richelieu and the Yamaska is level, and as it was early settled there is not much wood. For this reason, it affords regular troops a great advantage over the undisciplined peasantry. In the American revolutionary war, our troops were beaten by the forests\* more than by their adversaries.

Having now given the reader an idea of the country, we proceed to the immediate subject of the chapter. Colonel Wetherall, as we have seen,† left Montreal with four companies of the royals, and detachments of the royal artillery, and the Montreal cavalry. This force was accompanied by two magistrates, and the deputy sheriff, and its destination was Chambly. On the march, the houses of the *habitans*‡ were generally deserted; mounted scouts were observed reconnoitering, and in many places, women and children making towards the back Concessions. The troops were also somewhat annoyed by armed parties of the peasantry, and seven prisoners were taken, with which the troops marched to Chambly.

On the 22nd, Colonel Gore left Montreal by a steam-boat, on route for Sorel, having under his command the flank companies of the 24th regiment, under Lieutenant-colonel Hughes, the light company of the 32nd commanded by Captain Markham, one howitzer (twelve-pounder) under Lieutenant Newcomen, and a party of the Montreal cavalry, under Cornet Sweeney. Colonel Gore reached Sorel the same evening, where his force was augmented by two companies of the 66th, under Captain Crompton; making it in all, about four hundred men.

The object of the expedition we shall state in the words of Sir John Colborne, the commander of the forces, who, in his despatch of the 29th of November, addressed to Lord Fitzroy Somerset, writes as follows :—

“The law-officers of the crown, and the magistrates of Montreal having applied to me for military force, *to assist the civil power in apprehending Mr. Papineau, and other traitors*, who were supposed to be at the villages of St. Denis and St. Charles, I ordered strong detachments to support the civil authorities in the execution of their duty.

\* See Chap. v.

† Chap. i. p. 13.

‡ The peasantry are so called.

"St. Denis is seven miles to the northward of St. Charles, on the right bank of the Richelieu; the former, sixteen miles from Sorel, the latter, about seventeen miles from the Ferry of Chambly, opposite Pointe Olivière.

"Colonel Gore and Lieutenant-colonel Hughes, with five companies, and a howitzer, were ordered to proceed from Sorel to St. Denis; and five companies and two guns to move from Chambly on to St. Charles, under the command of Lieutenant-colonel Wetherall of the royal regiment, accompanied by two magistrates, to execute the warrants against those individuals charged with high-treason; and, it appeared probable, that the appearance of the troops at these points, and entering the villages nearly at the same time, would afford an opportunity of taking into custody the leaders of the revolt."\*

This plan of combined operation from opposite directions, seems to evince considerable judgment on the part of Sir John Colborne. Had it been successful, the effect must have been to hem in the accused parties, and to surround them at some point of union between St. Charles and St. Denis, before they could possibly escape to the south of the frontier.

Between the time of Colonel Wetherall's departure from Montreal, and the commencement of his march from Chambly, time had been given to the insurgents at Chambly to make some rude preparations for defence. It may be here proper to mention, that the people of St. Charles were suspicious of Debartzch, and had come to the determination of keeping him a prisoner at his residence in the country. They were fearful, that if he were permitted to go to Quebec or Montreal, his undoubted influence with the governor might operate against the safety of any of their number who might be under accusation. Under this impression he was confined to his own house. Through the interference, however, of some of the leading men of the neighbourhood, he was liberated, and he proceeded at once to Quebec, where we find his name on the minutes of the council of the 20th of November,† advising, and authorising the military operations which were then in progress.

It appears to have been after the departure of Debartzch from St. Charles, that Mr. Browne arrived at the village. Being aware that a military force was in motion, it was deemed expedient to strengthen their position as much as possible. Debartzch's house was made head quarters, and with the assistance of a strong party of *habitans*, Browne proceeded to throw up a line of rude fortification around the portion of the village which they occupied. This line included some three or four large barns stocked with grain and hay; a circumstance which the reader

\* Par. paper, No. 80, (in continuation of 72,) p. 3.

† Par. paper, No. 72, p. 114.

will do well to bear in mind, as it exercised a considerable influence on the ultimate fate of the village.

We have seen that the intention was to make a simultaneous movement on the two villages. Colonel Gore being instructed to march *up the river*, and Colonel Wetherall to march *down the river* at the same time; the distance being about equal in both cases.

Colonel Gore appears to have been prompt in obeying his instructions. He reached Sorel at six o'clock in the evening of the 22nd, and marched thence at ten o'clock at night. The march was a difficult one. "The roads being deep," says Colonel Gore in his report; \* "the march was severe—although the distance was only eighteen miles—it having rained violently all night, the mud and water reaching to the knees; I did not reach the small but rapid river which crosses the road four miles and a half from St. Denis, until some time after daylight; in order to arrive at my destination with as little delay as possible, I took the back road to avoid the village of St. Ours, and passed the small river by a bridge higher up than the one by the main road; also, for the purpose of taking on an intelligent guide, who had volunteered to lead."

Leaving Colonel Gore for the present, within a league and a half of the village, let us turn to an account of the preparations which were then making for the reception of the troops. This account, we must observe, is from an eye-witness. It has already been printed in some of the newspapers, and we have ascertained that it is genuine. Moreover, with only two exceptions, namely, the force employed, and the respective losses, it agrees generally with Colonel Gore's statement.

"The detachment sent to Sorel, per the steam-boat, landed at that place on Wednesday night, the 22nd November, and at ten o'clock, guided by a man named Jones, they set out for St. Denis, eighteen miles from Sorel, and six from St. Charles. Instead of passing through St. Ours—an intermediate village—they took a back road through the Concessions, unknown to the people along the bank of the river. It was not until two or three hours before their arrival at St. Denis, on Thursday the 23rd, that Mr.—— received information of the expedition. He immediately sent notice to the people of the vicinity, of the threatened attack. There was a warrant, be it remembered, against Mr.——,† and several others of the *notables* (leading men). It was forthwith determined to resist the progress of the troops through St. Denis, well knowing that scarce a man would be left in the village, if once the troops got possession of the place. The *tocsin* was

\* Par. paper, No. 8, p. 4.

† So in the original. It is generally stated in the anti-popular accounts, that Dr. Wolfred Nelson commanded at St. Denis.

immediately rung, and before the troops arrived BARRICADES were thrown up at the entrance of the village, and *between three and four hundred men* were collected, but ill-armed, all with the intent of opposing force to force. Mr.— having thrown out some sharpshooters along the fences, withdrew the main body of his men, within a large stone store or house on the right of the entrance of the village.”

Let us now return to Colonel Gore’s report, omitting only some unimportant passages.

“On approaching St. Denis, a strong body of armed men (the sharpshooters above alluded to) moving along a wood, skirted my flank; all the houses along the road were deserted, and on nearing St. Denis, I was attacked by skirmishers occupying the houses and barns on the road, and along the banks of the river Richelieu; these were rapidly driven in by Captain Markham to the main entrance. I found the place was strongly occupied, and the entrance defended by a large fortified stone house, and a barricade crossing the road, and flanked by a building and houses, from which a severe fire was commenced.”

The advance was then reinforced, and a fire from the gun opened upon the house; but after the day had considerably advanced, and sixty round shots had been fired without effect, six only being left; when Captain Markham had become wounded in three places, and the men much jaded; when it became evident that the ground could hardly have been maintained during the night, and there appeared some risk that the bridge in the rear might be broken down; when frost having succeeded the rain and snow, the mens’ clothes were freezing on them, Colonel Gore determined to fall back, which was accordingly done, but not without considerable annoyance from the pursuing enemy. At the bridge, Colonel Gore states, they were compelled to abandon their gun. The horses had fallen, the wheels had frozen in the mud, the men were worn out, and in danger of freezing also, so that no other course was left to the Colonel than to spike the gun and leave it. On the following morning at 11 o’clock, the troops reached Sorel, and on the ensuing day arrived at Montreal, having lost, according to a statement annexed to his report, 1 sergeant, 5 rank and file killed; 1 captain, 9 rank and file wounded; 6 rank and file missing. His estimate of the force opposed to him is 1500, of whom he calculates 100 must have been killed.\* The account from which we have already quoted differs from that of Colonel Gore with regard to the numbers engaged, and to the loss on both sides. In other respects, there is a general agreement in the two accounts, whilst the discrepancies are unimportant.

“The advanced picket of the troops,” says the narrator, “was

\* Par. paper, No. 80, pp. 4, 5.

allowed to pass unmolested, but when the main body came up, a round of fire was sent in upon them from the house which made them stagger. This battle between the peasantry and the troops continued from nine in the morning till half-past three in the afternoon with unabated rage, and so desperate was the contest, that a piece of artillery belonging to the troops, was five different times in possession of the adverse parties; it finally remained in the hands of the Canadians.\* Between three and four o'clock, the regular troops found themselves obliged to retire from the field. One of the officers, Captain Markham, had received four wounds. Their loss was estimated at 50 killed and about 16 wounded. The precise number cannot be ascertained, as it was said a party of soldiers was employed in throwing their dead into the river. The loss on the Canadian side was eight killed."

With regard to the statements of killed, it should be observed, that both parties would naturally be desirous of hiding their own disasters. False returns of killed and wounded form, we believe, part of the modern and perhaps also of the ancient system of warfare. Napoleon has been accused of having invented it, but we cannot help thinking it is coeval with the existence of falsehood, and it is certain that the English have not disdained to adopt it. Colonel Gore's force was exposed, for more than six hours, to the fire of a large body of men rendered cool by that feeling of security which stone walls imparted. Under such circumstances, it is difficult to believe that his loss was only six men killed. Again, the peasantry being screened by stone walls which resisted the round shot, and by the barricade, it is equally difficult to believe that they lost 100, though they may have lost more than eight. The official account of 16 wounded and missing, agrees well enough with the other account of 15 or 16 wounded, for some of the missing were wounded, and were afterwards recovered. Being correct in one respect, it is fair to presume that the narrator was not far wrong in the other, the more especially as an officer of bravery and reputation, as we hear Colonel Gore is, would scarcely have retreated on so small a loss. On the other hand, it is probable that more than eight of the peasantry were killed; the struggle for the gun must have been attended with some loss. Probably the numbers on either side did not greatly differ; but judging from the character of the struggle, from the position of the parties engaged, and lastly, from the retreat of the troops, it is probable the balance of loss was against the latter.

Amongst the slain on the side of the Canadians was one whom his countrymen will long deplore, namely, M. Ch. Ovide Perrault, member for the county of Vandreuil. He was one of those who left the city after the first arrests, though his name

\* We have been informed by a gentleman lately in Canada, that the Canadians actually fought for this gun with bludgeons, many not having fire arms.

does not appear in the list of 26 appended to the attorney-general's report\* of the 18th of November.

M. Perrault, who was not above 27 years of age when he fell, was a member of the Montreal bar, having studied the law under Mr. D. B. Viger, some time delegate from the Assembly of Lower Canada to this country. His practice latterly was considerable and increasing, an advantage which he owed to his knowledge, his eloquence, and his accurate acquaintance with the English as well as his own language—a qualification of no small use in a country where the criminal law is English; the civil law, French; and the commercial law a mixture of both; where juries are composed of men of either origin, and where the court interpreters are especially ignorant.†

For some years previous to his election as a member of the Assembly, M. Perrault had taken an active part in politics. He wrote in the *Minerve*, in the French language, and in the *Vindicator* in English; and was an active member of the Montreal Convention assembled in 1834, one of the chief objects of which seems to have been to prepare the public mind for the coming elections, by explaining, by means of published resolutions, the principles of the contest.

When the general election took place, M. Perrault was invited to represent the county of Vaudreuil, and as the contest hinged on the elective principle, the application of which to the council he had rendered himself conspicuous in advocating, he was returned without difficulty.

In the Assembly, during the long session of 1835, he fully justified the choice of his constituents. He proved himself as ready in debate as he was labourious in committee; and being well acquainted with, being in fact a warm admirer of our great jurisprudential writers, our Bentham, and our Austins, he would, had he lived, have advanced his character as a philosophical legislator. In a young country like Canada, the death of such a man is a public loss.

In all the social relations, M. Perrault exhibited those qualities which entitled him to the regard of his fellow citizens, to the affection of his friends. Generous in his sympathies, enlarged in his benevolences, imbued with a strong sense of religion, yet without a tinge of bigotry, tolerant of the opinions of others, he possessed a truly liberal mind. The beautiful language of Tacitus is especially suited to the mournful aspirations of his friends. “*Si quis piorum manibus locus; si, ut sapientibus*

\* Par. paper, No. 72, p. 100.

† At a trial for infanticide, a medical gentleman was examined. He stated that he practised as an accoucheur, the interpreter said, “*Monsieur dit qu'il est sage feme.*”—the gentleman says he is a *midwife*: as the gentleman was one of that class, who are not unfrequently designated as “old women,” the gravity and decorum of the court was somewhat disturbed by the mistake.



*placet, non cum corpore extinguntur, magnæ animæ, placide quiescas.*”\* Of his death, the writer already quoted, who was his personal friend, thus speaks: “With that ardour in favour of his insulted country, for which he has been ever remarkable, ever honoured, he threw himself, on the morning of the 23rd, among his compatriots, and acted as aide-de-camp to Mr. — ; in conveying some orders to a body of men at the other side of the street, he received a ball in his body over the hip. He lingered till the next morning, when he expired, having been greatly comforted with the news that the patriots were masters of the field.”

Of Dr. Wolfred Nelson, who is stated in the Montreal newspaper to have led the peasantry at St. Denis, a few words will not here be out of place.

He is the son of an English gentleman who kept a school of some note in Canada, and is one of a large family, all of whom occupy a good station in society. His brother, Dr. Robert Nelson, is Mr. Papineau’s colleague in the representation of the west ward of Montreal, and enjoys the highest reputation as a medical practitioner in that city; indeed, so completely is his skill acknowledged, that other practitioners opposed to him in politics repeatedly seek his aid in consultations; a remarkable tribute to talent in a colony where party feelings vitiate every branch of social intercourse.

Dr. Wolfred Nelson is about forty-four years of age, and is a man of considerable talent and unusual energy. He enjoys a good practice; beside which he has established a distillery and other works at St. Denis, which occupy a portion of his time.

He sat in the Assembly, from 1827 till 1829, for the “royal” borough of William Henry (Sorel), having contested it with the attorney-general Stuart. This borough had been represented by three attorney-generals in succession, Sewell, Bowen, and Uniacke; and Dr. Nelson’s success against the fourth was a great triumph to the liberal party.

In the Assembly, he acted zealously with the majority, and has since enjoyed the confidence of his compatriots. At all public meetings on great occasions, he has taken a prominent part, and his joining in the determination to resist the arrest of his friends is consistent with his general character.

Before we close our account of the affair of St. Denis, it is necessary that we should advert to a transaction of a melancholy hue connected therewith, concerning which, the accounts are of a conflicting nature. We allude to the death of a young officer of the 32nd regiment named Weir; an event, which from the manner in which it has been related, has created very considerable

\* “If for the spirits of the just a place be assigned; if, as it pleaseth the wise to believe, great souls perish not with the body, mayest thou rest in peace.”

sensation among those who have given attention to the several details of the insurrection.

Lieutenant Weir was attached to Colonel Gore's force, but, strange to say, he is not in any way mentioned in the despatch of that officer detailing the result of his attack on St. Denis.

The first mention of the unfortunate young officer is in Sir John Colborne's despatch of the 30th of November, where it is stated that he had been sent with despatches to Colonel Wetherall, that he had been taken prisoner when returning, and that it was feared had been put to death.\* The next account is from a newspaper to the effect, that he had been barbarously murdered while a prisoner, by two men who had been appointed to convey him from St. Denis to St. Charles, when the attack on the former place commenced. The circumstances attending his being a prisoner are nowhere mentioned in the official accounts or in the papers, but in most of the Montreal papers, and in many of those of New York and London, appeared a detailed statement of his alleged murder.

We are by no means disposed to inflict upon our readers the revolting details which are given with the minuteness of an eye-witness; suffice it to say, that the sum of the statement is to the effect, that one of the men in charge made him get out of the cart in which they were conveying him; that both then attacked him, the one with a sword, and the other with an axe; and that in this way he was literally butchered. Every revolting circumstance is detailed. The position of the cart, the number and effect of the blows, the writhing of the ill-fated victim, and the final catastrophe. In a word, it is a highly-wrought picture, whether true or false. That it is false, let us, for the sake of humanity, hope; indeed, even without any testimony to set it aside, we think it is not difficult to show that the details could not by possibility have been made known, and therefore to suppose them true is to suppose a miracle.

The account, be it observed, is a detailed one; minute in the extreme, such, indeed, as could not have been given, except by an eye-witness or an inventor. Where was the eye-witness? It was not pretended that there was one. It was on the contrary distinctly stated, that the men were only two, and that neither had been taken. If then, of the only three witnesses, two were not to be found, and one was dead, how could such details appear? The reader may decide the question.

Having thus shown that the newspaper accounts *cannot* be true, we shall offer another, which certainly appears to be more probable. It was furnished us from a private and authentic source; nevertheless, we recommend the reader to examine its intrinsic claim to probability, and to take it on its own merits.

\* Par. paper, No. 80, p. 8.

"At the period of Colonel Gore's expedition, the troops were about two leagues from St. Denis, having taken the Concessions road, when, at about five or six in the morning, Dr. Nelson heard of their approach. About the same time, Lieutenant Weir was brought in by some *habitans* who had stopped Mr. Weir's conveyance at a short distance from the village. Weir, who *was then in plain clothes*, stated, that he was visiting St. Denis and St. Charles, in order to purchase wheat. The *habitans* replied, that this was not the time when the merchants usually purchased wheat, and that they believed he belonged to the troops which were in full march against them. This he denied, and the *habitans* then carried him before Dr. Nelson. Weir again repeated the same story, but the language he used, raised Dr. Nelson's suspicions, and on examining his baggage, it was discovered who he was. At length, Weir avowed who he was, demanded his liberty, and stated that he would pay any sum as ransom. This, Dr. Nelson of course refused, but stated, that although he had been taken as a spy, he should, nevertheless, be treated as a gentleman; at the same time, he was told to consider himself a prisoner. Weir, then, breakfasted with Dr. Nelson, and was afterwards placed under the charge of some persons in a room in the house.

"When the troops approached the village, and the firing commenced, Mr. Weir's guards appear to have thought, that if they remained there, their prisoner would not be secure; they accordingly, in the absence of Dr. Nelson, determined to transport him further in a *calèche*.\* They tied his hands, but so feebly, that Weir, when the *calèche* had advanced only a few hundred yards from the house, on hearing the firing, broke his bonds, struck his guards, leapt suddenly from the chaise, and commenced running in the direction of the troops. It was then that one of his guards called upon him to return, and Weir continuing his course, he was at once fired upon. That shot was the cause of his death. A Captain Jarlbart is accused of having barbarously murdered him; he was not even present at his death."

This account is much more consistent with the treatment of other prisoners whom the fortune of the contest placed in the hands of the people of St. Denis. On Colonel Gore's retreat, it will be recollected, there were five soldiers missing. These were wounded, and remained with the insurgents. On his second expedition they were recovered, and Colonel Gore reported *that they had been well treated*.† Under these circumstances, we cannot help indulging ourselves with the hope that when the matter comes to be investigated, as it will shortly be, Lieutenant Weir's death will be found to have been such as not to revolt

\* A kind of cabriolet.

† See Lord Gosford's despatch of 6th December, 1837; Par. paper. No. 80, p. 14.

humanity; at least, not to a greater extent than the ordinary chance of war ought to do.

We must now return to Lieutenant-colonel Wetherall, whom we left at Chambly, under orders to march upon St. Charles at the same time that Colonel Gore marched upon St. Denis.

On Wednesday evening, at the time appointed, he left Chambly with four companies of the royals, one company of the 66th, a detachment of artillery with two field pieces, and a party of 20 of the Montreal cavalry, crossed the river to the east bank, and resumed his march towards St. Charles. By the time Colonel Gore had reached St. Denis, Colonel Wetherall had scarcely reached Rouville or St. Hilaire, a distance of about ten miles; the delay being caused, according to a Montreal paper, by the miserable state of the roads.

At St. Hilaire, Colonel Wetherall halted for about forty-eight hours. Here, we must observe, that there are some unexplained circumstances which force us into the field of conjecture, which render it necessary that we should demand the reader's careful attention to certain pieces of evidence, and especially to dates, by which we hope to throw a strong ray of light upon the whole matter.

Colonel Wetherall's first two despatches, dated the 25th and 26th of November, and referred to in his published despatch of the 27th,\* have, for some unexplained reason, been suppressed. The first, dated from St. Hilaire, explains the cause of his delay; the second, is the report of his attack on St. Charles. In the absence of these despatches, we are compelled to make use of the evidence of a Montreal paper, strongly opposed to the Canadians. Fortunately, however, we have the means of confronting one piece of evidence with another; and in the end, we doubt not that the truth will be sifted out.

The paper in question tells us, that on arriving at St. Hilaire, "after encountering the worst of weather and roads during the night, and the forenoon of Thursday," the troops "found a bridge of considerable size removed, and were forced to bivouac there for the night."

"The next day," continues the same paper, "appears to have been spent in getting up a new bridge, refreshing the troops, and obtaining information. Major Warde, with the grenadier company of the Royals from St. Johns, also joined the main body, we believe, during that day.† Major Warde had reached Chambly too late to join in the march, and had thereupon taken the precaution to procure scows and bateaux for the conveyance of his company down the river to Rouville (St. Hilaire), by which means they arrived at that place fresh, and well prepared for service."

\* See Par. paper, 16th Jan. 1838, No. 80, p. 6.

† This increased Colonel Wetherall's force to about five hundred men.

We must now crave the reader's attention to Colonel Wetherall's despatch of the 27th of November (Monday), written at St. Charles. It seems to be a mere recapitulation of the two suppressed documents, and runs as follows :

"I had the honour yesterday, (Sunday, 26th), to report the successful result of my attack on the stockaded post of the rebels, at this place.

"In my letter of the 25th of November, (Saturday), I stated the circumstances which induced me to suspend my march towards St. Charles, *and to order a company from Chambly to my support*, and I then said that I should wait at St. Hilaire, for his Excellency's further orders : this despatch was sent by Dr. Jones of the Montreal cavalry, and I hoped for his Excellency's answer during the following night. Not having received it at nine o'clock yesterday (Sunday) morning, I concluded that my messenger had been interrupted, and having learned that the basin at Chambly was frozen over, and every probability of a retreat being cut off should such an event occur, I resolved on the attack.

"The march was accomplished without opposition or hindrance, except from the breaking down of the bridges, &c. &c., until I arrived one mile from this place, when the troops were fired at from the left or opposite (west) bank of the Richelieu, and a man of the royal regiment wounded ; several rifle shots were also fired from a barn immediately in our front. I burnt the barn.

"On arriving at two hundred and fifty yards from the rebel works, I took up a position, hoping that a display of my force would induce some defection among these infatuated people ; they, however, opened a heavy fire, which was returned. I then advanced to another position, one hundred yards from the works, but finding the defenders obstinate, I stormed and carried them, burning every building within the stockade, except that of the honourable Mr. Debartzch, which, however, is much injured. The loss on the side of the rebels was great ; only sixteen prisoners were then made. I have counted fifty-six bodies, and many more were killed in the buildings, and their bodies burnt.

"I shall occupy this village until the receipt of his Excellency's orders."

The loss on the part of the troops is stated to have been three killed, and eighteen wounded.

The next day (the 28th) we find Colonel Wetherall at Chambly, having abandoned his intention of occupying St. Charles. "Having received information on Sunday night" (the night *before* he had expressed the above determination) that "a considerable body of the rebels had assembled at Pointe Oliviere," he "resolved upon attacking them in preference to marching on St. Denis." This is the first mention made of marching on St. Denis. It could have been the intention only up to Sunday

night, for at that time he formed the resolution to attack the rebels at Pointe Oliviere; on Monday we find him stating that he shall occupy St. Charles until the receipt of orders; and on Tuesday, we find him at Chambly, after having dispersed the armed peasantry at Pointe Oliviere. These apparent inconsistencies—this seeming vacillation would, we doubt not, be clearly explained by the suppressed despatches, so also would the delay at St. Hilaire. Not having those despatches, however, we must content ourselves by carefully examining the evidence before us; and here we think we shall find a fact stated in the following passage from the letter which we have already quoted, of material service.

“Immediately after the battle of St. Charles,” says the writer, “Colonel Wetherall sent forward an express to Montreal, demanding a reinforcement from Sir John Colborne. The messenger bearing Sir John’s answer (one of the cavalry) was intercepted at St. Hilaire, and made prisoner by a body of men, who had assembled and threatened the Colonel’s rear. The letter was opened, and Sir John Colborne told Colonel Wetherall that no assistance could be given him, and that he should make the best of his way back to Montreal. In pursuance of these instructions (which the patriots politely communicated to the Colonel, after they had read them) the body of troops under his command immediately retreated on Chambly, harassed on their flank by some straggling skirmishers. From Chambly, they proceeded to St. Johns, and to the number of 600, including the soldiers in garrison at Chambly and St. Johns, embarked on the railroad, carrying with them all the stores at those two posts, having, previous to their departure, disarmed all the loyalists, into whose hands they had previously placed arms, as volunteers.”

The answer intercepted by the insurgents was doubtless that which Colonel Wetherall so anxiously waited at St. Hilaire, in fact he expected none other; and as we learn from it that he had demanded a reinforcement; and as, moreover, we know that he ordered Major Warde’s company from St. Johns, the inevitable inference is, that, while at St. Hilaire, he had heard of Colonel Gore’s disaster, and this is doubtless the chief of the “circumstances which induced him to suspend his march,” stated in his letter of the 27th, as having been detailed in that of the 25th, from St. Hilaire. This supposition ripens into conviction, when it is remarked that the answer was intercepted at St. Hilaire. St. Hilaire is not in the road from Montreal to St. Charles; and the fact of the messenger being arrested there, is a proof that he expected to find Colonel Wetherall in that village. The letter-writer, in saying that Colonel Wetherall applied for a reinforcement *after* the battle, makes a hasty assumption. We have no evidence of anything of the kind *after* the battle. A reinforcement was not then wanted. At St. Hilaire, on the

contrary, we have evidence that he did want a reinforcement, and that it was for that purpose alone that he suspended his march. The subsequent transmission of the intercepted letter to Colonel Wetherall, also explains his sudden change of mind on the night of the 27th, or the morning of the 28th.

Sir John Colborne's refusal of a reinforcement is also susceptible of an explanation, perfectly consistent with Sir John's character as an able soldier.

Colonel Gore returned to Montreal on the 25th, the day on which Colonel Wetherall wrote. Having been decidedly defeated, Colonel Gore certainly would not undervalue his enemy. This created a great degree of gloom in Montreal, which was not dissipated until the news of the burning of St. Charles reached the city on Monday morning, (the 27th,) or perhaps on Sunday night.\* On the Saturday, the talk had been of an attack upon the city from the north, and all the streets on that side, with the exception of one (or two) for the purpose of ingress and egress, were barricaded. Under this state of doubt and alarm, it is not at all surprising, that Sir John Colborne not merely refused a reinforcement, but ordered Colonel Wetherall to make the best of his way back with his whole force to the city. We have not a doubt but that our conjectures on this head would be abundantly confirmed were the suppressed despatches published.

There is a conclusion, and a curious one, which remains to be stated; namely, that had Sir John's answer reached Colonel Wetherall, as he expected, at St. Hilaire, the attack upon St. Charles would never have been made. Colonel Wetherall would have immediately obeyed the order it contained, with the same promptitude which he afterwards exhibited on the final receipt of the answer. The whole character of the war would have been changed. The country would have been evacuated without a single success, and the Canadians would have been emboldened in their subsequent operations; in short, it is quite impossible to foresee to what result it might not have led. Thus to a mere accident, is the local government of Canada indebted for the suppression of the insurrection in the section of country watered by the Richelieu.

The account from which we have already quoted, contains some curious and interesting particulars of the attack upon St. Charles, which are not to be found elsewhere. As in the case of St. Denis, the only material discrepancy between the official and the non-official accounts, relates to the loss on either side. The armed force of the insurgents is not stated by Colonel Wetherall.

"This post" (St. Charles) says the writer, "was defended by about 300 Canadians who had guns. There were a large number of men *without arms*, on the ground, who had been employed

\* It appeared in the papers of Monday as a report.

during the two preceding days, as workmen, in hurrying on the completion of the stockade, or rude line of fortifications, hastily traced by Mr. ———.\* These men were not merely of no assistance—they did but create confusion during the fight. You will remember that the right of this stockade was composed of three or four barns, in which was stored a quantity of grain and hay. The *habitans*, who had gone to work, had lodged about fifty or sixty of their horses, unfortunately, in some of these out-houses. When the troops first commenced the attack, they were received with such a hot fire, that they were obliged to abandon or change their ground. The hottest of the fire was from the barns, where the Canadians, from loop-holes previously cut, bore upon the troops in a most galling manner. The troops immediately threw shells into the barns, and set them on fire. This was totally unexpected. Immediately, in consequence of the inflammable nature of their contents, the barns were in one blaze; the horses within broke loose and ran mad through the camp. The unarmed peasantry fled likewise, and in a short time all was confusion. The fight lasted about an hour and a half. Colonel Wetherall had his horse shot under him; so had Mr. David (a Jew,) commanding the cavalry. The loss of the patriots did not exceed 28 killed (Colonel Wetherall said 56); the troops had 15 killed and 16 wounded. The Tory papers of Montreal, who receive their information from the official circles, admit that the Canadians fought with uncommon desperation; † indeed, some of

\* T. S. Browne. We throw into the form of a note the few facts in our possession respecting Mr. Browne. He was born in New Brunswick, but his father, a man of respectability, removed to Woodstock, in the State of Vermont, when the subject of this note was young: thus, though by birth a British subject, he is by education—by early habit—an American. For many years he carried on the business of a hardware merchant (*Anglicé*, a wholesale ironmonger), and latterly was in difficulties, but not to the extent of bankruptcy. Mr. Browne is a man of considerable energy; and for some years previous to the late unfortunate occurrence, had taken an active part in politics. He wrote constantly in the newspapers, and occasionally produced political poems of considerable merit.

When the cholera broke out in 1834, (the second visitation,) Mr. Browne was one of the sanitary committee, and did much to alleviate the sufferings occasioned thereby. A report, which was then drawn up on the subject, we have heard attributed to him; those who are curious on the subject will find it reprinted in one of the numbers of the Canadian Portfolio.

Browne was one of the Sons of Liberty, and we learn from the official despatches, that he was badly wounded on the 6th of Nov. His part in the affairs of St. Charles, the reader is already acquainted with. On the evidence before us, he appears to have acted somewhat rashly, but as all the evidence is that of his opponents, we should not judge too hastily. After the battle, he escaped into the United States with considerable difficulty: an account of this escape has appeared in the New York papers; we shall make use of this account in Chapter iv.

† One paper said "the Canadians fought like tigers;" adding, in confirmation of the text, "many of them plunging into the river and drowning themselves, rather than be taken." Another says, "the poor deluded



the people, sooner than fall into the hands of the enemy as prisoners, flung themselves into the river, whereby many were drowned."

On the last day of November, the troops under Colonel Wetherall reached Montreal with thirty-two prisoners, twenty-five from St. Charles, and the seven previously captured. Among these prisoners it should be remarked, were none of those whose capture was the express object\* of the expedition, and whom the peasantry had risen to defend. The people were dispersed; but they had only risen in consequence of the threatened presence of the troops. Theirs appears to have been a defensive warfare, and their great error certainly was in making a stand against the troops at all. At St. Denis it happened to be successful; at St. Charles it failed; but then Dr. Nelson is a man of great mental vigour, and Mr. Browne appears not to have acted with much less judgment; however, had Colonel Gore's force been equal to that of Colonel Wetherall—with two guns, be it observed—St. Denis might have fallen. Had the operations of the insurgents been of an offensive, instead of a defensive character, it would not have been difficult for them to have seized upon Isle-aux-Noix, St. Johns, Chambly, Sorel, and the intermediate villages. That they neglected to do so when those stations were scarcely defended, is a proof that they had no preconceived plan. To a set of men contemplating rebellion in a country such as we have described, the possession of the above places, with the arms and ammunition, but, above all, with the artillery they contained, would naturally have been a primary object. The very first outbreak would have been an attempt upon one of these forts. The possession of one would have proved the key to the whole; and when all were occupied, that section of the country might have been deemed theirs.

On the return of the troops to Montreal, it is painful to state that ample evidence is said to have been exhibited that the village had been plundered. Watches and other portables of value were exposed for sale without disguise, and the amount of plunder which fell to the share of some of the men is said to have been considerable. The French Canadians are in the habit of keeping money in their houses. Being a simple agricultural people, and not familiar with the habits of a commercial community, they have, what we should consider a strange and unaccountable prejudice, against paper money; hence a paper dollar is no sooner taken than it is exchanged for "*argent dur*"—hard money—and deposited in the hoard, to be used only for such purposes as money will alone attain.

wretches fought with a degree of bravery worthy of a better cause." It is necessary to mention this, as it has been stated on high authority that the *Canadians would not fight*—an error which we fear may have operated injuriously on her Majesty's councils in the management of the colony.

\* See Sir John Colborne's despatch of the 29th November, already quoted.

The poor people of St. Charles had no time to secure their hard-earned savings, as "the attack occupied about one hour"\* only. It is due to the magistrates who accompanied the troops to say, that they exerted themselves to the utmost to save the property of the unfortunate inhabitants from plunder, and their persons from insult. In some cases they succeeded. In a house wherein one of the magistrates † had taken up his residence, the most revolting scene would have taken place but for his humane interference; but the fact of interference being necessary in one case, affords melancholy evidence that many circumstances of barbarity must have occurred out of the cognizance of the magistrates and the deputy sheriff, who we believe was also present, and being a native Canadian would of course do all in his power to avert the evils to which we are compelled to allude. What could three men do, against an unrestrained body of five hundred?

We have now brought to a close our narrative of the military operations in Lower Canada down to the end of November last. The events not of a military character, which in the mean time took place, and the measures adopted by the local government to secure tranquillity, or to strengthen their own position, will be detailed in the following chapter.

\* Col. Wetherall's despatch of 27th Nov.      † Mr. Bellingham.

## CHAPTER III.

## EXECUTIVE EXPEDIENTS.—MARTIAL LAW.

Arming the Volunteers—State of Montreal in November—A Monitory Proclamation—How received by the Anti-popular party—Probable effect on the Liberals—Magistrates' Address—The Rewards—The Charges—Proposal to call the Assembly together—Rejected—Proceedings preliminary to proclaiming Martial Law—The Proclamation—Lord Gosford's Resignation.

THE last chapter was exclusively devoted to the detail of the combined military movements upon St. Denis and St. Charles, and to such of the events connected therewith as were confined to that locality. The time occupied, it will be remembered, was the last week of the month of November.

In the present chapter, we shall describe the various measures which the local government at the same time adopted, for the purpose of strengthening its own position, so as to enable it the more effectually to prevent any further outbreak; or in the event of such an occurrence, to put it speedily down. We have reserved the narrative of these measures for a separate chapter, in order to avoid breaking in upon the story told in the last.

The formation of volunteer corps in Montreal we have already alluded to,\* but, to render the history complete, it is necessary that we should carry our narrative somewhat back. As early as December, 1835, that portion of the population opposed to the views of the Assembly had evinced a strong desire to obtain arms and accoutrements from the government. Application had been then made by a body of young men of the "constitutionalist" party to be formed into a rifle corps; but Lord Gosford perceiving, in all probability, that the granting of such a request would be nothing more nor less than arming one portion of the population against another, very properly as it seems, refused the request.

In the month of September last, an application of a similar character was made by more than 300 inhabitants of the city of Quebec. This application was refused on the 7th of October, and Lord Gosford, writing to Lord Glenelg, on the 12th of the same month, states his motives for so refusing, in the following words:—

"I still thought it prudent to decline, at the present, proposals that could not have been accepted without incurring the risk of applications of the same nature from other quarters, which it

\* Chapter i. p. 11.

might have been dangerous to grant, but difficult to refuse, had this been entertained; nor without giving rise, both in the province or elsewhere, to inferences that the strength and progress of the agitators are greater than they really are, and that the local executive was in a state of alarm, inferences which it is one of the great objects of the movement party to create, and to disseminate as widely as possible \*."

We can find no official documents among the parliamentary papers on Canada, recently published, showing at what precise time Lord Gosford's scruples were overcome. The cavalry employed in the middle of November, as "mounted police," or "special constables," had been for many years in existence as we have already stated. The first mention we find of arming the party opposed to the Assembly was about the time that it was determined to employ military force in making the arrests. From that time, the arming of the constitutionalists went on rapidly, so much so, that, on the 27th of November, the *Montreal Courier*, one of the papers of that party, was enabled to announce as follows:—

"The four volunteer battalions muster considerably above 2000 men. All are now armed and officered, and a large proportion of the companies have gone through some little drilling. By the time the river closes, they will make a pretty garrison."

For the purpose of arming these volunteer corps, 6000 stand of arms had been transmitted to Montreal from the armoury at Quebec.

On the 24th of November, Sir John Colborne, in a letter to Lord Gosford, communicating Colonel Gore's defeat, expresses himself as follows:

"The civil war has now commenced, and I intreat your lordship to form volunteer corps at Quebec, and to raise a corps for general service."

In compliance with this request, Lord Gosford immediately sanctioned the "embodying, and paying as troops of the line, 800 men, for the purpose of assisting until the 1st of May next, in the performance of garrison and other military duties, and as required for the security of the fortress in case of attack."

The principal conditions between the government and the corps were, that they should be furnished with arms and accoutrements by the government, and that such of the men as might be found to require them, should be furnished with great coats, to

\* Par. paper, No. 72, p. 65.

† From the same paper, we learn that, at the funeral of Lieutenant Weir, 7th Dec., 1837, "A military gentleman stood at the Quebec gate, as the procession passed, and counted 3154 men under arms, exclusive of officers; of these very few, comparatively, were regulars, owing to the absence of the greater part on duty out of town."

be delivered up or accounted for, when the corps should be disbanded.

That the officers should be appointed by the governor-in-chief, that they should rank junior to all officers of their respective grades in the line, and that none should be considered as having any claim to half-pay or other allowance in right of their commissions, after the corps shall have been disbanded.

That the men should be between nineteen and fifty; five feet three inches and upwards in height, and subject to approval by the governor. Finally, that the pay and rations should be the same as those allowed to her majesty's regiments of the line.\*

"On similar conditions," says Lord Gosford in his despatch of the 30th November, † an additional number of 250 for the artillery service, have, on the application of the officer commanding that force, and on recommendation of the commandant of the garrison, been also organized. I have further sanctioned the formation of volunteer corps in this city and elsewhere, furnishing them only with arms and accoutrements, which are to be returned when the occasion for which they are supplied shall have ceased to exist. These measures, in which Sir John Colborne has concurred, were the more necessary, as troops from the Lower Provinces might not, at this particular period of the year, be enabled to come to our assistance for some time, although three expresses have been furnished by Sir John, to urge their making the attempt, and by the existing law, the militia of the province can, I believe, be called out only in case of war with the United States, or invasion, or imminent danger thereof."

The result of these measures was, that by the 12th of December, the day previous to the marching of the troops upon St. Benoit and St. Eustache—an expedition which will be found described in a subsequent chapter—the armed volunteers throughout the province were as follows:—

Cavalry . . . .	257
Artillery . . . .	72
Infantry . . . .	8573
<hr/>	
Total ‡. . . .	8902
<hr/>	

We have already mentioned, § that after the defeat of Colonel Gore at St. Denis, a considerable degree of alarm, amounting to something very like panic, exhibited itself at Montreal.

It should now be mentioned that Montreal, though not the capital, is the commercial metropolis of the Canadas. It is situ-

\* See these conditions given at length in Par. paper, No. 80, p. 11.

† *Ibid.* p. 9.

‡ The regular troops exceeded 4000, making in all about 13,000 men at Sir John Colborne's disposal.

§ *I'ide*, Chap. ii. p. 33.

ated on an island of the same name, formed by the mouths of the Ottawa, or Grand River. Isle Jesus lying north, and Isle Perrot, a smaller island, on the west. It is the head of the ship navigation of the St. Lawrence, the broken waters of La Chine rapid being immediately above it. Its precise position will best be learned from the Map.

At the census of 1831, the cities of Quebec (the capital) and Montreal, were about equal in population, but the rate of increase being greater in the latter than in the former, and several circumstances having occurred to move a portion of the trade formerly enjoyed by Quebec to Montreal, the growth of the latter city has received a further impetus, and it is now computed to contain about 40,000 inhabitants.

Formerly Montreal was fortified, but no vestiges of the defences now remain, the citadel hill having been levelled a few years since to make way for some handsome private residences. The town within the ancient limits is small, but it is surrounded by extensive suburbs, containing the great mass of the population. These suburbs are the Quebec on the north-east (down the river); the St. Louis on the north; the St. Lawrence on the north and north-west; the St. Antoine on the west; and the Recollet suburbs, and Griffintown on the south-west and south (up the river); of these, Griffintown contains the business quarter towards the mouth of the La Chine canal, whilst the St. Lawrence suburbs open a communication with the back of the Island, and the country lying north-west of the city.

The Island is generally level, but immediately behind the city, and commanding it, is an isolated mountain from which the Island and city take their name. A few pieces of artillery and mortars on this hill (for although called *the mountain*,\* it is no more) might destroy Montreal. It is from this quarter that the town is especially assailable, numerous streets running in parallel lines towards the mountain, and communicating with high roads towards the country where the insurgents were said to be in force. When the news of the defeat arrived, it was apprehended, that a descent might be made on the city. The mass of the population were known to be favourable to the politics of the Assembly, and it was therefore concluded, that the appearance of a force on the northern side of the city would be a signal for a general rising. This probably accelerated the arming of the volunteers, and it certainly led to the barricading of the streets of the St. Lawrence suburbs. There is only one thing against the reasonableness of the expectation of a rising, namely, that the Canadians of the cities do not often possess arms. Such a rising might nevertheless have taken place, but it would

\* It is so called, though erroneously, from the word *Montagne*; what we mean by the word mountain, the French express by the word, *mont*.

certainly have led to a frightful slaughter at the hands of the armed volunteers, who, as we shall hereafter see,\* are not to be restrained when let loose upon their political opponents.

At this time, as we are informed, Montreal presented a curious appearance. Armed men appeared in every corner of the streets. A gun or a sword was the evidence of attachment to the existing order of things; or to speak in Colonial parlance of "loyalty;" whilst to walk about unarmed, was taken as strong presumption of disaffection. An English gentleman, who of course, wanted all motive to the amusement of Canadian rebel shooting, has described to us his position at that time as being sufficiently painful. As he walked along the streets, armed men scowled suspiciously at him; he was constantly *talked at* as he passed along, by knots of lounging striplings, and once was howled at by a "loyal" mob. All this should not be wondered at,—it was the result of alarm. All who were not with them they deemed to be against them, and the partizanship of a native Englishman, they looked upon as their right, in return for what they religiously believed to be their loyalty. In order to account for this state of the public mind, it should be here observed, that the most exaggerated rumours were brought to Montreal, and perhaps even generated there, respecting the numbers, character, and proceedings of the insurgents. It was at one time stated that 4000 men were in arms at St. Charles. Colonel Gore stated that 3000 were reported to be at St. Denis, though he himself did not believe there were 1500, the fact being, that he was assailed by just so many armed men, as could occupy the windows of the houses, near his point of attack. Again, 2000 men were stated to be at Grand Brulé. The armed men at the rescue, stated ultimately at 60 men, were at first said to be 300; indeed, whenever armed men appeared, they were counted by the hundred, and sometimes by the thousand. The accounts which appeared in the Vermont papers also bore the same exaggerated character. It is unnecessary to remind the reader, that having the benefit of time and distance, we have been enabled to build our narrative on more authentic statements; but in accounting for the state of alarm, which prevailed during the latter half of November, and the first half of December, we must not leave these reports out of calculation, and we may further assume that they had their effect on the minds of the civil and military authorities, as we have seen in one case detailed in the last chapter.

In the midst of the military operations, the executive did not wholly neglect to address itself to public opinion. On the 29th of November, Lord Gosford issued, what in a subsequent despatch is called "a monitory proclamation." This document, after attributing the "blind and fatal excitement," to the "machinations of evil designing men," which had at length succeeded in implicat-

\* Chapter v.

ing a part of a *hitherto peaceable and loyal population* in the first excesses of a reckless and hopeless revolt," continues as follows:—

"As the representative of our most gracious sovereign, I now most solemnly address myself to the inhabitants of this province, but more especially to the misguided and inconsiderate population on the river Richelieu, in the district of Montreal. I address myself to your good sense and your personal experience of the benefits you have received, and of the tranquillity you have so long enjoyed under the British government. You possess the religion, the language, the laws, and the institutions, guaranteed to you nearly seventy years since. You know not the burthen of taxes; the expense of your military defence is defrayed by Great Britain; the prosperity and happiness which have hitherto pervaded this province, proclaim honourably and undeniably the political wisdom which watches over your safety, encourages your commerce, and fosters your rising industry. The spontaneous confidence of the British Parliament bestowed on you a constitution; your representatives complained of grievances—their complaints were promptly and fully investigated; grievances when proved to exist were removed at once; redress, the most ample, but unavoidably, gradual, was unreservedly promised; and up to this moment that promise has been scrupulously observed; but the demands of your leaders are insatiable—the language of reform has speciously concealed the designs of revolution.

"I have thus far deemed it my duty to explain the injustice and inadmissibility of the objects for which your leaders contend, and for the attainment of which they would wantonly sacrifice you and your families. The traitorous designs of these political agitators have been at length unmasked; I now, therefore, call upon those who have been thus far deluded, to listen to the language of reason, sincerity, and truth—listen to the language of your respectable and trustworthy clergy—listen to the representations of those worthy and loyal proprietors, whose interests are identified with your own; and whose prosperity, in common with yours, must ever be graduated and governed by the internal tranquillity of this province. Return to that allegiance to your sovereign, which you have now, for the first time, violated; and to that obedience to the law, which you have hitherto invariably maintained. Spurn from you your insidious advisers—reject, with abhorrence, their self-interested and treasonable counsels—leave them to that retribution which inevitably awaits them—retire to your homes, and to the bosoms of your families—*rest assured that a powerful and merciful government is more desirous to forget than to resent injuries; and that within that sanctuary you will experience no molestation.*"

This proclamation, the object of which was to detach the people from their political leaders, gave great offence to the party opposed to the Assembly—the "well-affected" party. The *Montreal*



*Herald*, the organ of that party, after observing that Lord Gosford "has a happy knack of ruining the country by proclamations," assails his Lordship in a strain of bitter invective for that which, we are quite sure, the British reader will consider an estimable feature in the document, we mean the humane assurance with which we have closed our quotation. From this commentary we shall make a few extracts, for the purpose of shewing the difficulty of satisfying the "well-affected."

"His third proclamation has sown the seeds of future insurrection, by promising that all the rebels, without one distinctly specified exception, 'will experience no molestation.'" His Lordship's conduct reminds us of a little anecdote, to the effect that his Lordship's countryman, Dick Martin,\* had ridden a horse to death, with a view to prevent the baiting of a jackass. Equally regardless of the nobler creatures (the *Herald's* party), their respective victims, Richard exclaims, *oh, the poor jackass!* and Archibald,† *oh, the poor habitants!*"

After stating, that so long as "certain ruffians of his Lordship's pet race—his French allies"—had the best of it, no proclamations were issued, the *Herald* continues—

"But now a change comes over the spirit of his Lordship's dream. At St. Charles, the French allies fared but badly, and then and not till then, is issued a proclamation. *Oh, the poor jackass! Oh, the poor habitants!* Are not these undeniable facts sufficient to justify an assertion, which we repeatedly heard on Saturday last, that the Earl of Gosford is at heart a rebel.

\* \* \* \* \*

"Let us now consider, as definitively as possible, the extent of his Lordship's promised pardon; that pardon seems to be offered to all but 'a few evil-minded and designing men,' who, by way of an elegant variety, are elsewhere styled 'leaders,' 'political agitators,' and 'insidious advisers.'

"Now every person, whose sentiments are known, is willing and anxious that a certain degree of clemency may be extended to all who may have been mere tools; but we cannot admit that the 'leaders,' and so forth, are accurately described as 'a few evil-minded and designing men.' It is not the execution of the six or eight demagogues, to whom his Lordship manifestly alludes, that can restore and preserve the tranquillity of the province. *Every local agitator, of every disturbed parish, must be tried, and, if convicted, must be deprived of all his property, and hanged.* It is thus that the actually guilty will be struck down, and the probable causes of future turbulence be cut off."

Now let it be observed, that this truly revolting language is the expression of the feelings of a class; the party among whom the paper in which it appeared extensively circulates, is that

\* Meaning the member for Galway. † Archibald Acheson, Earl of Gosford.

which is opposed to the assembly. It is this party into whose hands, arms have been placed. Our readers cannot but shudder when they picture to themselves the possible consequences of the possession of power by men who can relish such sentiments.\*

The proprietor and editor of this paper are liable to be called on to serve on juries. They belong to the class out of whom a Montreal jury would certainly be chosen. Of their fitness for that office, where a political offence was to be tried, let the above extract, and the note below, enable the reader to judge. As Englishmen, we cannot but have a sort of constitutional horror of martial law; but we submit with deference, that a court of English officers would be a safer tribunal than one composed of such men as the author of these truly revolting passages.

As the popular papers are destroyed, it is difficult to say what feelings the proclamation is calculated to excite in the minds of the Assembly and its friends. The humanity of the pledge with which it concludes, will but ill compensate for the continued proscription of the "leaders" to whom the people have shewn so strong an attachment. The "benefits," too, Lord Gosford recites, have often been conjured up before the Canadians, without producing that strong sense of gratitude which many, and Lord Gosford among the number, seem to think they ought to excite. As to religion, and other rights, guaranteed to them, they consider it as the mere performance of a solemn promise, and therefore not a matter of merit, especially as they accuse the imperial government of withholding some benefits, to which they deem themselves entitled. The prosperity they enjoy, those who think about the matter, are conscious that they owe, not to the government, but to the productiveness of industry in a new country;

\* This is the same paper from which the following extract found its way into the London papers, and elicited expressions of their astonishment and disgust. It was copied, with approbation, into other papers, of the "well affected" party. "The punishment of the general leaders, however gratifying it might be to the English inhabitants of the province, would not make either so deep or so durable an impression on the great body of the people, as the sight of a foreign farmer on every local agitator's land, and of the comparative destitution of his widow and orphans—living and lasting proofs of the folly and wickedness of rebellion. The most vigorous exertions ought to be made, in order to identify and convict every local agitator, and to this purpose, most of the miserable creatures who were brought to town on Thursday, should be applied. They should be employed as witnesses against all such 'notables' as Duvert and Durocher, their own leaders in guilt, and partners in misfortune. A vigorous course of this kind would moreover have the effect of settling a large number of 'foreigners' in the most turbulent and most opulent part of Lower Canada, and thus at once ameliorate political evils, and promote agricultural improvement. To return to our original proposition, the funds raised in this way ought to remunerate every loyal man that may have suffered from the rapacity and cruelty of the savages.

"In accomplishing all this, no time should be lost; a special commission ought immediately to be issued for the trial of the present batch of imprisoned traitors. *It would be ridiculous to fatten fellows all the winter for the gallows.*"

moreover, the Canadians sometimes cast their eyes towards the neighbouring states, where they see prosperity without the "political wisdom" to which Lord Gosford alludes; the grievances, which his Lordship asserts to have been redressed, the Canadians consider the very point in dispute; and they would perhaps open the reports signed by his Lordship, as one of the commissioners, and point out many severe cases of grievance admitted to be still in existence.

Thus, whilst the proclamation has excited the animosity of one party, it does not seem calculated to produce much effect on the other. The Lower Canadian insurgents appear to have been subdued by the arms of the military, without being convinced by the statements of the proclamation. Lord Gosford himself seems to be of this opinion. "What may be the effect of this address," says his Lordship,\* "upon the minds of the misguided peasantry, it is difficult to say; they have disregarded my former warnings, the pastoral letter of their countryman, the Roman Catholic Bishop of Montreal,† and the peaceful advice of their clergy, and it may be that my present proclamation will meet with no better reception."

Another monitory document was circulated a few days before Lord Gosford's proclamation, which, owing to the character of the parties whence it emanated, was not likely to have any effect. It is an address signed by fourteen French Canadian magistrates, all, with one exception, obnoxious to their fellow countrymen as enemies of the Assembly, and friends of their enemies; and that one exception, once one of the most popular men in Canada, is likely to become obnoxious by this his last act. This address warns the people of "certain perfidious men who have pushed on isolated individuals to commit acts unworthy of men who know how to respect the public peace and the laws." It then advises them to return to their homes, and to rely on the protection of the British government, reminds them that "the vengeance‡ of the laws will be equally prompt and terrible," and concludes by stating, that they who call the people back to peace, believe themselves to be the most devoted servants of their country.

Immediately after issuing the monitory proclamation of the 29th November, which, it seems to have been expected, would cause the people to abandon their leaders, "with the advice of the executive council, and on the recommendation of the attorney-general," his Lordship issued three proclamations, offering rewards for the apprehension of twenty individuals, of whom the following is the list, with the sums offered:—

L. J. Papineau (Speaker)	. . .	£1000
Dr. W. Nelson	. . .	500
T. S. Brown	. . .	500

\* Despatch of 30th Nov. 1837. Par. paper, No. 80. p. 9.

† See Introduction.

‡ "Vengeance is unknown to the law." Livingston: Penal code for Louisiana.

E. B. O'Callaghan, M.P.P.	£ 500
J. J. Gironard, M.P.P.	500
C. H. O. Cote, M.P.P.	500
J. T. Drolet, M.P.P.	500
W. H. Scott, M.P.P.	500
E. E. Rodier, M.P.P.	500
Amury Girod	500
Jean O. Chenier	500
P. P. Demaray	100
J. F. Davignon	100
Julien Gagnon	100
P. Amiot	100
T. Franchère	100
L. Perrault	100
A. Gauvin	100
L. Gauthier	100
R. Desrivières	100

The charge against all these persons is that of high treason. What evidence, or what affidavits the executive may have, it is impossible to say; at present, nothing appears in the papers laid before parliament or elsewhere to warrant the charge against many of the names on the list. Some have appeared in arms; they have, doubtless, rendered themselves amenable to such a charge; but others are not even known to have appeared in the disturbed district. M. Papineau and Dr. O'Callaghan in particular, have been charged with abandoning the people, because they were *not* among the combatants at St. Denis. Lord Gosford calls them "the criminal leaders of this reckless insurrection;"\* the Montreal papers hold similar language, yet, with strange inconsistency, call the same men hard names, such as "skulking poltroons," because they have *not* been "leaders of this reckless insurrection." Leaders they were, but it was of the moral resistance of the people; that they have embarked in the recent insurrection is, we repeat, nowhere proved by the evidence hitherto made public.

In the early part of the month of December, an attempt was made by some of the members of the Assembly to induce Lord Gosford to call the legislature together. This measure originated with M. Lafontaine, member for Terrebonne; Mr. Leslie, member for the east ward of Montreal; and Mr. Walker, an advocate, who had been M. Papineau's opponent at the last election, and who, in 1835, was the constitutional delegate to this country. Mr. Lafontaine had during the summer, refrained from attending the public meetings which had taken place; and although an active and influential member of the majority, may probably have deemed himself somewhat less obnoxious to the ruling party, and to Lord Gosford, than those who had so attended; Mr. Leslie being a mild and benevolent man, and therefore much esteemed, even by those who were opposed to him in politics, would give weight to

\* Par. paper, 16th Jan. 1838. No. 80, p. 15.

the application, whilst the association of Mr. Walker, with two gentlemen of the popular party, may probably have been designed to strip the application of all suspicion that it emanated from the most uncompromising section of the liberals.

It does not appear from any document, either public or private, to which we have had access, that they were delegated by any body of individuals; but on their arrival at Quebec, they were joined by twelve members of the Assembly, Mr. Walker having there, as it should seem, ceased to act with them.

The ground of their demand, that the Legislature should be called together, was simply this; that Lord Gosford having remodelled the Council very recently, he ought, if consistent, to call the Assembly Council together, in order to ascertain if it were possible for the two legislative bodies to act together.

Mr. Lafontaine and Mr. Leslie appear to have waited upon Lord Gosford on the 4th or 5th of December. Their verbal communication was afterwards reduced to writing, and signed by the following members:—

V. Têtu.	P. M. Bardy.	J. F. Deblois.
A. Berthelot.	L. T. Besserer.	A. N. Morin.
H. T. Huot.	J. Leslie.	J. A. Tachereau.
L. Methot.	L. H. Lafontaine.	H. Dubord.
A. C. Tachereau.	A. Godbout.	

In this shape, it was presented as an address to Lord Gosford; it met with an immediate refusal; and the same afternoon martial law was proclaimed. Lord Gosford's view of the matter is embodied in the following extract from his despatch to Lord Glenelg, dated 23rd December, 1837.

"I have recently received an address, dated the 5th instant, from the members of the House of Assembly, whose names are mentioned in the margin, urging me immediately to convoke the provincial parliament, as the only efficacious remedy, in their opinion, for the re-establishment of peace and harmony in the country; but as this application expressed the individual opinions of only 14 out of the 90 members of the House; and as I did not conceive on general grounds that such a course of proceeding would, under existing circumstances, be either prudent or advisable, I declined to adopt it. Indeed, it would have been a virtual disfranchisement for the session, of several counties, whose members are either in gaol, or fugitives, under the charge of high treason, and for the apprehension of many of whom a reward has been offered. Besides, any measures adopted by the local legislature under the present position of affairs, would probably be hereafter considered as the result of a constraint produced by recent events, an impression that could not fail to destroy in the public mind those feelings of confidence and respect which the proceedings of a legislative body ought at all times to command."\*

We can find nothing to object to, considering all the circum-

\* Par. paper, 2nd Feb. 1838. No. 100, p. 6.

stances of the case, in the determination on the part of the governor. If it had been contemplated to accompany the calling together of the Assembly with a general amnesty, it might have been attended with the most beneficial effects. The insurrection having ceased in the country watered by the Richelieu, such a measure of conciliation, nay, of clemency, would have strengthened Lord Gosford's government more than any course of coercion. It would have been a true conquest of the Assembly; and, although we are convinced that no government but one which is purely elective in its character, can ultimately succeed in America, the immediate effect would have been the generation, to a certain extent, of a yielding disposition on the part of the Assembly. We have been assured that the recal of the exiled members formed part of the plan of Messrs. Lafontaine and Leslie, but it does not appear to have been so understood by Lord Gosford. His Lordship distinctly states the fact of some members being in gaol, and others in exile, as a ground for refusing. The absentees numbered most of the members for the Montreal district, including the Speaker; it does not appear that on the whole, above sixty members were in a condition to attend, so that we do not see how Lord Gosford could well have complied with the doubtless well-intentioned request, without an amnesty, which he does not appear to have been disposed at that time to grant.

The proceedings relative to the declaration of martial law next demand our attention. For some time, the newspapers of Montreal had been loudly calling upon the executive to resort to this extreme measure, to which, however, his Excellency for some time exhibited a proper reluctance. This reluctance, natural enough to an Englishman, but which the colonial governing party could not comprehend, much less appreciate, gave rise to a report that the power to proclaim martial law, usually inserted in the commissions of colonial governors, had, either through inadvertence or design, been left out of that of Lord Gosford. Whether this be or be not the case, we find his Lordship addressing Lord Glenelg, as early as the 6th of November, to the following effect:—

“I have used, and am still using, every endeavour to arrest the progress of anarchy and confusion that is spreading, with great rapidity, throughout the district of Montreal; but I find the ordinary powers of the executive quite insufficient for the purpose.”

This may have been intended to prepare the imperial government for the resort to “extraordinary powers;” and whether such powers were included in Lord Gosford's commission is of little moment, inasmuch as no governor would feel any hesitation in usurping such powers, knowing that it is a principle of the administration of the colonial office, to protect their governors in all acts against the people. A bill of indemnity\* for the proclamation

\* To show that a reliance that indemnification would not be withheld from him, was by no means unreasonable, should he exceed his instructions in the

of martial law would, in the case supposed, be sure to await Lord Gosford on his return to this country.

On the 20th of the same month, the Executive Council met for the purpose of deliberating on the same subject. At this meeting, M. Debartzch was present, and as the insurgents at St. Charles had only a few days before held him in durance in his own house,\* it was not wonderful that he should desire the adoption of an extreme measure. In short, of the five persons who assisted at this deliberation, no less than three were of the apostate class—a class which seems perpetually on the alert to do some overt act of loyalty, in order, we suppose, to destroy all suspicion of the possibility of a backsliding to liberalism. The result of their deliberation was as follows:—

“It was ordered, with the advice of the board, that inasmuch as the civil authorities in certain parts of the district of Montreal are unable to carry the law into effect without the aid of the military force, it will become expedient, should such a state of things continue, to declare those parts of the said district in a state of insurrection and rebellion.”

Still Lord Gosford hesitated, being all the time subject to the violent abuse of the Montreal anti-popular papers,† whose cry was continually for blood. At this time, no intelligence of the transactions at St. Charles and St. Denis had reached Quebec; as they had been undertaken, not by order of the executive, but by the commander of the forces, at the demand of the law officers of the crown, and on his own authority. Immediately after these transactions, the magistrates of Montreal had a meeting, at which the following resolutions were passed:—

“That the standard of rebellion has been raised in various portions of this district, and considerable bodies of armed men

case supposed, we offer the following extract from a despatch of Lord Glenelg's, addressed to Sir John Colborne on the 6th of December last.

“To repress by arms any insurrection or rebellion to which the civil power cannot be successfully opposed, is, therefore, a legitimate exercise of the royal authority; and in the attainment of this object, the proclamation of martial law may become indispensable. It is superfluous to state with what caution and reserve this ultimate resource should be resorted to; and that it ought to be confined within the narrowest limits which the necessity of the case will admit. But if, unhappily, the case shall arise in any part of Lower Canada in which the protection of the loyal and peaceable subjects of the crown may require the adoption of this extreme measure, it must not be declined. Reposing the utmost confidence in your prudence that such a measure will not be needlessly taken, and relying on your firmness that, if taken, it will be followed up with the requisite energy, her Majesty's government are fully prepared to assume to themselves the responsibility of instructing you to employ it, should you be deliberately convinced that the occasion imperatively demands it. *They will with confidence look to parliament for your indemnity and their own.*—(Par. paper, Dec. 1837, No. 72, p. 106.)

\* See chap. ii. p. 22.

† We need not fatigue the reader with further specimens of this abuse. Those which will be found at page 43, will suffice.

have assembled, under the command of persons who have publicly declared that their object was to upset the government of this province, and to sever its connexion with the United Kingdom, and who have fired on and killed a number of her Majesty's troops while executing the orders of the civil government.

"That there is reason to apprehend that an extensive system of insurrection is in active progress of organization in this district, conducted by persons, notoriously disaffected to her Majesty's government, who, the regular forms and process of civil law do not permit being immediately arrested and brought to punishment, thereby endangering the safety of the city,\* and the lives and properties of her Majesty's subjects throughout the district.

"That the magistrates, now in special sessions assembled, do represent to his Excellency the Governor-in-chief, that, in their opinion, the exigencies of the times require that this district be placed under martial law."†

The sanction afforded by the above resolutions to the declaration of martial law by the Governor, seems afterwards to have been deemed by the magistrates of insufficient force; they therefore met a second time, on the 4th of December, and passed the following resolutions, in the way of explanation.

"That, in the opinion of this meeting, the turbulent and disaffected persons who have incited the peasantry to rebel against her Majesty's government, have been led on and encouraged in their career of crime by a firm belief that whatever might be their political offences they would not be declared guilty by any jury impanelled in the ordinary course of law; that the great mass of the population in this district having been engaged in aiding and abetting the late treasonable attempts, a fair and impartial verdict cannot be expected from a jury taken indiscriminately from the legally-qualified inhabitants; and that, unless measures are adopted to ensure the equal dispensation of justice, few, if any, even of the most guilty among the rebels will receive the punishment justly due to their crimes; while the loyal and well-disposed will continue to be exposed to persecution and outrage from those who believe themselves to be beyond the reach of legal retribution.

"That the faithful and attached subjects of her Majesty in this district, who have proved their fidelity by a zealous support of the government in times of peril and difficulty, are entitled to claim adequate protection from the executive of the province; and that this meeting declares its deliberate conviction, that the only effectual mode of granting that protection, and of arresting the progress of crime and of social disorganization is to place this district under martial law."

\* See what has been already stated concerning the state of alarm in the city at this time. Chap. iii. p. 40.

† Par. paper, Jan. 16, 1833 No. 80, p. 13.



It will be seen that in the first of these latter resolutions, the magistrates assert that "a fair and impartial verdict cannot be expected from a jury taken indiscriminately from the legally qualified inhabitants;" on the other hand, we have seen the leading men of the popular party flying from the city under the impression that the courts offered no protection to them\*. Here, it seems, we are thrown into a strange difficulty. We have two adverse political parties, both complaining of the constitution of the judiciary, the one because a jury would certainly be in favour of the insurgents, and the other because a jury would as certainly be against them—the latter backing their opinion by declining to trust themselves to that which the magistrates declare to be certainly in their favour. This conflict of adverse opinions leads us to infer, that a jury in Canada is as uncertain a matter as a House of Commons' Election Committee. Look at its constitution, and the result may at once be foretold. So also of the Canadian jury; look to the mode of impannelling it—to the original source of its construction—and, in the case of political offences, the result may at once be predicted. With the protection of the Statute for Summoning Juries, which was in force from 1832 to 1835, it must be admitted that the government would have found it difficult to obtain a verdict. But that law, let it be remembered, exists no longer, so that the will of the sheriff (an officer belonging to the same political party as the magistrates) prevails. This the political leaders of the Canadians had long contemplated. They knew that, in a political trial, on a former occasion, the jury was chosen out of *a single parish*—La Chine, inhabited almost wholly by men of the anti-popular party; this forbade the idea of chance, and convinced the leading men that a packed jury would be their portion†. Now, whether the impression were correct or not, it must be evident that their state of mind on the point must have been very different to that which the magistrates supposed. If therefore the latter had no other reason to demand martial law, they seem to have recommended a truly odious measure somewhat rashly. Secure of a jury favourable to their views, they might have saved themselves the extreme unpopularity of making such a recommendation.

Whilst they have underrated the favourableness to their views, of a jury nominated by a crown-made sheriff, they may also have overrated that of a court-martial. If a court-martial even condemn a few of the most active of those taken in arms, it is quite certain that such a tribunal would be slow to imbrue its hands in blood to the extent demanded in the extracts we have given in this chapter‡. Earnestly is it to be hoped that neither judicial slaughter nor confiscation will be resorted to. In political strife, it is a poor weapon compared with clemency. The blood of political martyrs cannot be wiped out; it is calcu-

\* See Chap. i. p. 11.

† See Ibid.

‡ See p. 43, 44.

lated, sooner or later to re-arm a tranquillised population. Clemency, on the other hand, achieves a long-enduring victory. However much, therefore, it may disappoint and dissatisfy the constitutionalist party in Canada, who deem it so important that "the rebels should receive the punishment due to their crimes,"\*—"that every local agitator should be hanged, and his property confiscated;"† we feel quite sure that our English readers will join us in the hope that the noble maxim before quoted—"Vengeance is unknown to the law,"‡ will not be found excepted in the case of martial law.

The magistrates' resolutions of the 4th of December, probably arose out of the Governor's tardy compliance with those of the 27th November, for instead of martial-law, on the 29th, the monitory proclamation made its appearance; before the second set of resolutions left Montreal for the seat of government, however, martial law had been determined on. On the 4th of December, the Council met for the express purpose of sanctioning the measure, and the following is a minute of their proceedings:—

"His Excellency laid before the board, the attorney and solicitor-general's opinion, and report upon the right of the crown, to declare martial law, together with the attorney-general's draft of a proclamation, dated 28th of November, 1837, declaring the district of Montreal under martial law; and as it appears by the attorney and solicitor-general's report, that the functions of the ordinary legal tribunals may be considered as having virtually ceased in the district of Montreal, and that scarcely in any part thereof, process of any description can be served, or writs executed by the ministry of the civil officers;—

"It was ordered, with the advice of the board, that the attorney-general's draft be adopted; and that a proclamation do accordingly issue, declaring the district of Montreal under martial law, and empowering the proper authorities to carry it into effect."§

Proclamation to the above effect was accordingly made the next day, Lord Gosford having previously transmitted to the colonial minister his motives and feelings on the subject to the following effect:— "It has become a serious question with me, whether the insurgent localities should not, as a matter of absolute necessity, be placed under martial law; and I cannot help expressing a fear that I shall be compelled, though with the deepest reluctance, ultimately, and perhaps almost immediately, to resort to this severe, but if matters do not mend, indispensable

\* Magistrates' Resolutions, p. 50.

† Extracts given at p. 43.

‡ p. 45.

§ Par. paper, No. 80, p. 16.—It is worthy of notice, that Mr. Debartzch who had been present at all the preliminary deliberations on the subject, was absent when the time for final decision arrived. The reader will not have forgotten the story of Mr. Debartzch's school propensity of setting little boys to fight, &c., see p. 20., the application of which to the present subject is curious.

measure. Indeed the great majority of the magistrates of the city of Montreal in formal session, have recently addressed me urging its immediate adoption."

With the proclamation, and a commission authorising Sir John Colborne to execute martial law, a letter of instructions was also written from which the following is an extract of the material portion:—

—"It is his Excellency's earnest hope that the declaration of martial law will of itself strike such a salutary terror into the hearts of the disaffected in that district, as will obviate the necessity of having the recourse to these extreme severities, the execution of which is hereby confided to you, and to which, in the present dangerous crisis, and in the absence of all other remedy, his Excellency most reluctantly is compelled to resort.

"I have it therefore in command\* from his Excellency to instruct you, that in all cases wherein the unlimited power with which you are now entrusted can be exercised in co-operation with, or in subordination to the ordinary laws of the land; and that in all cases where from local circumstances, or from a prompt return to their allegiance, the deluded inhabitants of any part of that district display an honest contrition for their past offences, you will revert at once to the assistance of the civil authorities, and impress upon a misguided people the conviction, that her Majesty's government in this province is equally prompt to pardon the repentant, and punish the incorrigible.

"These instructions will alleviate, in some degree, the apparent severity of a measure which the present painful emergency imposes on his Excellency, and will relieve you from any responsibility which might otherwise arise out of the exercise on all fitting occasions of that leniency, which his Excellency feels assured is so congenial to your feelings."

In a despatch addressed to Lord Fitzroy Somerset, dated 7th December, Sir John Colborne thus states the spirit in which it was his intention to administer martial law.

"I beg to assure the general commanding-in-chief, that although the governor-in-chief, has considered it necessary to declare the district of Montreal under martial law, I shall, on every occasion, avail myself of the assistance and advice of the civil authorities in carrying into effect such measures as may be required to restore order, and to protect the property of the loyal inhabitants."†

From this time, and perhaps even from an earlier date, Sir John Colborne may be considered as governor-general. Up to the date of the latest despatches which have been printed,‡ Lord Gosford continued to address the Colonial Secretary as governor, whilst Sir John Colborne's military despatches are addressed only

\* It is the Secretary who writes. † Par. paper, No. 80, p. 18

‡ 2nd January, 1838.

to the Military Secretary, Lord Fitzroy Somerset; but Lord Gosford appears, on most occasions, to have acted with the advice of the commander of the forces, besides which, Lower Canada being virtually reduced to a military government, the chief power has necessarily fallen into Sir John Colborne's hands.

For some time previous to the breaking out of the insurrection, Lord Gosford appears to have been desirous of being recalled, and we may add, the Colonial Office equally desirous of recalling him. On the 14th of November, which he it remembered, was about the time the executive struck the first blow,\* Lord Gosford addressed to Lord Glenelg, the following short despatch.

"Finding from the system pursued by the disaffected in this province, that the decisive measures I have recently submitted for your consideration, become every day more necessary, it naturally occurs to me, that if it should be determined to take a strong course of proceeding, you might feel desirous to entrust the execution of your plans to hands not pledged as mine are to a mild and conciliatory line of policy. As I stated in a former letter, I would not shrink from difficulties, nor wish to take any step that would in the least degree embarrass her Majesty's ministers; but I owe it to you, to myself, and to my sense of public duty, fairly and honestly to declare my conviction, that any alteration that may take place in the policy to be observed towards this province, would be more likely to produce the desired result if confided to a successor, who would enter on the task free to take a new line of action, without being exposed to the accusation of inconsistency, which just or not, must always prove injurious to the beneficial working of any administration. My continuance here to this time has been, as you are aware, solely on public grounds; had I been influenced by private considerations, I should long ere this have solicited my recal, but the principles by which I was actuated, would not admit of an abrupt application of this nature; I therefore confine my communication on this head to acquainting you, that my private wish was to return home, but leaving it entirely to you to take the course you might think best calculated to promote the public service. I can now, however, assign reasons of a public nature for wishing to be relieved, which I could not well have done sooner; and should you admit their validity, I trust that after what I have said, you will feel no hesitation as regards myself in making such arrangements as you think desirable."†

This despatch reached England about the 20th of December last, but more than three weeks previous to its receipt, Lord Gosford's recal had been determined on. On the 27th of November, Lord Glenelg, after adverting to "the disinterested manner" in which his Lordship "had left to her Majesty's ministers, the

\* See Chapter i. page 9.

† Par. paper, No. 72, p. 107.

entirely free and unembarrassed discussion of the question ;" as to his "continuance in office" or his "retirement from it," continues as follows :—

"At the same time, it is impossible not to perceive that the course of policy which must now be pursued, will be more conveniently followed out by one less implicated than yourself, in the events of the last few years. Merging therefore, in a sense of public duty, all personal considerations, we have felt ourselves under an obligation to avail ourselves of the generosity with which you have placed the disposal of your office at the unembarrassed discretion of her Majesty's ministers, and to advise her Majesty to relieve you at once from the government of Lower Canada . . . Enclosed is a despatch which you will deliver to Sir John Colborne, on whom, in conformity with the terms of the commission, the administration of the government, until the arrival of your successor, will devolve."

From this time forward the despatches of Lord Glenelg have been addressed to Sir John Colborne, and by the first or second week in January, Lord Gosford, we shall most probably find, will have ceased to exercise the office of governor in any way. The civil government of Canada, having been virtually destroyed by the proclamation of the 5th of December, Sir John Colborne will, most likely, remain at Montreal, as long he deems his presence, in the slightest degree, necessary.

Lord Gosford's desire to be recalled cannot be wondered at. His position must, for a long time, have been painful in the extreme. He went out to Canada with the reputation of being a liberal man ; he was, moreover, the representative of a liberal government ; he permitted it to be understood that his instructions were also of the most liberal character ; in short, all his talk was of liberality and conciliation. Presently, Sir Francis Head published his Lordship's instructions with his own, when it was found that there was not a single line which the majority of the Assembly deemed of a liberal character.\* The consequence was, that the Assembly from that moment believed themselves deceived ; they believed most firmly that Lord Gosford and the Colonial Office, had unequivocally lent themselves to a conspiracy to obtain a vote of supplies. The first feeling of the Assembly had been that of excessive indignation ; that feeling, however, at length gave place to unconquerable distrust. The consciousness of being thus regarded, must, under any circumstances, be sufficiently painful.

Whilst he is thus obnoxious to the Assembly and people of the province, he is by no means popular with the Assembly's enemies—the anti-popular party.

In Canada, there can be no middle term, no neutral ground

\* See the Introduction.

in politics. The social equality of the people converts them into a state of natural democracy, whilst on the other hand, the forcible maintenance of power in the hands of a minority, renders them from their mere weakness, intolerant of any countenance given to the governed many. Fear, in short, must always render a minority clad with undue powers, tyrannical. We see it in Ireland—in the slave-states of America—in all of our Colonies where we have attempted to raise a forced aristocracy. Let us not wonder, therefore, that the bare idea of conciliation made the whole governing party, Lord Gosford's enemies. His assumption of the office of governor was the signal for the most virulent attacks in all their papers; and almost the last sound heard within the walls of the House of Assembly, was a diatribe against the governor—not from the mouth of Papineau, O'Callaghan, Lafontaine, or Perrault, the orators on the popular side; but from that of Andrew Stuart, the best and most honourable, as well as the most eloquent man of the anti-popular party.

Lord Gosford's longing desire for recal was therefore, in all probability, generated not a great while after his arrival. In his private letters to Lord Glenelg, he appears to have expressed that desire pretty frequently; at length the supposed necessity for a more coercive line of policy affords an excellent opportunity to ministers of carrying their mutual desires into effect.

Lord Gosford appears throughout to have been utterly unfit for his office. On what ground he was appointed, it is difficult to say. All that was previously known of his Lordship was, that he had shown firmness in one particular case at Armagh. But that case presented no great difficulty; popular opinion had been for some time setting against the orange institutions, and in opposing them, he merely permitted himself to be borne along with the tide. Backed by popular opinion, it is not difficult to be firm; but it requires far other powers to deal with two excited parties contending for the mastery, as in Canada. Such powers Lord Gosford has certainly not exhibited.

We have now brought to a conclusion the narration of the executive measures of the government of Canada, connected with the insurrection. In the next chapter, we shall return to the further military operations on the River Richelieu.

## CHAPTER IV.

## MILITARY OCCUPATION OF THE RICHELIEU.

Departure of Colonel Gore—His Force---A Conjecture---His March---No Enemy---The Escape---The Burnings---Occupation of the Villages---Sympathy in Vermont---A Skirmish and Capture---The District quiet. Want of plan on the part of the Insurgents.

OUR second chapter closed with the sudden return of the troops from the expedition against St. Charles, we now take up the narrative of the second military operation in that section of the country.

After the evacuation of St. Charles on the 27th or 28th of November by Colonel Wetherall, it was reported that the insurgents had again taken possession of the village. Further accounts stated that the armed force had retired upon St. Denis; that the insurgents were there still in considerable force; and that they were making such defences as were in their power. It was also understood that the peasantry were in arms in other parts of the country.

Within the city, at the same time, the alarm had somewhat subsided. Wetherall had returned, to a certain extent successful; the volunteer force was great and increasing; and the north-west side of the city had been put into a tolerable state of defence; so that the commander of the forces found himself in a position to spare a considerable regular force to complete the conquest of the disturbed district.

Accordingly, on the 30th of November (Thursday), Colonel Gore left Montreal, by steam-boat, for Sorel, where he arrived the same evening, having under his command nearly eight hundred men, with three field pieces, and a supply of Congreve rockets. This force consisted of four companies of the 32nd, two companies of the 66th, two companies of the 83rd, and one company of the 24th, together with the necessary detachment of the artillery, and a small detachment of the volunteer cavalry, in all nearly 800 men.

A rumour was current at Montreal, at the time that the real destination of this force was St. Benoit, otherwise called Grand Brulé, the supposed intention being that it should, instead of proceeding to Sorel, land at the lower end of the island, and march against the insurgents with as much secrecy and dispatch as possible. This proved a mere conjecture. The river Richelieu was the destination of the force, and its object was to disperse the insurgents and to occupy the country.

On the morning of the 1st of December, Colonel Gore attempted

to break the ice of the Richelieu with the steam-boat, John Bull ;\* but on proceeding one mile, he found it utterly impracticable. He was, therefore, compelled to land the troops and march to St. Ours, the first village on the river, where he halted for the night. His object, in attempting to ascend the river, was doubtless, (under the impression that St. Denis was still occupied) to avoid the harass and fatigue of a march, of which he had already had fatal experience.

Let us here leave Colonel Gore for a time, in order to present to the reader a few extracts from a letter from Mr. Brown to the *New York Daily Express*, giving the details of his escape from St. Denis.

After the affair of St. Charles, it appears that many of the insurgents, who had arms, repaired to St. Denis ; the rest, together with the unarmed, dispersing to their homes. Here they remained until the news arrived that the troops were at St. Ours, and it became necessary to determine at once on the course to be pursued. Accordingly, seeing that there was no simultaneous rising elsewhere, and that to continue in force—which Brown asserts they could have done—would only be to draw the enemy after them (for he admitted they would have been compelled to retreat) to the great loss of life and destruction of property, they prudently determined on flight.

“We, therefore,” says Mr. Brown, “told our men to go home quietly for the present, and to be in readiness to assemble at the first signal. For ourselves, a full pardon to all had been offered, on condition of our being delivered into the hands of Government ;† and we felt no ambition to become the vicarious sacrifice for the political offences of the county of Richelieu. \* \* With these considerations we determined on visiting the States.”

Accordingly, Mr. Brown and his companion, whom he does not name, but who may be presumed to have been Dr. Wolfred Nelson, with five Canadians, “who considered emigration expedient,” left St. Denis in carts towards the boundary of Missisquoi county, but being apprised that the roads were occupied by militia, they were compelled to take to the woods.

“After breakfast,” continues Mr. Brown, “we crossed to the right or northern bank of the Yamaska river, and continued walking until night-fall, when we found ourselves in a tremendous windfall, the prostrate trees‡ crossing in every direction, through which we forced ourselves, like small fish through a salmon net,

\* The John Bull is, perhaps, one of the largest and most powerful river boats in the world. She has two engines of 140 horse-power each, and can work them up to a much greater power. She can tow three or four laden ships up the rapid current of Montreal.

† He alludes, doubtless, to the monitory proclamation of the 29th November

‡ For an animated description of the falling of a tree, see Cooper’s novel of “The Pioneers.”



until we arrived at a swamp, when darkness prevented our going forward. The proximity of some huts prevented our making a fire. To compensate for the absence of sleep for the last forty hours, I had the consolation of getting my back against a tree, with my knees drawn up, to keep my feet out of the water, which refreshing posture was disturbed about two o'clock in the morning by violent rain, which lasted until day-light, at which time our march was resumed. The outer world was fair and beautiful; but in the forest, the constant dripping from the trees was like a shower-bath from an ice-house. \* \* \* \*

Onward we packed till night, when, choosing a dry spot, we kindled a fire, collected hemlock branches for our beds, dried our clothes, and passed a comfortable night. For food, we had found during the day, a few small turnips, \* \* \* and for drink, the swamp pools furnished abundance. \* \* \* On Monday early, (they had commenced their foot journey on Friday,) we reached the skirt of the wood, when, what was our horror on discovering that we had got into the throat of a still stronger wolf than that which we had left behind; we were, in fact, close upon the tory village of Granby, where a guard appeared to be stationed. Our guide, like Natty Bumppo,\* deceived by the clearings, had lost his way. Returning to the woods, we discovered the northern branch of the Yamaska about a mile (distant) when ——— who is of a Kentucky frame, dashed into the water, and fording the river, wanted us to follow him. By comparing the water-line on his body with a section of a corresponding height upon our own, we saw that the same experiment upon ourselves would approach too nearly to submarine, we therefore listened to our guide's statement, that there was a better place lower down. By moving towards this place, we lost sight of ——— entirely, and upon reaching it, our guide, under pretence of looking a little further, deserted us for ever."

Here his Canadian companions determined to return to the French settlements, whilst he pushed on towards the south. Shortly after his companions left him, he ventured into a cabin, where he found only an Irish woman. She charitably offered to boil some potatoes for him, but learning from her that an American lived hard by, he proceeded at once towards his clearing.

"In coming to the house," continues Mr. Brown, "how grateful to my ears was the sharp voice of the wife, scolding her children. It was a Yankee voice. Upon entering the dwelling, which was composed of one room, without a chimney, but with a tremendous pile of wood burning upon the hearth, the smoke from which escaped through a hole in the roof, I asked for some milk. The lady eyed me suspiciously. 'she guessed she had none—the children had eat it all up.' I had, however, scarcely

\* Cooner's Pioneers.

felt the genial influence of the blazing fire, when a bowl of milk, with bread, was on the table, and instantaneously the frying-pan was hissing on the coals, with pork."

Here follows an apostrophe to "woman," Mr. Brown being a poet, but we omit it. Suffice it to say, that he was well entertained by the generous Yankee, in whose hut he slept and breakfasted.

"On Tuesday morning, after eating a hearty breakfast, I crossed the branch of the Yamaska, in a canoe. Three miles walk through the woods brought me to the south branch, up which I walked until I found another canoe, in a clearing, when I was ferried over by a Canadian woman."

After passing a bridge in the night, whilst the volunteer guard was changing, and sleeping for some time in the woods, he reached within twomiles of Dunham village, where he struck into the woods, in order to gain the Stanbridge road. Had he succeeded, he must have been captured, as the whole of that township, together with the seigneurie of St. Armand to the frontier, was occupied by loyal volunteers. Fatigue and lameness, however, prevented his continuing further, and he was compelled to return to one of the houses in the neighbourhood, and make as good a story as he could devise.

"As I approached," he continues, "I met the owner, to whom I said, 'I was going through the woods, but it looks so like snow, that I'll continue till morning.' He looked an instant in my face, and then exclaimed 'Brown, I know you, but here are four friends of yours, and you are safe. I have just come from the Flat\*—they are all after you; old Cuper was firing his old gun, he swore he would shoot you, if he could see you. I daren't take you into the house, so you must come into the barn.'"+

Here he was obliged to remain, shifting from barn to barn, till his lameness subsided. In three days, he was enabled to walk, and at length reached Berkshire, in the state of Vermont. On Saturday, he moved southward. "The first Montreal paper I saw," he adds, "contained, sure enough, a reward for my head, and that of ——. We certainly have precedence on the list, but I do not like the classification, and consider the valuation far below my own estimate."

Such are the material portions of the letter published in the New York papers, as Mr. Brown's own account of his escape,

\* In the township of Dunham.

† It is here proper to mention, that no case of treachery is as yet upon record. All the captured patriots were taken by political adversaries. It has been mentioned to us that M. Papineau and Dr. O'Callaghan were many nights together in the woods, suffering great exhaustion. They fell in with a Canadian, who knew them. "You are M. Papineau, and you are the editor of a paper. I can make my fortune by calling upon the next captain of militia, who lives hard by, but you are safe." The man was poor; a sum of 6000 dollars, an enormous fortune to a peasant, equal indeed to £150 a year for ever, employed in Canada, was within his reach, yet he rejected it, and aided their escape.

the parts we have left out being wholly unimportant. His companion, assuming that Dr. Wolfred Nelson was the person he alludes to, was not so fortunate; he was taken in a state of exhaustion from hunger, cold and fatigue, and on the 13th of December, was lodged in the Montreal gaol.

Return we now to the troops under Colonel Gore, whom we left at St. Ours, on the night of the 1st of December.

On the morning of the 2nd of December, he entered the village of St. Denis, where he met with no opposition. His first step was to burn the property of Dr. Wolfred Nelson, which in the course of that day and the next was entirely destroyed. The destruction of property did not stop here. The house which the insurgents had occupied during the absence of the owner, a widow lady, named St. Germain, and from which the most galling fire upon the troops had been kept up, was also demolished or burned. This was unquestionably a case of cruelty. Madame St. Germain had not offended, but her house was accidentally so situated, and moreover, so strongly built, that it afforded convenient shelter to the insurgents, and became the chief source of annoyance to the troops. Some of the American papers are exceedingly witty at Colonel Gore's expense. They insinuate, that when *men* opposed him, he beat a retreat; but when the men had gone, his unchecked valour let itself loose upon the undefended property of a woman! The insinuation is not wholly just, inasmuch as Colonel Gore evinced considerable perseverance against difficulties at the affair of St. Denis. We merely mention it to show the effect of the deliberate burning of the widow's property on the minds of the people of the States. Every American nurse has a choice collection of tales relative to the conduct of the troops, during the revolutionary war,—the burnings in Canada will doubtless be added to the list. In order to keep the neutrality of America unimpaired—to keep in abeyance the sympathy of the people of the United States, these burnings should certainly have been avoided. They violated good policy as much as humanity, and that is saying a great deal.

After leaving three companies and one piece of artillery to occupy Saint Denis, Colonel Gore continued his march to what remained of Saint Charles. Here he did not long stay, having received information that "some of the rebel chiefs were at St. Hyacinthe."

St. Hyacinthe is a beautiful village, situated on the Yamaska river in a seigneurie, and also in a county of the same name. The village is about eighteen miles from St. Denis and St. Charles, and is one of the most considerable in that part of the country, as it contains upwards of two hundred houses, some of them being built of brick, which is rather unusual in the seigneuries. The village also contains a large and handsome church, a good parsonage-house, and, above all, a well conducted college, or rather

public school. There is a market here twice a week, and the travelling through the village is sufficient to support two good inns. The population of the whole parish is about 8,000.

Here a relation of M. Papineau has a house, at which that gentleman is in the habit of staying occasionally; hence the suspicion that "some of the rebel chiefs" were there. The proceedings at St. Hyacinthe we shall relate in the commanding officer's despatch:—

"I immediately proceeded, according to your Excellency's orders, to that place, which I entered in the evening, and surrounding the house, where Papineau usually resided, it was strictly searched, but without finding him.

"I was accompanied by M. Crenier, the parish priest, who gave me every information in his power; and I am happy to say, that it is his opinion that the *habitans* now begin to see their folly, and that they have been grossly misled. They have returned to their homes in the whole of the counties between the Richelieu and the Yamaska, and gave every assistance required for transport.

"I halted the troops on the 4th, at St. Hyacinthe. The curé called an assemblée of the principal inhabitants and the *habitans*; he addressed them with great eloquence, showing the selfish designs of their leaders, the folly of being led by them from their allegiance, exhorted them to continue in their homes, and assist in arresting the rebel chiefs, which they promised to do."\*

In the evening, the troops marched back to St. Charles. Two companies of the 83rd, with one gun, were directed to occupy it. A small detachment was left at St. Ours, and taking the remainder of the forces, namely, four companies of the 32nd, and one howitzer, Colonel Gore returned to Sorel, where he arrived on the morning of the 7th.

Whilst these things were going on, it was reported that the peasantry were again assembling near the frontier, in the direction of Stanbridge and Saint Armand, close upon Missisquoi Bay, and, in his despatch of the 7th December, Sir John Colborne expressed his intention of sending troops thither in a few days to attack them.

It may here be mentioned, that when the people of the country, lying on the Richelieu frontier, rose to resist the troops, the inhabitants of all the towns between Burlington and the frontier, in the state of Vermont, evinced a very vivid interest in the struggle. At Highgate, immediately on the frontier, at St. Albans, at Montpelier, at Swanton, and at Burlington, the fugitives were well received, and assistance to some, though not to any very considerable extent, was rendered them. There was a good deal of excitement, and a general expression of sympathy; but the insurrec-

\* Par. paper, No. 80, p. 19.

tion was too completely in the bud, and its result too problematical, to draw from the Americans any very active aid. The early reports were much more favourable to the patriots than the fact warranted. The success at St. Denis was magnified, and it was asserted that the regulars and volunteers had been dispersed at St. Charles. When this report reached Cambridge in Vermont ten guns were fired "in honour of the Honourable L. J. Papineau;" and, generally, throughout the northern part of that state, there was a disposition to a rise in favour of the Canadians. Arms were certainly furnished to a small body of Canadians, and had the insurgents succeeded in keeping out for a month or six weeks, there cannot be a doubt but that the people on the Vermont frontier would have been as active in favour of the Lower Canadians, as those of the New York frontier have since been in favour of the Upper Canadians under Mackenzie.\* A small body of men appears to have been equipped at Swanton, where the young women of the place presented them with a pair of colours.

On the morning of the 6th of December, they entered Lower Canada at a point called Moor's Corner, not far from Highgate. Their numbers have been variously stated at from forty to two hundred; but it is probable they were nearer the latter number. It is supposed their intention was to cross the country, to reinforce the insurgents at St. Benoit; and this supposition is probably correct, as the force was too small to act independently, and of the state of the country on the Richelieu they could not be ignorant. This small body was led by M. Robert Bouchette, son of the Surveyor-General of the Province, whose maps of, and work on Canada, are well known in this country. The father is, of course, attached to the government; but the son had embraced the opinions of the majority, to which he gave effect by editing the *Liberal*, a paper published in Quebec in both languages.

M. Bouchette is a man of good ability, is well educated, and of gentlemanly address. He was married a few years since to an English lady of noble family, who fell a victim to the cholera in 1832.

The only account we have of the ultimate fate of this small body of men under Bouchette, is contained in the reports of Captain Kemp, of the Missisquoi militia, and of Colonel Knowlton, colonel of the Shefford volunteers.

Captain Kemp, it appears, had been charged to escort some arms from Philipsburg, and had under his command about fifty men. He had not long left the place when he was recalled by a report that a body of men from Swanton intended to burn the village that night. In consequence of this, he returned to Philipsburg, and collected men, whom he armed with the muskets under his charge.

Scouts now came in from Swanton with the intelligence that the body of men, above alluded to, well equipped, and having with

\* See chapter ix.

them two pieces of cannon, had actually taken up their march for the province. Hereupon a position was taken up about half a mile south of the village, on the west road leading to Swanton. After some time, it was reported they were advancing along the east road. Here Captain Kemp immediately repaired, soon after which the expected adversary appeared, numbering, according to Captain Kemp's report, 200 strong. We now take up the words of the report.

"The force under my command amounted to about 300; but before it was possible for me to reduce them to order, the van of my line had commenced firing without command \* \* \* This premature fire was instantly returned by the rebels, and the firing was kept up on both sides for about ten or fifteen minutes, when the enemy retreated back towards the state of Vermont, leaving behind one dead, two wounded, and three prisoners.

"One of the wounded is Robert Shore Milnes Bouchette, who led the advanced guard of the rebels, and is severely hurt. The other is slightly wounded, and reports himself to be a nephew of Julian Gagnon, of St. Valentin, in Acadie, habitant, the leader of the party. They left also two pieces of cannon, mounted on carriages, five kegs of gunpowder, six boxes of ball cartridge, seventy muskets, part of them in boxes, and two standards. From the undisciplined state of the loyalists, the darkness of the night, it being nine o'clock, and the vicinity of the woods, the rest of the party made their escape."

Sir John Colborne, in his despatch\* to Lord Fitzroy Somerset, states, that he had "directed Major Reid of the 32nd regiment, to proceed to St. Johns with part of the force which had returned to St. Charles from St. Hyacinthe, and unite with the companies under Lieut.-col. Hughes, assembled at that port for the purpose of attacking Bouchette's force; but that, fortunately, the vigilance of the Missisquoi militia had enabled him to withdraw several companies from St. Johns for the expedition at this time contemplated against the county of Two-mountains."

It may here be proper to state, that the assistance rendered the Canadians by the inhabitants of Vermont, rendered it necessary that the executive of that state should give evidence that it was a spontaneous movement of the people independently, and not sanctioned by the state government. Accordingly, a few days after the defeat at Philipsburg, the governor of the state issued the following proclamation:—

"BY THE GOVERNOR.—It is well known to my fellow citizens that disturbances have broken out in the neighbouring province of Lower Canada, which have resulted in bloodshed. The head of the provincial government has issued his proclamation declaring martial law in the district of Montreal.

"This state of things necessarily changes the relations which

\* Par. paper, No. 92, p. 11.

have heretofore existed between the inhabitants of this state and that province; and the possibility that any, through the influence of ardent feelings, may be betrayed into acts of unauthorised interference, induces me to call the attention of my fellow-citizens to the subject.

"With the kingdom of Great Britain we are in a state of profound peace. We have treaties with that government which it is our duty, and I trust our desire, to fulfil to the letter.

"It is obvious that as a nation we have no right to intermeddle with the constitution of any neighbouring powers; while, as republicans, we prefer that form of government under which it is our happiness to live, a decent regard for the opinion of others will prevent all dictation as to the form of their government.

"Principles, which have been admitted for ages, prevent all national interference, unless in the character of allies, and it is scarcely necessary to add, that individuals should not do that which the government cannot—must not do.

"It has been represented to me that, in some few instances, arms have been furnished, and hostile forces organized within this state. No one can be ignorant of the consequences of such a state of things, if allowed. Such forces may be repelled, and our territory be made the theatre of active warfare. This is not to be tolerated for a moment, and every good citizen will appreciate the importance of rebuking all such acts as may tend to produce it.

"The amity which binds nations to each other, condemns all interference in their intestine broils; and the laws of Congress are explicit in their denunciations, subjecting those who improperly interfere to heavy penalties and imprisonment.

"Under these circumstances, and with these feelings, I have thought it my duty to issue this. my proclamation, cautioning my fellow-citizens against all acts that may subject them to penalties, or in any way compromise the government.

"Our first duty is to our government, and the greatest benefit we can confer on the world, is by giving them a perfect example of the action of that government. With other nations our conduct should be regulated by the principles of an enlarged and enlightened philanthropy.

"In war, we may treat them as enemies; but in peace, they are to be regarded as friends. In the present posture of affairs our duty is manifest—that of strict neutrality—neither lending such aid to either, as would be inconsistent with that character, nor denying the right of hospitality to either, so long as they are within our borders, and maintain the character of quiet and peaceable citizens.

"My fellow-citizens will appreciate the feelings by which I am actuated. The nation's honour cannot be in better hands than our own. Their zeal in the cause of liberty was never doubted. It is only necessary to caution them against such interference

with the rights of others, as might jeopardize the peace of our country."

The above proclamation is a fair type of the power, or rather want of power of the United States' government, in restraining her citizens in the event of interference in the affairs of other nations. The tone of the proclamation is *monitory* not *mandatory*. The duty of the Americans *as a nation* is stated—all "*national* interference" is deprecated, and then *individuals* are reminded that they ought not to do that which their government must not—cannot do.

It is generally admitted that the laws of the United States on the subject under notice are a dead letter. This was proved in the case of Texas. The Mexican province of Texas did precisely what the British province of Canada is doing; and American citizens interfered without the least disguise; arming, equipping, raising money, and marching in considerable bodies to aid the insurgents. The Mexican President remonstrated; and the United States' government did all that the letter of the law of nations required to prevent any interference *as a nation*—"national interference," to adopt the phrase of the Vermont proclamation, was then, as it is now, deprecated; and yet individual assistance went on without check.

The United States' government must not be called either weak or treacherous on this occasion, or the British government must be deemed equally weak or treacherous on many occasions that could be named. We have often seen British men openly enlisted in this country to fight for the Greeks, the Spaniards, the Portuguese, without involving this government in war. But with us, the matter has not been limited to mere individual interference; we have, on more than one occasion, done what the American government never yet has done, violated neutrality with our allies. Leaving out of the account our wars in favour of legitimacy, and against the spread of liberal opinions, we need only remind the reader of our attack upon the Turks at Navarino; of our army of occupation sent to Portugal, and lastly of our recent sanction of the expedition of the British legion. Let us not marvel, therefore, if the American authorities content themselves by preventing only "national interference." If they were to attempt more, they would certainly fail. On this point, the following passage from the *New Orleans Bee* may be quoted, premising that the southern Americans have a powerful interest against the annexation of Canada to the States, on account of the preponderance it would give to the non-slave-holding portion of the union; yet, we find their sympathy with the Canadians overcoming even this strong sectional interest:—

"The Canadians feel the imposition and collection of taxes under the authority of the British government, and the appointment of one branch of the provincial legislature by the crown, as griev-



ances not to be borne ; and it is certainly unbecoming the descendants of the stern and fiery old Whigs of seventy-six, who went to war with the mother country for a duty of threepence a pound on tea, to say that these grievances of which the Canadians complain ought to be borne.

\* \* \* \* \*

“The situation of Canada, whatever may be the course of events, is highly interesting to the people of the United States. Should the provinces become absolved from allegiance to Great Britain without a recourse to arms, they will most probably seek to be attached to the union on a footing with the present members of the confederacy. The proposition of such a measure would give rise to angry debates in Congress, and hot contentions among the people, prompted and exasperated by geographical and sectional prejudices. If the present troubles should result in a civil war between England and her Canadian provinces, it would give rise to quarrels and dissensions between this country and England which might put the pacific dispositions of both to a serious test. Whatever might be the wishes, whatever might be the legislative enactments of our government, we know, by what we have witnessed in the Texian war, that the young men of the west and north could never be prevented from marching by thousands to the aid of the Canadians. Lures would be held out by those people to entice them into their service. The Canadian papers have more than once alluded to the important assistance they would derive from the rifles of the backwoodsmen in case of a rupture with England. *It is useless to disguise the fact that such assistance would be offered without being asked for.* All the legislation of Congress—all the vigilance of the executive, could not prevent it. If English pride should take the alarm, war would be the consequence, and England would forget the example she herself has exhibited in the civil wars of Spain and Portugal.”

Nothing more need be said in this place on the sympathy of the people of Vermont in favour of the Lower Canadians, because the immediate occasion for that sympathy has been suppressed or removed. We shall however, have occasion to return to, and enlarge upon the subject, when we come to describe the occurrences in the Upper Province—occurrences, which were of a nature to excite that sympathy in a much greater degree, and much more generally over the whole Union than those which we have hitherto described.

By the defeat of the patriots at Philipsburg, the suppression of the insurrection on the Richelieu seems to have been complete. Sir John Colborne reports the “deluded peasantry to have returned to their homes,” and that the country was perfectly tranquil.

The number of prisoners in gaol, just previous to the expedition against Grand Brulé, which we shall describe in the next chapter,

was, as nearly as we can collect, about sixty, of whom thirty-seven had been taken with arms in their hands. Among the whole number were only five of any note, namely, L. M. Viger, M.P.P. ; Dr. Wolfred Nelson ; Comé Cherrier, M.P.P. ; R. S. M. Bouchette ; and Toussaint Pelletier.

There are besides some men of consideration and respectability in their several counties, but the above are the only prisoners of general importance.

In bringing this chapter to a close, it may be well to state that the importance of Colonel Gore's second expedition to the dominant party must by no means be measured by the total absence of

——“ Most disastrous chances,  
Of moving accidents by flood and field,  
Of hair-breadth 'scapes i' the imminent deadly breach ”

Of these, it was his good fortune as we have seen to experience nothing. The value of his uninterrupted progress depends on this:—that it totally removed all cause of alarm in the minds of the anti-popular party of the city, and thereby enabled Sir John Colborne to commence his preparations for the expedition into the county of Two Mountains—an expedition which, according to his own words, he did not deem himself justified in attempting until perfect quiet was restored on the river Richelieu.

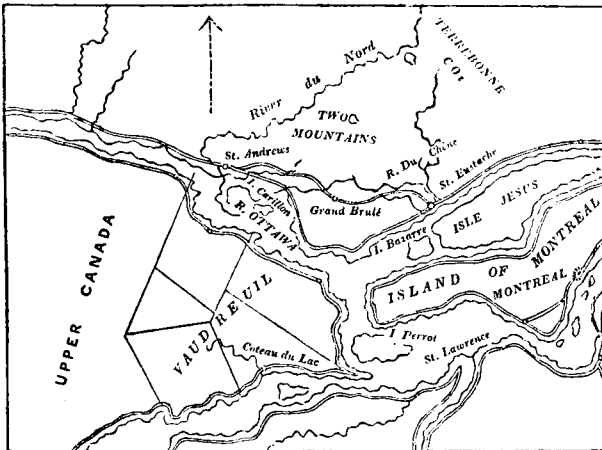
The events detailed in this chapter occupied one week, and bring the narrative down to the 7th of December. The whole of the ensuing week was occupied in collecting the troops at Montreal, and in refreshing and preparing them for the contemplated expedition. The volunteers, at this time, could be safely entrusted with the defence of the city, because, in point of fact, there was nothing against which it required defence, as the troops were about to proceed in a direction between the city and the only remaining stronghold of the insurgent patriots. Whilst armed resistance was thus confined to a narrow spot, all fear of a diversion elsewhere had been removed.

The next chapter will contain the details of the expedition alluded to, leaving to that which follows the narration of such matters as immediately followed the final suppression of the disturbances in the province.

## CHAPTER V.

## THE EXPEDITION AGAINST ST. EUSTACHE, AND GRAND BRULÉ.

Description of the county of Two Mountains—Reported state of Grand Brulé—Attack delayed—Force under Sir John Colborne—March—Attack on St. Eustache—St. Benoit surrenders at discretion; burned nevertheless--- Suppressed Despatches---Girod's Death---Surrender of Girouard, his Character---Lord Gosford's Summary---Absence of any Plan of Revolt.



THE sketch placed at the head of this chapter will materially aid the reader in gaining a conception of the scene of the expedition which it is the business of the following pages to record, more especially if he will take the trouble to turn to the general map of the province, in order to determine the position of the seat of the campaign, in relation to the other parts of the country.

The county of Two Mountains lies upon the mainland, immediately at the back of the Island of Montreal, and of Isles Jesus and Bizarre. On the south-east and south-west, the county is washed by the Ottawa river, which is here divided into several

channels,\* forming the islands just named, together with Isle Perrot, all of which will be seen in the above sketch; until, at length, the two streams fall into the St. Lawrence, at the north-east and south-west extremities of the Island of Montreal.

The county takes its name from two beautiful mountains, rising at a moderate distance from the river, which here widens into a lake, a feature common to all the Canadian rivers. This lake bears the same name as the county, as does also a seigneurie forming part of the county.

One of these mountains is called Mont Calvaire, on the summit of which are the ruins of some buildings called the Seven Chapels, said to have been erected by the early missionaries.

The length of this county is eighty miles, and its extreme breadth about forty, but being of unequal shape, its contents, according to the surveyor-general's computation, is 979 square miles.

The principal streams are the Rivière du Nord, and the Rivière du Chêne, together with some others of minor note. All these rivers are impeded by rapids, and consequently not navigable to the Ottawa. Portions of most of them, however, are practicable for canoes, and so afford considerable facilities to the local trade. The Rivière du Nord might perhaps be rendered navigable for a considerable distance, at a moderate expense.

The county comprises the seigneuries of Mille Isles, or Rivière du Chêne, Two Mountains, and Argentueil, besides the townships of Chatham, Grenville, Wentworth, Harrington, Arundel, and Howard, lying higher up the Ottawa than the seigneuries.

In point of population, this county ranks third; and in point of agricultural produce, fourth in the province. The following statistical particulars, are from Bouchette's Topographical Dictionary of the province.

Population . . . . .	18245	Fulling Mills . . . . .	2
Churches, Protestant . . . . .	2	Paper Do. . . . .	1
Do. Roman Catholic . . . . .	4	Distilleries . . . . .	2
Curés . . . . .	4	Tanneries . . . . .	3
Presbyteries . . . . .	4	Hat Manufactories . . . . .	1
Wesleyan Chapels . . . . .	1	Potteries . . . . .	2
Convents . . . . .	1	Pot-ash Works . . . . .	18
Villages . . . . .	7	Pearl-ash Do. . . . .	11
Schools . . . . .	12	Shop-keepers . . . . .	21
Corn Mills . . . . .	8	Taverns . . . . .	34
Saw Mills . . . . .	13	Artizans . . . . .	232
Carding Do. . . . .	2		

The seigneurie belongs to the priests of the Seminary of Montreal, to whom it was originally granted in 1717, and is now in a very

\* Between the Island of Montreal and Isle Jesus, it is called La Rivière des Prairies, and between Isle Jesus and the main land, La Rivière St. Jean, or Jesus.

flourishing state. In the seigneurie are two Indian Villages; the one inhabited by the Algonquins, and the other by the Iroquois, once the terror of the English colonies. The whole Indian population now amounts to 887.

The principal village in the county of Two Mountains, and it may be added, one of the largest in the province, is St. Eustache, situated at the mouth of the Rivière du Chêne, in the seigneurie of the same name. Here the post-road through the county abuts, as it were, upon the river, passing, as already stated, through St. Benoit to St. Andrews, and thence, along the course of the Ottawa, through Hull. St. Eustache is beautifully situated, on an elevated spot, commanding a view of the well-cultivated lands of Isle Jesus, with the picturesque islands and rapids in the neighbourhood. It contains, or rather did contain, a handsome church, a Presbyterian chapel, and about 150 houses. At each extremity of the village is a bridge over the Rivière du Chêne. The population of the village was in 1831, about 1000. Some manufactures are carried on here, among which may be particularly mentioned that of cigars, which enjoy a fair reputation among the connoisseurs of the cities. There is also a brewery, a pottery, two tanneries, and a manufactory for hats, and another for chairs, all of which help to give St. Eustache a character for enterprise, and, at the same time, add to its wealth. From Montreal, the distance is twenty-one miles, including the ferries.

The village of Grand Brulé, or St. Benoit, in the parish of the same name, lies about twelve miles west of St. Eustache. A small stream passes through the village, and falls into the Rivière du Chêne, which waters the parish. The village contains about fifty houses, much scattered. Three of them only are built of stone. The population of the parish was in 1831, 466½; that of the village may be about 300.

The parish of St. Scholastique lies on the Rivière du Nord. It is less populous than St. Benoit, containing only 3000 people in 1831. The village scarcely deserves the name, as it consists of only about ten houses, around the parish church.

St. Andrews, which is twenty-four miles from St. Eustache, lies at the confluence of the Rivière du Nord with the Ottawa, in the seigneurie of Argentueil. The population of the whole seigneurie was in 1831, about 2,800; chiefly persons of Scotch descent, and Americans. In 1824, St. Andrews contained twenty-eight houses, and about two hundred inhabitants; in 1831, it numbered fifty-five houses, and 330 inhabitants; now it probably contains eighty or ninety houses, with a proportional increase of people. It is a smart, thriving, American-looking place; the clack of the loom not unfrequently striking upon the ear. There is also a considerable paper-mill. During the recent troubles, St. Andrews gave birth to a corps of volunteers.

Carillon is a small island lying south of St. Andrews, in the lake of the Two Mountains. A military force has been stationed there since the government began to prepare its operations; and we believe a small establishment is usually kept up, if it be only in aid of the works on the Grenville canal.

With these brief, but necessary explanations, the reader will be able to follow us through the details of the expedition.

Whilst the operations on the Richelieu were going on, it was understood that the armed peasantry were in force at Grand Brulé. We have already described the state of alarm this produced at Montreal; the more especially as an assault was expected from that quarter. Offensive operations, however, seem to have formed no part of the plan of the insurgents, either on the Richelieu or at Two Mountains. In a Montreal paper of the 1st of December, it was stated, that on the 25th and 26th of the previous month, a considerable muster of the armed peasantry had taken place. The number was variously stated from "some hundreds" to "no less than 2000." In the same paper, it was asserted that they had been for some time at work upon entrenchments for the defence of the village; and that they were prepared for an attack in either direction—that is, either from Montreal, or from St. Andrews. Report also stated that they had cannon, but none appear ultimately to have been found; indeed, it will be seen in the sequel that the reports from this quarter, were of a most exaggerated nature, commensurate rather with the state of alarm which prevailed, than with probability.

It is certain that travellers through this part of the country were stopped and questioned about the end of November and beginning of December. A party of about 150 men also went round and quietly disarmed the "loyalists," for the double purpose of taking the sting out of their adversaries, and of arming their own people. A large number, or rather a large proportion—for the number appears not to have been large—fled to Montreal about the end of the month.

Whilst the country on the Richelieu was in a state to give employment to the troops, Sir John Colborne's force was too small to be divided; and he does not appear to have been disposed to trust much to the volunteers. As soon as that section of the country was deemed tranquil by the defeat of the small body under Bouchette, arrangements as we have already stated\* were commenced for the march into the county of Two Mountains.

It is evident that the reports which had reached, or, perhaps, more properly speaking, had arisen in Montreal, had made some impression on the commander of the forces, for nearly the whole regular force of Montreal was employed in the service. It consisted of the disposable strength of three regiments, namely, the "royals, under Colonel Wetherall; the 32nd, under the Honourable Colonel Maitland; the 83rd, under the Honourable Lieu-

\* Page 63.

tenant-colonel Dundas ; a detachment of artillery with 6 guns under Major Jackson ; the Montreal rifle corps ; another corps of volunteers, and a detachment of cavalry. In addition to which, it was afterwards augmented by a portion of the 24th regiment and the St. Andrews volunteers, under Major Townsend. The whole force could not have been much short of 1500 or 1600 men ; commanded by Sir John Colborne in person.

On the 13th the whole force was assembled at St. Martin on Isle Jesus, where there is a bridge from the Island of Montreal which Sir John Colborne had previously secured. Here the troops passed the night, and Sir John directed Major Townsend to march upon St. Benoit on the following day with the detachments of the 24th under his command and the St. Andrews volunteers.

On the morning of the 14th, the troops commenced their march upon the devoted village of St. Eustache. The river St. Jean, called in the despatches, the northern branch of the Ottawa, which in fact it is, was frozen, so that the troops crossed without difficulty on the ice at a distance varying from a mile and a half to three miles below the village.

It should be here mentioned, that the troops were divided into two brigades, one, consisting of the 32nd and 83rd regiments with a part of the artillery, under Colonel Maitland ; and the other, consisting of the 2nd battalion of the royal regiment, the Montreal rifles, and Globenski's volunteers, under Colonel Wetherall ; the object being to attack and enter the village at two or more points at one and the same time.

Col. Maitland's brigade appears to have crossed first and marched to the village, towards which they advanced covered by a couple of guns and the light company of the 32nd. As the troops approached, the insurgents were seen to cross to a small island opposite the village, when the two guns were directed by Sir John Colborne to open a fire upon them. This was done, when the fugitives retired into the town.

Hitherto our statement has embodied the substance of the despatch of Sir John Colborne with that of the report of Colonel Maitland ; we now adopt the language of the latter.

"The brigade again advanced in the same order, and the guns took up a position and opened a fire upon the church ; as I perceived with my glass that they appeared to occupy the church in considerable force, the guns still continued to cannonade the church. I then, agreeable to the directions of your Excellency, changed direction to the right with the brigade, the 32d regiment leading, covered by its light company, and followed by the 83d regiment, under the command of Lieutenant-colonel the Honourable Henry Dundas, with a view of securing the roads and bridges\* from the opposite side of the town, leading to the

\* The two bridges mentioned in our description of the village at page 71.

Grand Brulé road, where it was supposed that the rebels would eventually make a stand; the troops at this moment were within musket-shot of the town, and found the greatest difficulty in their advance, owing to the ruggedness of the ploughed fields, the depth of snow, and the strong fences they had to break through; they exerted themselves for this purpose with the greatest energy, and having obtained possession of the roads and bridges, succeeded in taking a number of prisoners, who were running in great confusion from the town. My object being here accomplished, I left detachments of the 83d to secure these places, and pushed in advance with the whole of the 32d regiment towards the church, and occupied houses close to it, on that side of the town. After remaining there some time, firing on the rebels in the church, I found myself obliged to withdraw from that advanced situation, as the regiment was then unavoidably exposed to the fire of our own artillery from the opposite side of the town, as well as that of the rebels, but I detached the grenadiers 1st and 2d companies, to favourable positions, to intercept any of the rebels attempting to escape from the church, and which answered effectually, as, upon the taking of that building, a number of the rebels fell under the fire of part of these companies. On an attack like this upon a town, much remains with the individual superintendence of commanding officers of battalions, and, about this time, the 83d regiment were, by your Excellency's orders, directed to enter the town in another direction, in support of the 2nd battalion of the royal regiment; fortunately we experienced no loss, owing to the favourable cover afforded the troops by the number of houses in this neighbourhood; the 32d regiment had only one man severely wounded."\*

It appears to have been after the fire from the artillery had been opened on the church, that the second brigade came up. Colonel Wetherall in his report states,

"At about 600 or 700 yards from St. Eustache the artillery were found in position, battering the church and adjoining houses.

"I was here directed† to follow up the 1st brigade, which was making a detour of the village, for the purpose of cutting off the retreat of the rebels by the St. Benoit road; but on arriving opposite the centre of the village, I was directed to enter it, which I did, and having advanced up the main street, occupying the most defensible houses, and meeting with no opposition, I reported the circumstance to the Lieutenant-general, who desired me to detach an officer to bring up the artillery; in executing this duty the officer was driven back by a fire from the church,

\* Par. paper, No. 99, page 13.

† This was apparently by the same order that Colonel Maitland was instructed "to change direction to the right with the brigade," so as to secure the bridges and road to St. Benoit.



and the artillery entered the village by the rear, and opened their fire on the church-door, at the distance of 280 yards, while some companies of the royal regiment and the rifles occupied the houses nearest to the church; after about an hour's firing, and the church-doors remaining unforced, a party of the royal regiment assaulted the Presbytery, killed some of its defenders, and set it on fire.

"The smoke soon enveloped the church, and the remainder of the battalion advanced; a straggling fire opened upon them from the Seigneur's house, forming one face of the square in which the church stood, and I directed the grenadiers to carry it, which they did, killing several, taking many prisoners, and setting it on fire.

"At the same time, part of the battalion, led by Major Gagy, Provincial Assistant Quarter-master-general, and commanded by Major Warde, entered the church by the rear, and drove out and slew its garrison, and set the church on fire; 118 prisoners were made in these assaults."\*

Such is the official accounts of the attack upon St. Eustache, and of its result. It is sufficiently meagre, and gives no very clear conception of the destruction which took place. The Church, the Presbytery, the Nunnery, together with the houses of the Seigneur Dumont, Dr. Chenier, Scott and many others were destroyed. The following is from the Montreal Herald, the sickening print from which we have already quoted.†

"On Thursday evening the village of St. Eustache presented a heart-rending appearance, the whole of the lower portion being one sheet of lurid flame. It is supposed that about fifty houses have been burnt, and nothing now is left of them but stone walls or solitary chimneys. The moon looked blue and wan through the thick and curling smoke, and seemed as if mourning over the melancholy scene.

"It is conjectured that from 150 to 200 were killed by the military, or perished in the flames. The stench from the burning of the bodies was very offensive."

Another paper says,

"The village having been surrounded, there was no possibility of escape; and the prisoners say that numbers retreated into the vaults of the church, and the cellars, where they must have perished miserably."

It should be remembered that these statements are not from papers favourable to the insurgents; they are not therefore disposed to magnify the sufferings of the people at the hands of the troops; on the contrary, they are disposed to make no statement unfavourable to the government or their agents. All the liberal papers had been put down, or had ceased to appear, and their proprietors and editors were in jail or in exile.‡ Hence we have, as we stated on a for-

\* Par. paper, No. 99, p. 14.

† Chapter iii. page 43 and 44.

‡ O'Callaghan, Duvernay, Louis Perrault, and Bouchette.

mer occasion, to make the best we can of one-sided evidence, a task neither pleasant nor easy.

Lord Gosford's summary of the march upon St. Benoit, appears to be a clear statement of what took place, we therefore adopt it without alteration.

"On the following morning, Friday, the 15th, the troops left St. Eustache for St. Benoit, where it had all along been understood the greatest preparation for resistance had been made, and arrived there shortly after mid-day, unopposed, having on their march been met by a deputation of Canadians, who announced the flight of their leaders, and the anxiety of those remaining in the village to lay down their arms and to surrender unconditionally. If they had not taken this step, the loss of life must have been very severe, as they were completely hemmed in, a force under Major Townshend, consisting of a part of the 24th regiment and a party of volunteers, having, as a combined movement, marched from Carrillon in the opposite direction, and arrived at St. Benoit shortly after Sir John entered it. During the brief stay of the troops at that place, from 150 to 200 individuals surrendered themselves with their arms, and were discharged, in pursuance of a proclamation issued by Sir John Colborne immediately after the affair of St. Eustache, calling upon the *habitans* to come in and lay down their arms, and assuring those who should obey, provided they were not especially implicated in the graver crimes of insurrection, of a free pardon. I regret to add, that this village suffered severely by fire, but whether from design or accident I am not yet informed. The exasperation of the settlers of British origin in the neighbourhood was, I understand, very great, in consequence of the severities they had previously experienced at the hands of the other inhabitants of the parish, and it is not improbable that the desire of retaliation may have led to this destruction of property. It was not the work of the troops."\*

The only allusion by Sir John Colborne to "the suffering of the village from fire," mentioned by Lord Gosford, is in the following exceedingly vague passage in Sir John's despatch to Lord Fitzroy Somerset:—

"It is scarcely possible to suppose that the loyal and peaceable subjects, whose property had been pillaged, and who had so recently suffered from the outrages committed by the rebels of Grand Brulé and the Rivière du Chêne, a population of the worst character, could be prevented, on being liberated from their oppressors, from committing acts of violence at St. Benoit."

In short, there is abundant evidence that these despatches are prepared for the public eye. In the second chapter we pointed out a flagrant case of the suppression of despatches, one of which is

\* Par. papers, No. 100, p. 3.

the detailed official report of the affair of St. Charles. Here we have to notice a similar case of suppression of evidence the most important. St. Benoit surrendered, the people had thrown themselves on Sir John Colborne's mercy, Lord Gosford, in his proclamation of the 29th of November, had promised the forgetfulness of transgressions to all who would put down their arms; yet, in spite of these promises, the village that night was laid in ashes. It was boldly asserted, in some of the Montreal journals, that the houses of some of the leaders being intentionally set on fire the rest caught by accident. Unfortunately for this statement, the houses of the village are not contiguous, but are much scattered, many being separated from the "leaders'" houses by the little river which runs through the village. We need not, however, trouble ourselves by trying the statement on its own merits, as a few days after the circumstance occurred, Major Townsend, in reporting his arrival at Carrillon, informed Sir John Colborne that "every house in the village was set on fire," and that it was "the volunteers who were the instruments of the infliction," adding, that it was impossible to restrain them. Now, this report or despatch of Major Townsend is not to be found among the papers relating to this expedition, published by order of the House of Commons; neither is Sir John Colborne's proclamation promising pardon. Sir John Colborne did not burn the village, it is true; but, in neglecting to protect it, did he keep the promise held out by his proclamation? The letter of his proclamation—yes! its spirit—No! It certainly does appear to have been Major Townsend's duty to see that Sir John's pledge was religiously redeemed, and yet he pretends that the volunteers could not be restrained. To prevent so shocking an outrage Major Townsend should have shown his determination to use his bayonets, and the restrained volunteers would have been saved from this shocking act of barbarity, by which, be it remembered, the aged and the infirm, the women and their infants, were turned into the woods, in the depth of a Canadian winter, to perish. The tale of horrors, resulting from this barbarous act, remains yet to be learned.

The *Times* newspaper, by no means inimical to Sir John Colborne, and certainly far from friendly to the Canadians, cannot restrain its indignation on the occasion, as the following extract will testify:—

"If the loose narratives, Canadian or republican, may be safely trusted, we fear that much unnecessary, and therefore indefensible, suffering, has been inflicted upon the unfortunate, many of them, no doubt, guiltless, inhabitants of the scene on which, and in whose neighbourhood, the attack was made by Sir J. Colborne. \* \* The statements on every side agree that the whole village of St. Eustache was burnt to the ground. It would rejoice us to believe what we see asserted in one of the letters just arrived, that it was the insurgents themselves who set fire, by accident, to St.

Eustache, and destroyed their own habitations with those of many peaceable citizens. If, on the other hand, it be confirmed by the next advices that not only St. Eustache, but St. Benoit likewise, was burnt by those of our fellow-subjects calling themselves loyalists, in defiance of the humane orders of Sir John Colborne, after his back was turned, and in revenge for excesses, outrages, and robberies, said (we dare say truly) to have been perpetrated by the insurgents while in possession of those respective towns, it is impossible to reprobate with sufficient force the *barbarous wickedness of such retaliation*, or to calculate the effects of such *impolitic and frantic ferocity*. It is incredible that Sir J. Colborne, or any experienced and well educated commander, could have tolerated such proceedings. It is equally so that any regular, well-disciplined, and highly-officered troops like those of England, could have executed them."

After the surrender of St. Benoit, Sir John Colborne ordered Colonel Maitland, with his regiment, to proceed to St. Scholastique, a village of ten houses. There was of course no resistance; in short, resistance was at an end in every direction.

The following is the official return of killed and wounded, as made up after the return of the troops:—

"Montreal, 20th December, 1837.

"Royal Artillery—1 corporal, 2 privates, wounded.

"2d Batt. 1st or Royal Regt.—1 private killed; 4 privates wounded.

"32d Regt.—1 private wounded.

"Total—1 private killed; 1 corporal, 7 privates, wounded.

"N.B.—Major B. C. A. Gagy, Provincial Assistant Quartermaster-general, was also severely wounded."

The number of killed on the side of the peasantry is stated, in the Montreal papers and in Lord Gosford's despatch, at about 100, whilst the prisoners amounted to about 120. The exaggerated nature of the previous reports now became apparent. There were neither fortifications nor cannon\*; they were but ill supplied with arms, and so destitute of ammunition, that, it is said in some of the accounts, marbles (which of course broke into powder at the discharge) were used for balls. The troops, therefore, had little more to do than to take up a position at a safe distance, (600 or 700 yards, according to Colonel Wetherall), with their artillery, and resort to the firebrand and the bayonet only when confusion had been produced.

The persons residing in this county against whom warrants could not be served in consequence of the rising of the peasantry, appear, by Lord Gosford's dispatch, to have been J. J. Girouard, and W. H. Scott, the members for the county, the Rev. Mr. Chartier, curé of St. Benoit, Dr. J. O. Chenier, and Amury Girod; the last of whom was a Swiss.

\* There were two wooden cannon bound with hoops, and calculated to sustain three or four discharges.

Of these Dr. Chenier was killed in the church at St. Eustache, Scott was taken at St. Scholastique, Girod made his escape at the time, but subsequently shot himself rather than fall into the hands of the volunteers, and M. M. Girouard and Chartier were not to be found. The circumstances attending Girod's death are detailed in a letter in the Montreal papers, written by one of the volunteers disputing for the credit\* of the capture with "one of the regulars," who appears to have claimed it to the great indignation of the volunteer.

It seems that about three or four days after the affair of St. Benoit, intelligence was received by a party of volunteers at Longue Pointe, just below Montreal, that Girod was at Pointe aux Trembles. The persons who gave the information acted as guides. On arriving at the spot, "at a small distance back," says the writer, "in a field adjoining the road and in continuation of the line fence, there was a short piece of close boarded fence, with another piece forming a right angle, behind this Girod had screened himself. The Canadian guide having advanced and looked over the fence, saw Girod, and retreated in great terror towards Higgins, (a volunteer), who was advancing, and kept advancing towards the inclosure. At this moment, it is presumed, Girod had seen Killigan (another volunteer) and me advancing upon the side of the inclosure running parallel with the road, and in consequence he stepped out of it by an opening into the field upon the other side of the line fence. He stooped on passing through, (so says Higgins, for I could not see it,) and on raising his head, seeing Higgins advancing from one point, Captain Clarke from another, and Killigan and me from a third, he could not but perceive that all chance of escape was hopeless. At this moment Girod called out, Halloo! drew from his breast a pistol, which caused Captain Clarke to turn rapidly round and retreat some paces, and also caused Higgins to stop and raise his musket to the present, when instead of levelling at any of the party he lodged the ball in his own brain." On returning towards town they met parties of their own corps, of the cavalry and lastly of the rifles, all anxious for a share in the honour, no doubt, of the capture.

The body of the unfortunate man was conveyed into the city, where a coroner's jury was impanelled, when a verdict was returned of "Suicide, whilst flying from justice as a rebel."

But little is known to us concerning M. Girod. He settled in Canada a few years ago, and wrote in the papers on agriculture, and especially on the necessity of teaching it in schools. He always called himself a *cultivateur*. In 1835, he commenced

\* Though it does not appear on the letter, it is most likely a dispute for the blood-money, £500 having been offered for Girod's apprehension.

printing a work on Canada, entitled "*Notes diverses sur le bas Canada*," the first *livraison* only is published; it is a useful statistical collection, but not very skilfully arranged. Girod is said to have served under Napoleon, but he does not appear to have known much of military tactics. He appears to have been singularly rash and deficient in judgment.

M. Girouard after undergoing great hardships, surrendered himself to Mr. Simpson, the collector of the customs at the Coteau du Lac, whom he knew and at whose hands he could feel assured of the most humane and considerate treatment. Mr. Simpson, probably for the purpose of protecting him from insult in his adversity, accompanied him to Montreal, where he was immediately lodged in jail.

Jean Joseph Girouard, who has been long known to his countrymen as a very active politician, was born at Quebec, and is now about forty-two years of age. His father was a notary of very high reputation, ranking among the first lawyers\* in Canada. His father was drowned when he was young, and his grandfather and uncle both at different times, lost their lives by a similar casualty.

Girouard was educated at St. Eustache, under M. Gatian, the curé of that parish, and afterwards commenced studying for his father's profession, to which in due time he was admitted. He settled at St. Benoit, and soon acquired a very extensive practice, enjoying a high reputation as a *légiste*, his opinions on points of conveyancing (involving very frequently the multitudinous and minute rights and duties of the seigneurs and tenants), being sought in all quarters.

With such a reputation, it is quite impossible for any one in Canada to keep out of the Assembly, even if he were desirous so to do. He was accordingly elected one of the representatives of his county in 1831, and he has continued a member ever since, acting always with the majority.

M. Girouard is a man of extensive acquirements independently of his professional knowledge. His conversation is instructive and at the same time cheerful and animated, and his disposition is such as to cause him to be greatly esteemed by his friends. He is considered somewhat eccentric in his habits—a circumstance, which, in all probability, arises from his modes of thinking, and his associations generally, being of a character not likely to be thoroughly understood by his neighbours. From his great talents and acquirements, his energy, and his honest and uncompromising character, his surrender may be deemed to have conferred a great prize on the antipopular party.

\* Let us here remind the reader, that a notary is not a mere bill protester as in this country, but a conveyancer, and, therefore, a property-lawyer.

Lord Gosford, in his despatch of the 23rd of December, thus sums up the result of the *coup d'état* of the executive, and of the events embracing a period, extending from the 18th of November to the 16th of December.

"Thus have the measures adopted for putting down this reckless revolt been crowned with entire success. Wherever an armed body has shown itself, it has been completely dispersed; the principal instigators and leaders have been killed, taken, or forced into exile; there is no longer a head, concert, or organization amongst the deluded and betrayed *habitans*; all the newspaper organs of revolution in the province, the "*Vindicator*," "*Minerve*," and "*Liberal*," are no longer in existence, having ceased to appear about the commencement of the present troubles; and, in the short space of a month, a rebellion, which, at first, wore so threatening an aspect, has, with much less loss of life than could be expected, been effectually put down. It will, however, still be incumbent on the executive government to maintain for some time longer a guarded and vigilant attitude."

"Of M. Papineau's movements or place of refuge nothing is known; and of the 20 other individuals who have been most conspicuous in the late insurrection, four have been killed,—Ovide Perrault, M. P. P., Julien Gagnon, J. O. Chenier and Amury Girod; eight are in prison,—Wolfred Nelson, W. H. Scott, M. P. P., Desrivieres, F. Tavernier, R. S. M. Bouchette, G. P. de Boucherville, A. Ouimet and the Rev. Mr. Blanchette, curé of St. Charles; and the remaining nine, mentioned in the margin, are supposed to be now in the United States. The total number of persons in custody on charges of high treason or sedition amounts to 169."\*

The nine mentioned are the following:—

E. B. O'Callaghan, M. P. P.  
C. H. O. Cote, do.  
A. Jobin, do.  
E. E. Rodier, do.  
J. J. Girouard, do.  
J. T. Drolet, do.  
Rev. M. Chartier, curé of St. Benoit,  
L. Duvernay.  
T. S. Brown.

Of these, M. Girouard, as we have seen, had surrendered himself, increasing the number of prisoners to 170.

In the course of our observations on the transactions on the Richelieu river, we stated, what appeared to us, some strong grounds for believing that the revolt was not premeditated—that, in short, its true character was a rising of the people to protect from arrest their most respected fellow citizens. The af-

\* Par. paper, No. 100, p. 4.

fairs of St. Eustache and Grand Brulé, give additional colour to this supposition. Had there existed a preconcerted plan of combined and organized movement, some evidence thereof would assuredly have been imparted to the revolt. We ourselves have no pretensions to a knowledge of tactics; but it seems evident, that the first effort of the leaders of an organized revolt, would have been to secure the means of free communication between the several parts of the country destined to form the theatre of that revolt, and especially with the supposed friendly people of the neighbouring States. In the case of the river Richelieu, we have seen how this could have been effected. It seems that, out of the force under Colonel Gore, 400, or certainly, not over 500 men, were deemed sufficient to garrison the whole line. Three times as many armed peasantry ought to have been sufficient for a similar purpose. The effect of this would have been, to enable the undoubted sympathy of the state of Vermont, and that part of New York bordering on Canada, to manifest itself in the shape of aids of arms, ammunition, provisions, clothing, and above all, of men, which, in such a case, could enter Canada without difficulty by the open path of the Richelieu.

With regard to the rising at Grand Brulé, an equally obvious course presented itself. On the St. Lawrence, about five leagues from the mouth of the Ottawa, is the *Coteau du Lac*, where there is an old fort, or block-house, which, at the commencement of the disturbances, was in a totally defenceless state. If there had been any preconcerted plan of operations, it seems to us obvious, that the very first step would have been, to march secretly across the county of Vaudreuil, and seize the fort in question. The effect of this would have been, first, to keep open a communication with Upper Canada; second, to effect the same object with the state of New York, and thence, with the Richelieu; and, lastly, to secure a large supply of artillery which has lain there since the war of 1812—15. All this might have been done, almost at one and the same moment, had there been the forethought which has been alleged; and, it could scarcely have been prevented, even had the plan been known, provided every point had been attacked simultaneously. The whole regular force in Canada, does not much exceed 4000; and at the time of the rescue at Longueuil, the volunteers were scarcely organized. Sir John Colborne could not, perhaps have taken more than 2000 men into the field, which force must have been much divided. In the actual case, he first subdued one section of the country, the other at the same time waiting his leisure, and then, concentrating all his strength upon that which was deemed one of the strongholds of the revolt, he finally subdued the whole district.

Another piece of evidence of the want of preconcerted plan, is to be found in the nature of the warfare. All the leading men in



Canada are well acquainted with the history of the American struggle. It is an interesting period to them, for it is not to be denied, that they may one day or other have to enact it. Now, if the present had been deemed the time, they would certainly have taken some lessons out of the book of that history. What is the most conspicuous of these lessons? evidently that an undisciplined peasantry should never meet the regular troops. In the American war, whenever the provincials met the regulars, the latter were victorious. They were continually gaining advantages, and yet in the long run, they invariably retired from the seat of war. How was this? Simply because they were vanquished by the difficulties of the country. How was Burgoyne's army captured? After being harassed by the riflemen planted in every bush, Burgoyne suddenly found his progress stopped by a sort of *chevaux de frize* of prostrate forest trees. From these he retired, when, to his dismay, he found that his retreat had been cut off by the same means. He tried the right—the left—the same barrier presented itself. To force a way through it was impossible, as it was covered by unseen rifles. To remain within the enclosure was to starve—he had no alternative but to surrender. Almost every road in Canada presents facilities for this sort of warfare. Across the hollows of the roads, trees might be thrown, so as not to be perceived by advancing troops until close upon them. In the confusion incident upon such a surprise, heightened by a brisk fire from rifles in the woods, nearly every single shot telling, their retreat might be cut off by a similar barricade in their rear—skilful axe-men could do this in less than ten minutes. In this position, a body of troops would be a prey to the rifles of the peasantry, or would be compelled to surrender. Of this mode of warfare, every reader of American history is cognizant; and we feel confident that had there been any extensive plan as alleged, it must have been carried into effect—it could not possibly have escaped their notice. That it was neglected, affords, we repeat, a strong presumption that no plan existed.

The great error of the political leaders appears to have been withdrawing from the city in November; although, entertaining the feelings they did respecting the constitution of the courts of justice, and the measures of the executive, we cannot feel much surprise at the course they adopted. Had they, however, submitted for a while to the persecution which was designed for them, that persecution would, in the long run, (unless there be any evidence which has not as yet transpired to justify it), have reverted on their political adversaries. As for judicial murders, we cannot conceive them to be possible. A jury composed of the persons who thought it "ridiculous to fatten fellows all the winter for the gallows,"\* might have condemned, and an exasperated judge might

\* See Chap. iii. p. 44, note.

have sentenced, but we are quite sure neither Lord Gosford nor Sir John Colborne, would have dared to execute, even had they been so disposed. Under these circumstances, we regret the withdrawal from Montreal, mentioned in the first chapter, as an unfortunate, though, we are bound to admit, a very natural error.

Here may be said to end the history of the actual disturbances in Lower Canada ; Sir John Colborne now finding himself in a position to dispatch part of his force to the upper country. Before we commence our narrative of the transactions in that province, however, there are some occurrences growing out of the recent state of Lower Canada which require to be explained. We allude particularly to the course pursued by the Constitutional Association of Montreal ; a body of intolerant men, who had for some time fallen into insignificance, from which they were suddenly extricated by the events we have related.

Accordingly, in the next chapter, we shall lay before the reader such facts and observations as seem necessary to complete the history of the events connected with the outbreak in Lower Canada.

## CHAPTER VI.

## OCCURRENCES GROWING OUT OF THE DISTURBANCES.

The Prisoners—Liberation of some—Clemency probable—Oath of Allegiance Administered—Loyal Addresses—Constitutional Association—their Grievances—their Demands—Conclusion.

It has been already stated that, at the time of the final suppression of the revolt in Lower Canada, 170 prisoners were in confinement in the gaol of Montreal, charged with high treason or sedition. Of these, by far the greater portion, probably from 130 to 140, consisted of the peasantry taken in arms at St Charles, and St. Eustache. At one time, the gaol was so crowded, that, in order to make room for fresh inmates, some, described as the least culpable, were dismissed with no more punishment than the few days of imprisonment had afforded.

A story found its way into the New York papers, and thence into some of our own, to the effect, that eleven had been privately shot. This statement was a manifest absurdity, for even under a system of martial law, publicity, together with some form of trial, is necessary.

The prisoners at this time in gaol are spoken of in the Colonial papers, and in the despatches, in a manner to show that the local authorities consider them as capable of being grouped into three classes, namely, the "deluded peasantry," the "local agitators," and the "instigators and leaders of the revolt."

The first class, which is of course by far the most numerous, Sir John Colborne has evinced a disposition to dismiss without trial, on condition, of course, that they return to their homes and offend no more. This line of conduct is calculated to offend that ultra party which attacked so virulently the admonitory proclamation of the 29th of November; which, as we have seen,\* rejoices in the opinion, that the peasantry (except the most "deluded," who are proposed to be used as witnesses) taken in arms, should be dispossessed of their farms, in order that the destitute widows and orphans might afford an "enduring and living evidence of the folly and wickedness of rebellion."

It is not to be supposed that either Lord Gosford or Sir John Colborne should fall in with these views. They may so shape their measures as to promote the political objects of the party which they deem well affected towards the authority of the mother country; but they would hardly proceed to the unwarrantable extent desired, even if the power of so doing were placed in their hands by a local tribunal. It seems, therefore, highly probable, that very few of the class, considered as merely "deluded," will

\* See chap. iii. p. 43.

be brought to trial—moderation and clemency being the obvious policy of the *victorious* government.

Lord Gosford, in his despatch of the 23rd of December, thus alludes to the liberation of some of the prisoners :—

“ Your Lordship will, I am sure, learn with as much satisfaction as I experience in mentioning the fact, that the promulgation of martial law, in the district of Montreal, has, as yet, been productive only of acts of lenity and mercy. Not a single individual has suffered or been molested under it in any way ; but 112 of the deluded *habitans*, who had been taken in arms, have been restored to liberty. This unexpected act of grace, conferred in the midst of rebellion, while it marks the humane disposition of the government, proclaims, at the same time, its consciousness of strength and security, will, probably, produce tranquillising effects in the hitherto disturbed sections of the country ; and give the best answer to the false statements, that have, most industriously, been circulated in the adjoining States, of the cruelty and oppression alleged to have been practised against the insurgents, and the Canadians generally.”

The other two classes, the “local agitators,” and the “leaders,” run, like light and darkness, the one into the other ; the difference being founded on the nature of the evidence which the law officers of the crown can obtain, warranting, in their opinion, charges of high treason in some cases, and of sedition in others.

Up to the latest accounts, nothing seems to have been determined as to the time and manner of bringing the prisoners to trial. If it be left to the ordinary authorities, unrestrained by the obligations of the writ of habeas corpus, it is greatly to be feared they will be kept for a long time in gaol without a trial. This has been done already in Canada, and may be done again. M. Bedard, the father of the present Canadian judge, was cast into prison on a charge of high-treason. There he was kept for more than a twelvemonth, at the end of which time his prison-door was opened, and he was told he might go. At first he refused, and tried to get legal redress ; but he soon grew tired of the attempt, and abandoned his prison. If justice were done to the Montreal prisoners, we ought now\* to hear of their trials.

The next question which will arise is, how are they to be tried, by the ordinary tribunals, or by a court-martial ? The question of the *legality* of martial law was argued before the judges or Lower Canada, on the 28th of December. Mr. James Stuart, formerly attorney-general of the province, and Mr. Walker, to whom allusion has already been made, being heard against it ; but the attorney-general, Ogden, declining to reply, the matter rested with the judges. Their decision will probably be, that it is expedient, and therefore not illegal. We are told by Sir Matthew Hale†, that martial law is in truth and reality no law, but

\* February.

† Hist. C. L., c. ii.

something indulged, rather than allowed, as law. It is, in fact, a violation, a destruction of law—the violators being screened by an *ex post facto* law, called a bill of indemnity. This we have seen, is distinctly promised Sir John Colborne by Lord Glenelg; it will be justified by the plea of necessity or expediency; and to talk of its legality or illegality is a mere idle question, fit only for discussion by a debating society.

Our law-writers tell us that martial law should not be resorted to in time of peace, when the regular courts are open to all persons, to receive justice according to the laws of the land. Now, although Lower Canada has but recently ceased to be in a state of civil war, it is admitted that peace is restored, hence the ordinary courts should be again thrown open. This will probably be done. Sir John Colborne will doubtless feel how offensive to public opinion in this country the resort to martial law must necessarily be; and he will therefore be glad to relieve himself of this responsibility as soon as what he deems a fitting opportunity so to do shall arise.—What occasion so fit as the return to peace?

By whatsoever tribunal the prisoners may be tried, it is highly probable that many convictions will take place. Political offences, at least such as fall short of high treason, are so extremely vague and undefined, that tribunals predisposed to convict, will be satisfied with evidence of an equally lax and doubtful character. Words spoken during the excitement of a public meeting, such as we see reported in every provincial newspaper in this country, will be sufficient to carry home the minor charge. The county meetings held during the summer to denounce Lord John Russell's resolutions, and to recommend the adoption of the scheme of passive resistance, and more especially the meeting of the six counties, will afford ample evidence of *sedition*, as the Canadian courts will understand the term. High treason, on the other hand, being an offence more strictly defined, the convictions will, in all probability, be few. Sir John Colborne will, doubtless, be anxious to obtain as many convictions as possible, if it be only to afford her Majesty an opportunity of exercising the prerogative of clemency.

On the 28th of December, Lord Gosford empowered commissioners all over the country to administer the oath of allegiance. This will, without doubt, be universally taken, as those who took up arms to defend their leading men, did not consider that in so doing they were violating their allegiance to her Majesty. Their political struggles have little or no reference to this country; they consider themselves as being engaged in a struggle against a political party opposed to them; and however much they may feel aggrieved, that the imperial government occasionally sides with their political adversaries, they do not as yet appear to have seriously contemplated the violation of their allegiance beyond the resistance of what are called the Queen's warrants, with which it

would be extremely difficult to persuade a Canadian *habitant*, her Majesty has much to do.

Some few loyal addresses were now presented to Lord Gosford from French Canadians—namely, one from La Prairie, with 230 signatures; one from St. Vincent de Paul, on Isle Jesus, with 453 signatures; and a third from Montreal, with 1283 signatures. These addresses express in a “free, candid, and sincere manner,” the “fidelity and inviolable attachment” of the signers, to her Majesty.

They denounce certain unnamed persons for having abused their confidence. “Unhappily,” says one of these addresses, “they have blinded, led away, even *obliged* several of our brothers to engage in this parricidal struggle, and blood has flowed, and civil war has desolated several parts of a territory, in which the most profound peace had before perpetually reigned.”

“It is impossible,” says the La Prairie address, “to take our leave, without expressing to your Excellency the admiration which we feel respecting *all* the acts of your Excellency’s administration, which exhibit a degree of benevolence, of liberality, of magnanimity, with which it is rare to meet in a man placed in the midst of the difficult circumstances which have recently presented themselves.”

The three addresses are all of the same character, though clothed in different language, and of a very different length. All express great attachment to her Majesty—all denounce certain persons who have blinded the people—all flatter his Excellency. His Excellency, in return, expresses his satisfaction that they now see things so clearly, and promises to convey their addresses to the foot of the throne. We marvel that more of these addresses have not been got up and presented.

The return of tranquillity, and the prostrate state of the leading men of the popular party, were seized upon by the “Constitutionalists,” or by the party opposed to the Assembly, as a proper moment to reiterate their complaints and demands.

A meeting took place on Saturday, the 30th of December, which, according to the *Montreal Herald*, the organ of the party, was “indifferently attended.”\* At this meeting, “the report of the Executive Committee for the past year was read and adopted;” and as it embodies the views of that party, in their own words, we shall make some extracts from it.

Before we do so, however, we must remind the reader of a broad distinction which the constitutional party has been always anxious to confound. The majority of that party is composed of persons of British descent; but the majority of the inhabitants of British descent do not acknowledge the principles of that party.

\* “Montreal Herald,” 1st Jan. 1838.

This is, the reader will admit, an important distinction—a distinction which strips the constitutionalists of all right to call themselves the “British party.” The commissioners, in their report, explain the reasons why the British inhabitants of the townships return members favourable to the views of the Assembly, and opposed to the constitutionalists; and it is probable, for this reason, that the report, from which we are about to quote, quarrels with the commissioners.

The great sin of the commissioners, the grievances of the party, and their proposed remedy are thus alluded to :—

“Since the last Annual General Meeting of this Association, the reports of the royal commissioners “specially appointed for the investigation of grievances affecting her Majesty’s subjects in Lower Canada, in what relates to the administration of the government thereof,” have been published; and whilst your committee, in common with the generality of the British inhabitants of this province, deplore the loss of time and waste of money lavished upon those *unprofitable labours*,\* they have likewise to express their deep regret, not only at the confused and partial views taken by the commissioners of the real cause of discontent in the province, ‘of the extent to which it has a reasonable foundation,’ and of the inadequate and inefficient remedies proposed by them for its removal, but also at their disregard of the substantial grounds of repugnance existing among the different races of the provincial inhabitants, their neglect of the acknowledged grievances of those inhabitants of British origin, and the cautious avoidance of their claims for a just participation in the enjoyment of rights deservedly dear to Englishmen, and *their utter indifference to the important measure of the Legislative Union of the Canadas*.

“An attentive consideration of these circumstances, and a firm conviction of the extreme importance of that provincial union, stimulated your committee to employ every means at their disposal to bring that measure prominently into notice; to urge its immediate as well as prospective advantages, and to direct public attention to both provinces, to its ultimate and paramount necessity. With this view, your committee prepared and extensively circulated “A Representation upon the Legislative Union of the Provinces,” containing some of the principal reasons in its support, tables of the population, and of its increase in both provinces, particularly of the separate increase of the British and French races in Lower Canada, and various statistical details, together with a map exhibiting a new division of counties in this province, by which a more equal share in the provincial representation would be given to the British inhabitants; and advantage was taken of the last session of the Imperial Parliament to transmit

\* The report might have said in common with all parties.

copies to the leading members of both branches of the legislature, as well as to influential persons resident in Great Britain, who are connected with the Canadas, or interested in their prosperity.

\* \* \* \* \*

“ The great and increasing necessity of the Legislative Union of the Canadas impels your committee to submit to you the propriety of pressing that great object to the desired conclusion, as the experience of nearly fifty years of separation between them, and the late seditious and rebellious movements in the most populous and prosperous portions of this province, plainly shew that the advantages anticipated from the division of the province of Quebec into two separate legislatures have been entirely unfounded ; that ‘ the probability of reconciling, by this means, the jarring interests and opposite views of the provincial inhabitants ’ has been altogether falsified ; and that the chief results of that most unwise and impolitic measure are apparent in the growth of a population in Lower Canada who, with a few exceptions, have retained and cherished the distinctive characteristics of a separate people, without sympathies, attachments, or interests in common with their British fellow-subjects ; who have manifested a ready disposition to oppose British institutions and British connections, and who have now extended that opposition to open and unjustifiable rebellion. And your committee declare their settled conviction, that without a reunion of the provinces these evils must every year be increasing as the population of British origin increases, and that true wisdom will be shown in meeting those evils with boldness, and at once effecting their entire removal.”

The expedient of a re-union of the two provinces, as it is easy to perceive, from the above extract, is entertained by the anti-popular party, under the impression that thereby their adversaries would be completely out-numbered. This impression has arisen from the fact that the Upper Canadian Assembly has been not unfrequently favourable to the dominant party. This, however, is the effect of the existence of small boroughs, of an unequal and unfair division of the country, and other causes tending to promote the undue influence of the governing party in the elections.\* These abuses cannot be long maintained, as public opinion is setting strongly against them ; but even if they were maintained in their full force, the Assembly has never been of a character entirely to swamp the majority of the Lower Canadian House, and sometimes it has been such as to increase that majority. In 1834, for instance, the liberal majority of the Upper Canadian Assembly was about 40 to 20, and that of Lower Canada being 80 to 10, a house composed of the two united, would have exhibited 120 out of the whole 150 opposed to the

\* See chapter vii., where the state of the franchise in Upper Canada is fully explained.



views of the Constitutionalists. The present House of Assembly of Upper Canada has about 20 Reformers, so that a House composed of the two Assemblies would still have 100 members out of 150, opposed to the views of the party whose report we have quoted.

We are not here to discuss the measure on its merits, we shall not expatiate on the inconvenience of having a country about 1200 miles long, without provincial division; all that we design to show is, that as a mere party expedient—the project of an union of the provinces would utterly fail.\*

The report then continues the complaints, in the following manner:—

“While the full exercise of their religious worship, the complete enjoyment of their French civil law, the undisturbed use of their native language, and perfect immunity from taxation, the entire control over the provincial legislature and the redress of every pretended or theoretical grievance, conjoined to render the French inhabitants of Lower Canada the most favoured portion of her Majesty's subjects; *the real and substantial wrongs of the British inhabitants of this province remained neglected and unredressed*; they have been compelled to submit to a system of French jurisprudence foreign to their habits and injurious to their interests, to the French feudal law, which, to the disgrace of Lower Canada, finds a home in this province alone, to a denial of those legislative improvements which would have introduced British capital and enterprise, and an increased British population, into the province, and to the privation of their dearest rights as British subjects, by their virtual exclusion from a just participation in the provincial representation. On the one hand, the possession of every political and civil advantage, and conciliation, and concession to the utmost verge consistent with the dependence of the colony upon the mother country, have been met by disaffection, insurrection and rebellion, attended by atrocious murder, robbery and rapine; while on the other, the privation of their most sacred rights, as British freemen, and neglect and contempt of their grievances, have been followed by obedience to the laws, support to the government, and loyalty to their sovereign.”

We believe the mass of the French to be as much opposed to the burthens of the feudal law, as the constitutionalists are. At one of the county meetings convened for the purpose of denouncing Lord John Russell's resolutions; a resolution against feudal burthens was incidentally introduced. If the people of Lower Canada and their seigneurs were not kept together by *external pressure*—by the necessity of uniting against a common enemy, the grievance of the Constitutionalists would long since have

\* We do not allude here to a federal union of *all* the provinces, of which we approve most highly. We shall have occasion to discuss this point fully in the course of the work

been removed by the Assembly. What is so much objected to by the popular party is, that the Constitutionalists should appeal to the Imperial parliament. If the appeal had been made to the Assembly, it would not have been in vain. There is another view of this grievance which must not be lost sight of. The British inhabitants of the Townships will not join the constitutionalists in their war against the feudal tenure, under an impression, that there is a desire on their part to introduce the incidents of the English tenure, and especially, the laws of primogeniture and entail. What the Township people like is the American, not the English tenure. They desire a tenure purely *allodial*; and this the law of Canada recognizes under the title of *franc-aleu*. This tenure is free from all seigniorial duties, or burthens, either personal or pecuniary. The English tenure of free and common soccage is, in practice nearly similar; but free and common soccage still supposes a feudal superior, which *franc-aleu* does not. One objection of the mass of the inhabitants of British descent, is to the incidents of the English tenure, as already noticed; there is also another, which is much stronger, because it is more tangible, and indisputable; we allude to the expensiveness of conveyances. The first objection will wear out as the people find there is a disposition to abandon the obnoxious incidents; the second cannot so easily be gotten rid of, without introducing new and more simple, and, above all, cheaper modes of assurance.\* This can only be effectually done by the local legislature, and when it is done, it will be equivalent to an imitation of the tenure of *franc-aleu*, to which public opinion in Canada is tending, and which differs from the English tenure, as it alone can be maintained in Canada, more in cheapness of conveyance than anything else.

Taking the tenure as the only grievance of the constitutional party, and they do not appear specifically to state any other, there does not appear to us to be any difficulty in the way of its redress on the spot; unless indeed they determine to hug the obnoxious incidents including the expensiveness of conveyances, and if they do so we feel certain they will have a majority of the British of the townships against them; in which case their wishes will not, and ought not, to be complied with.

The demand for an union of the two provinces is again reiterated towards the close of the report, in language which is worthy of notice.

"The British provincial inhabitants"—continues the report,—  
"must, therefore, not only remember that their supplications for relief have been neglected and their grievances have remained unredressed, but they must likewise not allow the present period to pass away, *without boldly declaring to the British Govern-*

\* Lands held in free and common soccage in Canada are usually conveyed by lease and release.

*ment and Parliament, that they insist upon an entire abandonment of the present impolitic system of partiality, concession, and conciliation to the French Canadians; upon a speedy and complete redress of the grievances of the British provincial inhabitants,* which are not the theoretical speculations of designing and revolutionary demagogues, but real and substantial grounds of complaint, affecting alike the integrity of their birthright as British subjects, and the general improvement of the province; upon the immediate adoption of the means necessary for crushing the blighting influence of French provincial ascendancy; and for rendering the colony a British province in fact as well as in name; and upon a re-union of this province with Upper Canada, as the only means for promoting the prosperity of both provinces, of securing their dependence upon the British government, and of preventing a dismemberment of the Empire."

This is the language of men with arms in their hands. They *insist* upon a speedy and complete redress of their grievances; but having specifically stated only one, what they probably mean is, that their pretensions shall be acknowledged and their *dicta* obeyed in all the future arrangements. They say they speak the voice of the British inhabitants. This remains to be proved.—All the evidence now before us, including the Royal Commissioners' Reports, goes to show that they are not authorised so to speak. But they *insist* upon their demands being acceded to. What can be the meaning of this language? Do they mean to refuse to lay down their arms until their demands be granted? Something of this sort may, perhaps, be intended, and may, moreover, alarm the Colonial Minister; but should any such arrogance—such madness be exhibited, there is a ready remedy at hand. The Canadian militia must be embodied and brought to act against the new class of insurgents. The men who "fought like tigers," against the British troops, united with their political adversaries, would certainly do no less when fighting at the side of British troops against their oppressors. The mother country has nothing to fear from the threats of the Constitutionalists. The majesty of the law has been asserted in one case, and must be so in another, if need be.

To show more conclusively that the constitutional party consider the suppression of the revolt to be a most favourable opportunity for *insisting* on their demands, we shall make a few quotations from the *Montreal Herald*, the language of which, on the present occasion, is strikingly similar to that of the report from which we have already quoted.

"We are," says the *Herald*, "amid no common times; *upon the present action of the British population depends their fate*; with them it rests whether they shall be emancipated from the galling power of the French Canadians, or have the yoke again fitted to their necks."

"The recent rebellion, notwithstanding all that Lord Gosford's friends may say to the contrary, was a general rebellion. We verily believe that 2000 French Canadians, from Gaspé to Vaudreuil, cannot be found who would not either have assisted their brethren at St. Denis, or rejoiced in their success. We verily believe it, because the history of the last five years affords innumerable proofs that such is the state of feeling, and it affords not one denial."

"We ask again, can it be safe to restore those men to the enjoyment of political power? This is the question we want to have answered; and we again say, that whilst they should be deprived of future political power, (at least for a time,) they ought to have the full protection of the law, and the benefit, in common with the rest of the population, of a wise and wholesome legislation."

In plain English, the French Canadians are a majority made more numerous and stronger by the sympathy and co-operation of a large number of the British inhabitants of the townships. The party which the *Herald* represents on the other hand, is a minority, made smaller and weaker, morally as well as physically, by the same cause. What this party wants is, that force should be given to their will as a minority, by some expedient to destroy the majority, by destroying the "French" portion of it.

As to the modes of effecting this object, we have the following observations:—

"There are four modes of escape for the British population of the island of Montreal,\* from that baneful domination which has maddened the spirit of the Britons of this province.

"1st Rule by Governor and Council. This mode is objectionable, as the feelings of Englishmen will not brook any government but that which is based upon the representative system."

Rule by the governor in council, which is precisely the expedient adopted by the Act just passed, will "not be brooked," by the party which *insists* upon having its wishes attended to, because it is not based upon the representative system. It appears to us, that the representative system is at least as dear to the French as to the British. Indeed, we had an impression, and we can see nothing to remove it, that it was more so, for the assembly representing the majority, has been for some years attempting to apply the representative principle to the Second Chamber or Legislative Council, an extension of the system which the constitutional party have to the last opposed. However, the representative system has been destroyed—deeply do we regret that it has been so—but being so, the constitutionalists must "brook" it.

\* This is a limitation which we have never seen before in a Canadian Tory paper. It seems to give up the Townships as a bad bargain.

The next scheme is as follows :—

“ 2nd. Depriving the French Canadians of the right of suffrage for a period of ten years, or longer if necessary, as a just punishment for their unjust rebellion. No person, unless it be Jacques Viger, P. D. Debartzch, or some other French Canadian counsellor of Lord Gosford, or Lord Gosford himself, will have the hardihood to deny that the whole country would have been up in arms if Col. Wetherall had not attacked the rebels at St. Charles :—we say this, notwithstanding the formation of the corps of ‘Gosford Guards,’ because that corps was formed *after* the St. Charles affair ; if it had been formed *before*, we might be less sweeping in our declaration. A war annuls all treaties,—a rebellion destroys all compacts or pledges. The French Canadians stand before the world, rebels against the British Government ; they have made war against England, and are again a conquered people—let them be treated accordingly. We do not desire *their* injury, but *our* good,—*their* destruction, but *our* safety. Let as little blood be shed as possible,\* much already has reddened the snow.”

The above recommendation requires no observation. It is inserted for the purpose of showing the darling object of the constitutionalists, namely, the destruction of the majority.

“ 3rd. Annexation of the Island of Montreal to Upper Canada. We believe this would please the people of the Upper Province, but it would be distasteful to the Britons spread throughout the Seigneuries and in the Townships of Lower Canada.”

The scheme of the annexation of Montreal to Upper Canada arose in that province, as a substitute for an union of the provinces. The people of that province want a port, but they do *not* want a re-union of the provinces. Hence arose among the anti-popular party of Upper Canada, a demand, which might probably please the unthinking, but which, on no principle of justice, could possibly be granted. At the time it was made, the question of the division of the duties collected at Quebec was under discussion. Immediately afterwards, the question was set at rest, by the appointment of Commissioners, from both provinces, who soon agreed to the terms of the division. This being settled, all interest in the annexation question subsided, and has not again been revived. It was, of course, never popular in Lower Canada.

The last “mode,” mentioned by the *Herald*, is “the union of the Provinces,” which we have already commented on, when noticing the reports of the Constitutional Association.

The *Herald* then closes its article, with the following admonition to the constitutional party, then about to meet for the purpose of receiving the report, from which we have already quoted :—

“These are the modes of escape from the galling influence

\* This is an improvement. The *Herald* has probably received a hint that it must not cry for blood so constantly : it tells against the party, so the expression must be smothered.

which has been too long exercised in this ill-fated Province. Let the assemblage this day consider of them.

"Let not the men of the British race, who meet to-day, be misled by a contemporary, who speaks of the replies of Lord Gosford to the 'Loyal!' Addresses from the French Canadians, as 'civil and admonitory answers.' Those replies are pregnant with meaning; they speak of the continuance of the policy which has cursed this Province, and made the very name of Lower Canada, a by-word and a reproach to surrounding states.

"We must make ourselves heard in the House of Commons! We must appeal to the British people! We must not submit to the odious system which nourished and encouraged treason and rebellion! We must so act, or in five years we shall see monuments erected to the manes of the victims to British fury at St. Charles and St. Eustache. Again, we say, Forward, Forward to the meeting."

It has since been stated, that immediate steps are to be taken to convey their demands to this country—to *insist* upon their being granted; and we presume to "make themselves heard in the House of Commons." Their secretary, Mr. W. Badgley, an advocate of Montreal, has, we are informed, been appointed to repair to England, as their delegate, to speak their wishes. In all probability, this course will be abandoned after\* the determination of her Majesty's ministers shall have reached Canada. Delegates were in this country in 1835, when the commissioners were appointed. On their departure, the delegates deemed their occupation gone, and returned to Canada. In like manner, on the present occasion, the constitutional party will not fail to perceive that all discussion of grievances, and modes of redress, will be shifted from this country to Canada—from the shoulders of Lord Glenelg, to those of Lord Durham. If, therefore, Mr. Badgley be a man skilled as an advocate, he will be the more wanted at home.

As Englishmen it is our interest—as men it should be our desire, that no class of her Majesty's subjects, in any portion of our dominions, should have wrongs unredressed; but it should be our especial care to see that, under the plea of wrongs, a claim is not successfully urged by one class, to dominion over another. The demand that the French Canadians shall be disfranchised for ten years is of this character,—it cannot be acceded to. Deeply, we repeat, do we deplore the suspension of the constitution of Canada; it is an extreme measure for which no necessity has been shown, and in favour of the justice of which no fair argument has been urged. It is possible that the people of Canada will submit to it in sullen silence, but it is impossible, after the political education we ourselves have given them, that they should not feel the degradation most keenly. A small sec-

\* Since the above was in type Mr. Badgley has arrived.

PART II.

PRICE TWO SHILLINGS.

**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 those 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. ROEBUCK, ESQ. AT THE BAR OF THE HOUSE OF LORDS,  
AND**

**MAPS OF TORONTO AND NAVY ISLAND.**

**LONDON :**

**J. SAUNDERS, JUN., 49, PATERNOSTER ROW.**

**Stevens and Pardon, Printers, Bell Yard.**





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 restoration 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 Constitutionalists 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. 59, 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 unwearyed 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 may 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 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 cause. 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 worthily 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'état*. 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 whensoever 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 foretell 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 overweigh 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 Whitechurch, 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 uninforming, 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 stripped 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 unshackled; 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 condemned, 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  
Committee

John Montgomery  
John Edward Tims

John Elliot, Secretary  
 David Gibson  
 John Mackintosh  
 W. J. O'Grady  
 Edward Wright  
 Robert M'Kay  
 Thomas Elliott  
 E. B. Gilbert

J. H. Price  
 John Doel  
 M. Reynolds  
 James Armstrong  
 James Hunter  
 John Armstrong  
 William Ketchum  
 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 were 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 Longueil, 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.

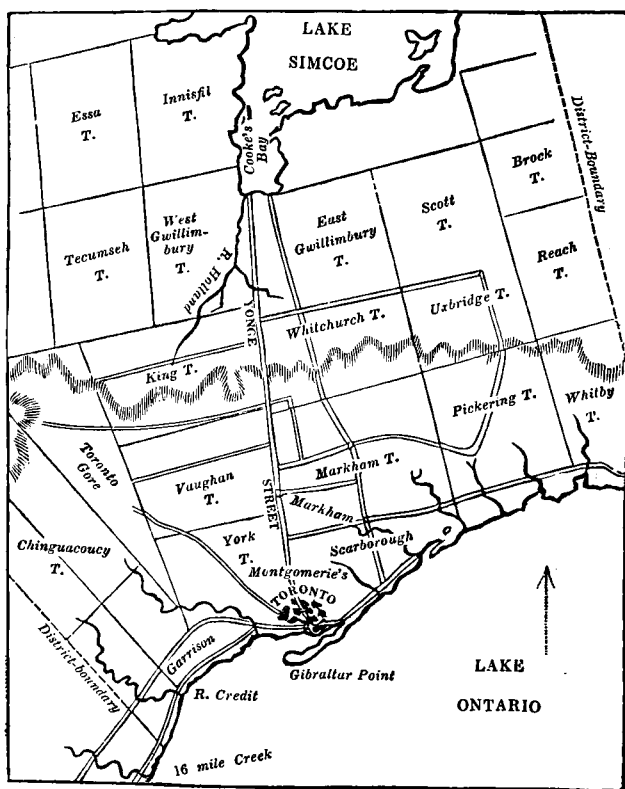
had been confined to those documents which were intended only for the eye of the Upper Canadian ruling party, it might have been permitted to pass unnoticed. Judging from the inflated style of their newspapers, and of some of the speeches of their orators, which they delight most to praise, we should 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 Mississaguas; 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.

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.

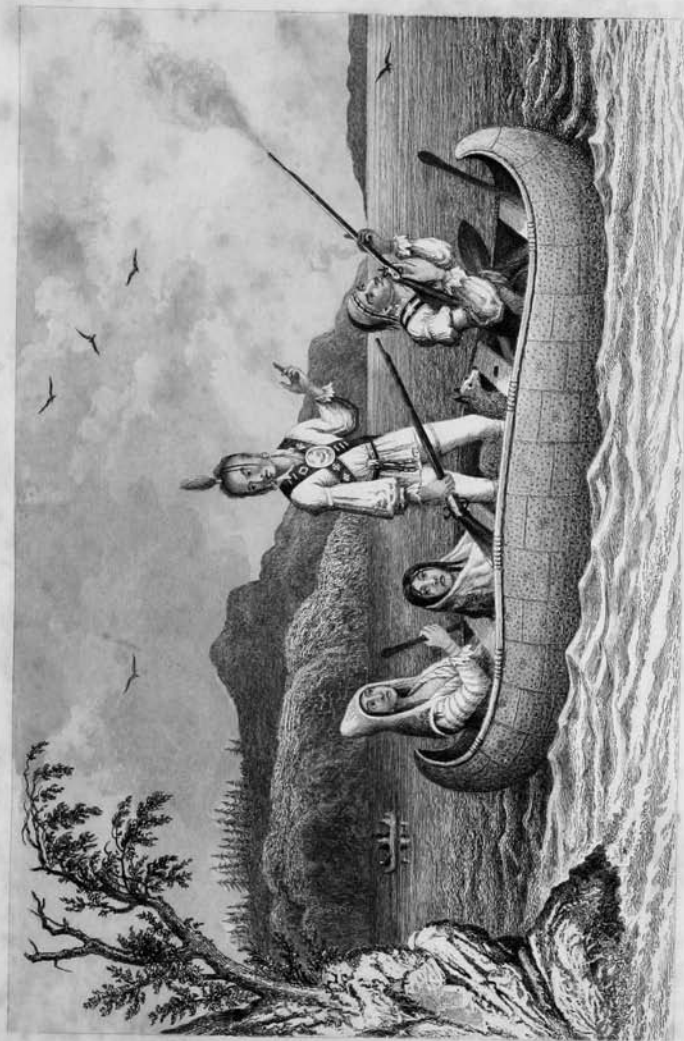
As Mr. M'Kenzie's name has been so long connected with Canadian discontent, as he is something more than what he has occasionally been called, the "Papineau of Upper Canada," having identified himself with the outbreak, we shall here state what we know of his history.

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 1935, 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.





INDIANS IN THEIR CANOE.

*Lith. by G. S. & Co. New York.*



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. I. 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."<sup>+</sup>

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'Nah, 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. 264.

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, its 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. Touchandgo,\* 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 eyewitness, 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	..	..	..	..	109,588
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, 1783, rendered still more vague by the treaty of Ghent, 1815.

it is the ostensible 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 co-operate 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 laws, 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."\*

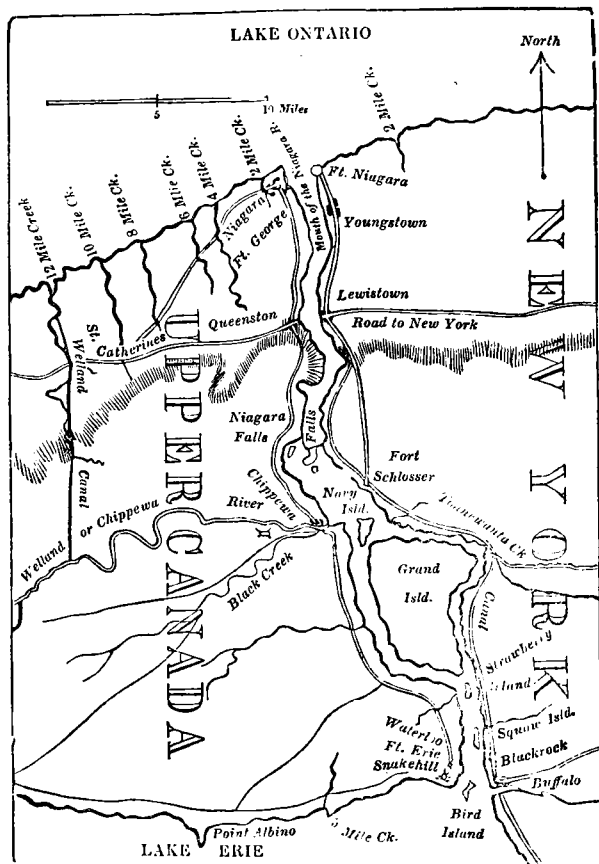
The artillery, arms, ammunition, and provisions, collected in the few days following the Buffalo meeting, and the men moreover who joined them, enabled M'Kenzie and his friends to take possession of Navy Island, in the Niagara river, just opposite the mouth of the Chippewa. The occupation of this island, 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 Cataraqui, or Iroquois.†

Besides connecting the lakes, it divides the British from the United States' territory; the province of Upper Canada lying 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.

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 on 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'Kenzie 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 necessities—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.

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 awoke 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 fire on the boat 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 gang-way 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



an impartial account of the  
civil war in the Canadas,  
with a general description of  
the Provinces, Biographical  
notice of the principal Canadian  
leaders. By a Gentleman many  
years resident in Canada

London. Saunders 1836.

The Civil war in the Canadas.  
parts 1 & 2 ending at page 192  
discontinued

London 1836.

The above are from Rich, the  
latter corresponding with the  
British Museum; where there  
copy has only the 2 parts  
ending abruptly at page 192,  
and the 2 above descriptions  
are from the cover of the two  
parts, there being no title or  
preface, it was issued in 2/-  
monthly parts, and suddenly

discontinued for want  
of support.

The British Museum copy  
has only the 2 parts ending  
at page 192. has not the  
general descriptions of the  
Provinces

Henry Stevens. Esq. & Stiles  
have some 100 or more  
Portraits of Papineau which  
they bought some time ago  
as a job lot, and as this is  
the frontispiece, one can fairly  
imagine, this is additional  
proof the Vol was never  
issued

10/7/07