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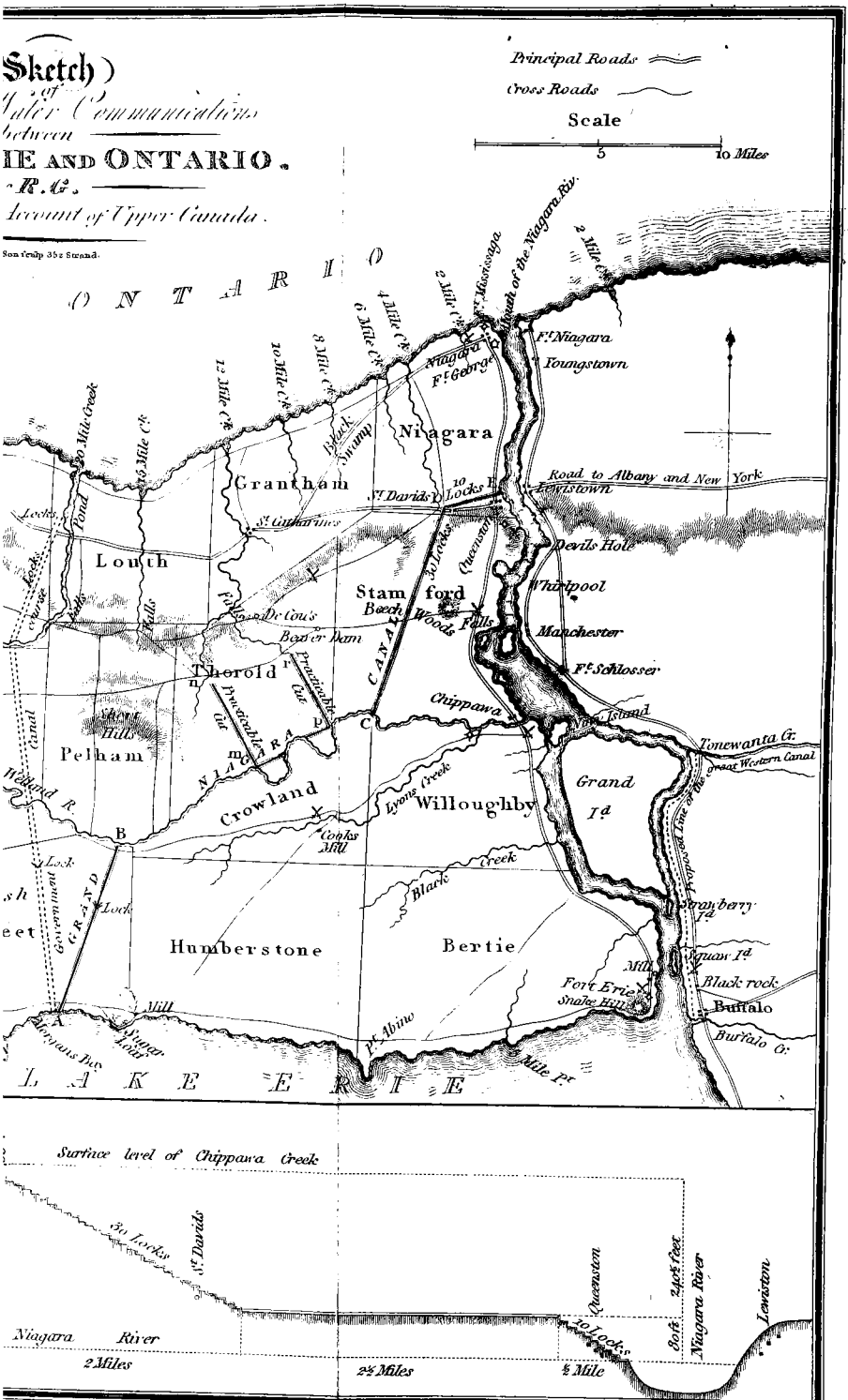
GENERAL INTRODUCTION,

&c. &c.


Sketch)
of
Water Communication
between
IE AND ONTARIO.
R. C.
Account of Upper Canada.
Son'r sculp 352 Strand.
Principal Roads
Cross Roads
Scale
5
10 Miles
ONTARIO
LAKE ERIE
Niagara
Grantham
Louth
Stamford
Thorold
Pelham
Crowland
Willoughby
Humberstone
Bertie
Grand Id.
Strawberry Id.
Squaw Id.
Fort Erie
Snake Hill
Buffalo
Black rock
Buffalo Cr.
Tonewanta Cr.
Chippawa
Navy Island
Whirlpool
Devils Hole
Manchester
Ft. Schlosser
Ft. Niagara
Youngstown
Lewiston
Queenston
St. Davids
St. Catharines
Niagara
Ft. George
Road to Albany and New York
Lewistown
Surface level of Chippawa Creek
30 Locks
St. Davids
Queenston
10 Lock
Niagara River
2 Miles
2½ Miles
½ Mile
Bot. 240 Feet
Lewiston

GENERAL INTRODUCTION

TO

STATISTICAL ACCOUNT

OF

Upper Canada,

COMPILED

WITH A VIEW TO A GRAND SYSTEM

OF

EMIGRATION,

IN CONNEXION WITH A REFORM OF THE

POOR LAWS.

BY ROBERT GOURLAY.

" Thy spirit, Independence, let me share,
" Lord of the lion-heart and eagle-eye!"

London:

PUBLISHED BY SIMPKIN AND MARSHALL, STATIONERS' COURT, AND J. M. RICHARDSON, CORNHILL.

1822.

EXPLANATION

OF

THE MAP.

THE Map fronting the title-page of this volume was engraved in October, 1820, as a mere sketch, illustrative of what I was then writing on the subject of the Grand Canals of Canada. My *political friends* in the Upper Province had then been reported by newspapers, as making the great majority of members returned to the new parliament; and I was sanguine, that they would insist on having a commission sent home, to invite the supreme government to inquire into the state of public affairs. I hoped that a new order of things might be introduced:—management for mis-rule, activity for sloth, and prosperity for wretchedness. I was disappointed:—mis-rule, sloth, and wretchedness continue their reign over the loveliest country upon earth; and, with utmost reluctance, I have laid aside, for the present, my schemes for its improvement.

To make the sketch still useful to this work, I have now had engraved upon it the roads, names of principal places, &c.

Sooner or later, Lakes Erie and Ontario will be connected by a canal, and I may take this opportunity to throw out a few leading hints, to engage conversation on the subject. No plan, on a small scale, should be thought of. The canal should be such as to admit schooners of

100 tons burden, and steam-boats of 500;—vessels sufficient to carry on the whole traffic, without unloading, from Quebec to the remotest shores of Lakes Michigan and Superior. If eternal peace shall reign between the United States and Canada (and such is my hope), the course of the grand Niagara Canal should be nearly that by A, B, C, D, E. The mouth of Niagara River is, and probably ever will be, the best harbour on the south side of Lake Ontario; and considerable advantage is to be gained by conducting the canal to some distance westward on Lake Erie shore. Vessels taking departure from Fort Erie and Buffalo, not only have insufficient room for tacking, but must labour to avoid the current which draws into Niagara River; and are often wind-bound for many weeks together. The advantage of gaining a good point of departure, conjoins with others to decide that the junction of the lake navigation must proceed through Canada at all events. Should any apprehension of war continue, that course marked by dotted lines would be the best. Other courses are laid down, chiefly to shew that many are practicable; and that nature calls loudly for the assistance of art.

Let not the eye be withdrawn from the spot now in view, without serious reflection. If there is one on earth intended for a paradise more than another, it is this. In point of climate, soil, variety, beauty, grandeur, and every convenience, I do believe it is unrivalled; yet we are told by a late writer (Howison), that the "*depravity*" of the inhabitants of this earthly paradise "has been confirmed and increased by the circumstances in which they are now placed."—What circumstances? On the face of this map we may observe, that the sword has been drawn for bloody strife in no less than eight places. What circumstances caused this? Whence came these fightings?—from the *depravity* of the inhabitants? I think not. Gentle reader! say rather, from the *depravity* of government.

TO

JOSEPH HUME, ESQ. M. P.

London, 26th January, 1822.

SIR,

You have had good opportunities, and used them well. Better opportunities await you; and, having now gained public confidence, much is in your power. You may indeed immortalize your name, simply by continuing that calm, correct, and business-like course, which happily you have chosen. Retrenchment has hitherto been your principal aim; but should your attention be directed to the state of our North American Colonies, you may discover a double object: you may perceive, that while a vast expenditure could *immediately* be saved in that quarter, a considerable revenue may be acquired merely by good management.

Should you find time to peruse these volumes, I would not at first desire your consideration to the greater and more complicated schemes which are proposed in them. Adverse circumstances have conspired to crush me in every way; and the completion, even of necessary explanation, is not accomplished. A third volume was required, to elucidate my plans; and that, for the present, is withheld.

In these volumes, to which I now earnestly solicit your notice, you will find, I think, sufficient matter for a beginning; and, were inquiry fairly begun by you;—were Parliament once awakened to a serious consideration of the *profit* and *loss* of North American Colonies, I should not despair of an advance to greater and greater good.

I have the honor to be,

Sir,

Your obedient Servant,

ROBERT GOURLAY.

ERRORS, OMISSIONS, &c.

Note omitted, page cix.—"Wages are now reduced to 7s. per week."

Page clxxxiii, *for* "this volume," *read* vol. 1, page 270.

Page cc, note, *for* "this first volume," *read* the first volume.

Page c, note. Reading over this note to an American gentleman, he seemed to take alarm, lest the word *ramshackle* should be *palmed* on his country. I take it home willingly, as a Scotticism, and one well applied, as may be afterwards shown.

Omitted, bottom of page ccv.—In war, Captain Brant was noted for humanity.

Note omitted, page 108, vol. 1.

The British fleet consists of one ship of 110 guns, one do. 64, one frigate 50, one do. 48, one sloop of war 26, one do. 24, one brig 18, one do. 16, one schooner 12; amounting in the whole to 368 guns, with two ships of the ine on the stocks.

The American fleet consists of one ship of 64 guns, one frigate 50, one do. 32, one do. 28, three brigs of 26 each, one do. 18, and one schooner 6; amounting to 276 guns, with two large ships on the stocks, each of them to carry 120 guns.

In vol. 2d, page 339, "selling of wives in a halter," is spoken of as expressly authorized by law. This is not the case; but should not law forbid such a barbarous custom? In page clxxii of this General Introduction, I have also written carelessly as to the establishing of freeholds on waste: some years of undisputed possession was, I understand, required

by law; nevertheless, the poor had formerly much freedom in this way.

These instances of carelessness have been pointed out by intelligent friends, and are noticed, to give opportunity of apologizing for a style of writing which is apt to overleap rigid inquiry, where it has not occurred as being of importance.

The INDEX *having been printed off before it was intended that the* GENERAL INTRODUCTION *should extend so far as it does, the following additions are necessary, to make it complete.*

Assembly of Upper Canada, its reply to the speech of the Lieut.-Governor, declaring his intention of withholding the royal grant of land from the members of the Convention, ccccxxii. To his first speech on opening parliament, ccccxxxviii. Its resolutions on certain parts of that speech, ccccxxxix.

Bill for preventing certain meetings in Upper Canada, brought in by Mr. Jones, ccccxl. Read a third time, and passed, ccccxli. Its enactments, ibid.

Canada, remarks on the impolicy of abandoning or selling it to the United States, ccccxlv. and *note*.

——, Upper, proposal for the improvement of its revenue, ccclxxxi. All duties on importation from the United States should be abolished, ccclxxxvi. And all taxes but one, on land, ibid. Supposed value of the province, ibid. Formation of good roads, the first step towards its improvement, ccclxxxvii. Navigation of the St. Lawrence, a great national object, ccclxxxviii. Plan for its improvement, and estimated expense of this, ccclxxxix. Effects of its adoption, ccccviii. Extent to which it should be carried, ccccxix. Its infinite advantages, ccccxx. Causes of the poverty and degradation of the province, ccccIxxvi. ccccIxxviii.

Coke, Mr. his speech on presenting a petition from the agriculturists of Norfolk, to the House of Commons, ccccxxiii. *note*. Remarks on it, ccccxxiv. *note*.

Constitution of Upper Canada, opinions in the English parliament on granting one, ccclxxiii. Absurdity of comparing it with the British constitution, ccclxxiv. Not the cause of the degradation of the province, ccclxxvi. ccclxxvii.

Gourlay, Mr. his proposal for the collection of the revenue of Upper Canada, by a single tax, on land, ccclxxxi. Remarks on the errors in the present system, ccclxxxiii. Conjecture as to their cause, ccclxxxiv. Observations on the funding system of England, cccciv. On the Corn Bill, ccccv. On the new settlement of Perth, ccccx. On the taxation of wild land, ccccxv. Address to the people of Upper Canada, on the agricultural distresses of England, ccccxxiii. Extract from his "Letter to the Earl of Kellie," ccccxxxi. *note*. Address to the Canadians, on the proceedings in the last session of their parliament, ccccxxxiii. Letter to one of his jurymen, ibid. *note*. Reflections on the conduct of the House of Assembly and the Lieut.-Governor, in 1818, ccccxliii. His petition to the House of Commons, ccccxlv—ccccl. and *notes*. Remarks on the character of the people of the United States, ccccxlvii. *note*. On an absurd statute of the Canadian parliament, relative to tithes, ccccli. *note*. On the contraband trade between the United States and Upper Canada, ccccli. *note*. Explanation of an expression in his petition to the House of Commons, ccccl. On moral restraint, ccccli. Further remarks on the benefits which would arise from the settlement of the province, ccccliii. On the mission of the provincial attorney-general to England, ccccliv. Benefits which may arise from this, notwithstanding the littleness of its object, ibid. His letter to the editor of the Niagara Spectator, ccccl. His fourth address to the resident land-owners of Upper Canada, ccccl. Sketch of the events which led to the American revolutionary war, ccccl. Extent of his views of reform in the province, ccccl. His answer to Captain Stuart's reply to his fourth address, ccccl. Remarks on kingly government, ccccxciv. Note to Sir Peregrine Maitland, dii. and diii. *note:* and to the Duke of Richmond, diii. Summary account of the cruel treatment which he has experienced, div.

Great Britain, increase of its population during the last twenty years, ccccliv. *note.*

Jones, Mr. extract from his speech in the House of Assembly, ccccxxxvi. Remarks on it, ccccxxxvii. His motion relative to the Lieut.-Governor's speech, ccccxxxviii. Obtains leave to bring in a bill to prevent public meetings, ccccxl. Which is read a third time and passed, ccccxli. Remarks on his character, ccccxliii.

Ireland, means by which that country might be easily redeemed from distress, ccccxxix.

Legislative Council of Upper Canada, its reply to Sir Peregrine Maitland's announcement of his intention to withhold the royal grant of land from members of the Canadian Convention, ccccxxi. To his first speech on opening the provincial parliament, ccccxxxviii.

Maitland, Sir Peregrine, Lieut.-Governor of Upper Canada, extract of his first speech to the provincial parliament, ccccxxxvii. His speech at the close of the session, ccccxli. Sketch of his history, ccccxciii.

Newfoundland, wretched state of that island, ccccxli. and *note.*

Simcoe, General, remarks on his character and measures for the improvement of Upper Canada, ccccIxxvii.

Stuart, Captain, his reply to Mr. Gourlay's fourth address to the land-owners of Upper Canada, ccccIxxix. Answer by Mr. Gourlay, ccccIxxxviii.

United States of America, statement of their finances, ccccxlix. *note.* Increase of population, in the last thirty years, ccccliv. *note.* Not owing to emigration, ccccIv. *note.*

Wild land, the chief bane of Upper Canada, ccccxiv. Estimated quantity in the province, ccccxv. Plan for its taxation, ibid. Benefits which would arise from this, ccccxvi. ccccxvii. Supposed case in illustration, ibid.

GENERAL INTRODUCTION.

CIRCULAR

To MEMBERS of the IMPERIAL PARLIAMENT.

London, June 10, 1820.

SIR,

THE following Statement, with Documents, was offered for publication, last January, to several Newspaper Editors, both in Edinburgh and London. Immediately afterwards, the King's death, and consequent dissolution of Parliament, delaying the principal intention, the publication was not pressed.

On reviewing this Statement, after it has been written five months, I see nothing material in it to correct, and think it the best brief introduction to the business to which I now most earnestly solicit your attention.

The importance which I myself attach to this business may be estimated by the solemn assurance that I crossed the Atlantic for the express purpose of submitting it to the Prince and Parliament of Britain, and that I am now come up to town from Scotland solely with this view. It is not my individual interest which has urged me thus far. I, no

doubt, shall be gratified if this can be advanced, or if I can have an opportunity of wiping off the stain so cruelly cast upon my reputation; but, before God, I declare that these are comparatively small objects when placed beside that which aims at maintaining, in my person, the abstract right and honour of a native-born British Subject. On this account, Sir, I am free in addressing you, and sanguine of having your assistance.

The Documents here produced will, I conceive, sufficiently put you in possession of the case; but I shall, with gladness, wait upon you any where, in town, to converse on the subject, or receive communications thereon, addressed to me at Cooper's Hotel, Bouverie-street.

The Sketch of a Petition to the Commons House of Parliament is not that which I may ultimately adopt. It is here exhibited partly for the purpose of explaining my views and arguments—partly to give a lead to those who may be so friendly as to correct my errors or assist my endeavours. For like purposes I have also annexed a Sketch of a Petition to the King in Council.

You will observe in the Statement some bold assertions made by me as to the capabilities of Upper Canada; and, although I am desirous, in the first place, to have my particular case discussed, I wish it to be clearly understood that up to this moment I flinch not from any thing I have said, and shall be willing, if called on, to give explanation as to the

practicable fulfilment of my assertions at the bar of your House.

From the Morning Chronicle of 29th April last, I copy the following conversation held in the House of Commons, the day preceding.

" Lord A. Hamilton *would suggest an emigration to our colonies in North America, as the most effectual means of mitigating distress.*

" The Chancellor of the Exchequer *said, His Majesty's Ministers were disposed to adopt every measure which could really contribute to the relief of the distresses of the labouring classes. Above* 5000 *persons had embraced the offers of Government, and sailed for the Cape of Good Hope. With respect to the proposal of emigrating to North America, the Noble Lord was, perhaps, not fully aware of the present condition of persons who had actually gone there. So far from finding increased means of subsistence, the last accounts proved, that they had experienced a want of employment fully equal to that which existed in the most distressed manufacturing districts of this country. Government were disposed to give every facility to any practicable scheme for mitigating the distresses of the people; but, before they consigned them to a foreign shore, it would be prudent to ascertain how far their condition was likely to be improved. The North American provinces of Great Britain had been so overloaded with emigrants, that the government of Canada had made the strongest*

remonstrances to this Government on the subject. He was not prepared to submit any plan to the House, and he repeated that before the proposition of the Noble Lord were entertained, it would be wise to wait for some account of the progress of the colony at the Cape of Good Hope.

" Mr. Finlay *said, that he, as well as the Noble Lord, had received applications from persons who were extremely anxious to emigrate, but who were wholly destitute of the means.*"

Now, Sir, I do assert, that ***BY PROPER MANAGEMENT, THE MISERIES EXPERIENCED BY EMIGRANTS GOING OUT TO CANADA MIGHT BE AVERTED; AND THAT EVEN PEOPLE " DESTITUTE OF MEANS" COULD BE COMFORTABLY SETTLED THERE: IN SHORT, THAT PLANS COULD BE ADOPTED TO REALIZE EVERY BENEFIT TO CANADA AND BRITAIN WHICH YOU WILL FIND MENTIONED BELOW.*** *Having said thus much, it remains for me only to subscribe myself,*

Your fellow subject and client,

ROBERT GOURLAY.

STATEMENT.

TO THE EDITORS OF BRITISH NEWSPAPERS.

GENTLEMEN,

Craigrothie, Fifeshire, Jan. 3, 1820.

I LANDED at Liverpool, from Quebec, the 2d December, and have since learned, that, during the last two years, my name has frequently appeared in your columns, connected with certain political movements in Upper Canada. By consulting the files of various newspapers, I have discovered that very great mistakes have prevailed as to Canadian affairs, and that calumnies, both false and malignant, have been propagated with regard to me.

As a specimen of these, it has been published that I was "One of the worthies who escaped from Spa-fields;" and attempts have been made to impress a belief on the public mind, that my operations in Canada were connected with the schemes of Messrs. Cobbett and Hunt in England. The very contrary of all this is true.

In consequence of unavoidable change of fortune, I went out to Upper Canada, where I had many friends, in the summer of 1817, solely with a view to ascertain whether it would be prudent to re-

move my family thither. My intention of going there was announced more than a year before I set out, and my wish was not to be more than six months from home.

Though a sincere friend to parliamentary reform in this country, I had repeatedly published, before going abroad, my opinion of the impropriety of holding large irregular meetings for that purpose, and particularly reprobated those of Spa-fields. No man can shew that I was ever connected in politics with a single individual in Britain; and it must be well remembered in Wiltshire, that I stood forward in opposition to Messrs. Cobbett and Hunt, at the county meeting held there in 1816, when their object was to run down the property-tax. So very decided and serious was I on that occasion, that I caused to be stuck up in every corner of the county a placard, declaring, that, "*by a well modified property-tax, and by that alone, could the country be preserved in peace.*"

In Upper Canada my efforts had no view whatever to a reform of parliament. The people there have a perfect representation, and before long they will make a better use of it than they have hitherto done. Soon after my arrival in that country, I viewed it as the most desirable place of refuge for the redundant population of Britain, and I conceived schemes for promoting a grand system of emigration. Nothing could be more palpably innocent than my first proposals, yet they were opposed, and from reflections springing out of the nature of this opposition, I became convinced, that

without parliamentary inquiry into the state of the Province, every effort towards liberal improvement would be futile and vain. I prolonged my stay till the meeting of the Provincial parliament, that I might press a reference of certain matters to the Prince and Parliament at home. A vote of inquiry was carried in the Commons House of Assembly; but immediately afterwards a dispute having arisen between that body and the Legislative Council, the parliament was suddenly prorogued, its business unfinished.

At this juncture, and without the slightest idea of evil, I advised the people to raise a subscription, and send home Commissioners to intreat attention from the Throne to the affairs of the Province. It was necessary to hold a meeting of Deputies for the purpose in view, and to this meeting I inadvertently gave the name of *Convention*, a name in every-day use over America, and applied to all sorts of meetings, both civil and sacred. On this occasion, it proved to be—

——— " A word of fear,
Unpleasant to the guilty ear."

The Executive of Upper Canada took alarm. In some districts, where the people had little information from newspapers, the most outrageous opposition was set on foot by creatures in office; and, to cause a general panic, I was twice arrested, and held to bail for appearance to answer charges of seditious libel.

Notwithstanding all this, respectable Deputies

were chosen throughout the greater part of the Province, and they met openly in Convention at York, the capital. By this time, the Duke of Richmond and his son-in-law had been announced as Governor and Lieutenant-Governor of the Canadas. I conceived favourable impressions of their liberality, and judging that the agitation excited, could not fail to impress serious notions of the importance of *inquiry*, advised the Convention to refer its cause to the Lieutenant-Governor and General Assembly. After this, I stood two *trials*, and was twice honourably acquitted. The people were now sanguine that all would go well, when, to their astonishment, the Lieutenant-Governor having met the parliament, hinted that sedition existed, and procured a law to prevent, in future, meetings by deputy. The discontent created by these measures, libelling the most loyal men, and without any proof of necessity circumscribing general liberty, was universal; yet, nothing more was resolved on by the people, but to clear the House of Assembly, at next election, of members who had balked their expectations. To me, who indulged the anxious hope of being allowed to develop my views, and point out a practicable plan, by which many thousands of the idle poor of England could be annually transported into Canada, with profit to the nation, and comfort to themselves, the disappointment was cruelly provoking; but it was far from rendering me hopeless of ultimate success. I had resolved to establish myself in the Province as a land-agent, &c. and was now treating for a

house in which to commence business, when, lo! I was arrested by the Sheriff, carried before a party of my most virulent political enemies, and served with an order to quit the Province, merely because a wretch was found base enough to swear that I was a seditious person.

To have obeyed this order would have proved ruinous to the business, for which, at great expense, and with much trouble, I had qualified myself: it would have been a tacit acknowledgment of guilt, whereof I was unconscious; it would have been a surrender of the noblest British right: it would have been holding light my natural allegiance: it would have been a declaration that he Bill of Rights was a Bill of Wrongs. I resolved to endure any hardship rather than to submit voluntarily. Although I had written home that I meant to leave Canada for England in a few weeks, I now acquainted my family of the cruel delay, and stood my ground, till I was a second time arrested, and forthwith committed to remain in jail for eight months, without bail or mainprize.

The impressions made on the public by this strange proceeding were such, that it was intimated from various quarters, that if I chose, the jail should be pulled down for my relief, a step which, of course, I opposed.

My enemies, now feeling that they had gone too far, laboured, by artful addresses to the Lieutenant-Governor, to impress an opinion upon the public mind that some of my writings were seditious; but this conduct only exposed to fuller

view the malevolence by which they were actuated. All hope of convicting me of crime seemed to die away, and after three months confinement, it was whispered that I should not be tried for sedition, but, simply, for not having obeyed the order to quit the Province. This I could not believe possible. In the mean time, I instituted a suit for false imprisonment, and wrote off to various quarters for legal advice. From Montreal—From Edinburgh—from London, the replies of most respectable lawyers were uniform, that my imprisonment was illegal; and the late Sir Arthur Piggott declared, that not only should the Chief Justice of Upper Canada have granted my liberty, applied for by writ of *Habeas Corpus*, but that a good action lay against the magistrates who had imprisoned me.

Among the matters which the Convention had in view was one, to call the Royal attention to a promise held out to the Militia during war, that grants of land should be made to them in recompense for their extraordinary exertions. It had been the policy of the United States to hold out offers of land to their troops who invaded Canada, —offers, without which they could not have raised an army for that purpose, and these offers had been punctually and liberally fulfilled, the moment that peace was restored. On the British side, three years had passed away without attention to a promise which the Canadian militia kept in mind, not only as it concerned their interest, but their honour. While the Convention trusted the consideration of inquiry to the Lieutenant-Governor

and Assembly, they ordered an address to be sent home to his Royal Highness the Prince Regent, as a matter of courtesy and respect, having annexed to it the rough sketch of an address originally intended to be borne home by a commission, in which sketch the neglect of giving land to the Militia was, among other matters, pointed out. This sketch, too, having been printed in America, found its way into British newspapers.

In June, 1819, the Lieutenant-Governor of Upper Canada, summoned the Assembly to meet a second time, and in his speech, notified that he had received an order from his Royal Highness the Prince Regent, to grant land to the Militia, but that he himself should think it proper to withhold such grant from those persons who had been members of Convention. The injustice of this measure was instantly in the mouth of every one, and the very Sheriff who held me in charge scrupled not to signify how it would go, should the province again be invaded, while at that very moment it was thought by many that a war with the United States would grow out of the affair of Ambristier.

The members of Convention had met at York, prior to any law to prevent the meeting of delegates: they had met in compliance with the desire of many thousands of their fellow-subjects, and were wholly unconscious of evil: they were men of tried loyalty: they had held militia commissions during the war: some had been wounded, some had been taken prisoners, and all had behaved well. Most of them owned more land than they

could dispose of, and any gift of land could be to them, a mere pledge of approbation for duty performed to their sovereign and country. Several weeks passed away, while it was anxiously hoped that the Assembly would mark its disapprobation of the opening speech; but approval was at last carried by the speaker's vote, and the Legislative Council concurred in language the most direct and submissive.

To me, such conduct seemed subversive of every hope that Upper Canada could be retained to Britain in the event of war, and to startle those who so thoughtlessly put it in jeopardy into a consideration of consequences, I seized my pen, and called on God to assist my endeavours. My writing, when published, was voted by the Assembly to be libel, and the Lieutenant-Governor was solicited to order prosecutions. The editor of the newspaper, who had had the assurance of a magistrate, that he should not be molested while he had the manuscripts of authors to produce, and who was on this occasion wholly ignorant of what was printed in his office, being 150 miles from home, was seized in his bed during the middle of the night, hurried to Niagara jail, and thence, next morning, to that of York, where he was detained many days out of the reach of friends to bail him. After this he was led round the country nearly a hundred miles, exposed to view as a malefactor of the worst kind, all clearly for the purpose of working unfavourable impressions against him; and, to be sure, he was finally convicted on a charge,

which, from its nature, the author alone was competent to repel*.

My treatment was still more wantonly cruel. After two months close confinement in one of the cells of the jail, my health had begun to suffer, and, on complaint of this, the liberty of walking through the passages and sitting at the door was granted. This liberty prevented my getting worse the four succeeding months, although I never enjoyed a day's health, but by the power of medicine. At the end of this period, I was again locked up in the cell, cut off from all conversation

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* Since the above was first published, I have observed it stated in the newspapers, that the editor has been liberated from prison, and is now again carrying on his business. Before his trial, I intreated him again and again to traverse, and let me have an opportunity of defending my own writing; but it was in vain. I then begged of his lawyer, to defend his client on the argument used by Mr. Erskine, in the case of Cuthell; but all was to no purpose. They were sanguine of success, and perhaps ambitious of appearing champions of the press; but a weak jury headed by a petty magistrate, gave that away, which the people in the United States, who have, for twenty years past, disclaimed the very notion of political libel, would sooner have lost their right arms than have parted with. No one would punish slander on private character more severely than I would: men in power should always be entitled, as well as others, to redress in a civil suit; but, to make due reprobation of mal-administration in public affairs criminal, is what I shall protest against while I have breath; and my first wish, on returning to Upper Canada, shall be to obtain a trial, and give the people of that country, by dispassionate argument, a clear view of the truth. I have in my possession a speech which was written in expectation of being fairly tried, and that speech shall be preserved for the purpose.

with my friends, but through a hole in the door, while the jailor or under sheriff watched what was said, and for some time both my attorney and magistrates of my acquaintance were denied admission to me. The quarter sessions were held soon after this severe and unconstitutional treatment commenced, and, on these occasions, it was the custom and duty of the grand jury to perambulate the jail, and see that all was right with the prisoners. I prepared a memorial for their consideration, but, on this occasion, was not visited. I complained to a magistrate through the door, who promised to mention my case to the chairman of the session; but the chairman happened to be brother of one of those who had signed my commitment, and the court broke up without my obtaining the smallest relief.

Exasperation of mind now joined to the heat of the weather, which was excessive, rapidly wasted my health and impaired my faculties. I felt my memory sensibly affected, and could not connect my ideas through any length of reasoning, but by writing, which many days I was wholly unfitted for by the violence of continual head-ache. Immediately before the sitting of the assizes, the weather became cool, so that I was able to apply constantly for three days, and finish a written defence, on every point likely to be questioned on the score of seditious libel. I also prepared a formal protest against any verdict which might pass against me, as subject to the statute, under colour of which I was confined.

It was again reported, that I should be tried only as to the fact of refusing to leave the province. A state of nervous irritability, of which I was not then sufficiently aware, deprived my mind of the power of reflection on the subject: I was seized with a fit of convulsive laughter, resolved not to defend such a suit, and was perhaps rejoiced that I might be even thus set at liberty from my horrible situation. On being called up for trial, the action of the fresh air, after six weeks close confinement, produced the effect of intoxication. I had no control over my conduct, no sense of consequence, nor little other feeling but of ridicule and disgust for the court which countenanced such a trial. At one moment I had a desire to protest against the whole proceeding; but, forgetting that I had a written protest in my pocket, I struggled in vain to call to mind the word *protest*, and in another moment the whole train of ideas which led to the wish had vanished from my mind. When the verdict was returned, that I was guilty of having refused to leave the province, I had forgot for what I was tried, and affronted a juryman by asking if it was for sedition*.

Gentlemen, these are melancholy particulars, and

* The jury, in this case, was notoriously packed. To guard against the effects of this as much as possible, I had, in the expectation of trial for libel, obtained lists of inimical jurymen, and had people willing to appear in court to swear that many of them had prejudged me openly in the rancour of party dispute. These lists were handed to me through the door, before and during the

so far as they concern myself only, I certainly should be inclined to conceal them. As they concern the legislation and spirit of governing in a British province, I have thought it my duty to offer the consideration of them to the public, prior to submitting the same to the Prince and

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assizes; but all caution and care forsook me in the time of need. My fate, I believe, was determined by a misconstruction of the judge of the word "*Inhabitant.*" To the best of my recollection, this was defined to mean a person who had paid taxes, or performed statute labour on the roads! Will it be believed that an Englishman started the question as to this simple word of his mother tongue, which, in law, has no peculiar meaning, and which, in common sense, as well as by derivation, means simply a *dweller in?* The reader will find it applied in this book to wild beasts of Canada. The Englishman spoken of had dined with me at the same table for weeks together, had lived with me in the same village for months together, and knew perfectly well that I had *dwelt in* the province more than a year before my arrest; but every thing is sacrificed when prejudice, pique, or self-interest take the sway. This man's name stands in my lists for having prejudged me; yet, Judas-like, he came to the door of my cell, and shook hands through the small aperture, a few days before my condemnation. As to the sheriff of Niagara, he has been a half-pay officer ever since the American war; and though his half-pay could be received only on oath, that he enjoyed no office under government, he has for a long series of years drawn a handsome salary as his majesty's sheriff. The chief-justice Powell enjoys posts and pay out of my count, and at the will of the king, (i. e. the governor) may, on the shortest notice, be turned off the bench, and deprived of his pay.

These truths will throw light upon my shocking treatment, and the state of Upper Canada.

Parliament of this country, for which purpose I more especially came home. It is my wish to return to Upper Canada, and to stand any fair trial for alleged crime: it is my wish to promote the settlement of that province with British subjects; but what British subject of spirit would settle in a country, where, in a moment, he may have to bow to arbitrary power, or be turned adrift into a foreign land, the sport of calumny, injured in health, and ruined in the fair expectation of doing well for his family?

I annex a copy of the statute, under colour of which I was imprisoned and banished, together with the order served upon me to quit the province, after having resided there more than a year.

When these documents are examined, in connexion with the above statement, I shall ask the public to consider whether there is not reason for INSTANT PARLIAMENTARY INQUIRY, and if such inquiry is instituted, I PLEDGE MYSELF TO SHEW THAT UPPER CANADA, INSTEAD OF COSTING THIS COUNTRY A LARGE SUM OF MONEY TO MAINTAIN IT, COULD YIELD ANNUALLY A HANDSOME REVENUE TO THE BRITISH GOVERNMENT: THAT INSTEAD OF REMAINING THE POOREST,

IT MAY SPEEDILY BECOME THE RICHEST PART OF NORTH AMERICA: THAT IT MAY THIS VERY YEAR GIVE EMPLOYMENT AND BREAD TO 50,000 OF THE POOR INHABITANTS OF BRITAIN; AND, FOR MANY YEARS TO COME, AFFORD ANNUALLY A SIMILAR DRAIN FOR REDUNDANT POPULATION: LASTLY, THAT IT MAY BE MADE A PERMANENT AND SECURE BULWARK TO THE BRITISH EMPIRE, INSTEAD OF BEING A LURE TO ITS INVASION AND DOWNFALL.

These, Gentlemen, are bold assertions: but they are not only bold, they are rational and sincere; and they proceed from a mind which has been devoted for two years to reflections on the subject —a mind which has sustained itself under every reasonable trial, and which has not yet entirely sunk beneath the most odious persecution.

ROBERT GOURLAY.

An Act for the better securing this Province against all seditious Attempts or Designs to disturb the Tranquillity thereof. (Passed 9th March, 1804.)

WHEREAS it is necessary to protect his Majesty's subjects of this Province from the insidious attempts or designs of evil-minded and seditious persons; and, whereas much danger may arise to the public tranquillity thereof, from the unrestrained resort and residence of such persons therein: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, entituled, 'an Act for making more effectual Provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That, *from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the government of this Province, for the Members of the Legislative and Executive Councils, the Judges of his Majesty's*

Preamble.

Governor, &c. empowered to authorize certain persons to arrest offenders against this act.

Court of King's Bench, for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and seal of the Governor, Lieutenant-Governor, or person administering the government for the time being, or any one or more of them, jointly or separately, by warrant or warrants, under his or their hand and seal, or hands and seals, to arrest any person or persons not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants, or not having taken the oath of allegiance to our Sovereign Lord the King, who by words, actions, or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect that he, she, or they, is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in any wise with a seditious intent to disturb the tranquillity thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such warrant or warrants against him, her, or them, or any other person or persons duly authorized to grant such warrant or warrants by virtue of this act; and if such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance,

Offenders to depart the Province, or give security, &c.

shall not give to the person or persons so granting such warrant or warrants, or so authorized as aforesaid, before whom he, she, or they shall be brought, full and complete satisfaction that his, her, or their words, actions, conduct, or behaviour had no such tendency, or were not intended to promote or encourage disaffection to his Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an order or orders, in writing, to such person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, requiring of him, her, or them, to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she, or they, should be permitted to remain in this Province, to require from him, her, or them, good and sufficient security, to the satisfaction of the person or persons acting under the authority hereby given, for his, her, or their good behaviour, during his, her, or their continuance therein.

Time for Offenders leaving the Province may be enlarged.

II. *And be it further enacted, by the authority aforesaid,* That if any person or persons not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who by any

order or orders so delivered to him, her, or them, is or are required to depart this province within a time limited by that order, should, by sickness or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons as aforesaid authorized by this act so to do (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness, or otherwise, ought to be admitted as a reason for such order as aforesaid not having been obeyed), by an indorsement in writing upon the said order or orders, or otherwise in writing, to enlarge the time specified in the said order, or orders, from time to time, as occasion may require; and if any person or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein before specified, shall be found at large therein, or return thereunto, after the time limited by any or either of such orders, without licence from the Governor, Lieutenant-Governor, or person administering the government for the time being in that behalf, or in case any person or persons who shall have been served with any or either

If after security given, persons give cause to suspect, &c.

of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, actions, or otherwise, endeavour, or give just cause to suspect, that he, she, or they, is or are about to endeavour to alienate the minds of his Majesty's subjects of this Province from his person or government, or in anywise with a seditious intent to disturb the tranquillity thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this act as aforesaid; and he and they is and are hereby required by warrant or warrants under his or their hand and seal, or hands and seals, to commit such person or persons so remaining at large or returning into this Province without such licence as aforesaid, or so endeavouring or giving cause to suspect that he, she, or they, is or are about to endeavour so to alienate the minds of his Majesty's subjects of this Province, or in anywise with a seditious intent to disturb the tranquillity thereof, to the common jail, or to the custody of the Sheriff of the district, in such districts in which there shall be no jail at that time, there to remain, without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant-Governor, or person administering the government for the time

Such person to be committed.

being, until he, she, or they can be prosecuted for such offence in his Majesty's Court of King's Bench, or of Oyer and Terminer and general jail delivery in this province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant-Governor, or person administering the government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the offences hereinbefore described, in either of the said courts respectively, he, she, or they shall be adjudged by such court forthwith to depart this Province, or to be imprisoned in the common jail, or be delivered over to the custody of the sheriff in such districts in which there shall be no jail at that time, for a time to be limited by such judgment, and at the expiration of that time, to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereinto, after the expiration of the time to be limited by the said judgment, without licence from the Governor, Lieutenant-Governor, or person administering the government for the time being, in that behalf first had and obtained, such person or persons, on being duly convicted of so remain-

Punishment if convicted.

ing or returning, before either of the said courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy. Provided always, that if, in the execution of the powers hereby given, any question shall arise, touching or concerning the space of time during which any person or persons shall have been an inhabitant or inhabitants of this Province, previous to any warrant or warrants having been issued against him, her, or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such warrant or warrants shall, in virtue of the powers hereby given, have been granted or issued.

Proof to lay on the person charged.

III. *And be it further enacted, by the authority aforesaid,* That if any person or persons, at any time shall be sued or prosecuted for any thing by him or them done in pursuance, or by colour of this act, or of any matter or thing therein contained, such action or prosecution shall be commenced within three calendar months next after the offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her, or their defence, and if, upon trial, a verdict shall pass for the

If any person suing under colour of this act become non-suited, &c.

defendant or defendants, or the plaintiff or plaintiffs shall become non-suited, or shall discontinue his, her, or their suit, or prosecution, or if judgment be given for the defendant or defendants, upon demurrer or otherwise, such defendant or defendants shall have treble costs to him or them awarded, against the plaintiff or plaintiffs.

Treble costs.

ORDER OF COMMITMENT.

George the Third, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c. To our Sheriff of the District of Niagara, Keeper of the Jail therein, or to the Jailor thereof, greeting.

WHEREAS, by an act of the Provincial Parliament of Upper Canada, passed in the forty-fourth year of our reign, intituled, "An Act for the better securing this Province against all seditious Attempts or Designs to disturb the tranquillity thereof," it is enacted that—[*here that part of the act recited which is printed above in italics.*]

And, whereas, we, William Claus and William Dickson, each a member of our Legislative Council, of the said province of Upper Canada, duly authorized in and by virtue of the said act, did, on the information and complaint of Isaac Swayze,

one of the members of the House of Assembly, on oath made before the said William Dickson, that one Robert Gourlay, now in the town of Niagara, in the County of Lincoln, in said Province, who, the said Isaac Swayze believes to have no particular or fixed place of residence, is an evil-minded and seditious person, and that the public tranquillity of said Province may be endangered by the unrestrained residence of such a person, and that the said Robert Gourlay, by words, actions, writings, and other behaviour, hath endeavoured, and is endeavouring to alienate the minds of our subjects in this Province from our person and government, and that the said Robert Gourlay, if in his power, from his language, words, and writings, is endeavouring to raise a rebellion against our government in this Province, and that Isaac Swayze verily believes that the said Robert Gourlay has not been an inhabitant for six months preceding the date of said information, and had not, at the time of said information, taken the oath of allegiance to us: and, whereas, a warrant was granted and tested in the name of the said William Dickson and William Claus, dated the 19th day of December, now last past, and directed to the Sheriff of our district of Niagara, requiring him to arrest the said Robert Gourlay, to the end, that he might be brought before the said William Dickson and William Claus, or either of them; and, whereas, the said Robert Gourlay was accordingly brought up before the said William Dickson and William

Claus, on the 21st day of December, now last past, and being examined, touching the said information, and of and concerning his words, actions, conduct, and behaviour; he did not give full and complete satisfaction to the said William Dickson and the said William Claus, that his words, actions, conduct, and behaviour had no such tendency; on the contrary, that these were intended to promote disaffection to our person and government; and having given no satisfactory proof that he has been an inhabitant of the said Province for the space of six months preceding the date of such warrant, nor did he prove that he had taken the oath of allegiance to us, as by the said act is mentioned; and, whereas, the said William Dickson and William Claus did thereupon deem it inexpedient, under the provisions of the said act, that the said Robert Gourlay should be permitted to remain in this Province; and did adjudge that the said Robert Gourlay should depart this Province of Upper Canada, on or before the first day of January next ensuing thereof, and he was required so to depart this Province, by an order in writing to that effect, and personally delivered to him, at the Court House for said district, on the said 21st day of December, now last past.

And, whereas, information hath been given, that the said Robert Gourlay hath not departed this Province on or before the 1st day of January instant, the time limited in the said order in writing, but still abides and is at large therein.

These are, therefore, in pursuance of the said before recited act, to authorize and require you, if the said Robert Gourlay shall be found at large in your district, to commit him to the common jail thereof, there to remain without bail or main-prize, unless delivered therefrom, as the said act directs.

Witness, William Claus and William Dickson, Legislative Councillors as aforesaid, under the hand and seal of each, this fourth day of January, in the year of our Lord, one thousand eight hundred and nineteen, and of our reign, the fifty-ninth.

(Signed) WILLIAM DICKSON,
WILLIAM CLAUS.

SKETCH OF A PETITION

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, IN PARLIAMENT ASSEMBLED*.

THE PETITION OF ROBERT GOURLAY.

HUMBLY SHEWETH,

That your Petitioner is a native of the parish of Ceres, (and) IN THE county of Fife (North Britain), IN SCOTLAND, and thence conceives himself en-

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* The words printed in capitals were added, those in small type, and enclosed in a circumflex, were omitted in the real petition.

titled to all the constitutional privileges of a British subject.

That your Petitioner was born to the inheritance of considerable landed estates, and did entertain, till the year 1815, fair hopes of independent fortune:—that then, in the 38th year of his age, being married, and having five children, he found himself, by causes which he could neither foresee nor prevent, sunk into a state of precarious dependence:—that, after more than a year's reflection, he resolved to visit Upper Canada, where he had some landed property and many friends, to ascertain whether he might not, with propriety, remove his family thither:—that, after a few months residence in that country, he (became enamoured of) WAS PLEASED WITH the natural excellence of its soil and climate,—saw prospects of providing comfortably for his family, and cherished schemes for rendering Upper Canada a comfortable refuge for the redundant population of England:—that, to qualify himself the better to represent at home the true state of the province, he resolved to prolong his stay, and by extended inquiry did greatly increase his knowledge of the actual state of its affairs.

That he then discovered political restraints on the prosperity of Upper Canada, which rendered it altogether inferior to the United States as a place of settlement, and such mismanagement on the part of the executive GOVERNMENT with regard to emigrants from Britain, as blasted every hope, unless (great) CONSIDERABLE changes could be effected.

That his first intention, after being fully apprized of these restraints and this mismanagement, was to proceed home and state the truth to the ministers of this country; but, doubtful of his individual representation being listened to, he recommended the inhabitants to petition their parliament for inquiry into the state of the province, and for a commission to go home with the result to the Prince and Parliament of Britain:—that this measure was actually moved and carried in the Assembly, but a quarrel presently afterwards arising between the different branches of the legislature, parliament was hastily prorogued.

That, on this juncture, your Petitioner being more and more convinced of the great necessity of examination, addressed the inhabitants of the province, and recommended them to raise a fund by subscription, for the purpose of sending home a petition to his Royal Highness the Prince Regent, to solicit the appointment of a commission from England for that purpose.

That this proposal giving great offence to certain persons in office, called down their resentment upon your Petitioner, whom they caused to be twice arrested, and tried upon charges of seditious libel.

That your Petitioner, being twice honourably acquitted, had then the fullest hope of succeeding in his purpose, by offering to lay before the Lieutenant-Governor, just arrived from England, his view of what was essential to the prosperity of the province, when, to his astonishment, a party in

power not only succeeded in exciting prejudices in the mind of the Lieutenant-Governor against your Petitioner, but wantonly libelled a great portion of the inhabitants, and had a law enacted, abridging public liberty, equally uncalled for, and odious to the great body of the people.

That your Petitioner was after this on the point of setting off for England when a conspiracy was formed between three of his most notorious political enemies to ruin his character, and prevent his ever returning to Upper Canada. For this purpose they pretended that your Petitioner was subject to a provincial statute, [*a copy of which is hereunto annexed,*] which can only apply to aliens and outlaws, and one of them scrupling not to perjure himself to afford grounds for procedure, they presented him with an order to quit the province, upon his disobeying which they had him arrested and committed to jail, [*the order being hereunto annexed.*]

That your Petitioner, being thus situated, applied for liberation by writ of *Habeas Corpus* [*the whole process being hereunto annexed*]; but, being remanded to jail by the Chief Justice of the province, was detained there for nearly eight months.

That your Petitioner in this melancholy predicament, had still the hope of clearing his character from the base imputations of his enemies by a fair submission of their charges to the sense and feeling of a jury; and in the mean time having taken the advice of Sir Arthur Piggott, and other lawyers of eminence, as to the legality of his imprisonment,

had their decided opinions that it was not legal—that the Chief Justice of Upper Canada was wrong in not having granted liberation, and that those who had caused the arrest, were subject to an action of damages for false imprisonment.

That, nevertheless, the hopes of your Petitioner were completely blasted. Before the day of trial, his body and mind were so weakened by confinement and exasperation from cruel, unnecessary, and unconstitutional treatment in jail, that, on being brought into the fresh air of the court, his whole ideas ran into confusion, and he lost all control over his conduct. A trial was brought on, not for any crime, but merely to determine the fact, that your Petitioner had refused to leave the province. To such a trial, under ordinary circumstances, your Petitioner would, undoubtedly, have demurred. As it happened, he, altogether insensible of consequences, suffered the trial to proceed till a sentence of banishment was pronounced against him by the same judge who detained him in prison.

(Your Petitioner desires to make no appeal to feeling on this occasion: neither is there any need for investigation into conduct. He desires that no consideration may rest on the palpable and vile pretence that your Petitioner had not been an inhabitant of Upper Canada for six months, when it was notorious, that he had resided there for more than double that period; or, that he had not taken the oath of allegiance, while at any moment of time he would willingly have gone through that ceremony, had he considered it essential to constitutional protection. Your Petitioner appeals to your Honourable House solely on the abstract question of right, inherent in a native born Briton, to that protection within his Majesty's dominions, which the British people bargained

for in the claim of Rights, prior to the accession of the present family to the throne.

Your Honourable House, in conjunction with the other branches of the Legislature, passed an Act, in the year 1791, empowering his Majesty by and with the consent of a Legislative Council and Assembly to make laws for the government of Upper Canada, "during the continuance of this Act;" but your Petitioner has no belief that it was the intention of this *temporary* Act to confer a power on the Canadian Parliament of expatriating British subjects, or, in any way to encroach on the fundamental principles of the British Constitution.

Your Petitioner begs leave to refer your Honourable House to the Act of the Canadian Parliament, under colour of which he was imprisoned and banished. Your Honourable House, by perusal of this Act, will see that its application to an untainted British subject is by mere implication, and he trusts your Honourable House will determine, that constitutional right is not to be overturned by such a breath.—Your Honourable House will see that to make this Act applicable to an untainted British subject, not only must the sacred bond of natural allegiance, with all its mutual obligations between the sovereign and subject, be considered null and void, in Upper Canada, but, that a mere inference must determine as to the ceremony of taking the oath of allegiance within the province. Your Honourable House will see that even a *reductio ad absurdum* flies in the face of such construction, for, were this act really applicable to British subjects, no individual could, with safety, proceed from the mother country to the colony: that even a newly appointed governor might be arrested and disgraced the moment he set his foot in Upper Canada, or a whole army of British soldiers, destined for its defence, be legally captured and imprisoned by a few perjured and unblushing villains.

Your Petitioner trusts that your Honourable House will not only mark such monstrous absurdity, and set aside all question as to ridiculous inference trenching on the boast and birthright of Britons, but loudly declare, that, though, by express terms, an untainted British subject had been made liable to this Act, yet that no such Act could be held as constitutional and valid any more

than a Provincial Act, to make sale of Upper Canada to a foreign power. Your Petitioner, therefore, intreats that your Honourable House will take this subject into serious consideration; and shall ever pray.)*

Your Petitioner has recounted these facts and circumstances, not from any desire that your Honourable House should interfere in matters of judicial process, or correct the rigour of executive tyranny towards an individual. Your Petitioner is now in the course of applying to his Majesty in council, to take into consideration his particular case,—to consult the law officers of the crown thereupon,—to make inquiry into the cruel treatment he received, and into the fact of his being in that state which rendered him unfit to stand up in a court of justice as his own advocate, so that he may again be suffered to return to Upper Canada, there to support, fairly and manfully, his character, his principles, and opinions:—Your Petitioner comes before your Honourable House on public grounds alone, and pleads that the mere abstract consideration of the annexed provincial statute, taking it as intended to apply to unattainted British subjects, and as it has in your Petitioner's case been applied, affords sufficient cause for inquiry on the part of your Honourable House into the state of Upper Canada.

* The above, printed in small type, stood in the original CIRCULAR as the continuation and conclusion of the first sketch Petition. A second draught was made out with additions; and what was struck out of that draught, is printed in small type, so that the real Petition presented by Sir James Mackintosh to the House of Commons 12th July, 1820, reads from beginning to end in large type.

Your Honourable House, in conjunction with the other branches of the legislature, passed an Act, in the year 1791, empowering his Majesty, by and with the consent of a legislative council and assembly, to make laws for the government of Upper Canada, during the continuance of this Act; but your Petitioner has no belief that it was the intention of this temporary act, to confer a power on the Canadian Parliament, of expatriating British subjects, or, in any way to encroach on the fundamental principles of the British constitution. It was the clear intention of that act to convey to the people of Upper Canada, as near as circumstances would permit, the constitution of Britain both in form and spirit. The recorded debates of Parliament, on passing the Quebec Bill, bear ample testimony of this; and General Simcoe, when he opened the first Parliament of Upper Canada, in his capacity of Lieutenant-Governor of that province, expressly declared, that '*the constitution then granted, was the very image and transcript of the British constitution.*'

(Let it be supposed for a moment that a Bill was brought into your Honourable House, to enact a law by which on mere allegation any subject of his Majesty might be deprived of his right of *habeas corpus*, imprisoned, and ultimately banished from his native country, without a tinge of crime, what would be said? or, were it really enacted, what might not be done? Surely there would be an end to the constitution, and the social compact might be broken up. But if the Imperial Parliament could not go so far:—if by such an attempt the mass of the people would be entitled to interfere, and reorganize the constitution, there can be

no doubt that a subordinate legislature could not do so; or, if doing so, ought immediately to be checked by the superior power.

Your Petitioner is aware that in some parts of his Majesty's dominions very arbitrary measures are resorted to by the executive, in thrusting out even British subjects without even alleged or convicted crime; but these dominions have no free and settled constitution, and they are held for very different purposes than the Canadian provinces. They have been dedicated to special purposes—to the use and benefit of trading companies, and to the ensuring of monopolies deemed necessary for increasing the store of national wealth. In these dominions the power permitted and used may be compared to that which individuals possess of excluding others from their dwelling-houses and workshops; but in his Majesty's Canadian dominions, neither necessity nor policy demand such licence; nay, it is the very reverse: there, population is the stable of the land: the settlement of British subjects, there, constitutes the strength and value of dominion, and their free ingress and egress must alone insure to his Majesty the sovereignty of that quarter of the world.)

At the present moment, when emigration from this country is at all hands allowed to be essential to relieve distress, how mischievous must be even the report that a native born British subject may be arrested, detained long in prison, and banished from Upper Canada without the shadow of crime, the moment he sets foot on its soil; surely your Honourable House will see the propriety of counteracting the effect of such report, to which the undue triumph of erring power, over an individual, has given credit and strength.

(Surely, for the public good, your Honourable House may declare by resolution and address, that British emigrants are not subject to the provincial statute in question;—that it can affect only aliens and outlaws; and, in its tenor regards local, not na-

tural allegiance. Such declared construction of the statute would free the provincial legislature from the reproach of having encroached on constitutional principle, and give confidence to people of this country, who are contemplating a removal to the province of Upper Canada, of all His Majesty's foreign possessions the most capable of receiving an increase of inhabitants with comfort to the individuals, and advantage to the nation. Your Petitioner further pleads that there is urgent cause for inquiry into the state of Upper Canada, on other grounds than those above set forth.)

The Chancellor of the Exchequer has this session told your Honourable House, that, " the North American Provinces of Great Britain had been so overloaded with emigrants, that the government of Canada had made the strongest remonstrances to this government on the subject." Your Petitioner, residing and travelling in Upper Canada for two years, had sufficient opportunities of observing how the country came to be *overloaded* with emigrants, and how many of the emigrants suffered misery. It arose from mismanagement, want of contrivance, and, perhaps, want of knowledge on the part of those who had the direction of affairs. Your Petitioner states this freely and firmly, as he feels it his duty to do; and he is willing, at the bar of your Honourable House, or elsewhere, to set forth practicable plans, by which ten times the number of people who have ever, in one year, emigrated to Canada, may be annually transported thither, and comfortably settled.

Your Petitioner therefore humbly entreats that the state of Upper Canada, as it concerns emigra-

tion, may be taken into the serious consideration of your Honourable House.

And, as in duty bound, will ever pray,

ROBERT GOURLAY.

NOTE.—The following extracts from *Sir Michael Forster's Crown Law*, are to the point, while investigating the legal and constitutional construction of the above provincial statute. They will shew that the act refers to *local* not *natural* allegiance, and therefore cannot affect a natural born subject. Page 60, 3d edition—"It is not in the power of any private subject to shake off his allegiance and to *transfer it to a foreign Prince*. Nor is it in the power of any foreign Prince, by naturalizing or employing a subject of *Great Britain*, to dissolve the bond of allegiance between that subject and the crown."

Page 183. "With regard to natural-born subjects there can be no doubt. They owe allegiance to the Crown at all times and in all places. This is what we call *natural* allegiance in contradistinction to that which is local. The duty of allegiance, whether natural or local, is founded in the relation the person standeth in to the Crown, and in the privileges he deriveth from that relation. Local allegiance is founded in the protection a foreigner enjoyeth for his person, his family, or effects, during his residence here; and it ceaseth whenever he withdraweth with his family and effects. Natural allegiance is founded in the relation every man standeth in to the Crown, considered as the head of that society whereof he is *born a member;* and on the peculiar privileges he deriveth from that relation, which are, with great propriety, called his *birthright*. This birthright nothing but his own demerit can deprive him of: it is indefeasible and perpetual; and, consequently, the duty of allegiance, which ariseth out of it, and is inseparably connected with it, is, in consideration of law, likewise unalienable and perpetual."

Page 188. "Protection and allegiance are reciprocal obligations."

PROCESS TO PROCURE ENLARGEMENT.

To the Honourable William Dummer Powell, Chief Justice of the Court of King's Bench of Upper Canada, and the rest of the Justices of the said Court, or any one of them.

THE PETITION OF ROBERT GOURLAY, Esq.

HUMBLY SHEWETH,

THAT your Petitioner is now a prisoner in the Jail of Niagara District, by virtue of a warrant of Commitment, whereof a copy is annexed.

That your Petitioner, humbly apprehending he is not a person of that description against whom such warrant can legally be issued, as he believes will fully appear from the affidavits annexed, and, inasmuch as he has not heretofore been called upon, or had an opportunity of shewing the fact, prays for a writ of *Habeas Corpus*, and, as bound in duty, will pray.

Dated at the Jail of Niagara, the 13th day of January, 1819.

(Signed) ROBERT GOURLAY.

Witness, WM. KERR,
JOHN MOFFAT.

AFFIDAVITS.

District of Niagara, viz. PETER HAMILTON, of the township of Niagara, in the province of Upper Canada, maketh Oath and saith, that he hath seen ROBERT GOURLAY, Esq. lately in the Jail of this district, and that he knew the same person and his connexions and friends heretofore in Britain; and that he was there respected, esteemed, and taken to be a British subject; and that he is so this Deponent verily believes is notoriously true in this district.

(Signed) P. H. HAMILTON.

Sworn before me, the 9th day of Jan. 1819.
ALEX. HAMILTON, J. P.

Niagara District, viz. ROBERT GOURLAY maketh Oath and saith, that he is, by birth, a British subject, that he hath taken the Oath of Allegiance to our Lord the present King of Great Britain, and that he has been an inhabitant of the province of Upper Canada now more than a year preceding the date of the warrant first issued against him by the Hon. William Dickson and William Claus, Esq. and referred to in that, whereof a copy is annexed.

(Signed) ROBERT GOURLAY.

Sworn before me, this 13th day of Jan. 1819.
(Signed) WM. J. KERR, J. P.

District of Niagara, viz. } ROBERT HAMILTON, of Queenston in said district, Esq. maketh Oath and saith, that Robert Gourlay, Esq. who is now confined in the Jail of this district, has been domiciliated at Queenston, in the province of Upper Canada, more than nine months next preceding the date of this deposition; and this Deponent further maketh Oath and saith, that he hath always understood and verily believes the said Robert Gourlay to be a natural born subject of Great Britain.

(Signed) ROBERT HAMILTON.

Sworn before me, this 12th day of Jan. 1819.
(Signed) JAMES KERBY, J. P.

WRIT OF HABEAS CORPUS.

Upper Canada, Home District, to wit. } GEORGE THE THIRD, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.

To the keeper of our Jail of Niagara greeting.—We command you that you have the body of Robert Gourlay, Esq. detained in prison under your custody as it is said under safe and secure conduct, together with the day and cause of his being taken and detained by whatsoever name he may be called in the same, before the Hon. Wm. Dummer Powell, our Chief Justice of our Province aforesaid,

at his Chambers, in York, in the Home District of our said Province immediately after the receipt of this Writ, to do, submit, and receive all and singular those things which our Chief Justice shall then and there consider of him in this behalf, and have then there this Writ.—Witness, the Hon. DUMMER POWELL, our Chief Justice aforesaid, at York, the twentieth day of January, in the fifty-ninth year of our reign.

Per statutum tricesimo primo Caroli Secundi regis.

(Signed) WM. DUMMER POWELL, C. J.

REMAND.

(*Indorsed on the back of the above Writ.*)

THE within-named Robert Gourlay being brought before me, at my chambers, at York, required to be admitted to bail*, as not being a person subject to the provisions of the Act of his Majesty, chap. I.; and the warrant of commitment appearing to be regular, according to the provisions of the Act which does not authorize bail or mainprize, the said Robert Gourlay is hereby remanded to the custody of the sheriff of the district of Niagara, and the keeper of the Jail therein, conformable to the said warrant of commitment.

(Signed) WM. DUMMER POWELL, C. J.

York, 8th February, 1819.

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* This is not correct. The PROCESS was managed by an attorney, and was, verbatim, as above. I made no request to be admitted to bail.

SKETCH OF A PETITION.

To His Most Excellent Majesty GEORGE the Fourth, Sovereign of the United Kingdom of Great Britain and Ireland, &c. &c. &c. in Council.

THE PETITION OF ROBERT GOURLAY, Esq.

HUMBLY SHEWETH,

THAT your Petitioner is a native-born British subject; and did, more than twenty years ago, receive from his late Majesty a commission to act as captain of volunteers, the confidence indicated by which he never betrayed; neither has he ever been tainted by conviction of crime.

That, nevertheless, your Petitioner being in Upper Canada, in the month of December, 1818, was served with an Order to depart that Province, upon refusing to obey which, he was committed to jail by a second Order, issued by the same persons, under colour of a statute of the Provincial Parliament *(a copy of which, with the Order, being hereunto annexed)*.

That your Petitioner applied to the Chief Justice of Upper Canada, by Writ of *Habeas Corpus*, for enlargement, but was remanded to jail, and detained there for nearly eight months *(the Process being hereunto annexed)*: That, at the end of this period, he was so weakened by confinement, and

so exasperated by cruel treatment, being, for some time denied free conversation not only with friends, but magistrates of his acquaintance, and attorneys employed to transact his law business, that he suffered a trial to be brought on merely as to the fact of his having refused to leave the Province, which fact being established, he was banished by the same judge who had detained him in prison, and was obliged to take refuge in the United States of America, twenty-four hours after the sentence was pronounced.

That your Petitioner has now come home for the express purpose of submitting his case to your Majesty and the Imperial Parliament, trusting that due inquiry will be instituted, and that the constitutional rights of a British subject will be maintained.

Your Petitioner believes, that, upon inquiry, your Majesty will find that the Provincial Statute, under colour of which your Petitioner was imprisoned and banished, never was meant to apply to untainted British subjects; but, in fact, was framed with a view to exclude from Upper Canada certain outlawed and expatriated persons, who fled, or were allowed to depart from Ireland, after the rebellions of 1798 and 1803.

Your Petitioner is assured that, on the first blush, your Majesty must be impressed with horror at the idea that an untainted British subject, confiding in innocence, and proud of his constitutional privileges, should be immured in jail upon the mere oath of an individual, and at last be

thrust out of your Majesty's dominions into a foreign land, without even the shadow of crime being proved against him.

But your Petitioner is still more assured that, setting aside all regard to natural justice—all regard to expediency, or any construction which can be put on the Provincial Statute, that, that Statute cannot possibly be applied to an untainted British subject, without encroaching on those sacred principles established at the revolution, which placed your Majesty's family on the British throne, without weakening the sacred bond of natural allegiance, and exposing to ridicule the rallying words of American loyalists—"*The Unity of the Empire.*"

Your Petitioner cannot avoid taking opportunity, on this occasion, to protest against attempts which have been made to make your Majesty believe that a disloyal and seditious spirit prevails among the people of Upper Canada. Your Petitioner, during a residence of nearly two years in that Province, had better opportunities of ascertaining facts upon this subject, than any other person, and most solemnly declares that he never could perceive the slightest symptom of such a spirit. With regard to your Petitioner, individually, who has been branded by a party in power with the epithet of "factious," he can declare, before God, and he does so declare, that his whole conduct in Upper Canada was guided by sentiments and impulses of a nature the very reverse from sedition. He beheld, in that Province,

public mismanagement stalking abroad,—rendering abortive the most abundant offerings of nature, and trampling down the best blessings of a liberal and free constitution. He found weakness going out in aid of mismanagement, and giving birth to events which, accumulating, cannot fail to endanger the dominion of your Majesty in that quarter of the world. He deplored this tendency. He saw simple means by which Britain and Canada could be indissolubly bound together for mutual benefit. He was zealous,—he was enthusiastic in the cause; and, though now suffering most bitterly from the effects of injustice and persecution, would exert his last breath in calling attention to this subject.

He, now, therefore, most earnestly solicits that your Majesty may be graciously pleased to order the law officers of the crown to consult, and report as to the liability of British subjects to be imprisoned in and banished from Upper Canada, as your Petitioner has been; and that your Majesty, in council, will take into consideration the whole state of that province.

And your Petitioner, as in duty bound,
shall ever pray.

I do not know that my book could be introduced better than by the above CIRCULAR. It comes briskly upon the ground; and, here, we find one member of parliament proclaiming "*the distress*

of the country," and suggesting as a remedy, "*an emigration to our colonies in North America;*" while another states how "*extremely anxious the people were to emigrate;*" but that "*they were destitute of means.*" The Chancellor of the Exchequer declares, that "*his majesty's ministers were disposed to adopt every measure which could really contribute to the relief of the distresses of the labouring classes;*" but states, that "*the North American colonies had been so overloaded with emigrants, that the government of Canada had made the strongest remonstrances on the subject. He was not prepared to submit a plan, but said it would be wise to wait for some account of the progress of the colony at the Cape of Good Hope.*" I then step in, and assert, that, "*by proper management, even people destitute of means could be comfortably settled in Upper Canada;*" and, by a formal and solemn declaration, in a petition presented to the House of Commons, undertake to "*set forth practicable plans, by which ten times the number of people who have ever, in one year, emigrated to Canada, may be annually transported thither, and comfortably settled.*"

This is my position, and it is this which the present work contemplates to maintain.

More than three years of my life have been devoted to this subject. My fortune, my character, my health, have suffered in the cause; and all that I now want is a patient hearing from the British public. My book is not one of amusement. Business is its aim; and that business surely of the

most pressing import. All parties allow that emigration is one way by which distress may be mitigated; but a specific plan is wanted for rendering it practicable on a great scale, which will not put the country to expence. My plan affects to accomplish this even with a *profit* to the country.

As the CIRCULAR was not intended for its present use,—as it narrates some of my proceedings, and so far discloses my situation, but does not complete what is now necessary,—as the lapse of time has given rise to remarks and reflections,—as various occurrences have happened, but, above all, that extraordinary one which has arrested the attention of the whole world, and deafened the ear of this country to every other subject,—I trust the reader will be indulgent while I bring up my narrative, illustrate and explain what may be doubtful, or is imperfect, and add what may be necessary to a full and clear understanding of the nature and object of this work.

I left Edinburgh the 2d June, trusting that my petitions to Parliament and to the King in council, being presented, and this volume published, I might return to Scotland in a month at farthest. On the 6th, being put down at my accustomed lodging-house, in Bouverie-street, the first words of my landlord were "the Queen, sir, has landed at Dover, and is expected in town this evening." A few days were wasted in anxious expectation that the royal quarrel would be prudentially settled; but every day lessening the hope of this, I resolved to economize, by taking a private room in the

suburbs, and sit down with patience, till the issue of the mighty contest. Four months having gone by, I still sit in patience; for why should any one fret, when the whole nation is subjected to the same calamity? Calamity! No: let us think better of the ways of Providence, under which, if we resolutely strive to do our parts well, good will invariably follow. My persecutions—my trials—my most grievous fate, never would have called attention to the cruel, the filthy, the unrelenting conduct of wicked ministry,—to the horrid system of combination, falsehood, treachery, which old established power has generated,—to the sickening, heart-rending, humiliating degradation of humanity, had not common sense, prudence, decency, feeling, justice, honour, religion, been all sacrificed for vengeance against the queen of England! Oh my country! Oh my countrymen! how blessed will be the event, if cautious, peaceful, manly conduct takes advantage of present experience—of present union —of present superiority over power, and influence more potent than power!—if the respectable people of this country hold together, and with one voice call for inquiry, not merely into the mismanagement of a province, but into that of the empire*.

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* These two pages have, by accident, stood a month in type, and were written immediately after the witnesses, who had sworn to the most filthy slanders against the Queen, were proved wholly unworthy of credit,—when one important witness for her exculpation was let slip from Cotton-Garden, and others, still more es-

During the last week of June, a copy of the CIRCULAR was sent to every member of the House of Commons, to a few newspaper editors, and some friends. Not a single soul took notice of it; not even Sir James Mackintosh, to whom I had written a note, requesting to know if he would present my petition to the house. On writing to Sir James a second time, whose good offices I was anxious to secure, from having long considered him our greatest constitutional lawyer, and, from his being

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sential, were prevented, by the influences of a foreign court, from making their appearance. He who could be unmoved by such foul play, or he who could vote against the Queen, thus clearly the victim of audacious conspiracy, is surely not to be envied; and that there were upwards of a hundred British peers who did so, is a fact which will stand on the page of history, a striking proof of human weakness, and of the power of an overgrown crown influence. Where shall we find better men than Lords Liverpool and Eldon? Probably no where. It is not the men, but the system---the blinding, infatuating system, which we should think of, and strive to amend. But what are our politicians and reformers going about?—their long accustomed drivelling for a *change* of ministers, and getting up petitions for parliament to reform itself!!! all, too, without order, without method, without understanding!

I hope the reader will excuse these bursts of feeling. It is nearly six months since I left Scotland, for a serious hearing on a serious business; but this day parliament is prorogued for two months; and ministers seem determined to persevere in the persecution of a poor woman, to whom nothing but persecution would have gained notice, and whose frailties, though they had been as flagrant as her enemies would have them, never could have affected a single one of us. With opportunity, I could not resist the desire to make a register of passing reflections on the boding events of the day---the awful signs of the times.

well versed in colonial affairs, peculiarly qualified for the business in question. He informed me that my first letter had not reached him*, and readily complied with my desire. On a personal interview, I told Sir James that it was only for form's sake that I then wished the petition presented; and, that this done, the business might be seriously taken up at a future day. I further mentioned that the inquiry sought for into the state of Upper Canada did not so much regard any change in the provincial constitution of government, as into the state of property, and system of managing it. The petition was presented to the Commons

* Not knowing that letters to members of parliament were equally free of postage at 5 miles distance as 500, I put mine into the General Post-office. About 50 of them were returned, marked "*refused to pay the postage.*" These I immediately re-dispatched under cover, *paid*, through the Twopenny Post-office, with an apology for my error. Fifteen were returned with a memorandum that the members could not be found. These I put under a fresh cover, and carried to the office in the House of Commons appointed to receive the letters of members. The keeper made a charge of 15s.; but on my refusal to pay, said he would take 12s.: this, of course, I also refused, and then dispatched them, *paid*, as the before-mentioned parcel through the Twopenny Post-office, directed to the House of Commons. I presume this discloses a practice which should not be, and may lead us to guess how it happened that Sir James Mackintosh did not receive my first letter. If office-keepers can make a shilling by ensuring the delivery of a letter, no doubt they have an interest in intercepting such as come into their hands without a bribe. Perhaps even the letters which I post-paid, and directed, for Members, to the House of Commons, may have been intercepted, for the purpose of confirming the importance of underhand agency.

on the 11th July. As I observed, in the newspaper reports of its presentation, expressions, which, coming from such high authority as Sir James Mackintosh, might not only give a wrong impression to the public, but injure both my cause in another quarter, and that of the public in this question, I resolved to write to Sir James, and know the truth, which happily proved very different from the newspaper reports. That of St. James's Chronicle, 12th July, appearing as correct as any other, I chose it to lay before Sir James. It run as follows:

"Sir James Macintosh said, he held in his hand the petition of R. Gourlay, a Scotch gentleman, who had gone to Canada with a view of establishing himself there. The substance of the petition was twofold: it contained a complaint which was personal, and it described a public grievance. It appeared that there was a provincial statute in Upper Canada, which went somewhat further than the Alien Bill, now in its progress through that House, and upon the merits of which he certainly did not then mean to enter. By this statute, every person, not already settled, whether natural born or foreigner, was liable to be sent out of the province, and was subject to penalties. The petitioner stated, that from some injurious and calumnious misrepresentations of his character, he had been brought before the high court, and had sustained very serious oppression. He (Sir J. Macintosh) did not think the House competent, under such circumstances, to interfere on the petitioner's behalf; and the only question was, whether the law itself did not deserve the attention of parliament. The petition likewise stated that there were various laws in the colony, especially with regard to landed property, which operated very disadvantageously,

and rendered the colony very unfit to be what it was considered it ought to be—an asylum for emigrants from the mother country. He would not pledge himself to the task, but he thought it highly probable that he should call the attention of the House to this subject in next session of parliament.

The petition was then brought up, read, and ordered to lie on the table.

Sir J. Macintosh then rose to move, that the petition of Sir Henry Dorrington, presented by an honourable friend of his on the 10th May last, be printed."

SIR, *14th August* 1820.

EVER since the report of your presenting my petition to parliament appeared in the newspapers, I have intended to write to you; but have waited till this moment, when I hope your leisure can best spare attention to the subject.

I have enclosed a newspaper report, which I conceive to be correct. Some newspapers reported that my petition was ordered to be printed, but this, I presume, was a mistake, from confounding my petition with that of Sir Henry Dorrington, spoken of immediately after.

What I am anxious to be informed of is, whether the words, " By this statute every person not already settled, whether natural born subject or foreigner, was liable to be sent out of the province," expressed your serious opinion that the provincial statute *was* competent so to act against a native born British subject, or only that the *decision* against me had given it that aspect.

Should you favour me with a reply, have the goodness to return the slip of newspaper.

With much respect, Sir,

Your obedient servant,

ROBT. GOURLAY.

Sir James Mackintosh.

Mardocks, near Ware, Herts,
18th Aug. 1820.

Sir J. Mackintosh's compliments to Mr. Gourlay; has received Mr. Gourlay's letter of the 14th, at this place, this morning.

Sir J. did procure the petition to be printed. He gave no opinion about the construction of the Canadian statute; but merely stated the case as it stood on the allegations of the government of Upper Canada.

This is perfectly satisfactory, and should do away the impression which may have been made by the newspaper reports. As stated above, the petition was presented only for form's sake; and, as I trust, the subject will, at a proper season, be seriously agitated, it is gratifying to know that the step of printing the petition was taken, and that, as yet, the question rests wholly clear of prejudice.

Besides this petition to the Commons, which was neatly engrossed on a sheet of vellum, by a law-stationer, and to which a copy of the Canadian Sedition Act was attached by a binding of silk, handsomely printed on a similar sheet; another, only differing in its address, was prepared for the House of Lords; and I corresponded with Lord Holland, as the peer most likely, in my opinion, to do it justice on presentation.

Lord Holland obligingly offered to present the petition; but informed me that it must be pasted, and not stitched together, to be received by the House of Lords; and expressed his doubts whether printed papers annexed are admitted.

The delay thus occasioned, the announced ad-

journment of the House, and some hints from his lordship, made me defer my purpose, which, however, when the Queen's business is settled, shall be followed out.

Lord Holland has informed me that "any interference, real or supposed, with the rights of a British subject, by the laws of Upper Canada, is certainly a fair subject of petition to parliament; as is also any act you can conceive to be oppressive and unjust, and against which you have no other means of redress. But the House will not entertain any complaint from an individual, for which, in the common course of law, he may seek redress."

The reader will observe, that, in my petition, though I describe my treatment, &c. I waive all consideration on my own account; and merely pray "*that the state of Upper Canada, as it concerns emigration, may be taken into serious consideration.*"

With regard to my personal grievance, I have employed a respectable solicitor to lay a memorial before the King in council, and shall follow out "*the common course of law*" before I trouble parliament on that head. My solicitor gives me hope that I may obtain a new trial, or otherwise be relieved; but still there is doubt, and should I, after *seeking redress*, in the common course of law, not *find* it, I hope my case will be "a fair subject of petition to parliament," and that Lord Holland will support me in the House of Lords.

On coming up to town, I consulted a friend of

high respectability at the bar, as to my proceeding. He said I would have no chance of being heard, unless a member of parliament could be found to take a *personal* interest in the cause; but I hope that both Lord Holland and Sir James Mackintosh may, after the present dread question about the Queen is over, be disposed seriously to enter on the subject upon pure abstract principles of duty, whether it is for me as an individual, or the public. In conversation, I quoted the trite maxim, that, constitutionally, "*every wrong had its remedy;*" but, said my learned friend, "*if there is no remedy, there is no wrong.*" Now, holding, as I do, a just respect for my friend's judgment, I must boldly set my face against such dogma, and shall think my case peculiarly well calculated, should matters come to an extreme, to lay the foundation for a stout argument between the imperfection of law process, and the invincible fortress of abstract truth and justice. The nation does not contain other two men equally pledged to stand by this fortress as Lord Holland and Sir James Mackintosh—the successor of Fox, and the author of *Vindiciæ Gallicæ.*

It has been too much our misfortune in times past, that Parliament has shrunk from abstract and constitutional questions; but it is to be hoped that times approach when the most rugged and deep may be investigated; nor can there be presented one more inviting, more serious, and at the same time, more simple, than that which springs from the application of the Canadian Sedition Act to a

British subject. In speculation it is interesting: in practice it calls loudly for discussion and decision.

Respecting the great public question to which I have solicited the notice of parliament—the question of inquiry into the state of Upper Canada, as it concerns emigration,—that which should come home to the business and bosom of every benevolent member of society who desires to contribute to the relief of present distress;—respecting this, the lapse of time has afforded me no small encouragement to persevere; and I hope that others will, from determined events, be inclined to attach to my endeavours an increasing portion of importance.

Though I should have petitioned parliament to take the state of Upper Canada into consideration, merely to satisfy my own mind, that no duty on my part, was neglected to so grand a cause, and in conformity with a declaration made to the people of the province, that I would so act on my return home, I certainly would not have been sanguine of success, but from my hope that these endeavours would be backed by a commission from Canada. Last April I sent out copies of my STATEMENT, to be published in that country; and I also sent out copies of my CIRCULAR for the same end, with a short address to the people, informing them that I was steady to their cause; but that little could be expected till their representatives made a point of sending home a commission for inquiry. On my leaving the province I had full hope that by the ensuing parliamentary elec-

tion, the wretched creatures who constituted last assembly would be sent adrift; and since this volume was put to press, London newspapers (Statesman and Englishman) of the 6th and 10th September, have published an extract from Quebec and American prints, which will best satisfy my readers, as to the true position of political strength and opinion in Upper Canada, which will best contradict a gross falsehood, which, among many others, has been published in this country, as I have been credibly informed, under the authority of the Lieutenant Governor and Attorney General of the province, that "the number of his (my) followers are reduced *to a very few persons.*"

"CANADIAN AFFAIRS:—*We learn that the "late election for Members of Parliament for "Upper Canada, has terminated in the almost una- "nimous choice of persons who are the political "friends of Mr. Gourlay. It would appear from "this, that the popular voice is against the admi- "nistration.*"

This document should add some weight to the importance of my present endeavours,—give additional interest to my book,—and satisfy Lord Holland, and Sir James Mackintosh, that I have not been trifling with their valuable time.

Although I am very confident that my friends, now constituting the great majority in the Canadian parliament, will not neglect my advice, yet with their best efforts they may not be able immediately to send home the much desired commission. They have the power of withholding sup-

plies for public service, but they cannot raise any without the concurrence of the Lieutenant Governor and Legislative Council; and their predecessors, monstrous brutes! took from the people their natural right of meeting, to raise a subscription for sending home a petition to the throne.

By private correspondence, I have been informed of the desperate struggle made by the executive, to prevail over my friends at the late election, and they succeeded in some of the more benighted districts, so as to get seven lawyers returned*; who no doubt will confound reason, and retard the progress of common sense with all their might: still, sooner or later, the imperial parliament must be consulted; and I am sure it will serve no good purpose whatever, for our home ministry either to aid procrastination, or to oppose a full and fair investigation. This book, I trust, will clear the way, and sufficiently demonstrate not only the need for investigation, but give a view of the blessed consequences which may result from it.

Grossly and falsely as my proceedings in Upper Canada have been misrepresented, no candid reader will, I am sure, attribute bad motives to me, if he patiently peruses the following pages. As to the people of Upper Canada, they are loyal in the extreme, and their desire to continue in connexion with Britain, was verified by the free offering of their properties and lives. If they choose, they

* The Upper Canada Assembly of Representatives now consists of 40.

cannot be held for a moment in trammels. They are not circumstanced as we are at home. Why then should any thing like wanton contradiction be opposed to their wishes?—why should ministers provoke to passion, when reason dictates forbearance, when necessity pleads for mild and liberal measures, and when the right hand of fellowship is held forth,—when nothing more is wanted but inquiry, and nothing but the good of both countries could result from it?

Sir James Mackintosh has not *pledged* himself to call the attention of parliament to the affairs of Upper Canada, but he has said that it is highly probable he will, and he may depend upon it, that my local experience, and whatever else opportunity has furnished me with, shall be at his service for the occasion. He may depend upon it that the subject has treasured within it a rich reward for that man, whose love of doing good shall equal a sufficiency of talent to unfold and advance it to notice. Fifty years ago, when the first misunderstanding between Britain and her American colonies began to grow serious, what a world of mischief might have been prevented by timely notice, and by thorough investigation!—seven years war!—the loss of our fairest possession in the west!—the disgrace of our arms!—the engendering of an age of rancour! Surely, if the conqueror in war merits a triumph, benediction is due to the peace-maker,—to him who prevents animosity, and establishes a basis for harmony and Christian love.

As this volume proceeds, the reader, I am con-

fident, will be more and more satisfied, that no wanton or mischievous political interference,—no little, selfish interest has had any concern with my proceedings in Upper Canada. He will find that I had before me a vast scheme of practicable benevolence, and that I have substantial grounds for my zeal,—that my scheme, with the countenance of government, may easily, effectually, and speedily be put in execution,—that it would make good all that I have said above,—that it would for ever bind together Britain and her colonies.

My popular influence in Upper Canada could, were I willing, be so directed as to give even unnecessary trouble; but every principle which guides my conduct—every feeling which flows from my heart, would be in arms against any thing of the kind. I care not a farthing for popular influence; nay, by itself, I despise it, but as it may invigorate the progress of virtue and civilization. Saving a desire of having opportunity to maintain my honour, which a vile conspiracy unfairly deprived me of, and saving a wish to force on, by every honest endeavour, my scheme of benevolence, I have little care about Canada. Indeed I repeatedly signified to the people there, that my chief efforts were made, neither for them nor myself, but for the poor of England; and should government adopt my plans, or what part of them the liberal public shall approve, I am ready to stay at home, or go abroad, as they may choose—to be active or passive, just as may be required for the general good.

It grieves me exceedingly, that the strange and luckless situation in which I have been placed, has made it necessary to interlard my accounts of Upper Canada, and strictures on its political state, with any thing personal, as to myself or others, but there is no help for it. A mass of filth has been flung in my way, and I must, in duty, tread it down. However forced to digress, however irregular my progress may appear, the reader will still be able to perceive that my main object is never left behind.

Sir James Mackintosh has questioned whether the Canadian sedition act was not of itself an object of parliamentary attention; and, I suggested this to Sir James. I said, that the mere view of that act,—of its monstrous features, afforded sufficient ground for inquiry into the state of the province. Its mere existence speaks volumes, as to the spirit which has hitherto been at the bottom of Canadian policy, and though it may now be repealed, as I have heard it is, the very shade of its departed villany is worthy of study, that the future destinies of Upper Canada may be directed for good.

It is worth while to inquire into the circumstances which produced such an act;—what spirit could so long sustain it in existence, and what more vile spirit could apply it, contrary to every constitutional principle, to a British subject?

Can it be supposed that when such an act was passed, there was a single Canadian representative alive to his duty, or fitted for his post? No: not

one. Had there been a single man among them with eyes, or brains, or heart, at liberty, he would have proclaimed to the country its hazard of coming to disgrace by such enactment, even as applicable to aliens. Though we know that public spirit never would have permitted such filthy legislation to be recorded at home, we have sufficient evidence at the present time, of the dire spirit of our ministry; and there can be no doubt but the provincial statute before us was framed in the cabinet of London, and sent abroad to be palmed on the poor sycophantish witlings of the province, by some *pawkie*, well paid-politician, perhaps trebly installed in power, with a seat in the executive council, a seat in the legislative council, and on the bench. Yes, yes, a provincial judge pang-full of ministerial influence, and *knowing* in the secrets of his calling, was equal to such a task; and another, when occasion required, could, easily, with the instrument of tyranny prepared for him, with the aid of an unprincipled, callous-hearted sheriff, and having the advantage of pack't, ignorant and spiritless juries, consummate any degree of wickedness,—could ruin, by it, any liege subject of the King, and put in disarray the proudest boast of our constitution.

Had the Canadian representatives been simply fools,—simply blind and heartless, they would not have enacted such a law; but they were stupid, and blind, and unfeeling, from their whole thoughts being, under the system which controlled them, intent only on *self;* and what else is it which, at this very time, is moving on our ablest statesmen

our brightest orators, our noble peers, our grave judges, and our right reverend bishops, in a course of infatuation and madness, which no age ever before witnessed? Thank God, the prevailing spirit of Englishmen, has revolted at the experience of such awful proceedings, and ministerial power has, at the climax of its fury, broken down in weakness! may we hope, in despair? Oh! let me again exclaim, how blessed will be the event, if cautious, peaceful, manly conduct takes advantage of present experience,—if the most generous hearted people upon earth hold together,—if they, by concert, moderation, and charity towards each other, ensure a thorough change of system in the government of our country. What do we want with government but utility? Why should we be vexed with non-essentials? Why should we doubt that the *desideratum* for perfect government is CHEAPNESS and SIMPLICITY?

We know that human nature is, in every age and country, the same, ruled and diversified only by circumstances. We have no proof of its being above temptation; and all experience demonstrates that nothing but general interest, aided by knowledge, can hold down individual selfishness.

For two hundred years advances to freedom and civilization have been sure, though slow. We gained something at the reformation: we gained something at the revolution: and we have something yet to gain. The progress of British liberty gave motion to liberty all over the world. It has advanced throughout Europe: it has prevailed in

America; but here we may confidently hope fc its finest display; for here superior knowledge an refinement can give lustre to meridian light. Th country, which is the subject of this work, has a forded striking proof of the weakness of mere ir stitution. Embosomed in the United States—i the very arms of independence, it has becom degraded and enslaved;---it has become contemp ible by the contemptible conduct of the people representatives.

The boon which Britain gave to Canada, in h constitutional act, was pure and efficient; but th influence of undue patronage and power in the e: ecutive government were forgotten, or winked a in the midst of poverty and ignorance. The peop of Upper Canada, with a perfect representatio had all that could be desired, had their represent tives been wise men, and proof against temptatio They were neither. They not only allowed th act before us to be recorded on their statute boo but several others of the most nauseous characte and, latterly, while I was among them—when th utmost servility to the governor was aided b personal pique towards me, were guilty of mea ness and treachery altogether beyond exampl They not only sanctioned a permanent law for pr venting the most peaceable description of meeting without even a green bag apology; but justifie the governor in sending home, to the foot of th throne, documents libelling the great mass their constituents, and impressing a belief that the only " waited for the moment of their strength

the moment of revolt." I repeat, with all due sense of delicacy and decorum—what brutes! nay, they are even more vile than the beasts of the field, who make barter of public liberty.

Before going out to Canada, no one was more heartily sick of boroughmongers than I; but since my experience of crown influence among a benighted people, I feel inclined, with a sort of instinctive yearning, like that of the dog to his vomit, to throw myself, not only with hope, but transport, into the arms of our dear boroughmongers. Knavery itself has charms, when bedecked with talent, and graced with gentlemanly manners; but when low-bred storekeepers, pettyfogging lawyers, and stupid clodhoppers, enter into conspiracy against truth, common sense, and modesty, no man should boast of temper and patience, for that species of oppression is generated, which, Scripture tells us, " makes a wise man mad."

The more to attract attention to the Canadian Sedition Act, I have caused it to be printed conspicuously, and I would have the reader again to peruse and study it, that he may have a just sense of the narrow-minded, weak, and abominable policy which has hitherto guided our provincial government.

The act commences with setting forth its object, viz.: the protection of his Majesty's subjects from the insidious attempts and designs of evil-minded and seditious persons: giving, by-the-bye, in the very distinction of terms, no small proof that it was never meant to make his Majesty's subjects liable

to its controul. The local situation of Upper Canada exposes it to the inroad of aliens of all nations, who, having no tie of allegiance or affection to Britain, may thence be suspected of evil designs; and for that reason terrors may be held out to keep them at a distance; but for British subjects to be suspected, and made liable to penalties on mere suspicion, is contrary at once to nature and the spirit of our constitution. It is more especially absurd, when we consider that the law was expressly made for *their* protection; and that for *their* benefit, generally, the province received its constitution.

But, how shocking is it that any man, even an alien, should be exposed to slander and arrest, at the mere capricious will of others? "*Just* cause" of suspicion is, indeed, alluded to; but no rule is laid down by which the justness of the cause can be ascertained. An individual is scandalized, he is arrested, and a process goes on which, in spite of the utmost purity and innocence, consigns him to ruin. Think, for instance, of my aggravated case. It clearly appeared at my trial, that William Dickson had a consultation with Swayze the day prior to that wretch making oath that I was a seditious person; and Dickson's spite towards me was notorious. Swayze is so thoroughly ignorant (he can scarcely write his name) that, of his own accord, he never would have thought that the law in question could, by help of his swearing, be made an instrument to my hurt; and I hold in my possession a printed paper, which was manifestly publish-

ed as a lead to the perjury. Now, only think of the farce; after all this studied contrivance to entrap me, of my being brought before Wm. Dickson, my inveterate personal enemy, who had been accessary to accusation, and who had not only told a large company present, that "in his opinion, I was a man of desperate fortune, and would stick at nothing to raise insurrection;" but had some of his particular friends ready to declare similar sentiments, upon his formally putting the question. Only think of the monstrous insult to reason and decency, that I, after having resided in Upper Canada for more than a year,—after being twice honourably acquitted from most wanton charges of publishing seditious libel, the first of which I had good reason to believe originated in Dickson himself,—that I, well known to be a native-born subject of Britain, should be brought before this man, and be obliged to give *him* "full and complete satisfaction that my words, actions, conduct, and behaviour were *not* intended to promote or encourage disaffection." Before I can open my mouth, the stomach of this my judge is overflowing with gall and bitterness. He holds in his hand the affidavit of his own insidious intrigue, and then bids me prove a negative, when he knows that ten thousand negatives would go for nothing!

But mark how this odious statute proceeds to add insult to injury. After its victim has suffered condemnation under it, he may be "*permitted*," if thought expedient by the tyrant executor, to remain in the province, good and sufficient security

being required to the satisfaction of the said tyrant for the good behaviour of the condemned: but after this security is given, should the envy, the jealousy, or the caprice of the tyrant revive, all security to the condemned goes for nothing. He is still subject to be scandalized, arrested, sent out of the province, or imprisoned, without benefit of bail, only for the purpose of being subjected to a mock trial.

Having thus far commented on the Canadian statute, I shall present to the reader the British Alien Act, which Sir James Mackintosh is reported to have brought into comparison with it, saying that the Canadian statute "*went somewhat further.*" The British act became law 10th June, 1818, with continuance till 25th March, 1819. It was thence continued, by bill, till 25th June, 1820, and then again renewed until 25th March, 1822. It stands thus among the statutes at large:

58 GEO. III. CAP. 97.

An Act to prevent Aliens, until the 25th Day of March 1819, *from becoming naturalized, or being made or becoming naturalized, or being made or becoming denizens except in certain cases.* 10*th June,* 1818.

WHEREAS it is expedient that for a time to be limited Aliens should not be, or become naturalized, or be made or become denizens, except as hereinafter is provided Be it therefore enacted by the King's most excellen Majesty, by and with the advice and consent of th Lords spiritual and temporal, and Commons in this pre sent parliament assembled, and by the authority of th

same, that from and after the passing of this Act, until the 25th day of March, 1819, no Alien shall become a naturalized subject, or be made or become denizens, or become entitled to the privileges of a naturalized subject or denizen, in any other manner, or by any other authority than by any act which may hereafter be passed by the parliament of the united kingdom of Great Britain and Ireland, or by letters of denization, hereafter to be granted by his Majesty, his heirs and successors, any law, custom, or usage to the contrary notwithstanding: provided always that nothing herein contained shall extend or be construed to extend to affect in any manner such right to naturalization or to denization as any person, in case this act had not passed, might acquire or would have acquired, by virtue of any act or acts of parliament, made for encouraging seamen to enter into his Majesty's service, or for naturalizing such foreign Protestants as shall settle in any of his Majesty's colonies in America, or for naturalizing such foreign Protestants as shall have served, or shall serve in his Majesty's forces, and for the encouragement of the fisheries.

As Sir James Mackintosh presented my petition merely for form's sake, there could be little harm in his comparing the above Alien Act with the one in question; and I shall make advantage of it to infer that his doing so proceeded from a conviction that both acts were alien acts. I hope that Sir James, by another day, will not only be convinced of this, but maintain the fact before parliament, with his admirable powers of reasoning, and all the patriotism displayed in 1791. Saving this ground for comparison, that both the British and Canadian acts were applicable only to aliens, there is as much for comparing an angel of

heaven to Belzebub. The British statute contains not a word, far less a sentiment, that is improper or offensive; but we can scarcely read a line of the other without contempt, disgust, or indignation. To distinguish the mighty difference, let us take the words of Sir James Mackintosh, and improve upon them,—let us *somewhat farther* stretch comparison. The British act civilly informs aliens, that, for a few months, it is expedient to forego our accustomed liberality of admitting them to naturalization. It does nothing more; and the dislike of doing this is manifested by the short periods to which, from time to time, the act is limited. Our legislators seem ashamed of being ungenerous to strangers for any length of time; but provincial legislators bar the door of good will and hospitality for ever; nor can the Canadian people re-open it, but at the pleasure of a lieutenant-governor, and legislative councillors of his appointment.

An unsuspecting stranger may find his way to Upper Canada: he may roam delighted on the banks of the St. Lawrence: he may recline at ease on the shores of Ontario, and have every care lulled to rest, while his eye is intent on the charming expanse of its still and pellucid element: he may be wrapt in extacy of bliss, gazing on the most sublime and beautiful of nature's scenes—the rapids and falls of Niagara: he may be saying, "hither shall I bring my wife and family—to this paradise shall I invite all my friends—in this fine and abundant country shall we take up our abode" —When, lo! snakes spring from the grass—rattle-

snakes and adders. Dickson, Claus, and Swayze, have eyed his gestures—have envied the raptures of his soul—have resolved to blast his too sanguine expectations. The fiends seize upon the happy man—the stranger: they slander his character; they mock, they imprison, and banish him: his good name is gone for ever, and the remainder of his life must pass heavily away in sadness and sorrow. This is "*somewhat further*," with a vengeance.

Should Sir James Mackintosh honour these pages with perusal, I think he will smile with reflection on the comparison unwittingly made by him, and that he will most heartily endeavour, next session, to assist me *somewhat further*.

It is my solemn belief, that in him and Lord Holland, I have chosen the very fittest men of their respective Houses, to bring on investigation concerning our colonial policy. Every body knows that it is horrible, not in Upper Canada only, but over the whole globe; while there is not the slightest necessity for its being so. Mankind do not require cruel and tyrannical laws to govern them. Let but their interests be studied, and they may safely be held in subjection with a thread. Of all places in the world, Upper Canada should be the last for the exercise of illiberal and severe policy. That country can never be guarded by penal laws, nor rendered secure by oppression. Freedom, and finally independence, must be its lot; and, with liberal institutions, the devil may

be allowed to walk to and fro in it, with perfect safety to government.

There are too many who content themselves with the belief that religion is the sole hope of man's improvement, and so it is, rightly understood; but we find those to whom I allude using the word religion, for the indulgence of indolence, or, still worse, for inculcating through its perversion, passive submission to established wrong. It is my opinion that activity is essential to religion, and that those who are its real friends will exert themselves to render law conformable to its maxims, especially to that which inculcates charity. If law carries in its front a glaring contradiction of this:—if it fosters malignant passions, countenances wickedness, and affords protection to the perpetrators of crime, how vain to preach up morality as duty, and faith as our only hope! Were law the pure offspring of religion—the simple corrective of natural infirmity, how admirably would it consort with religion, and establish good will among men! How soon would obedience to duty become our first principle of action, and faith the guiding star of every movement! Charity and love are the genuine supports of religion; but in all its declarations, in all its sentiments, in all its provisions, and in all its consequences, how grievously does the Canadian statute counteract and destroy these Christian virtues! No true Christian could have had a hand in framing such a law,—no spirit but malevolence could have

subjected me to its operation; and, subjected to its operation, it is scarcely possible to keep down the risings of malevolence.

When I look upon this law, and think of the villany which must have concocted it, the evil it contemplates, and has realized, I must confess my struggles to suppress unchristian feelings are ineffectual: my animal spirits boil within me, and my nerves become relaxed with excess of exertion. I am no longer myself: I am at once indignant and impotent; and perhaps these pages give proof of it. The reader can have no adequate perception of such feelings: he knows not the sacrifices I have made: he has not had my experience: he has not shared my afflictions: he does not know, and cannot conceive, the perfect purity which has ever actuated my public conduct, nor the extent of benevolent design which stimulated my exertions in Upper Canada. One only cheering hope sustains me, that, in the end, my misfortunes may assist in calling attention to that luckless country, and to the plans I have formed for rendering it at once an asylum for distress, and the abode of peace and prosperity.

The most execrable feature of the execrable statute before us, is deceit. It openly brandishes one weapon, but hides another to suit convenience in the attack of an unsuspecting victim. When I was arrested and ordered to depart the province of Upper Canada, I never for a moment suspected that the offence charged, was not that for which I was to be tried at the assizes, after enduring

imprisonment. Having long before made up my mind, and heard it acknowledged, that a British subject could not lawfully be affected by the act*, I never thought of critically examining its letter, far less of searching in it for quibble. I had been accustomed to regard with reverence all written law, so far as *good intention* was concerned, and never for a moment doubted it. I suffered myself to be imprisoned, in the full hope that I was to have opportunity of pleading against some specific charge, constituting the ground of Swayze's oath; and an alien might, from a similar impression, have resisted an order to depart. Under all circumstances, and with such impressions, it was not only prudent, but incumbent on me to

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* Sir James Mackintosh enquired of me if the act had ever before been put in force against a British subject, and certainly it never was, though often resorted to for the purpose of frightening alien Americans out of the province. The distinction of right, between aliens and British subjects, in Canada, is strongly marked. An alien, for instance, cannot open a shop without first having the oath of allegiance to the king administered to him, and many have left the province, because of this being refused. A British subject, on the contrary, may not only commence business, but be elected as a member of the Canadian parliament, by right of birth, and natural allegiance, provided he holds landed property in the province, to the extent of 400 acres. He must take an oath, prior to taking his seat, as members of the Imperial Parliament do; but this in no way affects his general claims. In the same way, a British subject must go through the ceremony of taking the oath of allegiance, prior to receiving a grant of land. A British soldier takes the oath of allegiance; but is equally before and after entitled to all constitutional protection.

submit, rather than to leave the province in disgrace; and I still thought so, even after being refused liberty on my suit of *habeas corpus*. I was not indeed sanguine of success in this way, believing that the conspiracy against me had been formed with the connivance and will of the higher powers of the province, and with a view of making me stoop to the governor. However false, however infamous the charges against me were, still they were official: they were made before the public, with all the parade of form, after I had been arrested by the sheriff, and forcibly carried before my enemies. There was no alternative for me but to suffer imprisonment, in the sure hope of a third honourable acquittal; or to give up all my fond hopes of settling in the province. The nature of the business which I was to follow (land agency), was such, that the mere acknowledgment that I had obeyed the order to go away, would have been a bar to its practice: for under such acknowledgment, I could not invite a single individual to emigrate from Britain to Canada. My hope of a trial, for alleged crime, was so thoroughly riveted, that I declare before God, when the course which was ultimately adopted, was first spoken of, some months after I had been imprisoned, my mind so revolted at the idea, that I never was able to reflect on the subject; nor did I know the verbal quibble upon which my indictment was founded, till six weeks after trial, it was pointed out to me by a gentleman of Montreal, on my way home. It was then, for the first

time, that I learned that the word "*offence*," used in the statute, could, at will, be applied either to an act of sedition, or to the mere refusal to obey an order.

As I do, and shall continue to protest against the whole proceeding, so do I maintain that *somewhere* I ought to have redress. As a British subject I never was fairly liable to the operation of the Canadian statute. Every step taken against me was illegal and unconstitutional—my arrest—my imprisonment—my trial. It is absurd to suppose that I should quietly suffer myself to be imprisoned, with any view but that of having my character cleared from aspersion; and as to consenting to trial, it is what I never should have done in health, and with my mind untroubled.

Such a case as mine can never be subject to ordinary rules. The common course of law process can never in justice be regarded, if that course has in the first place been grossly misused if my right of freedom, on application by *habeas corpus*, has been denied, if all was illegal and unconstitutional, and if undue rigour was used, so as to cut off the hope even of a formal protest being taken against the proceedings of the court. And, here again, is a difficulty attached to a strict adherence to the course of law, for I know not in the most regular protest could have availed. What would it avail for a murderer to protest against his trial? When an indictment is found, the trial must proceed, and the jury has only to declare as to the fact alleged. It is impossible, I think, that Lord

Holland, should he take my case into serious consideration, will still give me no hope, but in "the common course of law." He must consider it as one every way entitled to parliamentary interference; and this interference I shall petition for, if I am denied redress by the King in Council. The redress which I want, is to bring me no sure benefit: it is to give me the liberty of returning to Upper Canada, with a declaration of the law officers of the crown, or parliament, that I was not subject to the Canadian sedition act: it is only to give me what is fair, an opportunity of challenging trial, and of prosecuting those who have maltreated me. This I shall have, or consider myself no longer bound by allegiance, or in any way pledged to perform public duties, otherwise incumbent upon me. The British parliament can undoubtedly control the errors of the Canadian parliament. They made the law under which it is held: they can amend or repeal it: they can declare the principles of that law where there is doubt, or undo what is done contrary to such principles.

Having set forth the extreme wickedness and deceit of the precious morsel of legislation before us, towards the objects of its wrath, it is worth while to note how carefully it has guarded its executors from harm. In British statutes we find a similar clause to that which, in the Canadian statute, awards treble costs to be paid by a plaintiff, suing against an executor of law; but in these there is no difficulty thrown in the way of prose-

cution, nor any perplexity as to the point of law; while it is very right to punish severely, wanton opposition to the clearly expressed duties of executive authority. By the Canadian statute, a person must hasten out of the province, or be imprisoned before he can complain of injury: he must commence his suit in prison, or banishment; and he cannot commence it with certainty, that it is commenced within the limited period of three months; for the offence charged, may, at the will of the defendant, be either that of refusal to leave the province, or some other offence committed, more than three months prior to laying the charge: it may be an offence too, such as libel, merely depending upon opinion. If the plaintiff has commenced prosecution for false imprisonment within the limited time, and the opinion of the jury on the libel process goes against him, then to banishment, he must add the payment of treble costs: or his trial may not come on to acquit him from a groundless charge, till after the time limited for his prosecuting for damages is expired, during which, uncertainty may have rendered it prudent to abstain from commencement.

Knowing, as we do, the violence of human passion, we often find excuse for crimes of the most flagrant nature; but when we survey the act of parliament in question, and consider that passion had no concern in its fabrication: that it was the result of cool and slow determination: that it should have emanated from a pure mind, and have breathed the true spirit of our religion

and constitution, with what horror do we mark, almost in every line, something unchristian, unconstitutional, wicked, deceitful, atrocious!

If it is necessary to guard any country against seditious attempts, if it is necessary to give extraordinary powers to executive authority, why have recourse to false swearing? why have any form of trial, as to undenied fact? why suffer even an alien or outlaw to be wantonly assailed with unproved charges of crime? why not have a simple law, empowering magistrates to take suspected persons at once into custody, and fling them, like so much dirt, out of the country? Such a law, clearly proclaimed, would be honest; and they who came within its reach would have themselves to blame; but here is a law which muffles itself up in ambiguity, and which has dived into hell for snares to entrap the innocent and unwary; which has arrayed its hypocrisy in pretensive forms—provisions for the safety of its executors, and mock provisions for redress to its victims. I say that the mere view of such a law, even though it may now be repealed, is quite sufficient to induce inquiry into the causes which produced it, and kept it staring from the statute book of Upper Canada for fourteen years. Its mere remembrance is sufficient to prove the vicious policy by which the province has been ruled, and was ruled up to the period of my quitting it.

Weakness is the almost uniform concomitant of vice; and most glaringly does this appear in the Canadian statute, whether we consider what it con-

templates, or has effected. How easily could thou-sands of aliens, or others, having seditious designs, steal into the province, and, by renting tenements for six months, unknown to government, yet be-yond the action of this law, and free of the bond of allegiance, remain to design and attempt what they choose. As to removing me, what has been gained by it? Even without licence from govern-ment, I can yet take my stand at Montreal or Que-bec, and cautiously conduct more deadly machi-nations against colonial administration than I have yet done: nay, were I an enemy to British rule circumstanced as I now am, and robbed of tha protection to which natural allegiance entitled me I might, without the guilt of treason, place mysel on any part of America, opposite the Canadian frontier, wage a war of words, in time of peace against British interests; or advance, in the even of war with the United States, into the provinces and have the indisputable right of assailing then with fire and sword. What good has the zeal o Messrs. Dickson and Co. done to Upper Canada Has it increased the value, or strengthened the se curity of property? has it rendered the peopl more contented or happy? has it tended to attrac to the province wealthy and respectable emigrants Quite the reverse; nay, even to themselves it ha laid up no enviable store of consolation. One ad vantage to the public has been gained by it; and i is this, that we are now assured that no law can be s villanous as not to find villains for its execution.

(The printing of this General Introduction was suddenly broken off the beginning of December, 1820, by a melancholy occurrence, of which an account will be given below. It is recommenced this Day, the 22d of September, 1821.)

HAVING discussed a subject of the most odious kind, but which could not be passed over either in duty to myself or the public, I shall now proceed to develop the principal design of this work, and must entreat the reader's indulgence, while I recount some circumstances of my own history, which led to the conception of it.

Through life, I have been enthusiastic in my pursuits; and for the last twenty years my mind has had a leading regard to the greatest evil which overshadows the fate of England—the system of the poor laws. When a young man, having time and money at command, I travelled over England for fifteen months together as an agriculturist, and during that time became acquainted with the late secretary to the Board of Agriculture, Mr. Arthur Young. One day, in conversation with him, we hit upon a subject to which each of us had devoted peculiar attention. My father, and indeed my grandfather, had been in the habit of letting out small portions of land on a kind of perpetual lease, called in Scotland a *feu*, to labouring people, whereon each man might build a dwelling-house, and enjoy the convenience of a garden. I had marked the wonderful influence which the possession of such a little property had upon the

characters of the people, giving them a superior degree of consideration among their neighbours, more steady habits, and more persevering industry. I had noticed with what serene delight a labourer, especially of the sedentary class, would occupy himself in his garden at hours not devoted to his trade, and I had calculated what an addition, as well to individual as to national wealth and happiness, such economical arrangements, generally adopted, might produce. Speaking of this to Mr. Young, he mentioned to me a scheme he had in view, to provide the people at large with a little land, and descanted on the great advantages which the poor in some parts of England derived from the occupation of such a portion as enabled them to keep cows. A general inclosure bill was then in contemplation, and Mr. Young was anxious to have his views so far realized, by introducing into the bill a clause by which a portion of land sufficient to keep a cow should be secured to each man in lieu of his ancient common right of pasturage, &c. To establish the fact that labourers really derived benefit from keeping cows, and that those who had the benefit, required little or no assistance from parish funds, he asked me to make a journey into the counties of Rutland and Lincoln, where the practice prevailed of letting the poor have land and cows. I went, but after a little inquiry and reflection, being ashamed of plodding about merely to prove a truism, retraced my steps, and expressed a desire to relinquish the undertaking. Mr. Young, however, was now more keen than ever that I

should complete his design. Nothing else, he said, was wanted to make good his point but the authority of names, and certain simple facts well authenticated. I complied, and spent two months much to my own satisfaction, having access, by a general introduction, to all, from the pauper to the peer; but obtained nothing for the Board of Agriculture which could do me credit, or strengthen any hope of success for the grand and benevolent purpose of the secretary.

As to the claim of poor people to a suitable portion of land, or other equivalent on the inclosure of a common, whereon they or their fathers had enjoyed rights of pasturage, &c. time out of mind, it was positive and clear, independent of any special benefit which they derived from these; and to have passed a general inclosure bill without a provision in lieu of such ancient rights, would have been a dangerous experiment.

With respect to the introduction generally through the kingdom of Mr. Young's scheme, there were obstacles which I was assured would never be overcome by the nerveless faculties of the Board of Agriculture, even though the scheme were of itself unobjectionable, which it was not.

Although I collected for Mr. Young abundant evidence to substantiate his simple position, and so arranged it, as, at one glance, to exhibit satisfactory results, my anticipations of what would be done were too truly verified. The general inclosure bill was indeed brought before parliament by Lord Carrington, the president, but this bill speed-

ily went down to rise no more; and perhaps the dread of bringing into public discussion any question as to the common rights of the poor had no small weight in sinking it. Since that period the process of inclosure has gone on by bills for individual parishes and commons. Year after year, multitudes of these have been inclosed, without regard to the claims and complaints of the poor, who have been robbed of their rights, and who, from various causes, have been sinking gradually into a state of abject dependence on parish aid, deprived of property, and finally careless of its enjoyment. Year after year, and at this place and that, the poor, seeing themselves unjustly deprived of advantages which they had inherited from time immemorial, grumbled, rioted, and were put down. The process stealing gradually on, the strength of the mass was subdued piece-meal; and, finally, a change was effected, in the condition of English labourers, through a variety and succession of causes, but little reflected on or noticed by political economists and writers on the poor laws.

While I despaired of seeing any thing effectual accomplished by the Board of Agriculture, and was justified in my opinion by results, impressions as to the necessity of changing somehow the system of the poor laws became more and more riveted in my mind. My experience in Lincolnshire and Rutland—my conversations with the poor themselves—with the farmers and land-owners every where throughout England: my inspection

of parish records; and observations made on the habits and manners of the people, altogether considered and put in contrast with what I knew of these in Scotland, induced reflections, which though they could then reach no satisfactory conclusion, determined me to follow out a study of such infinite importance; and I actually resolved to shape the course of my life for this express end. I resolved, after a few years' residence as a practical farmer in Scotland, to remove into England for a term of years, deliberately to study the causes of difference so very great and manifest between the lower orders in the one, and the other country. In the one, labourers were independent and improving their condition, even in the face of growing taxation: in the other they were verging to extreme poverty and degradation, while all was flourishing around them. In Scotland it was more generally the custom to accommodate farm labourers with cows than in England, but this was very far from constituting the difference which existed between the people of the sister kingdoms. It had, in fact, little to do with the matter, and was rather a consequence than a cause.

Untoward circumstances disturbed the order and harmony of my plans, but still I followed them out. I settled in Scotland for six years, occupying one of my father's farms, then removed into England, and never lost sight of the great object on which I had fixed my eye.

The year after I returned from my tour in the South (1802), and after the general inclosure bill

was laid aside, Mr. Young, still musing on his scheme of providing land for the poor, published, in his Annals of Agriculture, some undigested notes, which I had furnished him with: introduced them with a narrative, and attached my name, as if the whole had been written and prepared by me for publication. After doing this, he despatched to me, in Scotland, a manuscript sent him by a third party, controverting the validity of my proofs; and I, resenting alike the sophistry of my opponent and the unfair liberty which Mr. Young had taken with my name, made reply, sparing neither him, his correspondent, nor the Board of Agriculture; and, to make the matter worse, this was also published in the Annals, with words altered, and sentences withheld. It was every way provoking to me, and much as I admired Mr. Young in many respects, obliged me to drop his acquaintance.

I had hoped that the awkward display in the Annals would be little noticed; but here again I was disappointed. Mr. Malthus soon after published that edition of his Essay on Population, which attracted such general notice, and in this he referred to the publication in the Annals of Agriculture, to which Mr. Young had set my name; and which, as it stood, made me appear as an advocate of his system of providing for the poor, which I never was *.

* In Mr. Wakefield's Statistical Account of Ireland, Vol. 2,

Mr. Malthus has very properly pointed out the insufficiency of Mr. Young's proposal as a general remedy for the evil of poor laws; and, besides this, it is palpably impracticable, as a scheme that could be legally enforced throughout. The quantity of land requisite to keep a cow varies, according to soil and situation, from two to twenty acres, or more. In some parts of the country adapted to pasturage, the practice could easily be adopted; and so it is in Lincolnshire and Rutland. In other parts it is very different. To afford every individual land sufficient to keep a cow is indeed out of the question. It would neither be economical for the nation, nor beneficial to individuals, in proportion to the waste. Milk is but one of many articles in housekeeping; and several others are equally necessary, and more essential. Were law to provide for each man an independence, as to the supply of milk, why not ensure the same of bread—of flesh—of raiment—of fuel? Why

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p. 812, there is the following note, manifesting the wrong impressions which had been made by Mr. Young's publication.

"NOTE. This was written after I had read Mr. Gourlay's account of the cow system in some parishes in Lincolnshire, see Annals of Agriculture, Vol. 37, p. 154. From my personal knowledge of that gentleman, I am inclined to pay very great attention to his opinion, for few have seen so much of England in a practical way as this intelligent North Briton; but I am not convinced of the benefit of the system, and did the nature of my work allow me, I should readily give my reasons for dissenting from his opinion."

not introduce agrarian law, the most frightful of all political expedients?—But it is more than law can accomplish; and if law cannot prevail, it is needless to preach up advice to land-owners, to make gratuitous offerings of land and cows, when circumstances admit of it.

Clear as this may appear, it is a curious fact that Mr. Young, a man who at one time gave evidence of the soundest faculties, should have got lost in confused reverie. Till the day of his death, he seems to have brooded over the scheme of making public provision of land and cows for the poor, as practised in Lincolnshire and Rutland. In the book entitled, "AGRICULTURAL STATE OF THE KINGDOM," printed by the Board of Agriculture in 1816, suppressed, and then brought before the public by a surreptitious edition, of which, no doubt, Mr. Young was the compiler, a chapter is dedicated to the subject of land and cows, and the result of my inquiries in 1801 are brought forward by way of proof. In the Farmer's Journal, too, of 16th September, 1816, there appeared an article written by Mr. Young, calling attention to the same subject. These publications are curious, as marking the continued bent of Mr. Young's mind—a mind which at one time was powerful, lively, and comprehensive; which saw that something was wanting for the comfort of the poor; but never could strike with decision upon any scheme, at once practicable and efficient, which could be generally introduced under the authority of law. It is

worth while to keep on record the sentiments and wishes of such a man as Mr. Young, for their own sake; and as they may impress on the minds of my readers a stronger disposition to attend to my own schemes for the relief of the poor, I shall copy out, below, the articles I have alluded to*.

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* "In the year 1800 the Secretary of the Board was directed to employ the summer in examining the effect of a great number of parliamentary enclosures, as well in respect to the interest of cottagers, as to those general beneficial results well known to flow from the measure of enclosing; and as it appeared upon that inquiry that many cottagers were deprived of the benefit of cows without any necessity for such deprivation; the Board, in order the better to understand the question, despatched a person in 1801 for the express purpose of fully ascertaining it in the two counties of Rutland and Lincoln: the report of that journey was one of the most interesting mémoirs ever laid before the public, and proved unquestionably the immense advantages resulting from the system, to the landlord, the farmer, the cottager, and the public."

See page 8th of "AGRICULTURAL STATE OF THE KINGDOM," published by Sherwood, Neely, and Jones; 1816: and again in page 12th.

"The person employed by the Board, and who examined above forty parishes minutely, gives the following general result:

"Seven hundred and fifty-three cottagers have among them 1194 cows, or, on an average, $1\frac{1}{2}$ and $\frac{1}{13}$ cow each. NOT ONE OF THEM RECEIVES ANY THING FROM THE PARISH! even in the present scarcity. The system is as much approved of by the farmers as it is by the poor people themselves. They are declared to be the most

Mr. Malthus, who so ably refutes all the silly objections to his theory of the principle of population, and shews the inconsistency of Mr. Young's writings on the question of giving land and cows to the poor, says, " I have indeed myself ventured

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hard-working, diligent, sober, and industrious labourers who have had land and cows, and a numerous meeting of farmers signed their entire approbation of the system. In the abovementioned parishes, rates are, on an average, 17½d. per pound; and but for exceptions of some families who have not land, and of certain cases and expences foreign to the inquiry, they would not be one penny in the pound.

" In nine parishes, where the proportion of the poor having cows amounts to rather more than half the whole, poor-rates are 3½d. in the pound.

" In twelve parishes, where the proportion is less than half, but not one-third, poor-rates are 9¼d. in the pound.

" In ten parishes, where the proportion is something under a fourth, poor-rates are 1s. 6d. in the pound.

" In seven parishes, where the proportion is but nearly one-sixth, poor-rates are 4s. 1½d. in the pound.

" And in thirteen parishes, where few or none have cows, poor-rates are 5s. 11d. in the pound.

" The poor in this considerable district being able to maintain themselves without parish assistance, by means of land and live stock, and to do it at the same time so much by their industry and sobriety, and consistently with an honest conduct, *clearly marked by the entire approbation of the system by the farmers, &c. their neighbours,* is a circumstance which, well considered, does away a multitude of those objections and prejudices which we so often hear in conversation."

to recommend a general improvement of cottages, and even the cow system on a limited scale; and

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FARMER'S JOURNAL, 16TH SEPTEMBER, 1816.

On the State of the labouring Poor.

Bradfield Hall, Sept. 2d, 1816.

Sir,

THERE never was a period in which the condition of the labouring poor in agriculture demanded more particular attention than the present. The difficulty of finding employment with farmers who can scarce pay their rents, and among whom there are many who cannot pay it at all, is such, that the distress is not only great, but general: much has been spoken and written upon this subject; many ideas suggested and plans proposed for relief, which are either impracticable in themselves, or too difficult to be adopted: probably the truth is, that no plan whatever is well calculated to meet the evil under all its aspects: every variety of situation may demand a variety in the means of relief, and therefore the more numerous the proposals the greater the probability of their being applicable in specific cases. It is astonishing to me that in the various publications which have issued from the press on the subject of agricultural distress, none of their authors appear to have searched for cases exempt from the common calamity:—are any such to be found? Now, Sir, it is with great pleasure I have to inform you that such cases do exist at present, have existed for many years past, and stood the test of the two scarcities. A most minute description of them was published in the Annals of Agriculture (vol. 37, page 514), by a gentleman employed by the Board of Agriculture, expressly for the purpose of examining minutely into every circumstance attending such

perhaps with proper precautions a certain portion of land might be given to a considerable body of

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cases, and who travelled through an extent of nearly one hundred miles of country, abounding with a great number of instances, upon the whole sufficient fully to ascertain the effects of the plan pursued. In the counties of Rutland and Lincoln the practice is to attach land to cottages, sufficient to support that number of cows which the cottager is able to purchase. They are tenants to the chief landlords and not sub-tenants to farmers; yet these latter are very generally friends to the system: well they may be so, for the poor-rates are next to nothing when compared with such as are found in parishes wherein this admirable system is not established.

In the late minute inquiries made by the Board of Agriculture into the state of the labouring poor throughout the kingdom, many persons were written to who reside in the districts where this system is common, and it was found by their replies that the practice stands the test of the present distress as well as it supported the opposite difficulties of extreme scarcity. It is much to be regretted that so admirable an example is not copied in every part of the kingdom; and should a committee of the House of Commons meet in the next session, pursuant to the notice given by Mr. Curwen, it will be strange indeed if they do not call before them the persons residing in those districts, who are most able to give them full information relative to a system which has stood the test of such long experience, and encountered the difficulties of the most opposite tendencies. In those counties where no such practice is met with, it is very rare indeed to meet with a labourer who has saved any money: their reliance is entirely on the parish; and their present earnings dissipated in the alehouse: not so in Lincolnshire. The man who wishes to

the labouring classes. If the law which entitles the poor to support were repealed, I should most

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marry saves his money to buy cows; and girls who design to have husbands take the same means to procure them: sobriety, industry, and economy, are thus secured; and children are trained from their infancy to the culture of a garden, and attending cattle, instead of starving with unemployed spinning wheels.

No object can better deserve the attention of men of considerable landed property: if some change of management, decisive in its nature, does not take place, poor-rates will continue to increase till they will absorb the whole landed revenue of the kingdom. At the present moment they are rising in a manner that ought to alarm every proprietor of land: and this not to assist or support such objects as were described in the 43d of Elizabeth, but hearty, strong men, in the full vigour of life, which must be considered as so absolute an abuse of the system, that not one session of Parliament ought to pass without some effective remedy being applied. It is a question whether Mr. Curwen's proposed parochial committees can answer the great end which every one ought to have in view: to transfer those debates upon questions really political, from the House of Commons, to parish Committees, composed of men, on the one side, solictious only to pay as little as possible, and on the other, to receive as much as possible, may be productive of continued discord; but does not promise any beneficial settlement of that variety of questions which must necessarily come before them. I cannot but be much inclined to think that an act of Parliament for limiting the demands for parish assistance might be framed, which would be far more effective. It might, for instance, be proper to cut off at one stroke every possible demand arising from bastardy,

highly approve of any plan which would tend to render such repeal more palatable on its first promulgation; and in this way some kind of compact with the poor might be desirable." See Appendix, vol. iii. p. 365, of the last (5th) Edition of the Essay on Population. To have thus much granted by Mr. Malthus, is no small matter, and should not be lost sight of. It opens a door of reconciliation with the man who too unguardedly asserted that there was no cure for the evil of the poor laws but to declare, and act upon the declaration, that the poor had no right to public relief in the maintenance of their children.

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which has been so fertile a source of parochial burdens. Might not all assistance be denied to men and women in the possession of health and strength, and who have only a limited number of young children? Might not the same refusal be given in cases of distress ensuing after a certain number of years of health and strength in which no saving had been invested in saving banks? These, and a variety of other cases which might be named for limiting the application of poor-rates, would cause very considerable reduction in this increasing burthen. But it must be admitted that a proper opportunity should be taken for any decisive regulations, and such an opportunity can be found only in a period not abounding with general distress; and the misfortune is that when the time of difficulty is past, it would not be an easy business to fix the attention of Parliament to questions not immediately pressing for notice.

I am, Sir,

Your's, &c.

(Signed) ARTHUR YOUNG.

Nothing can be more clear than the *abstract* reasoning of Mr. Malthus, on the principle of popu-

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Before turning the leaf over the name of Arthur Young, I must make a few brief remarks on his character, and most willingly would offer a tribute of respect to his memory. He was an enthusiast, and of course honest: he was well educated, and a gentleman. In all his voluminous writings a mean sentiment is not to be found. His habit of making free with people's names, and taking liberties with their writings, arose from an uncontrollable ardour in the cause of improvement. I felt sore with what he did in this way towards myself, and others did so; but he meant not to injure. After he got entangled with the Board of Agriculture, he did no good to the world. His inclination to accumulate crude and undigested information, sufficiently evinced in some of his tours, had then full scope: he then lost himself, and bewildered others, in the confusion of detail. I question if he ever had the power of correct abstract reasoning. His imagination was too busy for it: his eye was too ravenous, devouring all within its reach. Had he become blind when in the vigour of youth, and never associated with the old women of the Board of Agriculture, Arthur Young might have proved a benefactor to the human race.

Writing of him in 1809, I said, "the gold of government fell like a mildew on the genius of Young." I was wrong. From these words, it may be inferred, that he was corrupted by the gold of government, which I am convinced he was not. There are influences which affect people, situated as he was, which have nothing to do with pecuniary considerations. The spirit of Young is one which I desire to meet with in Elysium; and I make this little acknowledgment, to clear the way. His Tour in France

lation ; and of all his disciples, no one, I believe, ever enjoyed greater satisfaction than I did on the first perusal of his book. I had for years been embarrassed in my studies, on the subject of perfectibility, and could not reconcile results in nature with the attribute of perfect goodness in the Divinity. The theory of Mr. Malthus dissipated all my doubts ; and though a few pages made clear what had puzzled me, such is the nature of truth, that I can, again and again, read over the illustrations of the important one, established by the Essay on Population, with renewed pleasure. I can go back with Mr. Malthus into ancient times : I can accompany him over the globe, from Britain to China, or from the frozen north to the torrid zone, delighted to find that the law of nature is just and invariable ; requiring of man only virtue to reach the highest degree of sublunary bliss, and making misery as surely the concomitant of vice. Balmy, indeed, are such truths ; but how strangely have some been led astray into reflections of the most opposite kind, from the perusal of the Essay on Population ! How strange, that the man who has earned the immortal honour of having happily illustrated a principle so essential to individual peace, and so admirably fitted to be a corner-stone for the erection of a sound and liberal system of political

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should be preserved for ever, to give just conceptions not only of the commencement of the French Revolution, but of the great need for it.

economy, should have become the butt of acrimonious censure—should have been accused of designs utterly at variance with the whole scope and tendency of his reasoning! Can we suppose that Mr. Young, Mr. Godwin, and a swarm of inferior note, who have been the virulent and blind opposers of Mr. Malthus, were urged on by mere petulance or spite,—were wanting in liberality? Certainly not. Both Young and Godwin were benevolent men; but they caught up a wrong scent, and gave tongue to an erring pursuit *.

* The above was written in September, 1820, and shortly afterwards Mr. Godwin's last work appeared on the subject of Population. I immediately perused it, and could not help exclaiming, Alas! poor Godwin. Such a compound of weakness was certainly never presented to the public; but strange to say, the public entertained for it respect. I had prepared an exposé. The Edinburgh Review has saved me the trouble of producing it. One of Mr. Godwin's animadversions on Mr. Malthus is correct; that which regards the rapid increase of people in the western states of America. Mr. M. has not adverted sufficiently to the increase in that quarter from emigration, as Mr. Godwin observes. The western states have a constant stream of settlers flowing into them from the old settlements. The supply afforded in this way by New England is beyond belief; and yet New England somewhat increases in population, notwithstanding the drain. I made inquiries as to this, when travelling through that country. Mr. Malthus had no need of pointing to the western states, to prove that population increases rapidly in America. His position was tenable, without any overstretch. Mankind, I have no doubt, might double their number every fifteen years, under favourable circumstances. Circumstances are favourable in America, and the consequence is obvious. In 1800 the Census of the State of New York, gave 587,084. That of 1810 gave 960,054, and that of

Looking dispassionately to the controversy which the doctrine of Mr. Malthus started, I think we

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1820, about 1,400,000 inhabitants. I refer to this State, because one half of it consists of old, and one half of new country. New York, Albany, and Schenectady, are among the oldest towns in America; and, so far, the country was settled at a very early period. Before the revolution, agricultural settlement had advanced only partially to Utica and Rome, then called Forts Schuyler and Stanwix. In 1792 there was nothing like a road—nothing but Indian paths west of Whitestown, a village situated between Utica and Rome. The Genessee country contained in 1790 only 960 souls, including travellers and surveyors, with their attendants. Seventeen counties are now formed out of the western part of New York state, which in 1790 was a wilderness. In 1800, these counties contained 69,209, in 1810, 229,148, and in 1820, [illegible] inhabitants.

The mass of Americans are farmers, depending chiefly on their own manual labour for subsistence, which subsistence can be procured for two or three hours labour per day. The moment that the son of an American farmer is free from his father's controul, which he is at 21 years of age, he can have a farm of his own. A wife is part of the necessary stock; and it is needless to waste time with saying more. It must be self-evident to all, that the increase is great. Population, I am convinced, however, increases faster in New England than it does in Indiana and Illinois. The art of settlement has never yet been understood, and the wasteful way in which wild lands have been disposed of, has contributed greatly to check that degree of comfort, and ease, which is favourable to breeding and nursing. In the woods of America, young wives are often injured in their health by the hardships incident to the first years of settlement. A young fellow, of New England, takes to himself a wife, and having a *span* (pair) of horses, furniture for a log house, and a few barrels of flour, pork, &c. packs his all in a *ramshackle* waggon, and sets out on a journey of five hundred miles to make a *pitch* in the woods. The poor woman is scarcely at

may discern whence has arisen the phlegm of opposition. Mr. Malthus pushes home his abstract reasoning too stoically. He dwells too much on gloomy results: he attributes these results too much to the innate weakness of humanity: he regards too little the consequences of vicious institutions: he almost seems to doat on the idea that the condition of man is hopeless: he cheers us too little with the view of improvement; and he is too rash, in asserting that the poor should be deprived of their *right* of maintenance for children,—a right which circumstances have created and time confirmed,—without due preparation and fair equivalent. When Mr. Malthus speaks of denying to the poor their right to public support, he reflects not a moment on rights, both natural and acquired, which have been gradually filched from them, and in lieu of which the *right* which they now enjoy is the wretched substitute. If Mr. Malthus will make a fair bargain with the poor, not only for what has been stolen from them, but which the progress of

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home when she is confined—not in the *straw*; for till the second year nothing so comfortable as straw can be procured:—she is confined on a miserable stump bed, most scantily furnished, while an ill-made earthen floor is damp from morn to night; while muskitoes are buzzing in every direction; and all the neighbourhood is infected with an aguish effluvia, drawn forth by the sun's heat, acting for the first time on the crude vegetable matter of the new cleared land. Such situations are not the best nurseries. It is the old settlements which produce and rear most children, and *Old* England, if all was right, could fulfil God's commands—could multiply and replenish the earth as fast as *New* England does.

civilization has shewn to be necessary and proper for them to possess, I, for one, shall admit the sternest adoption of his proposal. I would cut off their claim of right to public support, both root and branch: I would not only do this, but enact a law, by which charitable foundations should be erased, and erring benevolence kept in check: I would suffer no societies to be formed for relieving distress; nay, were the streets strewed with the victims of vice and misery, I would say, "let the dead bury the dead*."

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* At once to shew that I have been long a steady disciple of Mr. Malthus, and that my eye has not been suddenly bent, either on a narrow, or too rigid reform of the poor laws, I shall here quote two passages out of a book, published by me in 1809. "Last winter I was delighted with the perusal of Malthus on Population. That work has settled all my doubts, after eight years' search for the boundary of human hope; and if, under the grand law of *virtuous restraint*, I can say that I am perfectly contented to live;—if, under this law, I feel my dignity as a man more complete;—if, from its most thorough elucidation, I find myself quite at ease, both in my political and religious principles, I trust that Mr. Malthus will consider it no flattery in me to declare my opinion, that he is worthy of the highest honour of his country."—Page 20. Again, "If the people of England are not educated, misery and the poor-rates must continue to increase among them; and Mr. Malthus's recipe for bringing back the people to industry, will be vain; for the people of England, I am certain, would not allow Parliament to declare the right of relief void. That right is one, not founded by law only, but by nature. Every society is bound, *in honor*, to take care of certain unfortunates: it is the business of society to reduce these in number as much as possible by fair means: whatever happens in the world, the abstract virtue

There are two grand principles which rouse men to action, necessity and ambition; and in a truly civilized age, when all men shall have fair advantages, these will be found sufficient of themselves to admit of all public charities, and of every thing like poor-laws, being set aside. The public charities and poor-laws of England have, indeed, been its greatest curse. They have weakened the efforts of nature: they have blunted the spur of necessity, and taken from ambition its lure.

It is impossible for any man fully to conceive the mischief which has arisen from the poor-laws of England, without having put in comparison the condition of the labourers in that country with that of those in the sister kingdom. It was from ample practical experience in both countries that I made up my mind as to the causes of difference, —the causes which have brought on England a worse than useless expenditure of eight millions a year;—causes which must be removed before any great advance can be made in the improvement, moral or physical, of this country. The expenditure of eight millions annually by no means indicates the amount of evil generated by the system of the poor-laws. While that sum is squandered,

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of this law must remain the same." Pages 123 and 124. This last quotation will take the edge from the stern declaration in the text: nor does it contradict so much as it may at first seem to do, the principle on which that declaration rests. Mankind have claims upon each other, of *duty* as well as *right;* and this may give a text for discussion upon another occasion.

double that is lost by its degrading the people, and lessening their exertions. Having travelled far and wide, both in England and Scotland, since my return from America, I have had occasion to notice a striking difference in the respective countries under the present agricultural distress. In England this is felt far beyond what it is in Scotland. Petitions for relief pour into Parliament from all parts of England, while few or none have appeared from Scotland. This greater urgency in a great measure springs from the growing evil of the poor-laws. Markets are equally bad every where; but in Scotland the exertions of labourers increase with the pressure. There, the labourers share with the farmer his distress. They become more obedient to his will: they enable him to do more with smaller means; and their wages fall*. In England it is all the reverse. Here there is no spring for industry. In hard times the poor have no increased stimulus to toil; but fall heavier and heavier as a load on their employers, while their employers become less and less able to support hem.

Farming in England, from 1809 till 1817, I could hire an English ploughman for £12 and his victuals, while the current rate in Scotland was from £18 to £20; and such was the superiority of the Scotch in point of sobriety, steadiness, and fidelity, that I could afford to bring them from the

* Ploughmen's wages have fallen in Scotland from £18 and £20 per annum to £9 and £10 since the peace.

north, and pay them even upwards of £20 per annum; nor would I have limited my number of imported labourers, but for the necessity of employing parish poor, who, whether employed or not, I was bound to maintain*. This difference clearly arose from the different circumstances in which the labourers of the respective countries had been trained up. In the one country they received education, were inspired with feelings of independence, and cherished hope of getting on in the world. In the other, without education or laudable ambition, they had no inclination to exert themselves either for character or gain. To better their condition, one only shift was left them—to marry, and procreate children, in proportion to the number of whom their proportion of parish-pay was increased. While I marked the real difference in point of economy, which sprung from the mere training of labourers: while I observed the effects of this better training in improving the moral qualities, the enjoyment, and respectability of the Scotch, I had the fullest conviction from experience, that the natural dispositions of the English were superior to those of my countrymen; and I more and more deprecated the infernal system of perversion and debasement. What such a damning system would ultimately come to, has been long evident; but only now begins to be impressive, from its consequences;

* I have heard it stated as a fact, that four out of five non-commissioned officers in the army are Scotch. It can readily be ascertained; and is truly worthy of reflection.

and well will it be, if present consequences force on a rémedy, while worse have not ensued.

The grand question is, How can the system of the poor-laws be changed? Mr. Malthus having made good his abstract position,—having allowed that "*the system of the poor-laws is an evil, in comparison of which the national debt, with all its terrors, is of little moment,*" and being alarmed with "*the prospect of a monstrous deformity in society,*" proposes a law, by which the children of the poor should cease to be relieved; and that to render this law palatable, a sermon should be preached on the subject at the solemnization of marriages. How strange, that a man should have a head so clear for abstract reasoning, and eyes so dim to the consequences which would certainly ensue upon the very first attempt to put such a law in execution! As well might Mr. Malthus, after a train of abstract deductions, propose to do away, by mere law and ceremony, with kings, whom the madness of the people, superstition, tyranny, habits, and prejudices, have confirmed on their thrones. Most certainly, civil war and bloodshed would be the consequence of any such attempt, as well in the one case as in the other. The poor of England might not have had an inherent right to maintenance for children; and if a clear understanding had been held in bar of such right, undoubtedly it would have been well to have maintained it; but now, that both law and practice have made good this right;—now, that circumstances have rendered it necessary, the case is en-

tirely changed. The right of the poor for maintenance can no longer be done away with by mere words. Substantials have been taken from the poor, and substantials must be returned, if further sacrifices are to be required of them; nor can even this change be effected without cautious preparation and liberal treatment.

Though my main pursuit in removing from Scotland to England, was to examine into the causes, and contrive remedies for the evils of the poor-law system, it was several years before I could make up my mind on any point. For two years I interfered little in parochial management; keeping, however, a watchful eye over those who did interfere. The third year I became one of the overseers, and gave minute attention to every particular. In Wiltshire, and some counties round, a system of regulating the wages of labour, was completely matured and acted upon. Nine shillings per week was declared to be the pay of a labourer in Wiltshire, though in Fifeshire, from whence I had come, twelve shillings per week, and often more, was the customary rate. As nine shillings per week could not maintain a man with a family, the rule was to allow him to apply to the overseer, when he had more than two children, for additional pay, which was thus regulated. First, the man's wages were set down, viz.: . . . . . 9*s.* 0*d.*
Then a value was put on the labour of his wife, say 3 0

Carried over 12s. 0d.

Brought over	12*s.*	0*d.*
Then an inquiry was made, as to how much each child, above seven years of age, earned, and that was set down; say 3*s.* for one, 2*s.* for another, and 1*s.* per week, for a third—in all	6	0
	18	0
Then the whole family was numbered; say man, wife, three children above seven years old, and three under that age,—in all eight persons; for each of whom the selling price of a gallon loaf, with 3d. in addition, was allowed. If the gallon loaf was 3s.* then there was to be reckoned 24s. for loaves, and the 3d. to each of eight persons, 2s. making . in all	26	0
From which sum the earnings of the family were deducted, leaving a balance to be paid by the Overseer,	8	0

The glaring error in this part of the system was setting the wages of the labourer too low. In England the habits of labourers were not so economical as in Scotland: in England, labourers really required more money to maintain them; but here in England they had greatly less: here a *nominal* price was set upon labour, 3s. per week below what it was naturally worth in Scotland.

* With the above example, the rule will be sufficiently understood. The gallon loaf falling to 2s. 6d. or 2s., lowered parish pay in proportion.

There was no difficulty in correcting this error. As soon as I got to be overseer of the poor, I reckoned the labour of every able-bodied man at 12*s.*; and thus, at a single stroke, not only lessened parish pay and poor-rates, but did infinite good otherwise. The poor themselves were quite pleased with this change: not so the farmers; who as soon as I was out of office reduced wages to 9*s.* per week. The farmers had a reason for this; but it was founded on ignorance; and to ignorance and bad reasoning we may safely ascribe a full half of all this world's misery. By holding down the nominal wages of married men with more than two children, the farmers had chiefly in view to hold down the real wages of single men, and those who had less than three children; and they really made good their point, to the great injury both of themselves and labourers. Thus, while statute-laws have been framed to prevent manufacturing labourers from combining to raise their pay, a most powerful combination, ratified by the magistracy of England, was at work to keep down husbandry labour below its proper level; and thus it was that I could hire an English ploughman for £12 per annum, while I could not hire a Scotch ploughman of the same appearance at less than £18. It will naturally be asked, why should an unincumbered English ploughman submit to this? And the question must be solved by looking to a variety of points; and gathering causes from all of them. The whole of the south of England was subjected to the cursed, artificial system of which a part now

appears. A spirited young man might travel a hundred miles before he could get beyond the limit of the agricultural combination; and there were few spirited young men in a country where the mass of the people could not read and write. The want of mental energy, consequent on the want of education, aided by attachment to the place of birth, relations, friends, and still more to habits of indolence, caught from what they saw around them, all conspired to enslave labourers, and to enable farmers to triumph over them in a most pernicious victory. With a few sensible people I could prevail by reasoning, and obtain confession, that keeping down wages by artifice, was wrong and unthrifty; but there was no getting any body of farmers to act in the face of established practice.

While in Scotland, I was in the habit of advertising for labourers when pushed by extraordinary need. By the simple means of a dozen or two printed notices, stuck up at public places, I have had a hundred reapers come immediately to my aid; and, by such timely aid, I have repeatedly saved my crop from destruction, and harvested it at the very best moment of time. In England, being in want of an extraordinary number of hay-makers, after a tract of wet weather, I wrote out a few advertisements, and had them stuck up in the neighbouring villages; but what ensued?—My advertisements were pulled down by the farmers: they were exhibited next market-day, in order to disgrace me; and some men, whose ignorance was backed by bad temper, were actually sulky. Here

is scope for useful reflection. English labourers, I have said, have, naturally, better dispositions than my countrymen. I found the same of English farmers, where not immured in the mud of bad practices, or accustomed to lord it over the poor. Just in proportion, indeed, as men of all sorts are independent of each other, so much more will they be well disposed and kindly to each other. In Wiltshire, the farmers, in many respects, were excellent men. I remember them with the warmest regard, and have the felicity to know, that I am not forgotten as a friend in that county; but I must say that, to the poor, some, even of the best of them, were totally without feeling. How different did I find it in Lincolnshire twenty years ago. There, farmers were, for their labourers, the warmest advocates. I shall never forget the occasion alluded to page xcii, where it is said, "a numerous meeting of farmers signed their entire approbation of the system."

While dining with a large party at Brigg, I made known my errand into Lincolnshire. I said that Government had in view to make arrangements throughout England, for providing every poor man with the means of keeping a cow, and that I had been sent to inquire whether the practice in Lincolnshire and Rutland had been attended with good effects. I shall never forget the burst of approbation which instantly proceeded from all present, and think I yet see the kindly flashes which were darted from eye to eye. Being loth to lose so good an opportunity of giving satisfaction to my em-

ployers of the Board of Agriculture, I called for pen, ink, and paper, and wrote out a certificate, which was instantly signed by every man present; and which I shall here produce.

Brigg, Lincolnshire, 19*th Feb.* 1801.

We, the undersigned, farmers in the neighbourhood of this place, where it is very common to allow Cottagers land for the keep of a cow, &c. give it as our opinion that, enabling such people to keep one cow, &c. is a measure fraught with excellent effects. To the families of the cottagers it adds much comfort: to the country, contented people; and to ourselves, better and more contented labourers.

Rob. Holgate	*Theo. Kirk*	*Thomson Cartwright*
T. Goulton	*Jos. Dudding*	*Math. Maw*
Wm. Sergeant	*Geo. Sowderby*	*John Marshall*
Rob. Smith	*Wm. Butter*	*Rich. Roadley*
John Nicholson	*Geo. Maw*	*John Uppleby*
John Firth	*Wm. Richardson*	*Wm. Hargrave*
John Brown	*Wm. Botterill*	*Wm. Brown*
J. Lawrence	*Thos. Brooks*	*Thos. West*
Thos. Marres	*Jos. Atkinson*	*Martin Frankish*
Wm. Bennard	*J. Parkinson*	

I hope the greater part of these worthy men are still alive, and I doubt not, would be still, and equally, willing to speak in favour of the poor.

Looking back to the parish reckoning for the pay of labour, it may be observed, that while 9*s.* per week was the nominal pay, labour was in fact high. A Scotch labourer got 12*s.* and was left to his shifts, whatever was the number of his children. Supposing his wife and children only earned to

him as much as did those of the English pauper, he would have 5*s*. less to live upon, or 5*s*. would be saved to the public directly; but this visible and direct saving to the public of 5*s*. was very far from being the actual saving. While the Scotch labourer was paid a fair price for his labour, being a freeman, he did more for that 12*s*. than the English labourer did for 9*s*. in *proportion;* and every member of his family, left to themselves, were more profitably employed than those of the English pauper, who had not the slightest interest in the quantity or quality of the work they performed. The wife and children of the Scotch labourers would fully make up, by their greater labour, the amount of 8*s*., paid out of poor-rates; and thus it may be seen, that by a pitiful *fetch*, to make wages appear low in England, for the base purpose of diminishing the wages of those not entitled to parish aid, the price of labour was actually increased, and every farthing of the parish pay—the 8*s*. was merely wasted, while the Scotch labourer had 12*s*. per week, the English labourer would have required 14*s*. owing to his less thrifty modes of living; and I know, that if they had been allowed to draw in this much, they would not only have made no complaint to the parish; but every man, woman and child, left free to earn subsistence in proportion to exertion, would have been not only contented, but have done more for themselves, and more for others. In the parish of Wily, under the factitious system there established, it was truly disgusting to see consequences. One family, with a weak and

good-for-nothing creature at the head of it, not worth 4*s*. per week, yet valued at 9*s*. and rendered as comfortable in his living as the strongest and best man, whose labour was worth 14*s*. The difference between the natural and factitious system was best proved in cases where piece-work could be agreed for. In doing piece-work I had English labourers, who surpassed any Scotchmen I ever employed in the same way. In this piece-work the labourer was paid according to his exertion, and then, indeed, he did exert himself. My English mowers did their work better and cheaper than Scotchmen could do, and they earned more for themselves at the same time. An industrious Englishman, left to himself, will work harder than a Scotchman, for this reason, that he desires to live better ; but as a pauper, all that stimulates to toil is set aside ; and the heads of families impoverished and dispirited, communicate to all below them a greater and a greater degree of hopelessness, indifference, and lassitude. Besides raising the rate of men's wages, I had recourse to methods for making the most of the women and children, for whom the parish had to provide. For the first two months, much opposition was made to all my measures ; but, as they were sanctioned by magisterial authority, all was established ; and there was not another word of dispute, either with the poor, or their masters, during the remainder of my term of public service. To have thoroughly rooted out the evil in a single insulated parish, was out of the question ; but there were, clearly, modes of procedure, which, ge-

nerally adopted and enforced, would have got quit of much mischief.

I have said, that as soon as I was out of office, 9*s.* was substituted for 12*s.* in reckoning the earnings of labour; and not only was this miserable change effected, but every regulation, which I had made to set bounds to arbitrary power, was set aside by my successor; while the same magistrates who had sanctioned my acts, confirmed what was done by him!!!

It thus became vain to look for permanent improvement, unless the magistrates themselves were overruled; and to be sure, a case soon occurred, to shew how much need there was for this, and how far oppression could proceed under the prevailing system. Merely because a certain poor woman preferred my service to that of my neighbours, she was neglected, deprived of her fair allowance of parish pay, and nearly famished. As soon as I heard of what was going on, I espoused the woman's cause: I afforded her opportunity of laying her case before the magistrates; but here she found no redress. There was but one course left, and that was to extort, by shame, what could not be obtained by reason and law. I had the poor woman examined before the clergyman of the parish, and printed the following simple statement of her case.

TYRANNY OF POOR LAWS,

EXEMPLIFIED.

ENGLISHMEN! 'TIS YOUR LITTLE ALL!*

A WILTSHIRE Justice of *some* fame has written as if he knew nothing of†

GRINDING THE FACE OF THE POOR,

and perhaps they who have been born in darkness may be excused for not knowing it from light; but such obscurity who would not wish to disperse?—Behold a present proof in the case of poor *Bet Bennam*.

She is well known in the parish of WILY, as being a sober-minded, inoffensive, and industrious woman. *Bet* was lately seen crying by herself, which excited attention; for she had never, in all her troubles, been known to cry before, being remarkable for patient endurance. She was crying from mere weakness. The report of this, drew to her some little attentions, and afforded her an opportunity of disclosing her situation. She had been afflicted with a disease incident to women, which she had concealed till the last pitch of endurance.

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* These words were meant to attract notice, and their exposition was simply this,---that the poor of England after being reduced to a gallon loaf and three-pence per week, had need to look sharp even after that. I know that there are people who desire to see the poor fed solely on potatoes.

† See Mr. Benett's Letter in the Salisbury Journal, 23d of January, 1815.

Her case will be best known, and more readily believed, from the following declaration, made and written down before the Clergyman of the parish.

Bet Bennam, examined before the *Rev. Mr. Ball*, declares, that she was taken ill before harvest, and has not been altogether well since. That, when unwell, having no bed clothes, she applied to the overseer for a blanket, but he refused to give her any. She then threatened to go to Salisbury and make a complaint, and he said he would go too, and soon tire her of going. He came, however, next day, and promised he would give her one. About a month after, she was told it was come by the carrier, and that she might go and fetch it. After she had the blanket about an hour, she was sent to bring it back, and it was then torn in two, and she had the half given to her.

She declares that she did not in ordinary make two shillings per week, which was not the ordinary parish allowance; but that she did not like to apply, for they always made so many words. About Christmas, however, during the snow, she and *Mary Bacon* applied together, on pay Sunday. The Overseer then told them, they should rather pay him some money, for he was entitled to all they made above two shillings per week.

Bet Bennam declared she had made but one shilling for the last fortnight, and after pressing him, he gave her one shilling, and the other woman the same. That after this, she did not apply at church for a month, finding it so disagreeable, although she did not make the parish allowance. She happened to have a few potatoes, which helped her to live. She grew worse and worse in her health, and found herself necessitated to apply on the 29th of January. *Nanny Smith* was then with her, and each of them had earned two shillings during the last fortnight. *Nanny Smith* was much more able to work than she, yet the Overseer gave her two shillings, and *Bet Bennam* only one shilling: she then held the shilling out

in her hand, and complained that she had not her allowance; but he refused to give her any more. The week after this, she was entirely unable to do any thing, and she got one shilling and six-pence from the parish. On the 12th of February, she had two shillings and six-pence, and on the 26th four shillings. When she had the above one shilling and six-pence, viz. on Monday, the 6th of February, she asked the Overseer to let her have the Parish Doctor; but he told her to *wait* till Sunday next. She then applied again, but he would not allow the Doctor to see her, saying that she would do better when the warm weather came. On Thursday, the 16th, she called on Mr. Gourlay, and had a letter from him to the Overseer, requesting him to give her a certificate to appear on Saturday at Salisbury Hospital, to get in there, where she might be taken care of. She went immediately with this letter to the Overseer, and had his promise that he would give her a paper next day, and of this she returned to inform Mr. G. In the afternoon of Friday, she went for the certificate, but was then told that the parish subscription was not paid, and besides that she could not get to the hospital, till she had been examined by the parish-surgeon.

About a week after this, she was sent for by *Mr. G.* who after examining her as to all this treatment, desired her to get a summons for the Overseer, and said that he would give her a cart to carry her to SALISBURY. This was accordingly done: but after going there she had to return without any relief—the Magistrate refusing to hear any statement of the case, further than what he obtained by asking her what she had on the two last occasions of application.

This declaration made before me by the said *Bet Bennam.*

(Signed) JOHN BALL,
Curate of Wily.

I have seen the blanket weighed which *Bet Bennam* received from the Overseer of WILY: it weighed neat, twenty ounces: she had no other bed-clothes besides it; and is lodged in a most miserable hovel with three other females.

(Signed) JOHN BALL,
Curate of the Parish of Wily.

Mrs. G. was first acquainted with her situation the 11th of February, and advised her to apply for medical aid; but it was the shuffling conduct of the Overseer, as above-recited, which first excited our most lively feelings: yet what was to be done to prevent such recurrence?

I had endeavoured to establish clear law as to the poor, before the SALISBURY Bench. I had endeavoured amendment; but it was of no avail. What was said to-day was denied to-morrow; and soured with arbitrary proceedings, I had despaired of ever getting substantial justice there. It so happened, however, that by perfect accident, I heard *Lord Folkstone* now sat on the bench; and in the hope of change, I resolved, after examining the poor woman as to her general treatment in the parish, to fetch a summons for the Overseer.—Let "the gay licentious crowd" consider that this poor woman had lived upwards of four months on the sum of one pound, eight shillings and eight pence—and say, if it should be so in a country, which once boasted the wealthiest, happiest peasantry of the world.

———Her account, when every farthing was scrupulously reckoned, stood thus:

	£	*s.*	*d.*
Earned in my service	0	12	8
——— otherwise at sundries	0	6	0
Had from the parish	0	10	0
In all	£1	8	8

considerably under the bare allowance which the district regulation has appointed for the *minimum* of misery—*viz.* a gallon loaf, and three-pence per week.

Mr. Dyke, a truly worthy Magistrate, was alone on the bench at SALISBURY, when *Bet Bennam* appeared. He patiently heard her case, and was on the point of ordering her relief, when two reverend Justices arrived. The first asked at once of *Mr. D.* if there was any thing due, which he answered in the affirmative. The other, however, *Mr. Marsh*, immediately assumed the whole authority. I assured him it was a peculiar case, and required explanation: that I had explained matters to *Mr. Dyke*; and if he would permit me, I should again give him the particulars. The *Rev. Mr. Marsh* was much too dictatorial for this: he would settle it himself by interrogatories. How much did you get last occasion from the Overseer? and how much the time before when you applied? and you made no complaint of what you got? then, if you did not, there is no relief for you. Sir, said I, will you but allow me to speak for the poor woman: will you let me state her case? No. Will you not allow me to state her peculiar case? No. Then, Sir, we are at issue.—And thus poor *Bet Bennam* had her coming for her going to SALISBURY.

Englishmen! You are making a mighty bustle about bread, but there is more than bread wanted: we live not for bread alone. If the loaf were at six-pence, it would make no difference to the labourers of England, while the poor laws remain as now, and are thus administered. You do not know the iniquity which has reduced the kingdom to pauperism;—which has stolen upon you, like a thief in the night. It is not your magistrates that are to blame so much as yourselves, who have tacitly confirmed the acts of your magistrates. It is not the laws so much as arbitrary power, which you have permitted to grow up and overshadow the views of benevolence, and the substantial ends of justice.

Perhaps you would be displeased were you roused from your slumbers. Perhaps you would disdain to hear of the conspiracy, which has risen up against independence, under your LANDED OLIGARCHY.

Perhaps you would be jealous of a witness born on the opposite side of the river from yourselves. But, Englishmen! you must either learn, or be taught by dire experience; for out of your present system of parochial jurisdiction can come nothing but ruin.

I will be bold to say this, if you will give me your confidence, that peaceable arrangements might be formed, by which this system might be entirely done away: by which in ten years your poor-rates would not be even a tenth of their present reduced amount: by which pauperism would be annulled; and by which England would return to its ancient prosperity—return to prosperity, and outmatch the world in the greatness of its virtues.

If you deign to bestow on me this confidence, these arrangements shall be submitted to your judgment.

ROBERT GOURLAY.

Deptford Farm, Wily, Wilts,
March 6, 1815.

The above little exposé was only but printed, when a thought struck me, that it should have a wider range, that it should be published beyond the limits of Wiltshire; and I resolved to send a copy to every English peer and member of the Commons House of Parliament. This requiring a second edition, I flung together some thoughts with regard to the education of the poor, a subject which had all along engaged much of my attention. Among the regulations which I wished to have established, was

this, that during winter months, all children under twelve years of age, should be excused from labour, provided they were sent to school. It will scarcely be credited, yet, nevertheless, is true, that this regulation was not only abandoned, but all children, above seven years of age, were sent out to labour, for no purpose whatever but to prevent their getting to school*. To attract notice to a practice so very abominable, and to excite additional interest to the subject of poor laws, I accompanied the above sad story of oppression with the following address.

TO

THE LABOURING POOR OF WILY PARISH.

MY POOR NEIGHBOURS,

I HAVE now lived among you upwards of five years; and my heart has often bled for the wretchedness of your situation: but, alas! what can a single individual do to alleviate general calamity? The purse even of the wealthiest could comparatively do nothing for the poor people of England. They however are most welcome to what my pen may effect.

Fourteen years ago, I was employed for some months by a branch of government, to inquire into the state of the

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* The poor people of Wily were always anxious to have their children educated; and with great pleasure I record a striking proof of it. Last April (1821), while on a visit to Wiltshire, I had scarcely saluted one of my old servants (*Stephen White*) when he hastened to tell me that he and *Thomas Wickham*, another of my old servants, had established a school for the poor children, in spite of opposition from the farmers. Good God! should such people not be aided by Government?

poor; and a celebrated character, (Mr. Young), who had suggested the inquiry, in order to stimulate me then to extend my ideas on the subject, flattered me by saying, that I had more knowledge of the poor of England than any man in it.

Had the scheme proposed been practicable, or even hopeful, I should have required no flattery to have lent it my best aid. As it was, certain ideas were then fixed in my breast, which I have cherished ever since. They concern the greatest subject which can engage the attention of Englishmen,—the reform of their parochial economy.

After travelling, chiefly on foot, for many months over England, and having the best opportunities of knowing the real situation of the labouring poor, I returned to Scotland, and was eight years there without losing sight of my object: often brooding on the mighty contrast which the two kingdoms afforded,—the contrast of general happiness and general misery: and all too the result of a few simple regulations; for the poor laws of Scotland and England are fundamentally the same.

It was always my intention to settle some time in England, to mature my knowledge and forward my views on this great subject. At the time I did come among you, my health also had rendered a change of climate necessary; and I promised myself much from the patronage which might result from connexion with a great man, seemingly so patriotic as the noble duke, who desired to improve English husbandry.

My mistake and consequent sufferings are known to you all. Though they have, in some respects, interrupted and retarded my prospects, they have taught me, more and more, to feel for others, who labour under tyranny; and *my* case may shew you that this is an evil to be expected by all those who are under the power of others. The desire to tyrannize indeed is the master passion of the human

breast, and it is that which good laws should labour most to restrain. Riches will always bestow power and foster tyranny, but there is a degree of independence in this country, which wealth cannot effect.

You, poor labourers of England, have lost much of this degree of independence, and of course you are subject to tyranny, and to miseries greatly multiplied. To recover for you independence, shall be my object; but this can only be effected gradually.

Even with every aid, it might take ten years, as above mentioned, to rescue you entirely from your present deplorable situation.

Instead of being confined to particular parishes, as you now are: instead of having your wages kept down by rule, and having to apply at church for part of that pay, as if it were charity, and not the hard earning of your industry: instead of poor infirm women, like Bet Bennam, having to put up with misery itself, rather than bear the scowl of an overseer; or having to travel twenty-two miles for but a slender chance of redress: instead of old men who have wasted their days in hard labour, having to crawl at last into some cold, damp and dreary habitation, with scarcely a blanket to protect them from the piercing wind of winter, and with only a gallon loaf and three-pence per week for clothing, food, and fire: instead of all this, would it not be better that you could choose your work and your masters over the whole country: that you could obtain the highest price for your labour, and never be put to the necessity of begging it from any one: that you had comfortable homes which you could call your own, and such plenty in store, that neither age nor infirmity could reduce you to beggary? Would not all this be desirable? But you may think, and you may be told, that it is impossible. I tell you the contrary. It is so in Scotland, and may be so here; for human nature is every where the same.

But how is it to be done, or who will do it? It must be done by yourselves, using lawful and peaceable means: not expecting too much at first; but patiently following up your desires and purposes. You hear, at this time, much about petitioning Parliament. Perhaps nobody has told you that you may do this as well as others, and that you have as good a right.

When the parish gave you a dinner last summer, because of peace, as it was thought, I could not join, as I saw fresh causes for war in the very public acts of the moment. I sent an offer of what I could spare, to be employed in another way; and I requested the parish to join me in petitioning against the slave trade, the continuance of which was a strong symptom that the causes of war were not laid aside. At the very moment, however, that all indulged in the idea of peace and plenty for themselves, they would not even take the trouble to write down their names, for the happiness of thousands of their fellow creatures.

Reflect on this, my poor neighbours, not with a view to censure, but to guard yourselves against selfishness, and against too much dependence on others. Petitioning for the poor Africans could have hurt nobody, and would have been a benevolent exercise of your most valuable right; a right, which, if you would join in exercising discreetly, would certainly obtain for you, every rational demand.

But many above you, will discourage your first attempt, from the invidious, tyrannical spirit, which is continually on the watch against the advancement of independence. This you must disregard, if you would do good to yourselves and your children. You must say, that by doing so, you hurt, nor wish to hurt nobody; that you wish to do only what is right.

Whence is it, do you think, that not one in ten of you has been taught to read or write; and that while hundreds of millions are thrown away on bloody war by Government,

a single million would be grudged, which would give your children so great a blessing? Yes, a single million would educate all England. Whence? but because men in power wish not good for others so much as greatness for themselves: and because they think, by your ignorance they can more easily maintain their command over you.

They pretend, very falsely, that you would be worse subjects with education. While I have lived among you, have you seen that the ability to read and write has made my Scotch servants worse members of society; idle, drunken, or deceitful? Far from it. Their education, and their education alone, has made them both better subjects and independent men. They may go all over the island, and need not thank any individual for the money they earn, or the happiness they enjoy. This is generally the case with all Scotchmen. Why should it not be so with Englishmen? Why, but because they are not educated; and ignorance has subjected them to parish laws.

Why is it that the labouring people in Scotland are not called *the poor*, as they are in England? Why is it that they are better fed, better housed, and better clothed than in England? Why are wages higher in Scotland than here?* The same answer is sufficient for all these questions. The Scotch are educated, and can take care of themselves, while the poor English know nothing, and must submit to the care of others, which is generally no care at all: no, not so much as the care of the reverend Mr. Marsh; but the care, perhaps, of a selfish, hard-hearted overseer, who has a direct interest in making them his slaves; —slaves, worse conditioned than those of the West India planter, for they are absolute property, and men will take good care of their property. Men are seldom wanting in the care of

* For the last seven years, the average yearly wages of a ploughman in Scotland has been £20 and his victuals; in this country, not exceeding £12 and his victuals.

their horses and sheep; but the care of an overseer may be only to get his own labour cheaply performed, and as much as possible at the expence of others. When his labour is done, all that he can save from the poor enriches him; and the sooner that the infirm die, by so much is his profit increased.

To get above all this, your first attempt must be to have your children educated; and I think the means of doing this would be granted you were you only to ask it. I have very simple means in view, which would cost the country nothing; and were this boon, which would cost nothing, granted by the Government, then it might be proper for me to communicate with you further.

At present I confine myself to the subject of education; and the proceeding on this point, will serve not only as a test for your good conduct, but for the liberality of Government towards you.

The more simple that any scheme is, so much the better. Having thought much about Parish Schools for England, I find it necessary, from many considerations, that simplicity should be mainly studied; and the scheme that I have held chiefly in view, for some years past, is almost as simple as possible.

You know that by the regulation of the Justices your children are liable to be called to work by the overseer, at seven years old and upwards; and you know that many of the poor children, while yet only eight or nine years of age, are dragged out through all the winter months, for no purpose on earth but for the exercise of authority. Now I have long thought this not only cruel, but altogether profitless; and in order to prove it, I put a challenge in the Salisbury Journal some months ago, offering twenty guineas to do as much work without the children as with them*. Nobody would take me up; and the farmers publicly ac-

* See p. vii of "EXPLANATION OF THE MAP," vol. II.

knowledged at Salisbury Market Cross, that the children were of no use whatever during the winter months.

I did all this to ripen my present purpose, and I wrote a letter to Mr. Whitbread, one of the ablest members of Parliament, who formerly endeavoured to get the people of England educated, apprizing him, that I should trouble him this Session of Parliament with the care of my proposal *. It would be simply this, to obtain an Act of Parliament, to prevent the overseers from having the power to call out the children under twelve years of age to work, during the winter half year, while the parents put them to school during that time, and agreed that they should attend Sunday Schools all the year round.

I have asked several of you, if you would be willing to agree to this; and, without exception, you have assured me that you would thankfully. It is my serious opinion that this simple regulation, would do all that is wanted for you in the way of education. In Scotland, though every parish has an established school, as regularly as an established church, with an endowment out of the tithes †, yet these schools are not free schools, as is generally imagined in England. Every scholar has to pay fees to the teacher, and these fees are as high as in England. Nor indeed do the schools of the establishment educate all the children. Perhaps the full half are educated at the schools of dissenters and others.

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* I wrote three letters to Mr. Whitbread, dated 25th Nov. 1814, 28th March, 1815, and 30th May, 1815; but had not in return even an acknowledgment. He left us soon after. He flung aside the school-bill, and built a play-house!

† This was not literally correct. Parish schools in Scotland are supported by an assessment on land, raised by act of parliament. The landed interest, however, had previously made spoil of tithes. They stole *five*, and returned *one*.

It is, therefore, not so much from the want of parish schools, as from the oppression, and the unnecessary oppression of the poor laws, that the people of England are withheld from the most essential blessing of education.

What I have here said will be sufficient for your understanding at present. In a few weeks hence I shall draw out a petition for you to Parliament, and, I trust, by that time, that you will have so weighed the matter in question, that you will sign the petition, in the good hope of obtaining a great, though cheap, gift for your children and children's children.

I am, sincerely, your friend,

March 13, 1815. ROBERT GOURLAY.

In return for 700 copies of the above, despatched to members of parliament, I received thanks only from two,—Lord King and the late most amiable statesman, Francis Horner, Esq.; with both of whom I exchanged a few letters on the subject of the poor-laws.

The petition spoken of was soon after drawn out, signed by upwards of a hundred inhabitants of Wily parish, and presented to both houses: to the Commons, by Mr. Methuen, member for Wilts, the 31st day of May, 1815, and to the Peers by Lord King, a few days later. It run as follows:

TO THE RIGHT HONOURABLE THE LORDS SPIRITUAL AND TEMPORAL OF GREAT BRITAIN IN PARLIAMENT ASSEMBLED.

The humble Petition of the undersigned Inhabitants of the Parish of Wily, County of Wilts;

Sheweth—That it is notorious that the labouring people

of England are not so well, generally, in point of worldly circumstances, as they were in former times.

That, in the remembrance of many of your Petitioners, those who required relief from the parish were few, consisting only of such persons as were old, or otherwise impotent.

That now it is impossible for the best spirited and ablest bodied man to bring up a family from the earnings of his labour; and that, of late, to remedy this, it has become a standing regulation with magistrates to allow to all labourers having a certain number of children, the right of demanding assistance from parish officers, to such an extent as shall, with actual earnings, amount to a certain sum for each individual member of their families respectively; and consequent to the action of this regulation, other regulations have been formed and acted upon.

That your petitioners, however much they deplore that this factitious system should have grown up, (a system which has not only lessened the comforts but cramped the liberty and independence of a vast portion of British subjects) would not wish to attribute its origin or its progress to design; but would rather look to it as a result of chance, and mistaken notions of policy.

That, thus impressed, they have ever viewed this unhappy system with dispositions peaceable and resigned; but trust, that as far as it can be ameliorated, or virtuous means pointed out, whereby its grievances may be lessened or removed, that the legislature will be ever ready and willing to afford its countenance and aid.

That, in the opinion of your petitioners, it would contribute much to the amelioration of the system, were all regulations regarding it absolutely fixed, and publicly declared by Act of Parliament, so as to leave as little as possible depending on the will and discretion of individuals.

That your petitioners are assured, that the regulations do admit, in practice, of such settlement; and that this

would tend generally to the comfort of all parties—of magistrates—of parish officers—of contributors to parish funds, as well as of persons who draw the whole, or part, of their maintenance from the same.

That it can only be the just practical end of such regulations, as they affect people claiming parochial aid, to guard against idleness, or the neglect of means whereby such persons may support themselves. That it never should be the spirit of these to act tyrannically, or to operate as a check upon the liberty or improvement of the people.

That, nevertheless, as matters now stand, many regulations are so formed, or so arbitrary, as to subject the people receiving parish assistance to unnecessary grievances, and to place them, more than needful, under the caprice of magistrates and overseers.

That one regulation, in particular, has this tendency, in a very flagrant degree, must be obvious, on the mere statement of the same: it is that, authorized by magistrates, which permits the overseer to call out the children of those having parish assistance, to labour, from the period of their arriving at seven years of age. It must be manifest, that, at no season of the year, can the labour of children of this tender age, be of any material consequence; and that, even the labour of those five years older, *viz.* those of twelve years of age, can be little, during the winter season; and certainly not in proportion to the waste of health and strength, incurred by exposure to premature toil and inclement weather.'

That your petitioners conceive, that, with a view merely to the ultimate economy of labour, such a regulation is greatly too severe. That overstraining the tender years of youth, only serves to contract the frame, to weaken the constitution, and to entail such a degree of imbecility upon after-life, as greatly to outweigh in the end, even to the public, the paltry savings of childish drudgery. But there

is a higher consideration, which your petitioners beg leave to submit to your honourable House,—a consideration, equally important for the community, as for individuals, *viz.* that which regards this regulation as a complete bar to the mental improvement of the children of those who receive parochial aid. Although the period of life, from seven to twelve years of age, may be little valuable for labour, it is that in which the mind is most susceptible of improvement, and when it is adequate to receive, with best effect, the impressions of education.

That, however men may differ, as to the policy of establishing a national institution, for the education of youth, or be aware of the difficulty of doing this to general satisfaction, in a country where religious liberty has created such variety of opinions, as to fundamental principles; yet still, no reasonable or liberal-minded person will say, that parish laws, or any other, should wantonly oppose the inclination of parents or guardians to have their children instructed in the rudiments of education, and to be made capable of searching the Scriptures of religion, or the written laws of their country.

Your petitioners, upon these grounds, humbly pray, that your honourable House will take these matters generally into your serious consideration; but more immediately and particularly, that you will enact that, from Michaelmas to Lady-day, no overseer, or any other person, shall have power to call out children, under twelve years of age, to labour, or to withdraw any stated allowance from the parents or guardians of such children, because of their not labouring; at least, if such parents or guardians do put such children to school during the said period of each year.

And your petitioners shall ever pray.

(Signed by John Ball, *Curate*, Robert Gourlay, and upwards of a hundred more of the inhabitants of the parish of Wily.)

To gain attention to this petition, when presented, I sent copies to several members of parliament; and the following letter, which I received from Mr. Horner, may, I hope, still assist in fixing attention to it; for, still, it may be looked to as of importance, and as setting forth one simple mean of granting relief to the poor of England.

"*Lincoln's Inn, May* 27, 1815.

"SIR,

"I am very much obliged to you for sending me a copy of the Petition, which is intended to be presented to the House of Commons, on the part of the inhabitants of your parish. The paper is drawn with much ability and propriety, and makes a very forcible and faithful exposure of what I have long thought the greatest practical evil in the system of English institutions, though one of very recent introduction. To remove it altogether, or, even, to check its progress (for it is the very nature of the evil, if not stopped, to go on increasing), will be found an undertaking of vast difficulty; not merely because many prejudices, and some corrupt interests, stand in the way; for these may be surmounted by persevering discussion; but because the correction of this fatal error, must, I am afraid, be attended with some temporary injury to the immediate comforts and enjoyments of the very people whose happiness and moral improvement it is our object to secure. This consideration, at least, has always deterred me when I thought of calling the attention of Parliament to the subject: for in all our late discussions about the artificial state of our money, as well as about the regulation of the corn trade, I have insisted, that one of the worst consequences of this factitious condition of things was the modern practice among our English farmers, of paying part of the wages of labour out of the poor's rates; and if I could have satisfied myself, that a practical

corrective might be devised, that would not impair, for a moment, the livelihood of the labourer, I should, long since, have proposed it to the House as a subject of special inquiry. It is with very great satisfaction I see it cast upon the attention of parliament, by a call from the country: the interest that belongs to such an inquiry will insure it a very patient and fair attention; and it is to be hoped, that by bringing the minds of many different persons to the examination, and giving them the aid of others who are practically informed, some plan may be struck out, which the legislature might adopt with a reasonable chance of success. If you happen to know, therefore, when the Petition is likely to be presented in our House, I will thank you to give me notice of it; for though nothing more can be done this session than to announce it as a proper object of investigation for the next, it may be of great advantage to direct the previous attention of men, both in and out of Parliament, to the subject."

* * * * *(Continued on another subject).* * * * *

"I have the honour to be,
Sir,
Your obedient humble servant,
F. HORNER."

Mr. Whitbread proposed to have the poor of England educated, but he failed. Mr. Brougham has now espoused the cause: will he succeed?—I say he will succeed for good, only by making his plan part of one for the abolition of poor laws. He has corresponded with 15,000 parsons on the subject: will 500 of them lend *honest* assistance, and admit of liberal measures?

Mr. Brougham has eyed "the Lion of the Ex-

Exchequer," (his speech on the Education Bill,)* as if he would growl at the cost; but I am afraid we have much more to dread than mere niggardliness of expenditure. Parish schools were established in Scotland during the seventeenth century, when the poverty of the nation was extreme; and the reader will see in this volume how liberal Canadian legislators have been to this first essential for the improvement of society, the strengthening of moral restraint, and the bracing of every virtuous energy: he will see that £25 per annum is allowed for a school-master's salary, wherever twenty scholars can be collected together†. Were

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* It must be observed that the above was written in September, 1820. Since then Mr. Brougham's Bills for educating the poor, &c. have been brought into the House of Commons; and I have given the heads of one of them in vol. II. page 378. It was said that Mr. Brougham had relinquished his undertaking. I am now most happy to hear that he has not. He will be the greatest of benefactors to England if he succeeds; and simplicity only is wanted in the plan. For *simplicity*, see vol. II. page 277.

† While travelling in the United States, I conversed with a lady on the subject of education, and told her that it was at so low an ebb in England, that in the adjoining parish to where I resided, there were only three persons who could read and write; the 'Squire, the parish clerk, and another (there was no resident parson). Her astonishment I shall never forget. She said she would begin a subscription among American ladies, for educating the English poor. Since this note was first written, the lady alluded to has been named in Miss Wright's Tour through the United States and Canada; and I may therefore take the liberty of naming her, which I do with the highest respect; Mrs. Wadsworth of Geneseo. Every child in America is educated—can read and write.

the cost of education the sole difficulty in the way, such liberal provision from the taxation of the poorest people in America, should shame into liberality our wealthy borough-mongers; but I repeat, we have much greater obstacles to contend with than niggardliness, and the thraldom of poor laws is among them. I am convinced, indeed, that the abolition of the poor laws, and the education of the poor, should be jointly considered. They should make part of a vast scheme of national regeneration, in which the more simultaneous every operation proceeds, so much the better. We are arrived at that crisis, when the gravest members of society seriously anticipate revolution, and when public attention has been fluttering over specifics, for the prevention of such an awful catastrophe, till it has become almost careless of its object---almost distracted and hopeless. I have been called a reformer, a radical, and a radical reformer; and, provided my notions of reform are rightly understood, have no objection to any one of these appellations. From those who would bring about any change by violence, I certainly stand as distant as possible; and for this reason, more especially, that I believe simple and peaceable measures may be made effectual for procuring any rational change. Twelve years have gone by since my mind was made up as to the mode, by which the people should proceed to obtain any great national end. It was, and is, by systematic petitioning:---by every parish petitioning the king or parliament for a specific and well-defined object: by

keeping registers of parishes and names: by causing respect through consistency of purpose and perseverance. The presentation of the above petition, which records the strange predicament, in which the poor of England have been placed, and whereby the hope of their receiving the benefit of education rests entirely on the caprice of others who have dominion over them, was meant not only to record so strange a fact, but to lead on the poor to speak for themselves on my plan of systematic petitioning. It is with great pleasure I can produce such testimony in behalf of my petition, as that of Mr. Horner, whom every Member of Parliament must remember with esteem and admiration; but I was not so sanguine of gaining attention to the cause as he. I complied with his wish, and sent him notice of the day on which the petition was to be presented; but nothing was done. The *vis inertiæ*, the selfishness, the perversity of mankind are all against simple and truly virtuous proposals. I wrote no less than three letters to Mr. Whitbread before this petition was presented to Parliament on the subject of education, and enclosed him a copy of my petition, without even being honoured with the slightest notice. These things I take quite coolly. Poor Whitbread had, by this time, laid aside thoughts of educating the poor, which might have embalmed his memory for ever in the affections of mankind: he had laid aside such virtuous thoughts, and devoted his greatest efforts to the erection of a play-house. Alas! within three months of the date

of my last letter to him, he left us!---It has amused me to observe, that Mr. Malthus, in the fifth edition of his Essay on Population, has complimented Mr. Owen for petitioning Parliament in favour of poor manufacturing children, as I did for *all* poor children. Mr. Owen's petition was got up, after I had served seven hundred members of Parliament with a copy of my little tract on the Tyranny of Poor-Laws, wherein the intention of presenting my petition was announced; and, to the best of my recollection, Mr. Malthus had a copy of that tract sent to him. Perhaps, from that tract it was known that "*the poor laws of Scotland are not materially different from those of England**."

Shortly before my departure for Canada, I had a second petition presented to the House of Commons, to record what was farther required for the relief of the poor from oppression; and to give them practice in the only peaceable mode of proceeding for that end. The following is a copy of the second Petition.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, The humble Petition of the undersigned Inhabitants of the Parish of Wily, in the County of Wilts, (the 5th of February, 1817.)

SHEWETH,

THAT on the 31st of May, 1815, a Petition from this parish to your honourable House, was presented by Paul

* See page cxxiii of this Introduction, and page 120, Vol. II. of Malthus's 5th Edition of the Essay on Population; also page 274 of the same volume.

Methuen, Esq. member for this county, on the subject of the poor laws, to which your Petitioners beg leave again to call the attention of your honourable House.

That your Petitioners understood, that, at the close of the last Session of Parliament, your honourable House had appointed a committee, to take into consideration this most important subject, and your Petitioners would have looked with confidence towards the result of such consideration, had not a proposal been set forth, by the mover of this measure, not only subversive of hope, but indicative of an intention and spirit absolutely abhorrent to the minds of your Petitioners.

It was proposed in your honourable House,—not to better the condition of the poor,---not to lighten the overburthened wheels of industry,---not to rekindle the spirit of independence, nor to recruit the wasted strength of the labourers of England :---it was proposed to oblige them to pay four-pence out of every ten shillings of their earnings, that they who have hitherto paid poor rates, may be eased of their burden! When such a proposal has been made, *and patiently listened to**, in the British Senate, under such circumstances as the present, it must be high time for every one, even the lowest, to think for himself,—to doubt if selfishness has left, in the human breast, one spark of benevolence, or, if any thing like reason is to dictate in the arrangements of civil society.

Your Petitioners were taught to believe, that after the struggle of war was at an end, plenty would come hand in hand with peace, to refresh the people, who had, with unparalleled fortitude and submission, for upwards of twenty years of war, supported the measures of their Government: your Petitioners have been disappointed,—most grievously

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* These words, in italics, were erased before the Petition was presented. The "*proposal*" was made by Mr. Curwen.

disappointed. War had its horrors, but the present peace is more horrible than war:—the people in thousands stand every where idle, famished, dejected, and desperate.

At such a period of disappointment and gloom, your Petitioners would bridle in every inclination to reproach those who have been the more immediate instruments of bringing down upon the country its load of calamity. Looking backward they recognise the people at every step, identifying their will with that of the Government; fostering its ambition; cheering its victories; sharing its plunder. Your Petitioners wish to bury in oblivion the follies and the crimes that are passed: they wish, now, that most urgent necessity proclaims that something must be done, that that may be done, which may not only be safe and honourable for the British Government, but efficient to the comfort and prosperity of the people.

Your Petitioners conceive that there exists no mystery, as to the grand cause of the present distress. Excessive taxation, for a long period of years, has not only wasted the productions of industry, but the funding system has registered the price of these wasted productions, as a debt to be discharged by industry, while industry, deprived of the excitements which extraordinary circumstances afforded, has ceased to be able for such a discharge. Under these changed circumstances, your Petitioners have marked, for the last three years, a fatal blindness to consequences, and have beheld with sorrow, principles assumed and acted upon, with a design to remedy impending evils, not only of a narrow and selfish character, but palpably inadequate to the end in view. Your Petitioners conceive that the first step which should have been taken, after peace deprived this country of its monopoly of trade, and the peculiar incitements to industry, created by war and extraordinary circumstances, was, to have withdrawn those taxes which most directly bear upon the necessaries and comforts of life, and to have substituted in their place, taxes upon idle

property and great incomes accruing from the same. Such measures would not only have been politic and just among individuals, but their adoption would at once have enabled our industry to cope with that of other nations, and would have upheld that due degree of confidence in substantial stock, which was clearly wanted to maintain a balance against the dangerous influence of funded property, whose immediate security does not rest on the success of trade and industry, but in the power of taxation, and whose pressure increases as the strength to bear it is diminished.

Your Petitioners hoped that time and approaching ruin would not only have opened the eyes of all to the real situation of affairs, but have made it the first duty of ministers, to have declared the truth, and to have quieted the public mind, by an assurance of instantly altering the scheme of taxation. With utmost dread, however, have they now heard the Royal speech proclaiming, that the evils, which assail the country, spring from temporary causes, and from the transition from war to peace. Your Petitioners deem it their most sacred duty to oppose such sentiments, to deprecate such advice to Royalty, and to declare it to be the very extreme of infatuation to rest under such impressions for a moment. Your Petitioners, being mostly labourers and poor men, have comparatively little interest in the fate of property; but as sincere friends to peace and good order, they wish to see that which regulates all the commercial transactions of men, and which is necessary to give excitement to industry, kept in its proper place:—they wish no longer to see real property swallowed up and endangered by a bubble, whose increase, under existing circumstances, must rapidly tend to explosion, and whose explosion can leave nothing behind, but wretchedness and woe. With a change in the scheme of taxation, your Petitioners have persuaded themselves, that certain proposals, if adopted, would co-operate *immediately* to revive the industry of the country, and, in a short

time, do away all necessity, both for poor laws and poor rates.

These proposals are:

1st. *That in every parish not comprehended in, nor containing a town of more than one thousand inhabitants, Government shall take possession of one hundred acres of land, being the nearest clear land to the respective parish churches, and otherwise best suiting the purposes in view.*

2d. *That Government shall pay to the owners of such land its fair estimated value, raising one half of the whole means for this purpose, by a rate similar to a poor rate, only that owners of property shall be assessed instead of tenants, these latter being obliged to pay legal interest to the former, during the currency of existing leases, upon the amount of assessment raised from their respective holdings: the other half of the whole means to be obtained by loan, so calculated, as to be liquidated by rents and purchase-money, mentioned below.*

3d. *That each hundred acres shall be divided into two equal parts, as to extent, and in such a manner, as shall best suit purposes in view*

4th. *That one of these parts, in each parish, shall be enclosed, and otherwise in the best manner improved, for the purpose of a common pasture, to remain so for ever.*

5th. *That the other half shall be divided into half-acre allotments, making one hundred allotments in each parish.*

6th. *That the present inhabitants, male parishioners, of such parishes, shall be allowed immediately to occupy the allotments, one each; the choice of allotments to proceed by seniority.*

7th. *That where the present inhabitants of parishes are not sufficiently numerous to occupy all the allotments of their respective parishes, other persons shall have a choice, seniority and proximity giving a preference, while any allotment remains unoccupied.*

8th. *That each person, when he takes possession of an*

allotment, shall thereby bind himself to pay forty shillings a year, as rent for the same; and at all times to keep it in good garden culture. A person, thus paying rent, shall be styled a parish-holder.

9*th.* *That as long as these conditions are fulfilled, no parish-holder shall be disturbed in, nor turned out of his allotment; and at his death, his son may occupy in his stead, if twenty-one years of age: an elder son having a priority of choice to a younger son; and failing sons, the choice of occupancy shall proceed to the nearest male relation, before it falls to the public.*

10*th.* *That as soon as any parish-holder shall have paid into a savings bank, to be for that purpose established by Government, the sum of one hundred pounds, he shall have a cottage built on his allotment to that value; he having the choice of a variety of plans for the construction of the said cottage.*

11*th.* *That neither the money deposited in the bank for the above purpose, nor the property of the cottage when built, shall be attachable for debt; nor shall they affect any claim of parochial relief, due by existing laws. A person when possessed of a cottage in this manner, shall be styled a cottage-holder. At his death, his cottage-hold shall go to the nearest heir-male, as in the case of the parish-hold, with this difference, that the heir who takes possession shall pay to relations, equally near of kin with himself to the deceased, male and female, or to the nearest of kin female relation or relations, if such there be, nearer than himself, to the exclusion of others, a certain value for the cottage; and in case no heir takes possession to fulfil these terms, then they may be fulfilled by other persons who may desire possession, and whose claim to possess, shall be regulated by proximity and seniority: but if neither relations nor others shall claim possession, then the cottage-hold shall revert to Government, from whom heirs shall receive the value of the cottage, and the cottage-hold shall be open to public purchase or exchange.*

12*th.* *That as soon as a cottage-holder shall have had no relief from the parish, for the space of two years, he shall be entitled to a vote in the parish, and have a right to pasture a cow on the common. He shall be styled a freeman.*

13*th.* *That if a freeman shall throw himself for relief on the parish, he shall lose that designation, his right to vote, and pasture; nor shall he recover these, till he has lived five years without parochial aid.*

14*th.* *That as soon as a freeman has paid into the bank the sum of sixty pounds, the same shall be received by Government as purchase-money for his allotment, shall free him from the yearly payment of rent, and make him eligible into parish offices. He shall be styled a parish freeholder. Succession to be regulated as above.*

15*th.* *That all sales and exchanges shall be made through public medium; and at once to facilitate and regulate these, there shall be corresponding registries; parochial, district, county, and national.*

16*th.* *That no person whatever shall possess either in one or more parishes, more than one holding, and no person shall have a choice, nor be allowed to purchase, under twenty-one years of age; but an heir male shall be allowed, while a minor, to hold possession, although he shall have no vote, nor be eligible to offices, till he come of age: provided always, that none of the relations, entitled as above to a share of the valued property, become chargeable to the parish, while their share is unpaid, nor the heir himself, for in such cases the holding shall revert to public possession, and the residue only, if any, of the value of the cottage and freehold, be paid to the heir or heirs, after the parish charges for maintenance have been deducted.*

Although your Petitioners frankly submit these Proposals to the consideration of your honourable House, they do not press their adoption in the letter. Your honourable House may see fit to modify the scheme. The common pasture may be dispensed with, and the number of allotments may be

increased, diminished, or regulated, as circumstances may require. Your Petitioners chiefly insist that it is essential to the abolition of Pauperism in England, that an opportunity be afforded, for the labouring people to acquire property and personal freedom; both which they have lost through the operation of the poor laws, and which they can never regain under existing circumstances. To afford half an acre of land to all who would require it, would not occupy a hundredth part of the national territory: and when it is considered that the poor once possessed many houses and gardens in every parish, and enjoyed over all England extensive common rights, of which, in many cases, they have been unjustly deprived, such restitution must seem far from extravagant or unreasonable.

Your Petitioners would desire your honourable House to consider, what universal contentment would instantly ensue from the adoption of these proposals, or even of a modification of them: what a fund of employment would be created: how universally this would be diffused; and how long it would continue. Even the early production of provisions to eke out the supply, before next harvest, would be no small advantage, in the present year of scarcity, and would certainly be obtained by affording to the poor, garden allotments of land, for individual cultivation and convenience. Your Petitioners deny what has been asserted by some, that such arrangements in rural economy, would stir up in the minds of the people a desire for any thing like a general Agrarian law, or that their obtaining votes, would in any way endanger property. Your Petitioners refer to America, where, in many parts, the right of vote is equally shared among the rich and the poor, without having caused the least encroachment on property.

Your Petitioners, though they most earnestly desire to see a wise reform of Parliament, do not wish the parish vote to qualify directly for parliamentary election, and they positively disclaim and renounce what is commonly

understood by universal suffrage. They feel that the mass of the people never could be competent, sufficiently to estimate the comparative merits of persons aspiring to a seat in parliament; although they could well judge, which of their fellow parishioners were most worthy of offices and trust within their respective parishes, and which of them might be best qualified to act as parish deputies, at district or county meetings, whether assembled for parliamentary election or other business.

Your Petitioners therefore most earnestly entreat that your honourable House will immediately withdraw all taxes on malt, salt, soap, candles, leather, bricks, and tiles; contract no more debt; pay all national charges unprovided for, by an assessment on rents and interest of money, increasing the ratio of assessment upon great incomes derived from the same:—That, having done this, your honourable House will take into most serious consideration the above proposals; and particularly that you will so enact, that every British subject, grown to man's estate, shall have an opportunity of occupying half an acre of land for its value, whereon he may establish his freehold: and your petitioners shall ever pray.

(Subscribed by Robert Gourlay, and ninety-seven others, of Wily parish.)

This Petition had so much to struggle with, before it was presented to the House of Commons, that I published an account of its struggles. (Poor Laws, No. 4.) Seven weeks before it was presented, I sent to every Member of Parliament a circular containing that part printed in italics; stating, at the same time, that such was to make the ground of a petition to the House of Commons as

soon as it assembled. Application was made to both the county members of Wilts, to present the petition; but neither of them going to town immediately on the sitting of Parliament, it was offered to three popular men: Sir Francis Burdett, Lord Cochrane, and Lord Folkstone. Sir Francis carried it to the House, read it there, seemingly with great care, and then returned it to me by the hands of his brother, saying, "he had not time to read it." Lord Cochrane objected to the *language*, as "too strong," and Lord Folkstone spurned it as being "an act of legislation." After this, it was put into the hands of Mr. Methuen, member for Wiltshire, presented, read, and ordered to be laid on the table of the House of Commons, the 28th February, 1817.

Now, that nearly four years have gone by since this Petition was presented to Parliament, I hope the reader will grant me indulgence in giving a little explanation as to it.

From the moment that our courtiers took for granted, that public distress arose out of a mere "transition from war to peace," and that our landed interest relied on a Corn Bill to uphold their rents:—from that moment it seemed well for every one to enter his protest against such madness, were it only to enable him, by a future day, to exclaim, "Thou canst not say that I did it."—From that moment, it was clear as day, that we were doomed to distress, if not to destruction. The crisis has not yet arrived; but what thinking man is free from the impression, that we are now every

moment in jeopardy? Schemes multiply for deliverance. One would debase the coin: another would at once sweep off national debt, by a general levy of 15 per cent. on every species of property: a third would lower the rate of interest; and a fourth has no hope but in the *sponge*. I maintain, that a well-regulated tax on *Rents* and *Interest*, would be preferable to every other scheme. Whigs object to a property-tax, in the dread of its enabling ministers to go on in profusion; but let those who enjoy rents and interest, see to that. The main point is to unburden capital in the hands of its employers, to give excitement to industry, and spirit to adventure. The cravings of my Petition admit of compromise. Disband 50,000 soldiers, and the tax on salt might continue: put to the hammer the reversion of useless public property, which would bring upwards of one hundred millions, and the tax on malt might rest where it is: abolish sinecures, and economize in all the departments of state, and the tax on hops would not be complained of. To go still further beyond the record, make a law, by which farmers may pay the rents of existing leases, on a scale of reduction, calculated from the market-price of wheat: commute tithes: get quit of all corn laws; and gradually throw open our ports to free commerce. These are sweeping proposals; but they are moderate, when looked to as guards against the horrors of revolution. They are more fair than debasing the coin: more safe than making a great seizure of property: more creditable than lowering of in-

terest; and every way to be preferred to the sponge.

Some people begin to regard revolution with complacency, since armies have, of late, accomplished this with ease and safety; but these people little reflect upon circumstances, which render our situation different from that of every other nation. No country has such a multitude of degraded paupers as England; men, who remember better times, and have experienced the most odious reverse: no country has such a swarm of idlers existing on fictitious wealth: the people of no country have stronger feelings; nor is there any where so much talent to inflame passion. This, in short, is my conviction, that revolution in England would certainly have a bloody beginning and a doubtful end.

Those who expect good from revolution, rest expectation chiefly on relief from taxation and national debt. I, by no means, think that such relief, even were it obtained without violence, would secure to us the greatest good. So far as taxation stimulates to industry, and so far as national debt affords a place of safe deposit for its surplus gains, both are desirable. The desideratum is to make secure the place of deposit, by keeping taxation within bounds, while industry is stimulated to the utmost. Our national debt is national capital; and could its interest be fairly paid out of the surplus earnings of skill and industry, it should not be reduced a farthing: nay, instead of being eight hundred millions, I should be glad to see it double that, treble, or ten times that. As our debt in-

creases, without diminishing the fair profits of industry and skill, it indicates increasing powers of production, and affords greater facilities to the accomplishment of grand national projects. With proper management, national debt need never be ruinous. It is all among ourselves, and the grand point is to watch its bearings upon production. If taxes overburden the wheels of industry, then it is time to reduce them, or make rents and interest bear a greater share of the burden. Rents and interest are the overflowings of production; and with power to regulate these overflowings, national debt cannot be extravagant in amount. With good arrangement, rents and interest may be flung into the sea, and industry go on producing; but the enjoyment of rents and interest---of affluence and ease, is enviable. It excites desires in those who produce, rendering them more and more productive. Rents and interest are thus remotely beneficial; but they are not of the first consequence: they are not absolutely necessary; and, when the necessities of society require it, they should be first sacrificed.

The misfortune is, that the receivers of rents and interest are our legislators; and, till hard pressed themselves, remain heedless of consequences, —even of impending ruin. Our great landlords are, at a push, our directors-in-chief. They could carry the Corn Bill against the will of nine-tenths of the people: they could behold it powerless, and for five years look with small concern on the pining away of their tenantry: they could see the

monied interest rising on their ruin; and while they can still purchase ease by mortgage, or by devouring the farmer's capital, they will remain in apathy; or, worse than apathy, go about amending their Corn Bill: when every succeeding rent-day gives stronger and stronger proof that economy should be studied, they will go on voting away millions for the support of soldiers in time of peace!! Well! if the last cord of feudal power is to be snapped by its own straining, it may be all for the best.

But let us indulge a moment longer in theoretic discussion, and I shall say, that were the hand of wisdom itself to regulate and determine a scheme of taxation, *rents* and *interest* would be the true sources of supply in a country like this. They are most easily come at. Their amount precisely determines national capability, and by pressing upon them, every moral good, which may be consequent on the direct taxation of luxuries, may be obtained. How monstrous to tax soap, candle, leather, bricks and tiles! How monstrously unprincipled was the war property-tax! at once thriftless and oppressive; exacting from farmers often in the inverse ratio of their means to pay; searching the books of merchants; and making the income tax begin at £50 a year, and reach its acme of increase at £150! Oppose to all this a well regulated property-tax on rents and interest; and duly consider, not only the difference in point of justice, but economy. Lay a tax of ten per cent. on all rents and interest whatever, and a quarter

per cent. additional on every £1,000 a year above one thousand pounds of income, out of rents and interest; and the budget would bloom delightfully. Who would suffer by such a tax? Would the man of £20,000 a year be stinted in luxury by giving up 15 per cent.? the man of £40,000 a year, 20 per cent.; or the man of £100,000 a year, 35 per cent.? Certainly not? They would only have to dispense with a few pleasure horses and lap-dogs, footmen, and fiddlers. But there is no hope of getting this effected peaceably, but by systematic petitioning.

Having so far touched on the out-works of my Petition, I would now draw attention to its middle part—that printed in italics; and to this I would particularly call the attention of Mr. Malthus, asserting that it will be impossible to get quit of the "*evil in comparison of which the national debt, with all its terrors, is of little moment,*" without some such plan as here set forth. I assert that there is more than education and relief from taxation required to shut out "*the prospect of a monstrous deformity in society.*" I assert that objects of ambition should be set before the poor of England, to stimulate exertion, and draw them forth from the abyss of misery and degradation in which they are now plunged: that opportunity should be now given them, not only to acquire property, but *civil rights*, by the sweat of the face; and I assert that, by liberal measures, they may be made in ten years not only to unburthen the country of poor-rates, but to add greatly to its effective

strength:—that a weak and profitless population may be got quit of, while a strong and healthy one would be substituted: finally, that moral restraint may be so strengthened, that we should never stand in need of war, pestilence, or famine, to carry off redundant population.

Mr. Malthus has ventured to recommend "*a general improvement of cottages*," and even "*the cow system on a limited scale*," thinking that "*with proper precautions, a certain portion of land might be given to a considerable body of the labouring classes.*" My mind was made up as to all these points, when I drew up the foregoing Petition, and after sixteen years reflection on the subject, with better opportunities of judging than any other individual whatever. I have since crossed the Atlantic, never losing sight of my plan for the deliverance of the English poor from oppression: I have become more and more convinced of the necessity of something being done; and am more and more assured that no half measure—no piddling plan can avail. The time is now at hand when something *must* be done, and the sooner the better; for *now* we may have salvation, by and by despair. The execution of my plan would exhibit a scene unlike to any thing which the world has yet witnessed; perfectly safe, and every way effective. It disclaims all connexion with Spencean doctrines, and still more with the monstrous absurdity of spade husbandry. It proposes no derangement in the frame of society, nor any dangerous interference with private property. A hun-

dredth part of the island would answer its fullest demands; and that would be paid for most liberally*. It will be observed, from the Petition, that I was not rigid as to the quantity of land, and that I admitted of modification as circumstances should require. I wished to set forth the greatest quantum required, to shew that even that was nothing before the mighty object aimed at; the rooting out of poor-laws, and improving the character and condition of the people. The half acre of land is condescended upon as being such a quantity as any poor man could make the most of at his spare hours, and from which he could raise sufficient food for a cow, along with his liberty of pasturage on the common; but there are reasons which would make it politic and right to diminish both the extent of the common and the garden plot. A quarter of an acre is the proper size for a garden, and 25 instead of 50 acres of common would be quite sufficient.

A rood of land, under good garden culture, will yield great abundance of every kind of vegetable for a family, besides a little for a cow and pig. If there is a ground on which a cow can range for part of a day, she can be kept in high condition for milk, upon articles of food, which can always be purchased; straw, hay, grains, &c.; and, on introducing a general system, the less bounds in which that can be

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* There are in Great Britain ..... 54,603,360 acres.

Then, 50 acres set aside in each of 10,000 parishes, gives 500,000

The quotient is *not* a hundredth part .. 109

accomplished, so much the better. It is not the intention to make labourers professional gardeners or farmers! it is intended to confine them to bare convenience. The bad effects of giving too much land to labourers was discovered more than thirty years ago, in the lowlands of Scotland. What were called the *Cotter rigs* (Cottager's ridges) are now every where done away with, and to the benefit of both masters and servants. The bad effects of the little potatoe farms in Ireland, are well known; and nothing but dirt and misery is witnessed among the *Crofters* of the highlands of Scotland*. A tidy garden, with the right of turning out a cow in a small well-improved and well-fenced field, would produce effects of a very

* Formerly, in Scotland, every large farm, or barony, had its *cotter toon* (cottager's town), that was, a hamlet, or small village, round which a portion of land was laid out in ridges; and each cotter had one, two, or more of these ridges, on which he grew a little oats for meal, a little flax for domestic manufacture, a sufficiency of potatoes (after that root was introduced), a little grass for his cow, &c. The farmer or *laird* (landlord) under whom the cotters rented their houses and land, lent aid to plough the ridges, carry in the crop, &c.; and the cotters were bound to work to him, when required. The system was wretched. The land was but half cultivated: its stinted produce increased the cares and avarice of the occupier; but added little to his comfort. To better the condition of the cow, and to add to the small in-gatherings of harvest, the cotter was led to help himself by little and little out of his master's fields and barns; and habits of pilfering grew up with the cow-herd and spinster. I am just old enough to have remembrance of the expiring system, and the impressions left on my mind, make me rejoice that it is now no more.

different kind indeed: would, at once, insure contentment, comfort, and a world of convenience*. Independent of the advantage which would accrue to the inhabitants of a village, in the way of cow-keeping, from a small common or park, there is need of such a spot for various other purposes: the bleaching of linen; the gambols of the young; and the sober sauntering of the old; exercise and air; the feeling of independence and social union.

Objection has been started to the scheme, that its benefits could not be extended to people in towns; but it may as properly be said, that,

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Many years ago I have explored the interior of the highlands of Scotland; but till the spring of 1820 was not so far north as Glengary and Lochaber. There I witnessed the wretchedness of the crofters; and wished, most heartily, that government might allow me, or some one else, to remove every one of them to Upper Canada, that their room in the highlands might be occupied entirely by shepherds, and they themselves rescued from filth. I cannot yet call to mind the turf hovels, with smoke spewing out from every pore, without feeling itchy all over. These people would, most of them, willingly emigrate. At least a full half of those I talked with, were keen for it; but, for want of union and arrangement, few can move.

* While composing this GENERAL INTRODUCTION, September, 1820, and studying the above subject, I began to consider what would be the consequence if there was no *restraint* put upon the *partitioning* of cottage allotments; and I wrote to Fifeshire, to ascertain how it had actually turned out with the *feus* upon my father's estates in the parish of Ceres. I sent a *form* under which to range the information required; and have now to present a table, from which the political economist may draw more than one conclusion. The table was filled up by Mr. Martin, land surveyor in Craigrothie, a man of great accuracy.

because we cannot reach the North pole, we should not venture so far as Greenland. Were

STATE of the FEUS on the Lands of Baltilly, Scotstarvet, and Craigrothie, in the Parish of Ceres, County of Fife.

NAMES OF ORIGINAL FEUERS.	Extent of Ground feued.	Date of Possession.	Number of Dwelling-houses occupied.	HEAD OCCUPIERS OF DWELLING-HOUSES.	Number in each Dwelling-house.	Quantity of Land now Rouped to each Dwelling-house.
CROFT DYKE, BALTILLY.	A. R. F.					A. R. F.
Alex. M'Lachlan.....	1 3 0	1755	10	Wm. Adamson	5	0 2 16
				Margt. Rodger.....	1	
				Christian Rodger	1	— — —
				Mrs. Gold.....	3	0 0 13
				Wm. Simson	3	0 2 16
				Wm. Mason.....	6	0 0 10
				Robt. Wallace	3	0 0 5
				Jas. Turpie	4	0 0 10
				Wm. Thaw	5	
				David Black	5	0 9 10
				Helen Thaw	3	
James Donaldson	0 3 0	1755	3	James Donaldson	7	0 1 0
				Jas. Ferguson.....	3	0 0 0
				David Donaldson	1	0 1 0
Wm. Mitchell	1 0 0	1755	4	Wm. Mitchell.....	1	0 1 17
				John Mitchell.....	3	0 1 17
				Mary Braid	1	0 0 2
				Wm. Donaldson.....	4	0 1 4
Andrew Densire.....	0 1 32	1755	7	Wm. Watson	3	0 0 13
				Eliz. Pitcairn	2	0 0 12
				Eben. Turpie	4	
				John Lawson	6	0 0 13
				Euph. Sandeman	5	0 0 13
				Wm. Peat	2	0 0 4
				Agnis Wilkie	1	— — —
CHANCE INN, SCOTSTARVET.				Jas. Hardie	3	0 0 10
				Jas. Allan.....	4	0 0 10
John Lonie	0 3 0	1780	4	Alex. Cunningham ..	6	0 1 0
				Kath. Lonie	2	0 1 20
				Wm. Henderson	7	
				John Hodge.....	5	0 0 20
James Lonie	2 2 0	1790	1	John Scott	7	2 2 0
Alex. M'Kenzie	5 2 34	1794	6	John M'Kenzie	5	0 0 10
				John Forrester	5	0 0 9
				Thos. Mitchell.....	3	0 0 4
				Wm. Brunton.....	6	0 0 9
				Alex. M'Kenzie	3	0 0 4
				Andrew Scott	3	0 0 5
				David Nairne.....	3	0 0 14
				Geo. Brown.....	3	5 1 19
John Lonie	0 1 0	1790	1	Andrew Scott.....	3	0 1 0
Wm. Strachan.....	4 0 0	1792	1	Wm. Strachan	4	4 0 0
John Lonie	0 1 20	1794	2	Chas. Birrel.....	2	0 0 20
				Jas. Hean.....	4	0 1 0
James Dingwall	1 2 0	1797	1	Andrew Dingwall	6	1 2 0
CRAIGROTHIE.						
Jas. Balfour.....	0 0 22	Old	4	Ann Dewar	2	0 0 6
				Isabel M'Gregor	2	0 0 2
				James Balfour	7	0 0 6
				John Blyth	5	0 0 4
				May Clark	1	0 0 2
				Jas. Reekie	2	0 0 2
	18 2 28		44		181	18 2 28

ten thousand country parishes accommodated with fifty acres each, no inhabitant of a town need be in

NAMES OF ORIGINAL FEUERS.	Extent of Ground feued.	Date of Possession.	Number of Dwelling-houses occupied.	HEAD OCCUPIERS OF DWELLING-HOUSES.	Number in each Dwelling-house.	Quantity of Land now attached to each Dwelling-house.
	A. R. F.					A. R. F.
Brought forward..	18 2 25	....	44	.....	181	18 2 25
John Marshall	0 2 2	1713	4	Wm. Marshall	5	0 1 10
				David Marshall	6	0 0 10
				Robt. Marshall	7	0 0 20
				Duncan Adamson	3	0 0 2
David Rae.....	0 1 0	Old	2	Jas. Morison	5	0 1 0
				Helen Corbet	1	— — —
Wm. Marshall	0 1 15	1750	4	John Adamson	7	— — —
				John Monro.....	7	0 1 15
David Seth	0 0 10	1760	1	Jas. Seth	3	0 0 10
				Betty Brabener.....	2	
Andrew Spears	0 1 0	1770	3	Jas. Allan	3	0 0 6
				Janet Lawson.....	1	0 0 2
				Wm. Louden	4	0 0 32
John Gourlay	0 0 16	1750	2	Jas. Blyth	4	0 0 2
				Jas. Webster	5	0 0 2
				Ann M'Culloch	1	0 0 2
				Euphan Ireland	2	0 0 2
				Peter Mason	1	0 0 2
				Ann Airmet.....	3	0 0 2
				Elspeth Carsewell....	2	0 0 2
				John Marshall.....	3	0 0 2
John Gourlay	0 1 0	1730	2	David Wallace	6	— — —
				John Gourlay	5	0 1 0
James Watson.....	0 0 18	1795	1	Elspeth Dall	1	0 0 18
				John Blyth	4	0 0 0
Wm. Watson	0 0 16	1795	1	John Mason	2	0 0 16
Walter Adamson	0 0 24	1795	2	David Sinclair	2	0 0 0
				Geo. Adamson	3	0 0 12
				Walter Adamson	1	0 0 12
Thos. Adamson.....	0 0 21	1795	1	Thos. Adamson	6	0 0 21
John Yool	0 0 14	1795	2	Mary Simson	2	0 0 7
				John Colvill.....	7	0 0 7
Wm. Adamson.....	0 1 35	1810	4	Oliver Matthewson ..	4	0 0 0
				David Clark	6	0 0 0
				David Brown	3	0 1 35
				Jas. Dalrymple	6	0 0 0
				David Webster	6	0 0 0
David Martin	1 1 19	1798	3	Wm. Sime	6	0 1 28
				Rachel M'Nab	7	0 1 29
				David Martin.....	7	0 2 19
Wm. Cunningham	0 0 39	1800	2	Barbara Swan.....	2	— — —
				Wm. Cunningham	10	0 0 29
				Wm. Muirie	6	0 0 10
John Drybrough	0 1 0	1798	3	John Drybrough	1	0 1 0
				Thos. Melvill	2	— — —
David Wallace	0 1 0	1798	2	David Wallace	3	0 0 20
				Thos. Wallace	5	0 0 20
Wm. Martin	1 2 14	1803	1	Wm. Martin	5	1 2 14
Wm. Adamson.....	0 1 21	1812	2	Geo. Pettrie	8	0 1 21
				Elspeth M'Culloch....	2	
John Adamson	0 0 24	1812	1	John Adamson	3	0 0 24
Alex. Hodge	0 0 22	1812	1	Robt. Honeyman	5	0 0 22
Alex. Oliphant	0 1 16	1812	1	Alex. Oliphant	3	0 1 16
Wm. Matthew.....	0 0 20	..	1	Wm. Matthew	4	0 0 20
John Yool	0 0 26	..	1	John Yool.....	4	0 0 26
	26 2 0		91		402	26 2 0
	36					106
	0 2 37½					0 1 0

want: and if inhabitants of towns were tempted out of them, to have the enjoyment of a garden and common right in the country, so much the better.

It must be observed that the land measure in the above table is Scotch, which is one-fifth part larger than English measure. F stands for *fall*, equivalent to *pole;* 40 of these making a rood. Feus, not built upon, have been omitted.

Thirty-six original feuers appear to have among them 26 acres, 2 roods; or about 2 roods, 37½ falls each: and 106 sub-feuers and tenants have exactly 1 rood each. Some families have no garden ground, and in some houses are two families. Had the land been equally divided, the gardens would have been of a proper size: the greater part of them are much too small. Families do not average 4 each; but there are 14 persons living single, which should not count as families. A considerable number of these people keep cows and pigs; and almost every head of a family would have one cow, with the privilege of grazing one on a common. One common, well improved, and divided into four well fenced fields, so as to be grazed in succession, each field one week at a time, would be quite sufficient for such a number of people as appear in the table. Ancient commons were rendered of little service to the public for want of fencing, improvement, and regulation, as to the quantity of grazing stock, shifting and proportioning this, &c. A few simple regulations would not only make the common yield the utmost profit and convenience, but make the business of cow-keeping altogether simple. A little hay, straw, grains, turnips, and the like, all of which could be readily purchased in every part of the kingdom, would be all the want; and the manure produced by the consumption of these articles would be just sufficient to supply the gardens. There would be no confusion, little care, great economy, and a world of comfort and convenience. Beavers, and bees, and ants, have the best possible arrangements determined for them; but man is left to his own contrivance. How simple is that now proposed; but, alas! the perversity of our nature!!

Great towns, in many respects, are bad. They are unfavourable to morals, to health, to national economy. In villages of from fifty to one hundred families every good of combination can be obtained. In such villages every species of manufactory could find sufficient hands for supplying labour in all its divisions.

I am at a loss to understand what Mr. Malthus means, by the "improvement of cottages." If he means the improvement of dwelling-houses, there is a rule to be attended to, and it is this; that, every house, to contain a family with decency and comfort, should have a kitchen, parlour, and three sleeping apartments: one for the parent pair: one for male; and one for female children. The plan and elevation of a log cottage, introduced page —*, has this much accommodation; and is one, in the contrivance of which, I have bestowed considerable thought. Such a one, finished plainly, and furnished with every wooden convenience, could be afforded in the wilds of Canada, for £30. In England, a cottage, built of brick or stone, and finished as I would wish to see it, substantially and elegantly, would cost £80 now; and four years ago would have cost £100. Requiring such a cottage to be erected by an individual, before he could claim the rights of a cottage-holder, is proper, on various accounts. The difficulty of

* The reference is to a plate already engraved; and which will appear in vol. iii.

acquiring privileges would make these privileges be more esteemed, and would bring into the possession of them, superior merit; while the after-enjoyment of a handsome place of residence would, in no small degree, assist in upholding laudable pride and self-respect. It may be thought, that a common labourer could never accumulate, out of his wages, the sum requisite for the erection of such cottage; but he certainly could, if the rate of wages was fair. It has already been stated, that before the peace, a Scotch ploughman had £20 and his victuals: the half of this could, with economy, keep him in clothes, and the other half, regularly deposited in a savings bank, might amount to £100 by his 25th year.

Although I have an absolute abhorrence of the spade husbandry, as proposed by the benevolent Mr. Owen, I perfectly agree with him, that moral training may greatly improve the human character. Before Mr. Owen came before the public as an author, I had published my opinion, that "*circumstances and situation,*" could mould this; and in America I have seen it so far verified. Man, indeed, is a ductile animal, and a good one, when not crossed with tyranny, or ruined from bad example. He is more hopeful than Mr. Malthus would have us believe; but his training must commence before the wedding-day,—it must commence from the cradle.

As to the "*Cow system,*" there is no possibility of introducing it, generally; but so far as a common adjoining every village would admit; and I

trust that my plan is at once economical, safe, and practicable. I am perfectly aware of the difficulty of getting our rulers, and, indeed, the great body of the wealthy classes, to give a liberal hearing to such a proposal. They have a dread that any admission of the people to the enjoyment of civil rights would lead to unreasonable demands: but it is groundless and unchristian As to the land required, the poor have a positive right to it, looking back to these last 30 years of spoil, under acts of enclosure. The land, unjustly taken from them, under these acts, has amounted to more than would be required to establish the Village system all over the island. Yes! much more than 500,000 acres have been thus unfairly taken from the poor; and, in another way, they have also been gradually and ruinously deprived of their property. By prevailing regulations, no person is entitled to parish-relief while he has any real property. If he is put to it, he must swear that *he is poor*;—that he has neither cottage nor garden, cow nor calf; that he has nothing but household furniture and wearing apparel. What has ensued from this law? Why, that not one in a hundred of English labourers has now a sheltering place which he can call his own. Almost universally the poor have been obliged to part with their cottages and gardens. The infernal poor-law system forced them to make this sacrifice. The stoutest, most active, and most willing labourer, could not maintain his family, after the combination to keep down wages was formed. There was a posi-

tive necessity for his applying to the parish for relief, and this relief he could not have till cottage, garden, and all was surrendered. For many years sore struggles were made to maintain independence, and keep possession of the little spots which, since England was, had descended by inheritance from father to son; but it would not do: indeed, it was foolishness to hold out; and it became a common saying, that "*a cottage and garden was the worst thing a poor man could have.*" Let the reader pause, and reflect upon this: let him think of consequences, — heart-sickening, appalling, ruinous consequences. What is property good for? for what has God created it? what, but a desire to possess property, can spur on the mass of mankind to exertion? what would we be but for this desire? yet here are millions of the English people in whom that desire has become extinct,—who must pass through life, and never enjoy the delight of having a home which they can call their own.

What does Mr. Malthus say to this? Is there a single word on the subject in his whole book on population? When we look to the index of that book, and run over the many heads, under which the poor and poor-laws are spoken of, do we find a single word regarding this? Do we find any thing of this in the chapter which treats of "*the only effectual mode of improving the condition of the poor?*" No: not a word—not a syllable: yet, in this, is the grand secret; in this is the germ of hope; in this is the *one thing needful.* Let but

the poor have a little property to begin with—a little stock in trade; let them have a home, which they can call their own, with the hope of independence, and all will go well. God instituted property, and clearly tells us that, by the proper use of it, we can rise to excellence; but without property or, the chance of acquiring it, no good can be expected of us.

I have rapturously expressed my joy in accompanying Mr. Malthus from earlier to later times: from north to south, and from west to east; anon, musing on the abstract truth, that, in proportion as men are virtuous, so are they happy: but am I to dream only of this abstract truth? When I have obtained full information as to "*the checks to population*, in the lowest stage of society,"—"among American Indians,"—"in the islands of the South Sea,"—"among the ancient inhabitants of the North of Europe,"—"among modern pastoral nations,"—"in different parts of Africa,"—"in Siberia, north and south,"—"in the Turkish dominions and Persia,"—"in Indostan and Tibet,"—"in China and Japan,"—"among the Greeks,"—"among the Romans,"—"in Norway,"—"in Sweden,"—"in Russia,"—"in the middle parts of Europe,"—"in Switzerland,"—"in France,"—"in England,"—"in Scotland and Ireland,"—when I have obtained full information as to the checks to population, in all these countries, ancient and modern, and in every stage of society, am I to fall asleep, and give up all inquiry as to the *means* by which moral restraint may be braced?

Am I to make a jumble of crude ideas, and satisfy myself only of this bare abstract proposition, that all checks to population are "resolvable into moral restraint, vice, and misery?" Am I to rest satisfied with the belief, that the paupers of England may be exalted in character and conduct by a mere sermon; and that, too, on their wedding day? What! lecture a young couple on that day, against intemperance during the honey-moon!! Really, Mr. Malthus, there is no wonder that you have stirred up indignation. Nature should not be so provoked—so wantonly outraged. With all my admiration of the theory of population, I must hold your practice in derision. You make me think of an astronomer fixing his eye so intently on the milky-way, to discover its specks, that he forgets that there are stars of the first magnitude in the firmament.

That "population must always be kept down to the level of subsistence,"—that "when unchecked," it may "increase in a geometrical ratio," that "population, could it be supplied with food, would go on with unexhausted vigour;" and that "the increase of one period would furnish a greater increase to the next, and this without any limit," &c. are all truisms, which any child may understand. I am convinced, with Mr. Malthus, that a nation's strength does not consist in the mere multitude of its people; but in the moral and physical strength of the individuals who compose the multitude; and, most assuredly, there is great room for improvement in this way. Bred to farming, I clearly com-

prehend Mr. Malthus, when he speaks of having good stock, instead of bad stock, on a farm; but the example which I have given, from experience, of the difference between Scotch and English labourers, one earning £20, while another earned but £12, renders all resort to figurative comparison unnecessary: it is direct to the point. And when it clearly appears by what *means* an English pauper may be made as good a man as any Scotchman whatever, why should he hesitate in resorting to the means for delivering one-half of the nation from misery, and another from the burden of poor-rates? The simple means is to give the English poor a chance of acquiring property, a hope of independence; and see the effects. Do but this: educate the young, and free the old from vassalage. Only 150 years ago the Scotch were very brutes—the basest rabble on earth; but the institution of parish schools wrought a miracle: I may, indeed, quote my own words on this subject, written, in 1815: "The Scotch, in one century, were the most unprincipled and desperate marauders; in the next, they were examples of sobriety and peace*." As soon as the poor rascally Scotch got the rudiments of education, they began to work their way to independence; and they sought for it all the world over. Let the English have the same ad-

* Right to Church Property secured, page 21. Whoever wishes to see a true picture of the Scotch, prior to the Reformation, should look into Lindsay of Pittscottie's History of that time. The change of character since is truly striking.

vantage, and they, in like manner, will profit by it. But I have said, that "substantials have been taken from the poor (of England), and that substantials must be returned." Even with education, the poor of England cannot have such a chance as the Scotch had; and that, because of the existing state of property. I do not know if there is a single parish in Scotland, where the labouring classes do not possess considerable property in houses and land; or, where they cannot find plenty of cottages and gardens to purchase, or take on lease. In England, it is all otherwise. I question if the poor of Wiltshire, were they emancipated to-morrow from parish bondage, and in the way of making money, could, in one parish out of ten, get land to purchase in small lots, or even have cottages for rent; and that ready accommodation, in this way, should be furnished them, is of the first importance. I have said that at least 500,000 acres have been unjustly taken from the poor within the last thirty years; and that in this time, too, they have been obliged to surrender their cottages and gardens. However unjustly and impolitically all this has come about, no restitution can be made of the very commons,—the very cottages and gardens, that have been taken from the poor; nor is it desirable that this should be attempted. Assuredly, however, the general right—the abstract right, to restitution, is good. Will Mr. Malthus deny it? Will he deny the propriety, justice, and good policy of restitution? or can he find fault with my mode of restitution—my plan for execution? Landed pro-

perty is often seized upon, paid for, and applied to public purposes, under acts of parliament; and, if a hundredth part of each parish was so taken for the accommodation of the poor, it would be no great encroachment on the rights of private property. Some seven or eight years ago, the Bath Society gave a gold medal to the writer of an essay for proposing to purchase up land all over the kingdom, to be given to the clergy in lieu of tithes. This proposal was monstrous in a variety of views, but still it shows that people can bear with such a proposal. On the enclosure of commons, it has been customary to set aside one-seventh for the tithe-claimant, and, if we suppose tithe-claimants, throughout, to be entitled to half as much, here would be *a fourteenth* of the whole kingdom to be purchased up, and appropriated, for the maintenance of 15,000 parsons; not more than a thousand of whom are effective in the vineyard:—if we can listen to such a proposal with patience, how readily may my proposal be entertained of purchasing up *a hundredth* part of the kingdom, for the accommodation of a million of families; and for the removal of "*an evil, in comparison of which, the national debt, with all its terrors, is of little moment.*" It is of no avail for Mr. Malthus to be sending into the world edition after edition of his Essay on the Principle of Population, and gradually entrenching himself for more than twenty years within fastnesses of logic, if he does not come to some point: it is of no avail to be arguing nice points in political economy, or registering truisms, if no prac-

tical issue is reached: it is of no avail to be *venturing* "to recommend a general improvement of cottages, and even the cow-system, on a limited scale," if nothing is done. Mr. Malthus has said, that he "should most highly approve of any plan which would tend to render such repeal (the repeal of the law for public maintenance to the poor) more palatable on its first promulgation." Well then, I submit my plan, and challenge Mr. Malthus to find fault with it. My plan was laid on the table of the House of Commons, before Mr. Malthus published the 5th edition of his Essay on Population; and I do not suppose he was ignorant of it; yet not a word is said of it. Now it will be better known; and now I challenge not only Mr. Malthus, but the whole world, to say in what it is wrong; or to state what difficulty lies in the way of its adoption. Mr. Malthus hints at building cottages and *letting* them to the poor; but this would be a mighty expensive and complicated matter, while it would produce no grand effect. He also speaks of Mr. Estcourt's plan of providing for the poor,—of *letting* land to the poor, at Long Newton, in Gloucestershire, (North Wiltshire); but this is all trifling. I have repeatedly been at Long Newton, seen Mr. Estcourt's provision for the poor, and inquired into his plan. It is nothing more than a second edition of the *cotter-rigs* of old Scotland; and its continuance rests with Mr. Estcourt's will and pleasure. Mr. Estcourt can deprive his poor tenants of the ridges now let to them; on which they grow a little

grain, beans, potatoes, and so forth. The poor must be made *independent* of all caprice: they must have something which they can call their own. They must have the power of loco-motion: they must have a chance of acquiring a freehold, —an opportunity of rising from out the mud in which they are now stuck. The poor of Lincolnshire are placed beyond the caprice of their immediate masters, the farmers. They rent their cottages and cow pastures from the chief landlords, (see page xciv) and as they never disturb them in possession, it is so far well; but it would be so much better if these cottagers could call their cottages their castles, as all Englishmen should be enabled to do. The little feuers of Ceres parish can do this. There, after they have obtained a *feu*, they are as independent as he that has granted it. The feuer can build to any extent on his land with safety: he can keep, sell, or divide at pleasure; and the foregoing Table shews how things go. The practice of thus accommodating the labouring class with land is infinite. There is no want of homes in Scotland; whether for sale, taking by lease, or exchange. In the parish of Ceres there are, perhaps, four times as many small properties as those exhibited in the table; and all over Scotland there are abundance. How was it in Wily parish and the country round? There, nothing of the kind was to be seen. In every parish there were a few cottages, generally in most ruinous condition, which had, formerly, had their little independent occupiers, but now were held

by parish officers as public property. There were a few also attached to the farms; but not a place of refuge remained for the poor man who had spirit to wish for a home of his own; and what said a parish-officer of Wily, when he wanted to get quit of some of the poor. He said, "*he would put them so close that they would be obliged to swarm;*" meaning, that he would drive them from the parish, where they had a legal right of maintenance, by discomfort.

Whoever bestows serious reflection on this speech, cannot be longer insensible to the necessity which exists for a thorough change being made in favour of the poor of England,—the necessity of restoring to them some landed property in every parish, to ensure independence and the power of locomotion.

The ancient commons, though in many respects nuisances, were, in this way, of vast importance. Almost every parish in England used to have its common or cow-down; and every highway was skirted with waste land, on which the people could at will erect freeholds. There was not then in England a man to whom such a speech as the above could be appalling. Till within the last thirty years, that commons and wastes have been so generally enclosed, without regard to the rights of the poor, and till all the cottages and gardens were taken out of their hands, they could not be made to "*swarm,*" from over-crowding in almshouses, or parish hovels. The moment that a poor man was oppressed, by farmer, priest, or

'squire, under whom he lived, he could find for himself a place of refuge. He had only to ask the assistance of a few friends. In a single night they could erect a hut, on the common or waste, and before day-light the boiling pot proclaimed him a freeholder; nor could the king himself drive out the poorest of his subjects from such a tenement. This, I say, was a mighty affair for the poor—a mighty stay for independence.

By the enclosure of commons, England has become greatly more productive: many millions a year have been added to rent-rolls; but by the regardless manner in which the change has been effected, millions of the poor have been deprived of their most valuable rights—have been enslaved.

Surely, I have said enough; nor must I forget that I am not writing a book, but an introduction to a book. To the theory of Mr. Malthus I shall most faithfully adhere; and most happy should I be to see so able a writer seconding my plans. If Mr. Young flattered me twenty years ago, by saying, that I "knew more of the poor of England than any man in it," it may not be taken amiss if I merely state what has happened since. At no moment, since then, have I lost sight of the cause for which, twenty years ago, I shaped the course of my life;—neither in Scotland, nor England, nor Canada,—neither by land nor by sea,—neither in prosperity nor in adversity,—neither free nor in jail,—neither supported by friends nor deserted by all:—surely, then, I must be a fool indeed, if this cause is worthless, or my schemes to advance it, are good for nothing.

Sooner or later we must have reform of parliament; and a peaceable reform we cannot have too soon. Looking to my plan for reforming and abolishing the poor-laws as a step towards this, I ask the whole world if any thing so safe, so rational, so fraught with every good, has by any one else been proposed. Thirteen years ago I was even too zealous for reform of parliament. I was not wrong in principle, but I was not then aware of that degree of degradation to which poor-laws had reduced the great mass of the English poor. My residence in England gave me opportunities of seeing how deeply evil had been rooted, and made me think of means by which the poor could gradually be fitted for the enjoyment of civil rights, which every human being must enjoy before we can see society improved as it may be—as it ought to be in this advanced age of the world. Education, the power of locomotion, the possession of houses and land, *may* all be enjoyed by a people without civil rights, but without them there can be no security: and, more than that, without civil rights, the character—the dignity of man, never can be truly elevated.

Here again is a most important point to which Mr. Malthus has never turned his eye. He has ridiculed the notion that taxation is the *sole cause of distress*, and exclaims, "O monstrous absurdity, that the poor should be taught that the *only* reason why the American labourer earns a dollar a day, and the English labourer earns two shillings, is that the English labourer pays a greater part of

these two shillings in taxes;" and I too will exclaim, O monstrous absurdity, if we are to confine the question within certain narrow limits. I will even allow that though "parliaments were elective, suffrage universal, wars, taxes, and expenses unknown, and the civil list £15,000 a year, the great body of the community might still be a collection of paupers." I will allow it, because nothing is impossible, but for no other reason which I can see at present. Were we once in these happy circumstances, we should, among other good things, have free trade. Wheat would not only be five shillings per bushel, but foreign wheat paid for by the manufactured goods of this country, would go on increasing the demand for such goods for centuries. Some of our land might be thrown out of tillage: that is to say, we would give up an unprofitable struggle, and have more land in grass, which would rise in its comparative value from *rents of convenience*, at same time that the stock of food in the country would always be greater, and of a kind less subject to vacillation in quantity or price*. Till Mr. Malthus became the advocate of the Corn Bill, I never questioned his logic. I was so charmed with his theory of population—with what was *right* in his book, that I never thought of scrutinizing other matters. I did not discover what was *wrong*.

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* This was a point never properly looked to by the Corn Committees and writers on the corn laws. A country full of live stock, is less subject to famine than one depending on crops of corn.

His writings on the Corn Laws, and still more, his Essay on Political Economy, has awakened me from delusion, and convinced me that all along Mr. Malthus has been deluding himself! I acquit him of all bad intention. I am convinced that he wishes well to mankind; though he is miserably narrow in his notions as to the *means* of accomplishing good. In the very first page of his book on Population,—in the preface to the second edition, we may note a grand error, under which he sets out, and under which he labours to the end. He speaks of "the reiterated failures in the efforts of the higher class, to relieve them" (the lower classes). He takes it for granted, that the *rich* have made efforts to relieve the *poor*. I deny that the rich ever did a single act of this nature gratuitously. Their constant and uniform efforts have been to oppress. What said Sir James Mackintosh, 30 years ago, in his VINDICIÆ GALLICÆ? "Property alone can stimulate to labour; and labour, if it were not necessary to the existence, would be indispensable to the happiness of man. But though it be necessary, yet, in its excess, it is the great malady of civil society. *The accumulation of that power, which is confirmed by wealth in the hands of the few, is the perpetual source of oppression and neglect to the mass of mankind.* The power of the wealthy is further concentrated by their tendency to combination, from which numbers, dispersion, indigence, and ignorance, equally preclude the poor:" and again, he says, "There never was, or will be, in civi-

lized society, but two grand *interests*, that of the Rich, and that of the Poor." If Mr. Malthus is "a Christian indeed:" if he is an impartial philanthropist, he will start from such premises as these, on his pursuit after truth and happiness; and not suffer himself to be biassed in his career, beggared in his conceptions, and confined in his schemes of improvement. He will admit of balancing the interests of the rich and the poor; he will allow the poor to have civil rights, and then go on to argue; then go on to mark consequences. In tracing, with Mr. Malthus, the checks to population from the lowest stage of society, and upwards, I am continually kept in rapture, with a clear view of the *causes*, which operate in making the earth a wilderness, and the *practicability of removing these causes* increases, as I go on perusing chapter after chapter, till I come to study the causes which operate in my own dear native country of Scotland, when I am most of all convinced of the *one thing needful*, viz. the possession of civil rights by the people. Up to the year 1816, the condition of labourers, in Scotland, improved with increasing taxation, while the condition of English labourers was, year after year, sinking to its lowest ebb. The cause of this was obvious. The Scotch were educated, could move about the world, make a good bargain with their employers, or be off. Their dress, their dwellings, their language, their manners, their morals, all improved, up to this time. Good living did make population increase rapidly, notwithstanding the waste of war

and constant emigration ; but it did not make the people foolish in contracting early marriages. I know it had a contrary effect. I know that it made them more prudent in this way. It made them lay in store for the provision of children, before they were begotten. I never knew a Scotch ploughman do an unbecoming act in this way ; but it is well known that in England, pauper lads have been known to marry, and then make application to the parish for a bed to lie down upon. Well, but what has happened to the labourers of Scotland since the year 1816? In that year I visited Scotland, and found the people still living well, though employment had become scarce, and wages were falling. In 1820, when I next visited Scotland, the change was complete. With all the good morals, good habits, education and all, I then found misery throughout, from Ayr to Inverness. I found thousands of manufacturers in every quarter, who had been accustomed to earn 20s. per week, earning only 4s. 6d. : I found ploughmen's wages fallen to half, while nothing which they consumed had materially sunk in price, but provision; and that made no difference to them, to whom this was allowed, whether dear or cheap, in equal quantity, as part wages. Under these circumstances, I found Scotch labourers behind in the payment of house rent: many had pawned furniture, for food: many were in rags. I found these very people, who, five years before, were the most exemplary, most cheerful, and contented, now become gloomy, dissatisfied, and desponding. I

found thousands ready for revolt*. Would it have been so, had they enjoyed civil rights? Would it ever be so again under this enjoyment cautiously conferred? I can see no reason that it should; and have none to distrust providence, for "Wisdom's ways are ways of pleasantness, and all her paths are peace." Seven years have gone by since Mr. Malthus wrote on the corn laws; and two most miserable years, since he published the 5th Edition of his Essay on Population. Can he say, that wisdom has guided our councils during these years?—can he fail to discover what has checked population?—can he be blind to the causes of vice and misery? I do not say, that taxation is the "*sole* cause of distress:" on the contrary, I know that taxation may be made the means of raising us, as a nation, from adversity to prosperity. The sole cause of distress rests in the *misapplication* of our immense treasures; in taxation, imposed without the people's consent—imposed by an oligarchy, which can fill four seats out of five in our House of Commons, at pleasure; men, who have no feeling for the poor, or even for those

* In 1808 I visited the coast of Kent, and found Martello towers erected along every part, accessible from the sea, to defend us against French invasion. These towers were of no use in war; but now, they are absolutely required to defend us against smugglers. In October last, I travelled round that coast, and found the Martello towers manned with *prevention men*; nor could I walk out on the cliffs, but I found people armed with swords, and pistols, and spy-glasses; gloomy, taciturn people, who would not answer civil questions, lest I should be a smuggler.

in middle rank; men who are heedless of every thing like virtue; who tax us, only to squander away the immense resources of the empire, to support themselves and their friends in luxury and idleness. Yes, Sir James Mackintosh was perfectly correct in saying, "*the accumulation of that power which is confirmed by wealth, in the hands of the few, is the perpetual source of oppression and neglect to the mass of mankind.*" Can Mr. Malthus deny it? No, no, no. It is a law of nature; and we should contrive means to correct its evil tendencies. The poor require every assistance: the rich should ever be eyed with suspicion; and happily their own excesses are likely soon to undo them. Freedom of trade will become absolutely necessary; and our landed oligarchy will be undone. If the corn of America could be exchanged for the manufactures of Britain, the consequences would be glorious. Every hand in this country would find employment; every rational desire would be satisfied; every murmur would be stilled. Population would go on anon increasing. All those checks, registered by Mr. Malthus;—the checks of savage life, tyranny, ignorance, degradation, war, pestilence, and famine, would all disappear. Civilized man would rapidly spread over the earth, and replenish it. Mr. Malthus, strange to say, after years of study to discover checks to population, is blind to the great ones existing at home. He tells us, that emigration should be *allowed*, but cannot find in his heart to *encourage* it. He talks of educating the poor, but nothing is done. He justifies

the Corn Bill, and writes a book on Political Economy, which, even with a *summary*, only adds confusion to confusion; while our Ministers laugh in their sleeves at the very name of economy. Full of protestations in the cause of benevolence, in all his practical views Mr. Malthus is at fault—inconsistent and narrow-minded. Jealous of nature, he binds her hand and foot with a too fastidious philosophy: he proves to demonstration that, with abundance of food, we can double our numbers in every twenty-five years, yet he will not let us have food at the lowest price; and though God's first command was to increase and multiply, and replenish the earth, he, a divine, is not willing to allow that emigration should be encouraged and assisted by Government; he is not willing to forward the express mandate of heaven!!

Suppose reform of parliament was to proceed upon the principle of every holder of a village lot having a vote in the choice of deputies (and after travelling in the United States, and studying their various constitutions, I still prefer deputed election) after his house was built, and his land paid for, what excellent effects would attend the progress of Reform! Every man with a spare hundred pounds would immediately set about building a cottage to qualify him to vote at the next general election; and for many years to come there would not be an idle hand in the country. Full employment to the poor would raise the price of labour: good wages would cause consumption: consumption would raise the price of corn: far-

mers would again have money; and money would again briskly circulate. The rich would first build their cottages; and by the profits of building for the rich, labourers would in course go on to build for themselves. The desideratum at present is to find employment for the people; and here it is. With full employment, who doubts but taxes could be paid, oppressive as they seem to be at present, when all is stagnation?

How easily could Government cause fifty acres of land (or even *twenty-five* acres would do), to be pitched out within a mile of every parish church in the kingdom; and say to the people: *here* you may go to work: here you, who have means, may instantly give employment to the poor: here every man may rear for himself a castle of independence: here, it may be said to the poor, is part of the price for which all future claims for parish aid are to be given up. What would follow from such a noble proclamation? Most assuredly all would be delighted. There would be an instant cheer among the rich to expend: there would be an instant rush, on the part of the poor, to exertion and toil: all would be life and activity: two hours would be added to the day; and the very dunghill cocks would crow earlier in the morning. To increase the bustle, it would be well to see Mr. Brougham erecting a schoolhouse in the centre of each village, while the "Lion of the Exchequer" was kept at bay by a *sermon* from Mr. Malthus.

Mankind have never yet witnessed the wonders

which may be worked by confidence, and union, and brotherly love. They have been held back from feasting their eyes on such heavenly scenes by all that is little, and mean, and miserable, in government: by all that is selfish and cruel in governors: by the spirit of villany, which unsatiated with twenty years of vengeance against public liberty, will continue to thrust its venomous darts into the bosom of a woman.

But it may now be asked, what has Canada to do with this scheme for abolishing poor-laws, reforming parliament, and relieving distress at home? In reply, it must be observed, that, though the scheme were actually set on foot to-morrow, giving employment to the poor and education to their children, such have been the habits established by poor-laws, that, for years to come, we should have a weak and redundant population, which it would be desirable to thin. It would be desirable, while so great a change was taking place as that proposed for putting a stop by law to the claims of the poor for public maintenance, to sooth them in every possible way. It would be desirable to have it to say to every discontented individual, "Sir, if you are not pleased with the country and its laws, you may leave it with a blessing." Yes! and were the wild lands of Canada put under economical management, they would enable government to hold out this liberal offer. They would *pay* for the transport and settlement of every soul whom England could spare for at least ten years to come; and to prove this, is the grand object of my work.

The petition which I have exhibited with my scheme for getting quit of poor-laws, and for introducing a new order of things, was presented to parliament about two months before I sailed for Canada; and it is a fact, that even then I had in contemplation what I now propose. I saw that to relieve this country of its redundant population, would become a necessary, grand, and benevolent measure. I had had the best opportunities, for years before going abroad, to know the great capabilities of Canada for improvement, and its fitness to receive a vast increase of inhabitants; and on my voyage out, while I had little or no idea of settling there, prepared the queries which will be found in this volume, to collect information for the people and government of Britain, with a view to the completion of my plan.

The political turmoil in which I got embroiled, was a misfortune which I deplored above all things, as it created impressions of my views, utterly at variance with the truth. From beginning to end, all that was enthusiastic in my conduct, arose from my mind getting more and more enraptured with the idea of stirring up public notice to my scheme of emigration, and to its making part of that which I had proposed for the uprooting of poor laws, and the relief otherwise of our unemployed people.

What created our debt? the waste of war: but whence the supply for waste?—from activity—from excitement. Let us then be up and be doing—be active, consume, and excite. The British Empire is a world within itself, and affords abundant scope

for transaction,—for exchange,—for the accumulation of wealth or the extinction of debt, by whatever name it may be called. All that we want is activity. Our credit is unbounded: our means, well employed, unexhaustible. Let then the poor have work, and a hope of independence and enjoyment. Let our transports, now rotting in the harbours, be refitted: let them carry out emigrants to Canada—to the Cape—to Van Diemen's land: only let proper plans be laid down, and all will pay. Breeding itself will pay: I say it in full consideration of all the reasoning of Mr. Malthus. Let us no longer, then, be backward in obeying the first great command, "increase and multiply, and replenish the earth." Is it not a shame that three-fourths of the globe should yet be unpeopled, after 6000 years have fled, and that mankind should be led on to butcher each other at the nod of a holy alliance? Away with the idea that breeding is the cause of vice and misery. Kings and priests caused these, themselves in the first place being caused by the ignorance of mankind. Let us liberally interpret the laws of nature: let us duly appreciate the qualities of the human mind as susceptible of infinite improvement: let us not confound causes with effects; but patiently trace out the windings of the "mighty maze." Now that we are in possession of the art of printing, let us persevere in putting down ignorance, and all its brood. Let us be assured that vice and misery may be eradicated from the earth: that it may be thickly and quickly peopled; and that moral re-

straint alone is sufficient to give consistency to the law divine.

INTRODUCTION

TO

SKETCHES AND TOWNSHIP REPORTS

OF

UPPER CANADA.

THE Sketches were prepared for publication in 1811, but laid aside in consequence of the war which broke out in 1812.

On the re-establishment of peace, the writer revised his Sketches, and inserted accounts of battles, &c. of which he had the best opportunities of being correctly informed, again intending to publish, but, for reasons not communicated to me, that intention was relinquished. In 1818 the manuscript was offered to me, as a fund of materials for my Statistical Account, and I had a written order to receive it from a printer in the United States on my way to England.

When shut up in Niagara jail, it occurred to me, that I might beguile some dreary hours by publishing in Upper Canada the Township Reports, with a general Account of the Province, from my own knowledge, so as to have the whole improved on the spot, by additions and observations of the inhabitants, for rendering the publication in

England more complete. I took steps towards this, and had the Sketches sent to me; but they did not arrive till after I had found it impossible to accomplish my purpose, and I did not give them an attentive reading till my return home. Here I found the work so perfect, the style so good, and the statements so candid and impartial, that I judged it wrong to pull it to pieces. I conceived that as a whole, it was better than any general account I could draw up, and would be more peculiarly interesting, as coming from the pen of a native American, and one who had been long resident in the province of Upper Canada.

To assist the writer's description of the falls of Niagara, I have introduced a ground sketch, which, together with the vignettes in the title-pages, will, I hope, be serviceable; but no description, however assisted, can convey an adequate idea of nature's most splendid scene.

The TOWNSHIP REPORTS need no other introduction than the following Address, which called them forth.

TO

THE RESIDENT LAND-OWNERS OF UPPER CANADA.

Queenston, October, 1817.

GENTLEMEN,

I am a British farmer, and have visited this province to ascertain what advantages it possesses in an agricultural point of view. After three months residence I am convinced that these are great,—far superior indeed to what

the mother country has ever held out, either as they concern speculative purchase, or the profits of present occupation.

Under such impressions, it is my purpose, as soon as circumstances will permit, to become a settler; and in the meantime, would willingly do what lies in my power to benefit the country of my choice.

When I speak in this sanguine manner of the capabilities of Canada, I take it for granted that certain political restraints to improvement will be speedily removed. Growing necessity, and the opinion of every sensible man with whom I have conversed on the subject, gives assurance of this. My present Address, therefore, waves all regard to political arrangements: it has in view, simply to open a correspondence between you and your fellow-subjects at home, where the utmost ignorance prevails with respect to the natural resources of this fine country.

Travellers have published passing remarks,—they have told wonderful stories, and amused the idle of England with descriptions of the beautiful and grand scenery which nature has here displayed; but no authentic account has yet been afforded to men of capital, to men of enterprise and skill, of those important facts which are essential to be known, before such men will launch into foreign speculation, or venture with their families, in quest of better fortune across the Atlantic.

In this state of ignorance, you have hitherto had for settlers chiefly poor men driven from home by despair. These men, ill-informed and lost in the novelties which surround them, make at first but a feeble commencement, and ultimately, form a society, crude, unambitious, and weak. In your newspapers I have frequently observed hints towards bettering the condition of those poor settlers, and for ensuring their residence in the provinces. Such hints evidently spring from benevolent feelings: they are well meant, and may tend to alleviate individual dis-

tress, but can produce no important good to the country. Canada is worthy of something better than a mere guidance to it of the blind and the lame: it has attractions to stimulate desire and place its colonization above the aids of necessity.

Hands no doubt are necessary, but, next to good laws, the grand requisite for the improvement of any country is capital. Could a flow of capital be once directed into this quarter, hands would not be wanting, nor would these hands be so chilled with poverty as to need the patronage of charitable institutions.

At this moment British capital is overflowing; trade is yielding it up: the funds cannot profitably absorb it: land mortgages are gorged; and it is streaming to waste in the six per cents. of America. Why should not this stream be diverted into the woods of Canada, where it would find a still higher rate of interest, with the most substantial security?

Gentlemen! The moment is most auspicious to your interests, and you should take advantage of it. You should make known the state of this country; you should advertise the excellence of the raw material which Nature has lavishly spread before you; you should inspire confidence, and tempt able adventurers from home. At this time there are thousands of British farmers sickened with disappointed hopes, who would readily come to Canada, did they but know the truth: many of these could still command a few thousand pounds to begin with here; while others, less able in means, have yet preserved their character for skill and probity, to entitle them to the confidence of capitalists at home, for whom they could act as agents in adventure. Under the wing of such men, the redundant population of Britain would emigrate with cheerfulness, and be planted here with hearts unbroken.

We hear of four or five thousand settlers arrived from home this season: and it is talked of as a great accession

to the population of the provinces. It is a mere drop from the bucket. England alone could spare fifty thousand people annually, while she would be refreshed and strengthened by the discharge. In war, England sent abroad annually more than twenty thousand of her youthful sons to be slain, and more than twenty thousand of her daughters shot after them the last hope of honourable love. In these twenty-five years of war the population of England rapidly increased: what is it to do now, when war is at an end, when love and opportunity are no longer to be foiled, and the poor-laws have provided sustenance for children independent of the parent's care?

Under existing circumstances, it is absolutely necessary even for the domestic comfort of England, that a vent should be immediately opened for her increasing population, and the colonization of Canada, if once begun, upon a liberal footing, would afford this vent.

The present emigration from England affords no relief whatever to the calamity occasioned by the poor-laws. Thousands and tens of thousands of paupers could be spared, who cannot possibly now get off for want of means, but who would be brought over by men of capital, were confidence for adventure here once established.

The extent of calamity already occasioned by the system of the poor-laws, cannot be even imagined by strangers. They may form some idea, however, when I tell them, that last winter I saw in one parish (Blackwall, within five miles of London), several hundreds of able-bodied men, harnessed and yoked, fourteen together, in carts, hauling gravel for the repair of the highways; each fourteen men performing just about as much work as an old horse led by a boy could accomplish*. We have heard since that

* The above melancholy picture need not stand alone as illustrative of the condition of the labouring classes in England; nor

£1,500,000 has been voted to keep the poor at work; and perhaps the most melancholy consideration of the whole is, that there are people who trust to such means as a cure for the evil.

While all this is true; when the money and labour of England is thus wasted; when thousands of our fellow-subjects are emigrating into the States of America; when we even hear of them being led off to mix with the boors of Poland, in the cultivation of a country where the nature of the government must counteract the utmost efforts towards improvement,—is it not provoking that all this should go on merely from a reigning ignorance of the superior advantages which Canada has in store, and a thoughtlessness as to the grand policy which might be adopted for the general aggrandizement of the British nation?

Some have thought the exclusion of American citizens a great bar to the speedy settlement of Canada; but a liberal system of colonization from Europe, would render this of small* importance. Before coming to a decided opinion on this important subject, I took much pains to inform myself of facts. A minute inquiry on the spot where

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was it only in the year 1817 that misery was extreme. I copy the following piece of intelligence from the Salisbury Journal of 9th April, 1821.

"Many of the poor frame-workers of Nottingham are out of employ, and *teams* of men, and even women, are dragging coals, &c., in waggons and carts, about the streets, to excite the compassion of the inhabitants."

* Mr. Horne, the Editor of the Upper Canada Gazette, when he was first setting up the types of this Address, wished me to substitute the word *no* for *small*, which I would not consent to. Mr. Horne, I dare say, will recollect this; and, I have reasons for keeping it in mind.

government has endeavoured to force a settlement, satisfied me as to the causes of the too notorious failure there. It convinced me that the fault by no means rested with the incapacity of the settlers, but resulted from the system pursued. I have since spent a month perambulating the Genesee country*, for the express purpose of forming a comparison between British and American management. That country lies parallel to this: it possesses no superior advantages: its settlement began ten years later; yet I am ashamed to say, it is already ten years before Canada, in improvement. This has been ascribed to the superior dexterity of the American people, but most erroneously. The art of clearing land is as well understood here as in the States: men direct from Britain are as energetic, and after a little practice, sufficiently expert with the axe, while they are more regular in their habits and more persevering in their plans than the Americans.

No improvement has taken place in the Genesee country, which could not be far exceeded here, under a proper system. It was indeed British capital and enterprise which gave the first grand impetus to the improvement of that country: much of its improvement is still proceeding under British agency; and one of its most flourishing townships is wholly occupied by men, who came, with slender means, from the Highlands of Scotland. In the Genesee country, the government pocketed much, but *forced* nothing, and charity, there, has been left without an object.

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* The Genesee country, containing near five millions of acres, extends eastward from Niagara river about 100 miles: is bounded, on the north, by Lake Ontario, and on the south, by Pennsylvania. The river Genesee runs through the middle of it; and that word, which is Indian, means in English, *pleasant valley*.

GENTLEMEN,—The inquiries and observations which I have recently made on the subject of settlement, assure me, that neither in these Provinces nor in the United States, has a proper system been pursued. The mere filling of the world with men, should not be the sole object of political wisdom. This should regard the filling of it with beings of superior intellect and feeling, without which the desert had better remain occupied by the beaver and the bear. That society of a superior kind may be nursed up in Canada, by an enlarged and liberal connexion with the mother country, I am very confident; and its being realized is the fond hope which induces me to come forward with my present proposals, and which, if these proposals meet with support, will continue the spur of my exertions to complete the work which I have now in view.

Many of you, Gentlemen, have been bred up at home, and well know how superior, in many respects, are the arrangements and habits of society there, to what they are on this side the Atlantic. Such never can be hoped for here under the present system of colonization, which brings out only a part, and that the weakest part of society—which places poor and destitute individuals in remote situations, with no object before them but groveling selfishness—no aid—no example—no fear either of God or man. Is it not possible to create such a tide of commerce as would not only bring with it *part* of society, but society complete, with all the strength and order and refinement which it has now attained in Britain, beyond all precedent? Surely government would afford every facility to a commerce which would not only enrich, but eternally bind together Britain and her Provinces, by the most powerful sympathies of manners and taste and affection.

Government never can too much encourage the growth of this colony, by a liberal system of emigration. When we come from home, we are not expatriated: our feelings as British subjects grow more warm with distance, and our

greater experience teaches us the more to venerate the principles of our native land—the country wherein the sciences have made the greatest progress, and where alone are cultivated to perfection the arts of social life. At home, we have experienced evils: we know that influences are there, which war against the principles of the constitution, and counteract its most benevolent designs. Here, we are free of such influences, we are perfectly contented, and a fine field lies open to us for cultivating the best fruits of civil and religious liberty.

An enlarged and liberal connexion between Canada and Britain, appears to me to promise the happiest results to the cause of civilization. It promises a new æra in the history of our species: it promises the growth of manners with manly spirit, modesty with acquirements, and a love of truth superior to the boasting of despicable vanity.

The late war furnished the strongest proof of the rising spirit of this colony, even under every disadvantage; and pity it would be, were so noble a spirit ever again exposed to risk. The late war showed at once the affection which Britain bears to Canada, and the desire which Canada has to continue under the wing of Britain. When a connexion is established between the two countries worthy of such manifestations, all risk will cease. Britain will no longer have to expend her millions here. This country will not only be equal to its own defence, but the last hope of invasion will wither before its strength. While Canada remains poor and neglected she can only be a burthen to Britain: when improved and wealthy she will amply repay every debt, and become the powerful friend of the parent state.

What I conceive to be the first requisite for opening a suitable communication with the mother country, is the drawing out and publishing a well-authenticated statistical account of Upper Canada. This cannot be effected by a single hand: it must be the work, and have the authority of

many. To give it commencement, I submit for your consideration the annexed queries; and could these be replied to, from every township in the Province, the work would be far advanced. These queries have been shewn to many of the most respectable individuals in the province, and the scheme of collecting materials in this way, for a statistical account, has, by every one, been approved. Some have doubted whether there exists sufficient energy and public spirit in the remote townships to reply to them. I hope there is; and certainly no organized township is destitute of individuals qualified for the task, *if they will but take so much trouble.*

Some gentlemen have met my ideas so cordially as to offer to collect information, not only for their own, but, for other townships. Correct information, however, is not the only requisite: authority is also wanted of that species which will not only carry weight with it to a distance, but remain answerable on the spot for what is advanced. The desirable point, therefore, is to obtain replies *separately from each township,* and to have these attested by the signature of as many of the respectable inhabitants as possible. To accomplish this in the speediest and most effectual manner, a meeting might be held in each township, and in the space of an hour or two the business might be perfected.

The Queries have been drawn out as simply as possible, with a view to the practicability of having them answered in this general way. They embrace only such matters as it must be in the power of every intelligent farmer to speak to, and the information to be obtained by them will be sufficient to assure farmers and others at home who have money to engage in adventure, that adventure here, will not only be rational and safe, but that they themselves may sit down in Canada with comfort and independence.

Although, to prevent confusion in the general fulfilment

of the scheme, I have confined the range of Queries; it would still be very desirable if intelligent individuals would communicate their sentiments with regard to any measure of improvement which occurs to them, or any remarkable fact or observation they may have made concerning the climate, soil, or cultivation of the province.

Should any correspondent dislike my using his name publicly, he need only give a caution, and it shall be observed*.

If the Queries obtain notice, and sufficient documents are forwarded to me, I shall arrange and publish them in England, whither I am soon to return. Had this task required superior ability, such an offer would be presumption. I think it requires industry alone, and that I shall contribute most willingly.

Whoever thinks well of the scheme, and feels a desire to promote it, let him not hesitate or delay: prompt assistance will be every thing; and, as to trouble, let individuals compare their's to mine.

Though I gratuitously make offer of my time, I must be relieved of expense as much as possible, and shall expect all communications to be post paid. No person, I think, who interests himself at all in the matter, will grudge his item in this way. Divided amongst many, such charges will be trifling, but accumulated upon one, they would be serious.

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* These lines were thrown in at the suggestion of the printer at York, who thought few people would choose to give their names, as authority. So very different was the issue, that I have received only one communication out of nearly a hundred, with a feigned signature. I mention this to the honour of the people of Upper Canada, while I express my regret for admitting of a supposition that any one would hesitate or withhold his name in support of the information required.

Should the work succeed to my wish, I would propose not only publishing it in the English, but German language. It is well known that the people of that nation are most desirable settlers, and it is a fact that many of them have not the means of communicating to their friends the very superior advantages of this country. One of them, who has been in Canada 13 years, lately told me, that "tou-"sands and tousands would come over, did they but know "how good a country it is for poor peoples."

ROBERT GOURLAY.

N. B. *Address all communications for me, to the Post Office, Queenston.* *R. G.*

[SEE QUERIES, page 270.]

The Upper Canada Gazette, in which the above was first published, having a very limited circulation, and the President, Colonel Smith, having approved of the Address, 700 copies were thrown off as a CIRCULAR, and sent by post to the public officers of each township, with the following note:

"*SIR,*

"*THE within Address, &c. appeared in the Upper Canada Gazette of the 30th October; but lest that paper should not fall into your hands, this is sent to you; and it is earnestly requested that you will endeavour to procure a meeting of your respectable neighbours, as soon as possible, and otherwise forward the object in view, which would be of the greatest service to the Province.* *R. G.*"

(It has been said, page lxxxiii, *that the printing of this General Introduction was broken off, December,* 1820. *It was then thus far prepared for the press; and the causes of a year's delay in publishing, &c. &c. shall now be stated in the following Address.)*

TO THE PEOPLE OF UPPER CANADA,

(Among whom are my furious Foes and feeble Friends.)

CANADIANS,

HAD this book appeared twelve months ago, as it might, but for accidents, my intention was to have dedicated it to you, in the hope that your representatives would do nothing in parliament till a commission of inquiry was sent home. Your representatives have played the fool; but, of this, elsewhere.

As I have all along considered myself pledged to publish in England the information concerning Upper Canada, which you communicated to me for that purpose, I shall have recourse to narrative to set forth by what causes I have been so late in redeeming my pledge, and at the same time shall recount what has occurred to me in connexion with the subject of this publication.

In my statement of 3d January, 1820, (page v) I have noted my landing at Liverpool, the 2d De-

cember, 1819. Arriving at Edinburgh the 6th of the same month, I heard, for the first time, that my father had breathed his last, and proceeding to Fifeshire, devoted a month to sympathy and condolence with my afflicted mother. Towards the middle of January I returned to Edinburgh, and immediately waited on an eminent bookseller, to offer him for publication, "A STATISTICAL ACCOUNT OF UPPER CANADA, WRITTEN BY THE INHABITANTS." He informed me that he had had lying by him for some weeks a Statistical Account of Upper Canada written by Dr. Strachan of that province, which had been sent home recommended for publication by Sir Peregrine Maitland and the Attorney General: that he had, within the last two days, returned this to Aberdeen, refusing to be its publisher; and, having refused Dr. Strachan's work, he could not, he said, in propriety publish any thing of the same kind for me. I then entered into treaty with another bookseller, and flattered myself that I might not only get the Statistical Account published, but have petitions presented to the Prince and Parliament respecting my treatment at Niagara, so as to sail for Quebec by the spring ships. At this moment, the King's death, and consequent dissolution of Parliament, dissipated these sanguine expectations, and made me think of dedicating some time, now of less consequence, to the restoration of my health, which was indeed wretched; to the pleasure of visiting my friends; and the enjoyment of viewing, once again, the varied and charming scenery of my native land.

On such errands I made a pedestrian excursion; first westward, through Lanark, Renfrew, and Ayrshire; and then to the north so far as Peterhead, Inverness, and Fort William; having the additional objects, in these quarters, of inquiring into the situation of the Highlanders, and of their inclination to emigrate; as well as of inspecting the Caledonian Canal, that I might the better make up my mind as to that of the St. Lawrence.

It was the beginning of May before I got back to Edinburgh from this second tour; and here I found Dr. Strachan's book advertised under the title of "A VISIT TO UPPER CANADA, by *James Strachan,*" a brother of the said Doctor; the advertisement setting forth that the book contained "*A brief account of Mr. Gourlay's proceedings as a reformer in Upper Canada: the whole being carefully drawn up from materials furnished by the author's brother, who has been twenty years in the country, and a member of the Government.*"

Although I never heard of Strachan till I was in Upper Canada, I had no difficulty in getting a correct history of him.

About the year 1795 this, now, *Honourable* and *Reverend* personage strolled south from Aberdeen, where he had received a little college learning, and was for a while preceptor to the children of a farmer in Angusshire. After this he got to be schoolmaster, first in Duninno, and then in Kettle, parishes in Fifeshire, attending St. Andrew's College at the same time, as an irregular student.

The Rev. Dr. Hamilton, of Gladsmuir, in East

Lothian, my wife's uncle, having a commission from a friend in Upper Canada to send out to him a person qualified for a family tutor, offered £50 a year to procure one; and Strachan agreed to go out. He went; and after teaching privately for some time, became again a schoolmaster. In this situation he married a widow with some money and good connexions: got orders to officiate as a minister of the church of England: was appointed to the rectory of York, the capital of Upper Canada; and, finally, became, in addition, honorary member of the executive council of the province *. All this was certainly creditable; but our Dominie would not rest with the performance of his many duties of schoolmaster, parson, and councillor. He was not contented with whipping children; but attacked an ex-president of the United States, in a virulent newspaper article, to which he set his name as "Rector of York," and published a pamphlet abusing the late Lord Selkirk for his at-

* Since the above was written, I have seen it announced in a newspaper, that "the Honourable, and Reverend, and Doctor Strachan is appointed Member of the Legislative Council," and I doubt not we may, by and by, hear of his being Bishop of Upper Canada: so my hero is not a little man in every respect. The reader will find in this first volume repeated allusions to him, made while I yet intended to withhold his name. My changed plan of publishing has brought it forth in this place: has introduced it in the Appendix; and most conspicuously in the EXPLANATION OF THE MAP prefixed to volume II. which the reader would do well to peruse before he goes further.

tempt to establish a colony in the Hudson's Bay territory! I was the next object of his wrath; and for what?—for publishing my first Address to the Resident Land-Owners of Upper Canada, which has appeared above.

Upon getting hold of the "VISIT TO UPPER CANADA," I readily perceived why the Edinburgh bookseller had refused to be its publisher. From beginning to end it exhibited one continued tissue of weakness and abomination, with a whole chapter devoted to personal abuse of me: indeed, I have no doubt, that, but for this magnanimous object, James Strachan would have made no Visit to Upper Canada. Its general merits may be well conceived, from the following article, which appeared in the Scotsman newspaper of May, 1820.

LITERATURE.

A

VISIT TO THE PROVINCE OF UPPER CANADA,

IN 1819,

BY JAMES STRACHAN.

This is one of the most miserable attempts at travel-writing we have ever seen. A book written for the use of emigrants may dispense with profound thinking, and splendid description, and seems to require nothing more than the power of collecting and relating facts and circumstances of a very obvious kind. But simple as the task appears, this work may convince any one that there are individuals as incapable of executing it, as of deciphering the hieroglyphics of Dendera. Though we must suppose that Mr.

Strachan had the benefit of his brother's information, who has been above twenty years in the country, and though there can be little doubt that the two have clubbed their talents for the enterprise, we must say that the book contains nothing to repay the trouble of reading three pages. Any facts to be found in it worth notice, have been borrowed at second or third hand from books already known; and in the borrowing, we fear, they have lost the accuracy which renders them of any value. When the author attempts any remarks in his own person, he is miserably out, from the want of the most common species of information; and what is still worse, the handful of ideas he has, are buried under a mountain load of prejudices. Indeed, the only thing new in the book is the superlative ignorance that runs through it—an ignorance which charity might have overlooked, had it not been accompanied by no small share of presumption. Mr. Strachan has been moved to publish by a motive no less noble than a zeal to demolish a host of errors which have been suffered to reign till this champion of truth and knowledge took the field. He announces, confidently, that his book will be found to contain every thing essential for an emigrant to know; and he anticipates that it will entirely divert the stream of emigration from the United States to Canada.

We have no doubt that our author really meant to accomplish this, if he had known how to set about it. But whatever advantages Canada possesses have been much better told already by every person who has pretended to describe them; and as for the comparative disadvantages of the United States, we fear his accounts will have but little authority with those who know that he was never in the country; and that, as he has proved himself incapable of describing what fell under his own observation, his testimony cannot be of much value as to objects a thousand miles off.

Though the reader will not learn (unless by inference)

that the rigour of the climate suspends the operations of husbandry, nearly five months of the year, in Upper, and six months, in Lower Canada; or, that the whole country is rendered inaccessible for about one half of the year, by sea, from the ice: and though he will look in vain for other facts of as much importance, we are far from saying that he will find nothing in it which he has seen before. On the contrary, he will find from a meteorological table, what nobody suspected, that the extreme cold of Upper Canada, in January, is plus 27 of Fahrenheit; he will find that the Canadas have a more fertile soil, and a greater extent of sea-coast than the Baltic; that as we advance from Lower to Upper Canada, the soil and climate perceptibly improve; but this improvement fortunately stops at the boundary-line; and if we advance a little farther in the same direction into the United States, nature kindly reverses the course of things, and heaven frowns upon democrats and levellers, in a sterile soil and pestilential atmosphere. Hitherto it has been supposed, that Canada had its share of marsh fevers, because it has its share of the hot summers and stagnant waters that produce them; but this, our author says, is a mistake, and these causes of disease operate only in the United States, and suspend their influence in favour of the loyal Canadians. So perversely ignorant, however, are emigrants, that they encounter all these evils, and pay a high price for worse lands in the United States, than they could get in Canada for nothing. It had been often stated, that a poor man might better his circumstances by going to this colony; but it was reserved for Mr. Strachan to discover, that there is no place in the world equal to Canada for men of large capitals: and among other advantages, by which he allures them to leave Britain, he says, they will be able to educate their children: though he did not find the colony in a state of insurrection, as he expected, he found it had been disturbed by democrats and levellers; and there, as at home, the

principal members of opposition were unworthy in private life. But we have said more than enough of so poor a publication, whose absurdities will be a sufficient correction to its errors.

The reader must not forget, that the book here spoken of, was "*written by Dr. Strachan, and sent home, recommended for publication by Sir Peregrine Maitland and the Attorney General.*" This makes it of consequence: this stamps it as a document—an exposé of church and state; and because of this, I have considered it worthy of notice.

After perusing the twelve pages of scandal, intended to injure me, I had the curiosity to read over these pages a second time, to note with my pencil the falsehoods, untruths, and misrepresentations, therein contained: and how many does the record make of them? "*Thirty-two falsehoods, thirty-eight untruths, besides misrepresentations throughout.*" So much, at present, for the work of the *Honourable, and Reverend, and Doctor Strachan**.

* Although twelve pages of the VISIT TO UPPER CANADA are devoted to abuse of me, I am not the sole object of its scandal. "A Montreal auctioneer" is attacked in the management of his private affairs; a man who had sinned publicly, by manly conduct in the Lower Canada Parliament. He is known to me only by some of his speeches, published in newspapers, which appeared very good indeed. Then, again, the feelings of the family of Capt. Brant, the celebrated Indian Chief, are wantonly and cruelly injured. Capt. Brant is spoken of as a "miserable man," of "savage ferocity,"—"puffed up with his own importance," as having "frequently discovered a want of gratitude to the British government," and so forth. I never heard Capt.

The first parliament of the new reign being now met, I was anxious to get to London to pre-

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Brant spoken of in Upper Canada but in terms of respect; and on visiting his son and daughter, resident at Wellington Square, in the district of Gore, had the satisfaction of finding them in manners, conversation, and conduct, equal to the best bred people of our own nation. I record the fact with peculiar pleasure, as a proof that North American Indians require only education and good habits, to elevate them from the savage state; and that there is nothing in the breed (though we may be partial to our own) to prevent their being civilized. In the sequel it will be found, that I distinguish these people by different appellations. Some distinction was necessary. Those residing within surveyed bounds I call *Indians;* those still ranging the wilderness, *savages.* I do not wish the word *savage*, however, to be taken in the bad sense. The poet, who says

"When wild in woods the noble *savage* ran,"

did any thing but mean, that this being was brutal, cruel, and remorseless; and, in fact, the North American aborigines were noted as being brave and generous. I deprecate every attempt to alter the condition of the Indian, *as long as he is a hunter.* In that state he should be left alone; in that state he is happy and useful in his vocation. The middle state—that of half-hunter, half-cultivator, is the worst; and I have recommended that Government should instantly make an effort to advance those Indians, who are surrounded by settlements of white people, by education and training to industry. The half-hunter, half-cultivator, is uniformly lazy, mean, dirty, and altogether a worthless member of society.

But to return to Capt. Brant: it is worthy of record, that he was not even present at the destruction of Wyoming, as fancied by Mr. Campbell, in his beautiful poem of GERTRUDE OF WYOMING. Several respectable persons are still alive, in Upper Canada, who can testify as to this; and it would be well if Mr. Campbell, in his next edition, would note this, to correct wrong impressions, which his poetical licence, in speaking of "the monster Brandt," may create. The name is *Brant*, not Brandt.

sent to it a petition, with regard to the state of Upper Canada; and also to proceed with my publication. I was unexpectedly detained in Scotland a few weeks, owing to the death of a family connexion, and only got to town by the 6th June, as mentioned above, page xlix.

On the 26th July this volume was put to press; and soon afterwards was advertised for publication. I told the publishers that it would be ready for delivery in a few weeks; but was little aware of the delay which might be occasioned by the preparation of plates. Three, then in the hands of the engravers were not ready till the 1st of November; and three more, found necessary for illustration, were still unfinished the 2d of December. On that day I received a letter from my wife, informing me that she was taken ill; and her concluding page too clearly indicated the progress of decay. For three days I remained in London powerless with solicitude: a letter from my daughter inspired hope and resolution: I departed for Edinburgh; but arrived there only in time to bear the mortal part of my dearest friend to the grave.

Ever since my horrible treatment at Niagara, I have been the victim of nervous malady. I had so far conquered this before coming to London, by extraordinary efforts; but my great and unexpected affliction now thrust me down, and subjected me to the most deplorable weakness. During three months' stay in Scotland I was wholly unable to go on with the work of publication. I invited a gentleman, well qualified, to

assist in finishing this first volume, then nearly completed, that part of the edition might be sent out forthwith to Canada; but after sitting with him for some hours, I found myself wholly unable to direct his endeavours. I could not then, indeed, sum up four figures together. Trusting that change of scene might lighten my spirits and restore to me some degree of energy, I sailed for London the 2d of March; but, after a miserable voyage of twelve days, was landed still more reduced in strength; and every day became worse and worse. Afraid of sinking into absolute imbecility, I conferred with a friend as to some object which might rouse my dormant faculties, and dispel the cloud of surrounding gloom.

He suggested that I should offer to accompany Sir R. Wilson to Naples, in the cause of independence. I was a sincere friend to the cause; but Sir R. Wilson had disgusted me with his book on Egypt; and thence I had believed a story (which I now discredit), of his having played the eavesdropper, by attending a conference between the Emperor Alexander and Buonaparte, disguised as a livery servant. What I said of him, under this belief, required explanation. I spoke of it to my friend, and it was resolved that I should communicate my intention, and explain afterwards. Upon this, I addressed two lines to Sir Robert the 24th March; but in two days more it was announced that the Neapolitan people had shrunk from their enterprise. They were, indeed, betray-

ed by their leaders. I was now again in the misery of indecision; but determined to march into the west of England, and visit my old friends there. As no reply was received from Sir R. Wilson to my note of the 24th March, I asked my friend, on leaving town, to find him out (in which he was unsuccessful), and explain under what circumstances I had taken the liberty of addressing him. The fact is, I had acted contrary to my own principles, and was somewhat ashamed of it. Though any thing is better than imbecility and sloth, my ambition inclines least of all to that of a soldier; and giving in to be one, at a time of absolute feebleness, has led me to confirm the declaration of Gibbon, the historian, that "the courage of a soldier is the cheapest commodity in nature."

I started off, westward, the 3d of April; but on the second day's march was knocked up; and had to reach Devizes by coach. Here a worthy old friend readily accommodated me with a pony. I visited Bath, Warminster, Salisbury, and returned to Devizes; shaking hands, as I journeyed on, with dozens of my brother farmers and other friends; not forgetting the poor ones of Wily parish. Not only the people, but the very soil of Wiltshire, remains dear to my remembrance,—its bournes and its downs. Seven years of my life were spent in Wiltshire;—most interesting years of sunshine and cloud. Wiltshire gave birth to five of my children;—to one of them a grave,—a grave over which the niggard church refused to perform its

rites,—rites which I hold at nought but for appearances of decency; and these are set aside where superstition has controul*!!

Cheltenham waters restored me to health six years ago. I rode to Cheltenham, and tried the waters a second time, without avail. I then returned to Devizes, delivered up the pony to my friend; and marched to London, now somewhat strengthened in body, but still unfit for any continued mental effort: I had, in fact, lost the power of combining my thoughts, and had to rest under such grievous affliction.

On the 7th of May an article appeared in the Morning Chronicle, seemingly prepared to draw attention to the true principle of reforming the poor-laws, for which Mr. Scarlett had given notice that he intended to bring a Bill into parliament. In this article authority was quoted from my little publication on the subject, THE TYRANNY OF POOR-LAWS, in opposition to the sentiments of Mr. Cobbett, and, on the 8th, Mr. Scarlett's Poor Relief Bill was brought into the House. This could not fail to be highly interesting to me; and it proved electric: it had considerable effect in rousing my still feeble mind to action. It was in-

* I had a poor baby which died suddenly, during her third night, while unchristened; and, because of the ceremony being thus accidentally neglected, the parson had to obey the Rubric, and deny his presence and prayers at the funeral. I would write *black* over such *Rubric*.

deed curious that my little tract, which, six years before, had been presented to 700 Peers and Commoners of Parliament, and obtained for me thanks only from two, should, at so eventful a moment, be thrust forward by an unknown hand to my aid. This little incident, together with a hope that a commission would, before the end of the session, arrive from Upper Canada, to call for inquiry into the state of the province, made me every day more and more anxious to recommence my work of publishing the statistical account; and after the second notice of Mr. Scarlett's Bill, on the 24th May, I at last resolved to be up and doing. I had doubted, from the beginning, if one volume could contain the matter prepared for it. My hope of gaining increased public attention, because of Mr. Scarlett's motion, added to the expectation that a commission for inquiry might immediately be expected home from Canada, gave me courage to put a second volume to press, and to lay the foundation for a complete development of colonial affairs. The parliamentary debate on the Constitution of Canada, in 1791, seemed peculiarly worthy of being brought into view, upon the occasion; and the printing of it requiring no effort from me, I, thereby, made a beginning. Before that and Rochefoucault's account of Simcoe's government were printed off, I became afraid of being unable to make necessary comments; but was fortunate in getting a friend to carry me to Brighton, where, for a week, in the beginning of July, being refreshed with air and exercise, I made out to write, as it is, the Review which follows these

transcripts, in Vol. II. and which, I trust, may assist my endeavours, however imperfect the performance, got up by feeble, feverish, and distracted cogitations. During August and September, my health was such, that I became wholly unfit for the work on hand, which was now interrupted for weeks together. Towards October I found it necessary, a third time, to fly from town for relief. I spent a week at Margate for the benefit of sea-bathing: made an excursion round the coast of Kent; and but that I was now assailed in London and Edinburgh, with infernal torments in the courts of law, should have been vigorous. Thank God, I have, at this moment, been able to set at rest every care; and, at this moment, am better in health than I have been since the day on which I was illegally arrested, and confined within Niagara jail.

This narrative must not be taken amiss. It is necessary for my protection against calumny to register all my movements—where I have been, and how employed. You will remember that when in Upper Canada, I was accused, in consequence of an infamous slander, published by the London Courier, of having been engaged in the riotous meetings of England, and of being a promoter of insurrection: you will remember of a poor madman declaring before a public company, in Little York, that *I and Hunt had been accessary to the death of Cashman;* and, very probably, you would learn from the Albany and New York newspapers, that, after leaving you, I visited Mr. Cobbett.

Perhaps stories are now circulated among you, that I was at the bottom of the Cato Street conspiracy: headed the rebels at Bony Muir; or am now plotting insurrection with the radicals of London. My good friends, England does not contain a more resolute foe to riot than myself; or a person so completely alone in political concerns. Before I had connection with you, I had, in many publications at home, deprecated such meetings as those countenanced by Messrs. Cobbett and Hunt; and there is not, of the thousands in this country who have been acquainted with me, a single one, who would not laugh at the very sound of my being a participator in confusion and murder. I frankly confessed to you in Canada, that I was acquainted with Messrs. Cobbett and Hunt: that in many things I admired the former; and that I had seen the latter most shamefully maltreated at a public meeting (at Devizes), only a few weeks before I left home for America. All this was quite true; but my acquaintance was slight and accidental; and still I was opposed to their public measures for obtaining reform: indeed, at this day, I think they have greatly injured the cause. It was quite true, that I visited Mr. Cobbett at New York. I went from Albany to New York, because of a report that my brother was there, and I remained there five days in search of him. During that time I read COBBETT'S YEAR'S RESIDENCE, in which Mr. Morris Birkbeck is so severely dealt with. Mr. Birkbeck was, for several years before he emigrated to America, my most intimate friend: he was "a friend indeed." When misfortune came upon me in

England, and my all was in jeopardy, Mr. Birkbeck (who, by the by, is called by the villain Strachan, "a bad man") offered to carry me and my family to America: offered to give me a farm there: to stock it; and supply money, till I could find it convenient to repay him. Was this the act of "a bad man?" It was such an act as I shall feel grateful for while I have existence*.

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* Few men have been more scandalously misrepresented and abused than Mr. Birkbeck. When he crossed the Atlantic to America, he performed what he had contemplated for years; and what he conceived to be a duty to his family—his most amiable family. He was sanguine in his expectations, and he wrote as he felt. It was natural for him to wish many emigrants to follow him, altogether independent of pecuniary gain. The idea, that he was chiefly actuated by this, in giving favourable accounts of Illinois, is absurd. The very first flight of emigrants, who followed him, could soon expose delusion, or state to others their disappointment; and nobody, who got there with money, could be under any necessity to purchase land from him, while millions of acres were for sale at the public land offices. Other people, who have gone to Illinois, besides Mr. Birkbeck, have been highly pleased with the choice they made; although, for my own part, I should wish to settle further to the north. I have conversed, since I came home, with an Englishman, who had settled in Illinois, and found him quite delighted with that country; and I have heard the same from the correspondence of others; besides having a series of letters, all in unvaried strain, from my friend.

Mr. Birkbeck was bred a quaker; but, by and by, rose above the rigid discipline, which requires attention to non-essentials of religion, and left the Society; though certainly not its good moral habits. I never, indeed, knew a man more correct as to these,—more pure in conduct and conversation; and of this, the Society, I believe, is sensible. One of the most rigid of the So-

Although, by the failure of my father, I was deprived of my stock in business, I had still annuities and provisions for my wife and children. I was not altogether deprived of the means of living. My wife was delicate: my children were young; and upon the whole, it was advisable not to accept of the kind offer of my friend. When I read Mr. Cobbett's attack upon Mr. Birkbeck, it was impossible for me not to feel pain; and a passage concerning Ellenborough and Gibbs filled me with horror. I called upon Mr. Cobbett, to remonstrate against such writings; but Mr. Cobbett, by this time, despised every thing which stood in the way of destroying the boroughmongering system of England. Emigration to America had, I conceive, appeared to him a lessening of that pressure which, at home, might tend to his favourite object; and therefore nothing which could check emigration seemed to him *sin*. On this subject there was no reasoning; and we talked of other matters. The

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CIETY OF FRIENDS, speaking to me of Mr. Birkbeck, used these words, "We are sorry for him, but love him still."

One bad habit Mr. Birkbeck got into, which was, using the word *religion*, when he spoke of and meant *hypocrisy*; and in his LETTERS FROM ILLINOIS, he has stirred up prejudices, owing to the too careless use of this word. In one of my letters to him, I expressed my regret for this, and he thus wrote to me, in reply, under date the 11th March, 1819: "I have been ready to wish I had not written just as I did; or, rather, that I had expressed my reverence (that reverence which I cherish in my heart), for Religion itself, when I spoke lightly of *sham* religion."

Manchester massacre had recently been heard of. Nobody reprobates that transaction of our magistracy more than I. Mr. Cobbett felt as I did: he extolled the bravery of his friend Hunt: he talked most warmly in favour of England and its comforts; the beauty of its hills and dales; the excellence of its people. I told him how I had been treated in Canada. He magnified to himself, a dozen times over, all that I said of provincial villany. He got into an agony of wrath against despotism; and finally, though I had gone to rebuke, I shook hands with Mr. Cobbett at departure. He asked me to sail with him to England; and, but that I had made previous arrangements for coming home by Montreal and Quebec, I should certainly have availed myself of so good an opportunity of getting better acquainted with an extraordinary man—a man with whom I never in all things agreed, and to whose principles I would now, less than ever, subscribe; but whom I, as assuredly, "admire in many things*."

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* The reader will excuse this digression about Mr. Cobbett, when I have stated, that, my frankly acknowledging that I *knew him* constituted the leading charge for which Mr. Wm. Dickson had me arrested, ordered out of the province, and committed to jail. His questions and my answers, when brought under arrest into his presence, were these: "Do you know Mr. Cobbett?"—"Yes."—"Do you know Mr. Hunt?"—"Yes."—"Were you at Spa Fields meeting?"—"Yes."—"Were you ever in Ireland?"—"Yes."—"Were you lately in the Lower Province?"—"Yes."—"Were you lately in the United States?"—"Yes."

I never had a conversation in my life with Mr. Cobbett but one, before I saw him at New York.

—"Was it you that wrote the article in the Spectator, headed, 'Gagged, gagged, by jingo?'"—"Oh, to be sure it was!"

"Gentlemen," said Dickson, looking very great, ("his mighty peers were ranged around—") "it is my opinion that Mr. Gourlay is a man of desperate fortune, and would stick at nothing to raise insurrection in this province:" then, having got Mr. Thomas Clark, and Mr. William Claus, Legislative Councillors; Mr. Alexander M'Donell, brother-in-law to the late President Smith; and a Doctor Muirhead, to back him in his false, infamous, and most groundless opinion, he ordered me first into close confinement, in one of the cells of Niagara jail, and, after about an hour, had me brought back to receive his written order to depart the province. The affair began with the base report of the London Courier of the 8th July, 1818, that I had "*escaped* after the disgraceful proceedings of Spa Fields:" was marked, in its progress, by the madman's declaration above spoken of; and this was the issue; a sorrowful one, indeed, for me, as it, at last, turned out. That I was at Spa Fields meeting, the Courier could know from a pamphlet of mine, published in England, before I went out to Canada. Being in London, waiting on law business, while the Spa Fields meetings were held, I attended, to mark the character of these meetings. In my pamphlet I pronounced upon this character, and stated my disapprobation of such meetings. This the villanous Courier totally reversed the meaning of, insinuating that I was an actor in and approver of such meetings, and said that I "*escaped!!!*" Let the Courier know that it is not *fear* that restrains me from burning his house about his ears. The mischief that that infernal tool of the Ministry has produced by lies and base insinuations is beyond all reckoning. It was, no doubt, the Courier's false report which worked up the frenzy of the poor madman at York; and such was the silliness of many other people, that they also gave credit to it. To outstare the audacious falsehood, I published in the Niagara Spectator the fact that I had

In the years 1814 and 1815, Cobbett's Register, which I always read, and still read, seemed to be

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been at Spa Fields meeting—that I *knew* Mr. Cobbett, and "admired him in many things,"—that I also *knew* Mr. Hunt; and had seen him very ill used at a Wiltshire county meeting, a few weeks before I left England for Canada. Good God! for these frank acknowledgments was I cast into jail; detained there till both my body and mind were a wreck; cast out into a foreign land, 4000 miles from home; to come home, and find the sad consequences to be, that my whole affairs had got into confusion, from my detention in Canada, and that I was too late to have a parting conversation with my aged parent, which of all things I desired. I was a couple of days in Ireland, during the rebellion of 1798. Mr. David Melville, now writer to the signet in Edinburgh, then a boy, was my companion. We were travelling together through Wigtonshire, when, urged by curiosity, I proposed crossing to Ireland, and we had passports from the commander of the forces to proceed to Blaris camp, and view the ground where a battle had just before been fought—the battle of Antrim: so much for my being in Ireland. After I was honourably acquitted a second time, on a trial in Upper Canada for false charges of sedition, I hurried off through Lower Canada to New York, to dispatch intelligence of my deliverance to my wife, and to make arrangements for a longer stay in Canada, having written polite and confiding letters to the Duke of Richmond and Sir Peregrine Maitland, thinking myself sure of civil treatment from them on my return to Canada. I dispatched my business at New York, and forthwith returned to his majesty's dominions; but, instead of civility from the Lieutenant Governor, I found myself and friends libelled in his opening speech to Parliament, and the Parliament ready to justify and support him in every act, however absurd. The Parliament did, indeed, pass a law to prevent, in all time coming, meetings by deputy; and every weak creature of government was in arms against me. On first reading the Bill for the

falling very low, and, indeed, had become unpleasant from interferences with religious feeling. Religious feeling, I conceive, should never be meddled with. Religion is a matter between every individual and his God: a matter quite distinct from politics, and with which politics should never clash. Paine had just credit for writing his RIGHTS OF MAN: he received just condemnation for his AGE OF REASON; wherein he makes mockery of what was sacred to the feelings of the million. The publications of Hone and Carlile are objectionable in the same way, and they are injurious to the great cause of reform. They disgust many of its well wishers: they involve weak men in vain disputations: they generate rancorous feelings: they stir up animosities. They ought nevertheless to be left to free circulation. In the United States, where there is perfect freedom in this way, I never saw any thing like those rank publications, which it is the object of the despicable and

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suppression of meetings by deputy, I exclaimed, "Gagged, gagged, by jingo," and wrote down some doggrel, jingling to these words, to sustain good humour on so melancholy an occasion. A magistrate, to whom I read the doggrel lines, laughed heartily; and, as a French comic author (Moliere) used to let his wit go to the public, provided it made his old housekeeper smile on the first rehearsal, so in making some remarks on the gagging act of Upper Canada, I headed these remarks with my doggrel rhyme of "gagged, gagged, by jingo;" vulgar enough, I acknowledge; but, really and truly intended to keep the Canadians somewhat in humour with chains clenched by their own representatives in parliament: so much for being in the "Lower Province," and "the United States;" and so much for, "gagged, gagged, by jingo!!"

senseless Bridge Street Gang to hunt down. Left to themselves, they speedily disappear.

Mr. Cobbett occasionally attended the Wiltshire county meetings. In 1815, I called upon him, in Salisbury, while attending one of these meetings, to remonstrate against the admission of articles in his Political Register, which were offensive to religious feeling; and, I hope, he felt the propriety of my remarks. Towards parting, I expressed, vehemently, my abhorrence of the cruel treatment he had received (fine and imprisonment) because of a mere exclamation of feeling for British soldiers, lashed under the guard of German hirelings. Mr. Cobbett felt the sincerity of my declared abhorrence, and most warmly did he advance to shake me by the hand. It is well known, that men of the first rank once coveted the company of Mr. Cobbett; and men of the first-rate respectability, intimately acquainted with him, have told me that they never knew a more pleasant man, nor a better father of a family. A strong sense of the corruption of government, great knowledge of the selfishness and sycophancy of mankind, and dear-bought experience, from persecution, have tended, perhaps, to harden his feelings, to render him regardless of ordinary rules of conduct, and to make him vain of himself;—nor is his right to be vain small. He is a remarkable character; and his name will be as lasting as English history: if not as a great man, at least, as a curiosity.

Since coming from America, I have never seen Mr. Cobbett. On the 7th of October last, I passed

through Kensington, and having just before read COBBETT'S COTTAGE ECONOMY, No. 3, in which he announced his intention to write upon the "*keeping of cows*," I called upon Mr. Cobbett to converse on this subject; but, being unwell, he could not see me; and I left a note, saying that I should call again, which I shall do, to present to him my plan of *cow-keeping*, for comparison with his, which I have not yet seen. On my note, left at Mr. Cobbett's, I wrote the word, "*private*," for this reason, that my merely calling on him, if publicly known before explanation was given, would tend to my hurt; and ten days ago I had a striking proof of the need for such caution. A person wishing to have cause of quarrel, thus accosted me: "You are a friend of Cobbett and Benbow: I was told about a week ago that you were *in the habit* of frequenting Benbow's shop, and sitting down there to read Cobbett's writings." Now it was a truth, that in the month of June, 1820, on coming up to London, I *did* call at Benbow's shop, where Cobbett's Register was sold, and asked for the file that I might glance over the heads of subjects treated of, to ascertain whether Mr. Cobbett had taken notice of my statement of the 3d of January, a copy of which had been delivered to him, as well as to the editors of the Courier, Times, and Morning Chronicle, the files of all of which I examined with the same view. As to Benbow I should not know him if now before me. The curious fact is, that I had been dogged by some busy-body or spy, and that this very wor-

thy character had, after sixteen months possession of his secret, taken advantage of it for a malicious purpose. He quite succeeded: the person to whom the information was conveyed, worked himself into a passion with the thought of my associating with Benbow; and he may call upon the busybody to assist him out of his passion before I take further trouble about the matter.

About a month after I landed in England, from Quebec, a Glasgow ministerial newspaper, (the Herald) which was regularly received by my mother at Craigrothie, contained an article copied from a New York paper, which had been copied from one of Albany, published by Messrs. Webster and Skinner, stating that I had called on Mr. Cobbett, and that I had found him so and so; which was not correct. Having occasion last year to write to Messrs. Webster and Skinner, in Albany, I mentioned the circumstance; and, in a letter from these gentlemen, dated 5th February, 1821, they say, "It never entered our thoughts that a little gossip article in the Albany Gazette, should have been seen across the water, or in the least affected our worthy friend Mr. G.;" now it did affect me. Messrs. W. and S. meant me no injury; but, probably, the Glasgow newsmonger did. Just about the same time, the Edinburgh Courant, which my mother also received regularly, gave publication to an article still more evidently intended to injure my reputation; and you, Canadians, will be best able to judge of it. The Edinburgh Courant stated, that by a letter from their

private correspondent, they had learned that "the *radicals* of Upper Canada had been all quiet since Gourlay had left that country." Now, my Canadian friends, you will remember that when I left you, the term "radical" was not even known in Canada as an appellative; and till I landed at Liverpool from Quebec, I never knew of its being used to distinguish a political partisan. I am quite a radical: but I am one of my own sort; and up to this day, am not connected with a single individual in Great Britain in any political party. I am known both in England and Scotland, because of my peculiar opinions, and these opinions are by many misunderstood. In the foregoing pages you have had an opportunity of observing some of them; and you may there see that my efforts to maintain these opinions have been singular—have been such as I am proud of. No individual can produce more creditable testimonials of consistency and perseverance, in so good a cause, as that to which I have been devoted nearly for twenty-one years; and if I live twenty-one years more, I shall not desert it. In the year 1808, I was first driven—most cruelly driven, to defend my principles in politics. I then declared in print that I "*would be happy to make it appear, that an individual may act independent of party**;" and most assuredly up to this time I have stuck to my text. Since 1808 I have written and pub-

* *Letter to the Earl of Kellie*, page 10.

lished more than a dozen of pamphlets; and many dozens of newspaper articles, all dated and signed with my name, making together a complete and authentic history of my opinions and conduct since; and on these I shall rejoice to be *fairly* tried, either east or west of the Atlantic. With regard to the radicals of Upper Canada being "all *quiet*," it is with special satisfaction that I bid you call to mind, how very quiet and orderly I was, from first to last. You will remember that brutish magistrates, madmen, and creatures in the pay of government, endeavoured, by insult and otherwise, to lead me into brawls: you will remember that I was twice actually attacked by armed ruffians countenanced by magistrates; and while I had not the least means of defending myself: you will remember that I kept my temper in every case, and that at all your meetings I enjoined order and peace. And, a-propos of your convention; how did I behave there? The young man who forgot himself on that occasion has repeatedly met me since then; and the instant that it was told to me that he was sorry for what had happened, and wished to be friendly with me;—that moment I declared myself willing to take him by the hand; and we did shake hands. The greatest enemy I ever had on earth, I would shake hands with and forgive in the same way; even William Dickson, whose conduct to me was diabolical. I never yet met with a perfect man: I am any thing but perfect myself; and shall never be backward in making allowances for human frailty. As to the

young man alluded to, I never was so much as angry with him. I believed that he was blinded and set on by the villains of Little York; and I was only vexed with the convention for suffering the annoyance. The very first day of meeting, the convention should have taken the young man to task, and the second, should have proceeded to the extremity. When they neglected this and suffered one annoyance to succeed another, where all should have been submission and solemnity, I gave up hope of my intended measures, and was glad to wind up matters in the best way I could. I saw that your representatives in convention, though as good as the country could afford and perfectly loyal, were fit for nothing. I saw that I "could not make a silk purse out of a sow's ear." But for being bound to appear at your assizes, under a penalty of £1,500, in case of absence, and but for clearing my honour from false and infamous charges, laid against me by that poor creature your Attorney General, I should have turned my back on your convention the very second day of its sitting, and left it to get out of the mud of Little York by its own shifts. I, to the last, kept my humour among you; never was severe from any low personal feeling; and, even when driven to delirium with disgust and cruel treatment, laughed at the miserable scoundrels, who, alike ignorant of the laws of their country and hard-hearted, threw me into jail, *for not leaving the province!!!*

The influence which I gained in Upper Canada, by two months writing in your newspaper, is alto-

gether unparallelled. The organization which I formed was perfect. The meetings and convention were not only legal, but praise-worthy; and when all is looked back upon some years hence, the poor creatures who lent aid to your Governor to scandalize and suppress such meetings, will be glad to crawl into the earth, out of the view of contempt. Meetings by Deputy get quit of mobbing. They characterize human from brute action. They are the genuine means, by which knowledge can be concentrated, union obtained, and lasting peace established. They are the means which must naturally occur to every well-ordered mind. In the winter of 1814—15, I circulated a paper all over Great Britain, to lead on the farmers to choose Deputies, and hold conventions in London and Edinburgh, with a view of getting something substituted in the place of the Corn Bill, then proposed, as a palliative against approaching distress. The farmers were heedless of my call; but it is no small boast for me to have my paper still to produce, as evidence of my good endeavours for their salvation. Had they met in Convention, I should have proposed to have petitioned Parliament for a law to make rents payable according to the average price of wheat, to remove from industry the load of taxation, and fix it on rents and interest, and, also, that an *ad valorem* duty should be imposed on imported corn, gradually to be withdrawn, to introduce, at last, free trade. This would have kept every thing in its proper place; and for ruin, we should, at this moment, have had prosperity. This

would have saved to the farming interest of Britain at least one hundred millions of pounds sterling. The farmers were regardless, and they are ruined, or nearly so. With good conduct on the part of your Convention, I could have carried my points also for you; and, at this moment, not only should your losses, sustained in war, have been reimbursed*, but

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* On the 26th of June, 1821, Mr. Ellice rose in the House of Commons, when I was present, and made certain statements, with regard to Canadian claims; but nothing decisive was done. Mr. Ellice said, that 2884 claims had been put in, amounting, in the aggregate, to £400,000, of which 600 had been rejected, whose amount was £171,000, and that there were allowed £229,000. In page 406 of vol. II. I have still set down Canadian claims at nearly £400,000, and protest against the above deduction. Mr. Ellice observed, that "supplies furnished to the troops, should be considered as a valid debt." The Chancellor of the Exchequer said, " that such claims as were authenticated, should be satisfied." Now, I wish to apprise Mr. Ellice, or any other Member of Parliament, who may take part in the consideration of Canadian affairs, the ensuing Session, that, fundamentally, there was irregularity in ascertaining the validity of claims for losses sustained by the people of Upper Canada during the war. If Mr. Ellice had a claim against Government, or any other party, he would not, I presume, relinquish that claim upon the *ipse dixit* of a person or persons appointed, without his consent, to examine into the validity of his claim. He would have a *right* to appeal to an open court of justice; and the validity of the Canadian claims should have been ascertained by jury trials, immediately after the war. I say this on behalf of the poor people of Canada, who have been gulled and trifled with now for six years. On the part of the people of England I say, that not one penny should be paid out of their taxes, to make good losses sustained by Canadians in war, while *it is a fact*, that, with *management*, these losses can be paid out of the sale of wild lands in Upper Canada. Let Mr. Ellice, and others, mark this.

Upper Canada might have been (as I said the 2d of April, 1818, vol. II. page 587) "*the most flourishing and secure spot on the habitable globe.*"

Below I shall copy in my scheme for organizing British farmers; and you will find that it proceeds on the same principle as that which I resorted to in Upper Canada, for your organization, which was at once legal and effectual, had it been duly followed up*.

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* INSTITUTION

For the Benefit and Protection of the Farming Interest.

The progress of society, and the peculiar emergency of the times, conspire to render proper and necessary, union and effort among the cultivators of Britain, for their important common interests.

With this view it is proposed, that they arrange themselves throughout, with such order and regularity as may create respect, and secure permanent co-operation.

It is proposed, that every market town, where ten individuals shall embody themselves and remain steadily to conform to the general arrangement, shall be considered a district, within which certain transactions may be matured, and others have commencement.

It is proposed, that the following towns shall be the heads of respective provincial divisions, where representatives from districts, viz. one for every ten members, shall meet quarterly for dispatch of business:

Exeter,	*Gloucester,*	*Newark on Trent,*	*Kelso,*
Salisbury,	*Carnarvon,*	*York,*	*Dumfries,*
Guildford,	*Shrewsbury,*	*Manchester,*	*Perth,*
Bury St. Edmunds,	*Northampton,*	*Appleby,*	*Renfreur,*
			Inverness.

It is proposed, that these provincial meetings shall choose representatives, one for every ten of their numbers, to meet once a year at London and Edinburgh. Those from the first eleven, at

Canadians! the Christian religion enjoins "charity above all things;" and says, that "with faith

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the former, and those from the six others, at the latter place,—to communicate with each other when necessary; and upon extraordinary occasions to coalesce, by means of commissioners formally appointed and qualified.

It is deemed needless to dilate on the vast consequence of such an association; benevolence, patriotism, property, right, independence—all are in view.

No class of men has been, or ever can be, more loyal or useful than the cultivators of this island. No class employs such a weight of capital, or such a multitude of productive labourers. No class of men can boast a higher character for integrity, or claim a stronger right to independence; yet no class enjoys so little political privilege, or has so weak a voice among the public interests of the empire.

The causes are obvious;—their scattered residence, and a reliance on great landlords. Systematic arrangement may overcome the first: experience should dissipate the second.

The interest of the great landlord has ever been too remote for delicate feeling; hence he suffered the Work Horse Tax, the Sugar Distillation, and the Farmers' Income Tax, of all impositions the most unfair and degrading. The great landlord, having his family portioned from the spoils of war and taxation, could sport with the immediate interests of his tenants, the fee of his estate, and the real welfare of the nation. Blessed, indeed, shall be our present necessities, if they rout from its strong hold the last cohort of feudal power.

Till cultivators have combined their genuine strength, it is recommended not to commit themselves by signing petitions. In the present dilemma, which involves and threatens their dearest interests, and with these, the prosperity of Britain, the utmost caution is requisite. Partial efforts will produce nothing but discrepancy, weakness, and defeat. Wisdom must first gather from the multitude of counsellors, and then go forth in the strength of unity.

we may remove mountains." I could have done all I promised among you, had your faith and charity been sufficient; but there was lack of both: there was neither faith nor charity to be depended upon in Upper Canada.

December 11*th*, 1821.

Since the above was written and set in type, I have had the curiosity to purchase and peruse COBBETT'S COTTAGE ŒCONOMY, Nos. 4 and 5; and the subjects there spoken of are so intimately connected with what is my chief aim, that I cannot forbear enlarging on the character, conduct, and sentiments of the writer. Although,

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It is proposed, that a meeting be held as soon as possible, at the CROWN AND ANCHOR, STRAND, LONDON, to give the first form and impetus to this scheme; to consist of those whose principal business is farming; who do not occupy less than to the value of £100 per annum; and who do not let off more than one-third in proportion to what they occupy.

This limitation will ensure respectability and freedom. It will distinguish the *Farming* from the *Landed Interest*. The former will aim at immediate advantage; the latter can have no just ground of jealousy; for every gain will be its inheritance, and the nation's aggrandizement.

Individuals desirous to promote this Association, may enter their names in a book, now lying at the bar of the above tavern, personally, or by means of their friends in town. And it is hoped, that a respectable number, sufficiently zealous to take the lead in trouble, will get together immediately, so as to fix and advertise the first day of General Meeting.

R G F D W F O P F.

Which, being interpreted, means Robert Gourlay, Farmer, Deptford, Wilts, formerly of Pratis, Fifeshire.

"I admire Mr. Cobbett in many things," I, as assuredly, in many things condemn him. Many people dislike Mr. Cobbett, because of his coarse and cutting language, and because of his personalities; but in these respects, as long as he confines himself to public men and public affairs, he has acquittal from me. No language can be too severe, coarse, or even vulgar, which presents to us a true picture of vice: no language can excite too much disgust in our minds of wicked ministers: no language can be too cutting, when used against tyranny. Tyranny makes use of bayonets; why then should its enemies be restricted in the use of words? What words could sufficiently characterize the late transactions against the Queen? The dictionary does not afford any commensurate with the deserts of the mean, filthy, persecuting, and remorseless conduct of ministers on that occasion. In the former part of this General Introduction, printed more than a year ago, I have given way to feelings excited by this horrible conduct, and you will find me throughout my work repeatedly giving vent to such feelings. What were they on the last occasion, when the poor persecuted Queen, who arrived in London to claim a fair trial, the same day that I did, bent on a similar errand!—what were my feelings, when this poor persecuted woman became heart-broken, and expired, worn out with never-ending insult! Good Heavens! and when wrath was not satisfied even then; but would go on to insult her earthly remains;—when the supplications of the people of

this proud metropolis, to have the funeral proceed by the best and nearest road, were disregarded, that the body might be dragged through narrow, dirty, and round-about ways!!

It is peculiarly essential for you, Canadians, to reflect upon these things, and to mark the iniquities of arbitrary power. It was the fell spirit of arbitrary power which for seven years of war denied to America the most palpable of rights—the right of the people to tax themselves:—it was this fell spirit which split off a noble limb from the British empire, while some of you, silly Canadians, lent aid to despotism; and it is the same obstinate, unblushing, and demoniac spirit which, till this day, holds Canada in a state of corruption, weakness, and woe. The conduct of the English ministry, towards the Queen, has placed in the strongest light the ruthless madness of men in power; and I trust it will in times to come steel us, in the formation of governments, against putting the slightest trust in any one. For long I was anxious to believe that one at least among our ministers would, in the end, give in to a charitable course. While it was possible, I hoped that Lord Liverpool would escape from among the band of assassins; but I was sadly mistaken. It fell to the lot of this very man to consummate iniquity—to evince the most hardened, most wanton, and most unchristian conduct of all.

No, my good Canadians, words cannot be too keen, or coarse, or vulgar, or vile, to mark the actions of men holding arbitrary sway. And pity it

is that impressions made by them are but too volatile.

Cobbett's defence of the Queen was excellent. His expressions of disgust with her treatment; his strictures on the conduct of her advisers, and the speeches of her lawyers; his contempt for the coronation scenes which succeeded; his singular mode of public mourning; and his minute description of the last scene of all, the funeral procession to Hanover, are valuable records; and mark the man of keen feeling, just observation, lively description, and strong reasoning powers. It is impossible to deny all this to Cobbett: and our chief look-out should be to guard against him as a man of power; for power he has over a multitude in this country—a multitude too apt to be led astray; and which it is possible may yet have the guidance of our destinies.

In this book I have used harsh words, and sometimes contemptuous ones; but I have uniformly been ruled by principle in the choice of these. You would observe above, that I spoke of the men who could fabricate your sedition law, and enslave you as a nation, by depriving you of the power of meeting by deputy, as *brutes*. You would observe that I guarded the second application of that word (page xvii), by saying that I repeated it, "with all due sense of delicacy and decorum;" I did so: I looked not to the men with unchristian rancour; I looked to their deeds which it was duty strongly to pourtray, for the sake of good; and I had Scripture authority for my lan-

guage. Nebuchadnezzar, who spent his time in feasting, while the children of Israel, under his cruel bondage, dropt their unavailing tears in Babel's stream, was not only mentally a brute, but by the figurative language of the sacred historian, he is actually represented to us as one bodily, that a due sense of his wicked deeds may be more strongly impressed on our imagination and memory: and in the same way, Jesus Christ called Herod, the provincial Governor, a *Fox.* You will remember when that poor weak man, Captain Stuart of Amherstburgh, attacked me in jail, for speaking of your Lieutenant-Governor as a "*babe*," (meaning thereby an innocent weakling), how I referred to this Scripture authority; and my reasoning upon that occasion, may here be fitly extracted from the Niagara Spectator of July 8, 1819.

"When Mr. Stuart would blind us with making it appear, that a provincial Governor has the special countenance of God, and would abash the freedom of speech towards him, he forgets what language was used by Jesus Christ towards Herod, a more powerful Governor than Sir Peregrine Maitland. When told to depart out of the country, lest Herod should kill him, "Go ye," said he, "and tell that fox, behold, I cast out devils, and I do cures to-day, and to-morrow, and the third day I shall be perfected." (Luke, Chap. 13.) In this speech Herod is likened to a brute, noted for being cruel, cunning, and thievish:—a brute, which prowls about, under the cloud of night, to break into sheep-folds, and commit depredations on the property of man, even to his very threshold. How admirably does the similitude apply to the general dispositions and habits of provincial Governors, who, in all ages, have proved the most deceitful, cruel, and rapacious ty-

rants! This speech could not be the ebullition of passion; neither will Mr. Stuart dare to pronounce it as proceeding from "the tongue of insolence." It is a speech made and handed down to us for edification and example; and when provincial Governors give way to wicked imaginations; when they cunningly darken counsel, and bind on more firm the mask of iniquity;—when they threaten the innocent, and abuse discretion; such example should be followed as a Christian duty, and nothing should daunt us in the performance: neither imprisonment, nor death."

Not only the bitterest words, but the most direct and pointed personalities, are justifiable in the exposure of public crime. I once said, that "reform should be the people's watch-word, and personality, their creed:" and I was perfectly correct. Meddling with the private affairs of our fellow-men, and wantonly injuring feeling, is detestable: pointing to public delinquency, and exposing its aiders and abettors, is quite the reverse,—is the most sacred duty; and while we only do this, and adhere to good principle, we shall never be weighed and found wanting. Mr. Cobbett, I conceive, has *sinned* in both these respects. In his attack upon my friend, Mr. Birkbeck, he departs from matters of public interest, and throws out insinuations on a subject, with which the public had no concern; nay, while he could not give proof that his insinuations rested on truth, he resorted to italics to inflame scandal. Can Mr. Cobbett answer this? —I call him to answer it in behalf of my friend, 5000 miles removed. Some one, last summer, sent to the Morning Chronicle, an extract from a letter of Mr. Birkbeck, saying "that Mr. Cobbett *is*

known to be wholly indifferent to truth." Mr. Cobbett was offended with this, and in his Register of July 7, 1821, addressed a letter to Mr. Birkbeck, and asked, "by what rule known among men, are you justified in imputing to me an *attack* upon you? What do you call an attack?" I answer for my friend, if ever there was an "*attack*," Mr. Cobbett's letters to Mr. Birkbeck, dated the 10th and 15th of December, 1818, are of that character; and Mr. Cobbett himself will not say, that if such letters had been addressed to him in Mr. Birkbeck's situation, he would not have felt sore. No man could be addressed "Dear Sir," and "My Dear Sir," as Mr. Birkbeck is addressed in these letters, and not feel that insult was added to injury. It is of no use to dwell upon contradictory assertions, as to the produce and profit of land, building expences, and the like, while a distance of 5000 miles lies between the disputants, and years must be wasted to come at precise facts; but I would throw down Mr. Cobbett's letters to Mr. Birkbeck, before any dozen honest men, and call upon them to say, if, upon the face of these, there is not proof of their being unfriendly and unfair, while, for myself, I would maintain that they were scandalous. I say this, writing within six miles of Mr. Cobbett, from calm conviction; and I say it in behalf of my much injured friend. Mr. Cobbett has been often accused of inconsistency, and never did he afford better proof of it, than in his letters to Mr. Birkbeck. These letters not only contain contradictions, but clearly show that the

writer is unfriendly and unfair to him to whom they are addressed. In the letter, dated the 4th of July, 1821, it is said, "the *attack* was not written to be circulated in Europe, so that you might have no chance of answering, till it had produced its effects. It was written in America." It was almost instantly published at New York, and I remained in Long Island for nearly a twelvemonth afterwards." Now, what is this to the purpose in the way of apology; or, rather, how completely does it militate against Mr. Cobbett? The "*attack*," at least the first letter to Mr. Birkbeck, was dispatched as soon as written to England, as we find from the second letter, which commences with these words, "being, when I wrote my first letter to you, in great haste to conclude, in order that my son William might take it to England." Now that letter, which in a preface Mr. Cobbett says, was "intended principally for the perusal of Englishmen," could not be replied to in England, by Mr. Birkbeck, for many months after its publication here. His reply was not, indeed, published in London, till the latter end of 1819, and about a year after the date of Mr. Cobbett's attack, by which time much injury was done to the reputation of Mr. Birkbeck in England, where, chiefly, it was important for him, that his reputation should be sustained. How, then, after setting forth, that the letter was intended principally for the perusal of Englishmen; and that he was "in great haste to conclude, in order that his son William might take it to England," could Mr. Cobbett tell us, that "it was not written for circu-

lation in Europe," or pretend, that Mr. Birkbeck had a *fair* chance of answering it. O, fie! Mr. Cobbett; you never, in so little a space, and for so *little* an object, betrayed yourself so palpably. But of all things, how very ridiculous is your saying to Mr. Birkbeck, in your letter to him of the 4th of July, 1821, "I never would have given such an affront to *general opinion.**" Mercy on us! who ever *affronted general opinion* so much as Mr. Cobbett! Go, Cobbett, and *sin* no more; go, and be true to the great cause of reform, by rigidly adhering to truth: go, and be charitable; and I shall still "*admire you in many things.*" Having said this, I shall leave my excellent friend Mr. Birkbeck to be honourably acquitted, at least, by every reader of this book.

Mr. Cobbett's letters to Mr. Birkbeck were not only injurious to him, but to thousands. These letters, and "Fearon's falsehoods," to use the words of Mr. Cobbett, were instrumental in stemming the tide of emigration, which was beginning to flow from Britain to America, and which would have been highly beneficial, at once to the emigrants and the world at large. There is a prevailing vulgar and narrow-minded notion, that emigration from this country is hurtful to it: but there cannot be a greater mistake. Emigration never can take place but from pressure, and the sooner that such pressure operates in throwing off redundant population, or in relieving distress, so much

* See Cobbett's Register, July 7th, 1821, Vol. 39, Page 999.

the better. Three years ago, there were many thousands of farmers who had capital remaining which might have settled them comfortably in America, but who have not now a sufficiency to carry them across the Atlantic. What has become of that capital? Can we find its solid worth in the funds, or in the coffers of landlords?—Does it exist in any substantial form?—No, it has dissolved in thin air: it is gone for ever, while its late owners remain only as useless dross in the crucible; a mere burden on the land, which they once cultivated to profit. Had a sufficiency of farmers emigrated three years ago, they would have saved themselves and families from ruin, and brought their leaden-hearted landlords sooner into life and action. Mr. Cobbett's publications, aiding Fearon's falsehoods, checked the natural flow of emigration, and did infinite harm.

Why should Mr. Cobbett be surprised with Mr. Birkbeck's declaration as to his being "wholly indifferent to truth," when he writes such contradictions as I have pointed out; or, still more, after standing out against the plea of Wright? His assertions written in America, and published in England, respecting Wright, I could have passed over as words of heat. Mr. Cobbett appears to me to write sometimes under the influence of paroxysms of feeling; and feelings stung with the exposure of a private letter, touching those of a female, should have had my utmost indulgence; but persisting to hold out after mature consideration, and to the still greater exposure of what

should have been hid, merits no excuse, and makes it widely *believed*, if not "*known*, that Mr. Cobbett is indifferent to truth."

A professor of the most northern college told me that he never could endure Cobbett after his attack upon potatoes. I relished that attack exceedingly. It was an innocent display of fervour in the cause of the poor. The writer could bear no malice to a vegetable root; but he saw that the borough-mongers were reducing the poor to the "*minimum* of misery,"—were beating them down to subsist on potatoes alone; and not a few have indulged the thought that the poor should be enslaved for ever by such Machiavelism.

Cobbett's attack on Shakspeare and Milton I accounted for, somewhat in the same way. I looked upon these as ebullitions of feeling, because of sense being sacrificed to sound, and nonsens being substituted for reason. I hope Mr. Cobbett (who has been said to have an antipathy to music) had no grudge against the departed spirit of our great dramatist, because of these oft quoted lines:

> "The man who hath no music in his soul
> "Is fit for treasons, stratagems, and crimes:
> "Let no such man be trusted."——

Mr. Cobbett's famous proposal for "*blowing up*" the paper-money system, by sowing forged notes, was published in the Niagara Spectator, while I was in durance vile; and, but for an accident, I should have written a burlesque, to shew how,

without any "long arm," I could blow up the system merely with the aid of nineteen trusty tailors. I meant to shew that I could do this by dispatching my trusty tailors, provided with a dozen phosphoric matches each, to nineteen of the largest towns in the United Kingdom, while I remained in London, with a sufficiency of ammunition; and, that, by all hands using due diligence in and out of the metropolis, half the real property of the nation could be consumed in a single night, while paper-money would fall to no price: nor do I see, *barring principle,* and *could nineteen trusty tailors be got,* what difficulty there would be in executing such a scheme—a scheme sufficiently modest to be set beside that of Mr. Cobbett; simpler in execution, and much more certain of proving effectual. Such schemes, so long as they can be laughed at, or are fabricated only to outmatch extravagance, do very well; but when we find that the world contains wretches sufficiently weak to be urged on to such plots as that of Cato Street, others so wicked as to lead such wretches on, with the knowledge of ministers of state, and Mr. Cobbett, asking his son, if Ings, the assassin, was "an immoral and impious man," (Cobbett's Register, May 6, 1820), there is enough to make us be cautious with sporting even unprincipled proposals.

Mr. Cobbett, in his second letter to Mr. Birkbeck, says, "I am happy to tell you that *Ellenborough* and *Gibbs* have *retired!* Ill health is the *pretence.* I never yet knew ill health induce

such fellows to loosen their grasp of the public purse. But be it so: then I felt pleasure on that account. To all the other pangs of body and mind, let them add that of knowing that William Cobbett, whom they thought they had put down for ever, if not killed, lives to rejoice at their pains and their death, to trample on their graves, and hand down their names for the just judgment of posterity. What! Are these feelings *wrong?* Are they *sinful?* What defence have we, then, against tyranny?

"If the oppressor be not to experience the resentment of the oppressed, let us, at once, acknowledge the divine right of tyranny; for what has tyranny else to fear? Who has it to fear but those whom it has injured? It is the aggregate of individual injury that makes up national injury: it is the aggregate of individual resentment that makes up national resentment. National resentment is absolutely necessary to the producing of redress for oppression; and therefore, to say that individual resentment is wrong, is to say, that there ought to be no redress for oppression: it is, in short, to pass a sentence of never-ending slavery on all mankind *."

Mr. Cobbett is here serious. He thinks that "these feelings" are neither wrong nor sinful, *because* they defend us from tyranny. I think them wrong and sinful, independent of every considera-

* See Cobbett's Year's Residence in America.

tion; and I think we have defence against tyranny, independent of "these feelings." The best defence against tyranny is a strict adherence to Christian morality; and when that becomes general, tyranny must fall without a stroke or a struggle.

Mr. Cobbett looks back to what has been and what is. I would look forward, and put trust in peaceful change, to be expected from increasing knowledge.

I would not only appeal to acknowledged principles of morality, but would point to practice, as it has been successful, on several occasions, with various religious sects. The Quakers, it is well known, made good points of high importance by non-resistance. They *endured*, till government itself had to give up persecution—had to set aside some of its sternest laws for their accommodation; and it is a fact, that this same sect never had their early settlements in Pennsylvania disturbed by the Indians, merely from their adherence to peaceful maxims. Here, then, we discover that Mr. Cobbett's premises are groundless: we discover that we *have defence* against tyranny, without giving way to feelings which make us shudder, even before they are tested by argument. Yes, to *rejoice in the pains and the death* of fellow creatures, and to *trample* with pleasure on their graves, is abhorrent to all that is good—is, most assuredly, *sinful*. Although "it is the aggregate of individual injury that makes up national injury," and although "it is the aggregate of individual resentment that

makes up national resentment," it does not follow, that an individual may indulge in resentment without *sin*. Resentment is *sinful* of itself, whether nurtured in the heart of one or of a thousand;—whether indulged by an individual or a nation. If individuals would cease to foster resentment, national resentment would of course cease; but when we think of the variety of tempers, and the innumerable causes which affect these tempers, we cannot expect that this will be the order of improvement. National resentments must first be subdued, and many generations will not pass away before this is accomplished. Scotchmen and Englishmen were nationally inveterate foes within these last two hundred years. They are now friends. Within the last hundred years, every Highland clan kept alive resentments against other clans, and lost no opportunity of gratifying malice and revenge. Now, family resentments have ceased, and, so far, there is diminution of vice and misery. Reasoning from analogy, it is fair to suppose that national resentments may, by and by, cease within a wider and wider circuit. The spread of knowledge must effect this. Knowledge has rapidly increased and spread since the invention of printing; and there is not the slightest doubt that it will go on to increase and spread, so that we may safely infer that, at no distant day, national resentments will be extinct, and that universal benevolence will be substituted for the narrower principle of patriotism. Were national resentments extinct, innumerable causes

of individual resentment would die away; while peace and happiness would proceed with less and less interruption and alloy. I should be glad if Mr. Cobbett would peruse this simple train of reasoning with a serious mind: acknowledge his error, and publicly make atonement for an outrage on truth and decency:—that he would cease to disgust those who might otherwise be inclined to "admire him in many things."

Sir James Mackintosh has said, in his *Vindiciæ Gallicæ*, "No important political improvement was ever obtained in a period of tranquillity. The corrupt interest of the Governors is so strong, and the cry of the people so feeble, that it were vain to expect it. If the effervescence of the popular mind is suffered to pass away without effect, it would be absurd to expect from languor what enthusiasm has not obtained. If radical reform is not at such a moment procured, all partial changes are evaded and defeated in the tranquillity which succeeds;" and again, "Whatever excellence, whatever freedom is discoverable in governments, has been infused into them by the shock of a revolution, and their subsequent progress has only been the progress of abuse. It is hence that the most enlightened politicians have recognised the necessity of *frequently recalling governments to their first principles.*"

He afterwards says, that "all the governments that now exist in the world, except the United States of America, have been fortuitously formed." Here are undeniable truths and sentiments very

clearly expressed; but, nevertheless, let us pause and reflect. The moment that any one admits that nothing but force can bring about revolution, and that nothing but the shock of a revolution can procure excellence or freedom in government, that moment he resigns the hope which our religion inspires; and that moment, the man who can stomach the principles of a professional soldier, has free range. Did I give up that hope, and could I sell my free will, and my chiefest honour—could I submit to go forth and *kill*, I shall forbear to say *murder*, at the nod of a superior, I would at once subscribe to Mr. Cobbett's record of his wrath against Ellenborough and Gibbs. I would scruple not to sow forged notes, nay, my highest ambition should be to give command, and set example, to my troop of trusty tailors. Rather would I be an active devil than a passive agent of death. I shall not, with Sir James Mackintosh, yet think it "*vain*" to expect "important political improvement in a period of tranquillity." If there is "*languor*" on the part of Sir James, there shall yet be "*enthusiasm*" on mine; and even next session, I shall hope for the "*radical reform*" of Upper Canada. Sir James did not "*pledge* himself" to move for it last session; but the third session is at hand, since I left myself *pledged* to do my utmost in the cause; and I shall not yet despair, even with my "feeble cry," that "the most enlightened of politicians will recognise the *necessity* of recalling our colonial governments to their first principles." By and by I shall have

occasion to remark on the practice as well as theory of Sir James: but let me now proceed with Mr. Cobbett.

In the spring of 1815, Mr. Cobbett published in his Register that, though he and 581 individuals, had required of the Sheriff of Hampshire, to call a county meeting, the requisition was not complied with; for which reason Mr. Cobbett announced, that a meeting should be held for public business, at Botley, where he resided, on the 25th March, 1815. Curious to know what would be done at Mr. Cobbett's meeting, and willing to advise as to the effectual course for the people to pursue, I wrote to Mr. Cobbett, and dispatched a servant with my letter to Botley, forty miles distant. I wrote to Mr. Cobbett that, "I believed, without *systematic petitioning*, all expectation of good would be nugatory; but, *with which*, I sincerely believed, all good might be obtained. I said that I should have every parish registered, with the number of its inhabitants—each parish ranged in its proper hundred, and each hundred in its proper county; and when petitioning was on foot, every name should appear in its proper place, alphabetically arranged; and that in this form very little expence would exhibit the whole in print," &c.—My servant, on his return, told me that he saw nothing like a public meeting at Botley; but he brought me a very polite and even flattering letter from Mr. Cobbett; from which, as it concerns public business, I may here give an extract: "After tormenting myself for many years, in vain,

I find it the wisest course to leave reformation to the force of events. We are *unable* to urge along the public mind. It must have its time; and if the people do, in the end, and for ever, really choose the present system, as the French people chose that of Napoleon, why, we must acquiesce, and let them have what they choose.—It is with this sort of feeling that I look on your proposition for *petitioning:* very good; very simple; very fair; but demanding, to set it on foot, more time and trouble than an individual like me can bestow. I really think, while I honour your zeal, your talents, and your motives, that you are taking more trouble than you are, by any means, bound to take under circumstances.—I wish most sincerely for the good of the country, and the stability of the King's throne; but I have grown less warm, and less disposed to make sacrifices than I formerly was." Now, let me call to mind what Mr. Cobbett has done since writing the above. In these last six years he has, certainly, not *grown less warm, and less disposed to make sacrifices than formerly:* he has not left *reformation to the force of events.* In these last six years Mr. Cobbett has *boasted* of doing more for reform than any other man, and he has certainly been truly active. Unfortunately he has not acted wisely. He and Lord Cochrane got up a great mob meeting, on Portsdown hill, and got some thousands of the people to sign their names to a petition in the course of an hour or two, by means of tables set out in order, with paper, pen, and ink, all regularly disposed.

I was in the House of Commons when the petition was presented by Lord Cochrane, and witnessed the contempt with which it was received; nor did it deserve any thing but contempt—a petition signed by thousands, without any reference to their places of abode, by which their identity could be proved.—How pitiful!!! The meeting at Portsdown was to send up cheers to answer cheers from the meeting at Spa-fields!! Could Mr. Cobbett countenance such proceedings without a blush!! —Mr. Cobbett also attended a convention of deputies, in London, for purposes of reform. These deputies were chosen by irregular rabbles, in different parts of the country, without order, or even the appearance of it; and only Mr. Cobbett, Mr. Hunt, and a few more, were privy to the organization of this general convention!! I never heard of it till it was over; and, surely, Mr. Cobbett will not deny, that it was an absolute "*affront to general opinion:*" Mr. Cobbett has now announced that he will meet two persons from each county, next January, in London, and expects that this will be called "COBBETT'S PARLIAMENT"!!!— Let Mr. Cobbett only read the above extract from his letter to me; think upon his doings since, his boastings, and his present project, and blush. For my part, the thought of all of it makes me melancholy; and now, despairing of any good from Mr. Cobbett, I shall give up my intention of calling upon him at Kensington. If I had hope, I would call upon him with pleasure; but COBBETT'S PARLIAMENT extinguishes every

spark. In the 4th and 5th Numbers of Cobbett's Cottage Œconomy, I have read some sensible remarks. I seldom peruse any thing of Mr. Cobbett's without reaping some pleasure, if not profit. In one of these numbers I have reaped pain. Mr. Cobbett, like Franklin, grudges that Sunday should be set apart from labour. He would, at least, have cottagers employ that day in dressing their gardens. I am no bigot. Though I was, for many years of my youth, brought up under the eye of a Presbyterian clergyman, and taught strictly to keep the Sabbath-day holy, I am not rigid in this respect. I can see it employed as a day of recreation under the Church of England, or as a day of solemn devotion under the Kirk, with equal regard. I am equally averse to connect religion with levity and austerity: I would wish to see men cheerfully religious every day of the week: I would wish to see every day employed for the glory of God; but Sunday, I would hold especially sacred to the poor labourer. I would, on no account, *allow him* to dig his garden on that day. An enemy to too much legislation, I would, in this, be a pertinacious law-giver. If the poor once habituate themselves to cultivate their gardens on Sunday, most assuredly the rich will, in course of time, have them labouring in the fields on that day also; and Sabbath and Saturday may become alike devoted to toil.

It has been noted, page cxcvii, that the General Introduction was so far prepared for the press, December 1820. Two amendments, however,

were made after the printing was resumed in September last. The reference made to my little tract, of the TYRANNY OF POOR LAWS, in the Morning Chronicle, induced me to produce it, and from reading COBBETT'S COTTAGE ŒCONOMY, No. 3, I came to be more decided as to limiting the extent of a cottage hold, to a quarter instead of half an acre, about which I was in suspense. I make this acknowledgment, to induce Mr. Cobbett to come out with all he thinks on the subject. He evidently thinks that every man would be the better of a garden; but he says nothing of the means by which this good is to be obtained. I would ask him if there is any chance of its being obtained by any other peaceable means but that of *systematic petitioning?* In locating ground for cottage holds, I would not be pertinacious as to having them all in a cluster to make a village; though that, with a common adjoining, would be most desirable. I would insist only on the *necessity* of having a liberty granted, that claims for cottage allotments should be good to a certain extent and proportion in every parish throughout the kingdom; and I am certain poor-laws cannot be abolished without this. Dividing the kingdom into 10,000 parishes, the average extent of each would be 5464 acres. Parishes of this extent would then have to furnish neat 25 acres, or 50, if a common was allowed, and so, less or more, as the parish was of greater or less extent. In Scotland, where there are abundance of cottages and gardens, I should not expect that many allotments would

be demanded out of the public provision at the high rate I have set upon the land: viz. £4. per acre rent, and £120 purchase-money. The grand point is to secure a sufficiency of free possessions, that labourers may have the power of locomotion—and the chance of independence from their industry.

Mr. Cobbett gave out that if he was elected member for Coventry, he would do *every thing* for the country that was required; but why not publish his scheme? let him be frank, and make specific proposals, and I shall, if I like them, endeavour to get a seat even in "*Cobbett's parliament*," to support him.

Having said this, I shall take leave of Mr. Cobbett; to whom, indeed, too much of my paper has been devoted. If, however, I have cleared a friend from scandal; if I have proved to you, Canadians, that though I have "admired Mr. Cobbett in many things," I am not his humble admirer in all things; and if I have, at the same time, brought my readers to reflect on the monstrous iniquity of my being imprisoned and ruined, merely because of a frank acknowledgment that I *knew* Mr. Cobbett, &c. the paper may not be misused. To prevent further rambling in a limited field, I shall now lay out the remaining work of this General Introduction, under distinct heads, and confine myself to as brief narration as possible. I shall speak of the Poor-laws; Correspondence with the Colonial Department; Publications on Canada; my Appeal; my Pause; my Scheme of Colonial Government: make a few observations, and be done.

POOR-LAWS.

The reform of the Poor-laws being a principal object of this work, I shall here transcribe from the Morning Chronicle, the debates on that subject, during last Session, and shall follow these with a few remarks of my own. A more important question never was before Parliament.

HOUSE OF COMMONS, *May* 8, 1821.

Mr. Scarlett said, he should state the grounds of the bill which he intended to introduce to amend the poor-laws, as shortly as possible. He was aware of the great magnitude of the subject. No subject, indeed, could call for more deliberate consideration. Any measure, on a subject so important, was certainly deserving the support of a liberal and enlightened Government, and he was not without apprehension in bringing forward the present bill, without previous sanction or countenance of Ministers. If he had thought that the measure, or any thing like it, would have been brought forward under the sanction of Government, he would not have obtruded it on the House. The evil was one of the most alarming kind; an evil which Parliament would be anxious to remove, unless in removing it the country should be exposed to still greater danger. The evil consisted in an unlimited provision for the poor: the obvious remedy was to limit that provision. The first measure, therefore, which he would wish to submit to the House, was to declare a *maximum*: the rates of the last year, though not the highest, were nearly so; and it was, perhaps, the best period to select, because the nominal

value of money had more nearly approached its real value than in the preceding years. He would therefore propose to fix as a maximum the rates of the year ending the 25th March, 1821, and accordingly to declare it to be unlawful to pay any larger sum for poor's-rate than was assessed off the land for the year ending the 25th March, 1821. The next question was, the propriety of enforcing a different system in administering relief. It never was the intention of the Parliament, that passed the statute of Elizabeth, to relieve persons who were able to work, and who preferred a life of idleness. The object of the statute was to relieve those who by age and infirmities were unable to labour. That wise and humane principle was departed from in modern times, and incalculable mischief was the consequence. At the present moment, persons who were married, and had large families depending in some degree on parish relief, could not be fairly deprived of that relief. Time should be allowed to enable those persons to recover themselves; but the evil had been carried to so great an extent, that persons marrying, looked forward, as a matter of course, to have their second child supported by the parish. He would be glad to know, why such persons ought not to practise those industrious and economical habits which all other persons in society were compelled to practise. It was for the purpose of stopping the progress of this evil, that he proposed, as the second part of the bill, that, after passing of the bill, no parish officer or justice of the peace should be authorized to give relief to any person who, at the time of passing of the act, should be unmarried, either for himself or for any member of his family, unless such person should be afflicted with infirmity of body, or old age. The poor and industrious man was now obliged to provide for the idle, and the natural effect was, that he was inclined also to become one of the idle class, whom he saw often better provided for than himself. His third measure was one,

respecting which there was likely to be a great difference of opinion, though he had given it so much consideration, that he did not think his own mind could be shaken respecting it. It was to repeal the laws, authorizing the removal of persons chargeable or likely to become chargeable to a parish. (Hear!) The present system originated with the 13th and 14th Charles II. the effect of which was to restrict the free circulation of labour, and subjected the labourer, if he could not, from any temporary cause, find bread in the parish where he resided, to be removed to the parish where he was born, or where his father or grandfather was born, though, perhaps, there was a certainty that he could not find employment there, and that he must remain a pauper all the days of his life. A more oppressive law was not to be found in any code in Europe. (Hear! hear!) It, in fact, made poverty a crime. If a law was now proposed, specifically and avowedly subjecting a man to be banished from one place to another, because he could not get enough to feed his family, from the dearness of provision, the man would be deemed not only mad, but inhuman. (Hear!) Yes, this, in reality, was the law, as it existed under another name. (Hear!) This law had been found so oppressive, that many attempts had been made to modify it by exceptions—as, for instance, when a man had been hired for a year in a parish, or rented a tenement of £10., or paid parish rates, or served parish offices. It was said by Dr. Burn, that there were more decisions on this Act, than on any law in the Statute Book. The Doctor might have said—more litigation. (Hear!) There was, probably, more litigation created by this law, than by all the laws, from Magna Charta downwards. An artificial, absurd, and oppressive system had been created, and it became half the business of society to execute it. He (Mr. S.), therefore, proposed to make a provision, that it should not be lawful to remove any man from the parish in which he resided, on the ground of his being

chargeable, or likely to become chargeable. He expected that the manufacturing towns would object to this, as they had done to the provision for making two years' residence a settlement. Under the present system, when there was any cessation of employment in a manufacturing town, the labourers were scattered all over England. From Manchester, for instance, he had seen loads sent to London by the coach, and some even to the west of England. The effect on that town was that the rates were less in Manchester than in any agricultural parish in England, &c. &c.

Lord Londonderry gave his thanks to the honourable and learned gentleman, for bringing the subject before Parliament; and hoped that, because he (Lord L.) now abstained from giving a decided opinion, it would not be thought that he wanted zeal on the subject. The House would be better able to form a judgment, when the measures were before them in the shape of a Bill, which, he hoped, the honourable and learned gentleman would bring in.

Sir R. Wilson said, that though he must acknowledge the good intention of his honourable and learned friend, he must deprecate any proposition to take from the unemployed industrious poor a subsistence, to which they had just the same right as every gentleman had to his estate. If they wished to reduce pauperism, they should reduce taxation.

Mr. Calcraft thanked his honourable and learned friend for having brought the subject forward, though he did not agree with his views in all respects. The first proposition of his honourable and learned friend was to fix a *maximum* of rates. This had been tried in local bills, and failed, &c. &c.

Mr. Bourne congratulated the House, that the subject had been taken up by hands so able as those of the honourable and learned gentleman. As to the proposition of a *maximum*, it had been tried in the Isle of Wight: yet they had

been obliged to apply to Parliament, to remove or alter the *maximum*, &c. &c.

Mr. Monck said, the poor-laws, if they went on as they had of late, would, in fact, establish an agrarian or Spencean system, making the landholders merely nominal proprietors; but, previous to any restriction on the right of demanding relief, the taxes which pressed upon the poor, as the malt and salt taxes, should be repealed, as well as the corn law, &c. &c.

Mr. Mansfield disapproved (as we understood him) the proposal for a *maximum*.

Mr. Phillips observed that, although there were some parts of his learned friend's bill to which he should object, if taken separately, yet to the whole united, he had no objection whatever. On the contrary, he augured great good from its adoption, and thought it right to take this occasion of bearing testimony to the salutary effects of the Act passed upon the proposition of the Right Honourable Member for Christchurch, some years ago, especially in those districts of Lancashire, with which he was more immediately acquainted.

Mr. Ricardo expressed his surprise that any apprehension should be entertained of the tendency of his learned friend's bill, to create any embarrassment in the law of settlement, as the great object of that bill was to remove all difficulty and litigation with respect to this law. It had been observed that labour, instead of being paid in wages by employers, had been paid out of the poor's-rates; and if so, why then should not the amount of such payment be deducted in fairness from those rates? This was one of the objects of his learned friend's bill, because that bill proposed to have the labour paid in just wages by his employer, instead of having him transferred to the poor's-rate. The effect, indeed, of his learned friend's measure would be to regulate the price of labour by the demand, and that was the end peculiarly desired. With respect to the pressure

of the taxes and the national debt upon the poor, that pressure could not be disputed, especially as it took away from the rich the means of employing the poor; but he had no doubt that if the supply of labour were reduced below the demand, which was the purpose of his learned friend's measure, the public debt and taxes would bear exclusively upon the rich, and the poor would be most materially benefited.

Mr. M. A. Taylor highly eulogized the principle and tendency of his learned friend's proposition, which he had no doubt would be productive of great good.

Leave was given to bring in the bill, which Mr. S. accordingly brought in. Read a first time, and ordered to be read a second time on the 24th, and to be printed.

May 24.

Mr. Birch presented a petition from the churchwardens and inhabitants of the parish of St. Mary's, Birmingham, against the Poor-Relief Bill.

On the petition being brought up,

Mr. Scarlett (in reply to a question of Mr. Bernal) said he had no hesitation in stating, that if he found the general disposition of Parliament in his favour, he would press the enactment of the bill. At the same time, he had no intention of hurrying it through the House. He confessed that the approval of the measure was much more general than he at first had reason to expect. Perhaps it would be satisfactory to those honourable members who concurred with him on this measure to know that of the multitude of communications which he had received from different places, the greater mass of them were decidedly in its favour. (Hear! hear!) This undoubtedly encouraged him to proceed: he would not, therefore, delay the bill, though he by no means meant to push it forward. He would take that opportunity of stating, for the information of many gentlemen then present, that as the second reading stood for that

night, he would, if the other business allowed him to do so, bring on the discussion in a short time; if not, he would move, that the bill be read a second time *pro forma*, postponing the discussion to a future period.

Mr. Jenkinson observed that the thanks of the House and the country were due to the honourable and learned Member (Mr. Scarlett) for having introduced this bill. The poor-rates had got to such a pitch at present, that it was impossible to go on much longer with the present system. The bill had his decided support, and he should be glad to contribute all in his power to support it.

Mr. Calcraft said, that the honourable and learned Member (Mr. Scarlett) deceived himself, if he thought the bill met with general concurrence out of doors. It was expected, in several great towns with which he was acquainted, that the bill would not be pressed this session, and, therefore it was, that the inhabitants of those places did not express their sentiments with respect to the measure. If his honourable and learned friend should press the bill, he (Mr. Calcraft) would certainly feel it his duty to state the objections, which appeared to him to be against it. He would suggest to his honourable friend to let the clauses of the bill be printed and circulated through the country. The country would then express their opinions, and his honourable and learned friend would have an opportunity of making those amendments, without which he did not think the measure could be carried.

Mr. Lawley said, that in the county (Warwick) which he represented, great disapprobation existed against several clauses of the bill.

Mr. Lockhart said, that he wished to know whether it was the intention of the honourable Member to press the bill during the present session. He contended, that under the present system, the poor's-rates could not be effectually corrected.

Mr. D. Browne said, that the amount of the poor's-rates

was truly alarming. They amounted to a sum as great as was necessary for carrying on the purposes of the British Government on the accession of the late King. He feared, that unless something was done to stop the evil, that the entire property of the country would ultimately be taken out of the hands of the ancient proprietors.

Mr. F. Palmer contended that in several instances the poor's-rate, during the present year, had been lowered in some places four shillings, in other places five shillings in the pound *. When he had been lately in the country, he did not meet with a single person who was not disposed to support the principle of the bill, though they did not wish that it should be pressed during the present session.

Mr. Scarlett said, that if the subject had not frequently been brought under the consideration of Parliament and the public, he would, no doubt, have been more ready to accede to the wish of some of his friends, to postpone the bill. But as the principle of the bill had frequently been discussed in that House, if he found the House disposed to accelerate the measure, he could see no reason for postponing it. With respect to the objections from great towns, he was prepared to hear objections, though he thought they were founded in error: it was, however, his intention to introduce a clause in the bill, for the purpose of providing a remedy against the possible and prospective inconvenience apprehended by great towns. As to the country, and the agricultural classes, his object certainly was not so much to lower the rates as to improve the moral condition of the poor: that, above all others, was his great object. If the bill should

* This is a delusion. Rates have fallen nominally, because the gallon loaf has fallen; but the evil has increased, and is increasing.

be postponed to the next session, he had no doubt but that those who had an interest in keeping up existing abuses, would attempt to raise an opposition to the bill. He did not fear that opposition; but he certainly did not wish to covet it. When it was considered that the sum of £500,000 a year, was, on account of the poor-rates, expended in litigation alone, the House would not be at a loss to see, that a multitude of persons had a personal interest in opposing the bill.

The petition was then brought up, and ordered to be printed.

Mr. Scarlett rose to move the second reading of the Poor-Relief Bill. He said he did not intend to accompany the measure in that stage with any matter of detail; but he had, in presenting the bill in its simpler state, reserved to himself the opportunity of offering certain clauses, to obviate objections some Honourable Members entertained towards it, leaving it to the House to insert the clauses in the bill, or form them into a separate one. There were great evils and various calamities, attendant on the consideration of the poor-laws, and he found them to consist in three principles. The first was the compulsory and unlimited provision for the poor: the second, the distribution of that provision was not reserved as a reward for good conduct, and an alleviation of the miseries of sickness, old age, and infirmity, but by administering to those who preferred to live by the charity of others, although capable of obtaining subsistence by their own exertions. The third, was the principal source of the evils of which he complained, and that was the restraint which now existed on the free circulation of labour. (Hear!) The farmer, finding that he was called on to pay heavy poor-rates, resorted to the practice of diminishing the wages of labour. They thought it best to pay only to men who had families which must receive a certain sum from the parish; and allowed them such wages as would barely allow them

to exist. The farmer said, if the parish pay 5*s.*, and he could get his work done for 9*s.*, why should he give more than 9*s.*? The unmarried man was consequently reduced to this condition, that he must enter into competition with the other, and must go without employment unless he worked for the same wages. Thus the poor man who was working almost his blood out, had only before him the melancholy prospect of terminating his life in a workhouse—he had no refuge. How different was such a man, in point of moral existence and affinity to the state, from him who was enabled to make some acquisitions of property by his own labour, and to lay up for his old age an independent provision. In every point of view, moral, political, and religious, the man who hoped to lay by something from his own earnings, was more valuable to society, and to himself, than he who was doomed to present labour, and prospective wretchedness, without any hope whatever, &c. &c.

Sir R. Wilson said, he felt it an anxious and painful duty to oppose his honourable and learned friend. He believed that, like himself, he consulted the interests and rights of the poor; but though they both had a common object, they differed as to the means. He then said, that he could not agree to abrogate the statute of Queen Elizabeth. He considered that statute the Magna Charta of the poor. (Hear! hear!) Justice Blackstone had declared that it was founded on the first principles of society. He deprecated strongly the notion of discountenancing marriages among the poor, as likely to be productive of vice and immorality; and he declared, in conclusion, that he would not vote for the reduction of the funds for the poor, until every unnecessary charge in the public expenditure was removed.

Mr. F. Lewis could not refrain from saying a few words on that part of the gallant General's speech, in which he seemed to consider the Statute of 43d Elizabeth as the Magna Charta of the poor, and the palladium of their

rights. That he utterly denied. He denied that the House ought to consider that or any other law on the subject, as one which they were not perfecly justified in amending, according to the demand of the time, or their altered view of the circumstances of the case.—The basis of the constitution was the security which it gave to all persons, in the enjoyment of whatever property they had acquired, or honestly come by. It was utterly in vain to set up any other principle as one of right. If it could be shewn that the principle of the poor-laws was subversive of that by which property was protected, then it would be evident that such an antagonist principle ought not to be allowed to prevail. The meaning of the Statute 43d Elizabeth, was to inflict compulsory labour, by way of punishment, not to afford labour for the mere purpose of maintenance. It was any thing but in the nature of giving the poor personal property.

Mr. Bennett observed, that the greatest evil of the poor-laws was, that it rendered the poor man dependent on his superior, and made him an abject wretch, that had no object in acquiring property, or maintaining a character in society. But although that was a great evil, yet, by its removal, there would be danger of inflicting a still greater cruelty on the poor. There could be little doubt, that if the existing poor-laws were suddenly repealed, the effect would be general starvation, &c. &c.

Mr. Courtenay thought it desirable, that the bill should go to a committee, and receive the modifications which the honourable and learned Gentleman proposed to introduce into it, with an understanding, that when it should come out of the committee, it should be discussed by the House, &c.

Lord Milton entertained, to the bill generally, the most friendly feeling. The most important part of it—that which went to repeal the law of settlement, had his warmest support. At same time, he could by no means agree

with the position of the Honourable Member, that the basis of the Constitution was the protection of the enjoyment of property. The basis of the Constitution was the protection of rights, and the rights of the poor ought to be protected as well as those of the rich, &c.

The *Marquis of Londonderry* repeated his gratitude to the honourable and learned Gentleman, for having bestowed so much of his time and attention, in bringing this important subject under the consideration of Parliament.

Mr. Scarlett said, he should have no objection to go into the Committee *instanter;* but as he was not prepared with all the clauses, he hoped the House would consent to read the bill a second time that night; and to enter into the Committee on Monday. With respect to the influence of the present system upon marriages, he would mention the case of a young person under twenty, who paid for a licence to be married in one of the counties, and went the next day and demanded relief and residence from the magistrate.

The Bill was then read a second time, and ordered to be committed on Monday.

May 28.

Mr. Scarlett moved for the committal of the Poor-Relief Amendment Bill, with a view to propose the clauses which he had mentioned upon the last consideration of this measure.

Mr. Mansfield expressed a hope that the learned Gentleman would not press the adoption of this bill within the present session.

The clauses proposed by Mr. Scarlett were adopted.

June 6.

Mr. Scarlett presented petitions in favour of the Poor-Relief Amendment Bill, from the parishes of St. Pancras, Middlesex, and Northiam, in Sussex.

The further consideration of the Report of the Poor-Relief Amendment Bill, was fixed for Thursday, 13th June.

June 7.

Mr. Curteis presented a Petition from the parish of Robertsbridge, Sussex, in favour of the Poor-Relief Amendment Bill.

Mr. Hobhouse presented a Petition, from some individuals in Liverpool, against the Poor-Relief Amendment Bill. The petitioners, he stated, objected to all the clauses, except that regulating the law of settlement. Mr. Hobhouse said he feared he should be obliged to vote against the bill, his opposition to which, should rest on the ground that forms the present state of the laws against the poor, against emigration, against combination, and against begging: a compulsory provision for the poor was rendered necessary.

Mr. Brougham concurred in opinion with the Honourable Member for Westminster, to a certain extent, and he was willing to say, that if such a measure as the bill before the House, or any thing like it, was passed, a great alteration would be necessary in all the laws concerning the poor. The subject was attended with great, though not with insurmountable difficulty. The system could not begin and end with the bill introduced by his honourable and learned friend; but there must be a corresponding change in all the laws affecting the poor. There was another difficulty with which the bill was attended, which was, that it would create two classes of poor; for, if the principle of Mr. Malthus was carried into effect, the children of marriages contracted at one time would be entitled to relief, while the children of marriages contracted at another time would not be entitled to it. If the principle of the bill was admitted, it would be most tyrannical to retain the laws against emigration, combination, and begging. The present system of the poor-laws was especially

built on the prohibition to beg. He threw out these observations, to show how many difficulties the subject was attended with. There ought, too, if the bill was passed, to be measures of precaution taken, to make the execution of the bill safe, as well for the police as the poor. It was needless for him further to enter into this topic; but he particularly referred to the questions of emigration and colonization. On the latter subject, he referred to a pamphlet of Mr. Herbert Saunders, which contained much valuable practical information on experiments that had been made in Holland and Ireland.

Mr. S. Bourne concurred in the observations of the honourable and learned Gentleman. He deemed it a great oversight, that by a clause at the end of the Poor-Relief Bill, the vagrancy laws were left untouched. When the funds were limited, as they would be by the bill, it would be impossible to leave them subject to the unlimited demands of magistrates.

Mr. Harbord observed, that the doctrine on which the alteration of the poor-laws was proposed, was chiefly that of Mr. Malthus, according to which, a certain quantity of vice and misery was necessary as a check upon population. This doctrine had been, in the opinion of many people well qualified to form an opinion on the subject, shaken by the elaborate work lately published by Mr. Godwin. Mr. Malthus's theory was founded on the supposition of rapid ratio of increase of population, which Mr. Godwin had, in the opinion of many, disproved*.

After a few words from Mr. Brougham,

Mr. Maxwell observed, that in every part of Scotland, where machinery was introduced, a compulsory provision had been found necessary, and he believed such a provision would be found necessary, till machinery was taxed †.

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* The *elaborate work* lately published by Mr. Godwin!!!

† Machinery taxed!!!

The Petition was ordered to be *printed.*

June 8.

Sir R. Wilson presented a petition from the freeholders and leypayers of the township of Hagget, (we believe) in Lancashire, against the Poor-Relief Bill. Sir R. Wilson strongly commended the language and arguments of the petition, which he recapitulated; and concluded by observing, that as there was so much alarm at over-population, he should recommend to the notice of members an elaborate treatise of a very learned, though he could not say, grave, divine, he meant the "modest proposal" of Dean Swift. (Hear!)

The petition was read.

Mr. Brougham said, he had hoped that Members would have abstained from the introduction of topics, which could do no possible good to the poor. (Hear!) The objections to the bill, contained in the petition, proceeded upon a mistake very fatal to a disputant, the total misapprehension of the argument to which they were opposed. No one had ever said, that the poor-laws operated as an incentive to marriages, but that they removed the check to improvident marriages, which would be otherwise supplied by the fear of absolute want. (Hear!) He thought it unwise too, for the sake of the poor themselves, to be continually holding out to them the doctrine, that they were mortgagees upon the land, nay preferable mortgagees; for though, as the law stood, this was perhaps true, it necessarily had an operation injurious to the poor themselves. The operation of such a system, it needed no speculatist, as Mr. Malthus was represented to be, though, on these objects, no one was more plain and practical (hear!) to shew. The doctrine of Mr. Malthus was, that nothing was more prejudicial to the community, and to the individuals themselves, than that persons, without knowledge how to maintain a family, should put themselves in a situation, in which they were sure to produce a family.

(Hear!) There was, surely, nothing abstruse or speculative in this; when, out of such a fund as the poor's-rates, they were sure of being supplied with support, without reference to the state of the country, to the times, and almost, he might say, according to the present administration of the poor-laws, without any reference to the disposition of the individual to work. (Hear! hear!) The proper restraint on marriage was taken away, at the moment when it should operate. The poor were prevented from thinking twice, when they had to decide on the question, whether they should marry or not. It should be impressed upon them, that to put themselves in the situation to get a family, without the means of maintaining it, was as bad as to go into a shop and buy goods without having means of paying for them. (Hear! hear!) Mr. Malthus had very properly said, that it should be impressed on the people, that to rush into marriage under such circumstances, was neither honest nor politic.

Colonel Wood said, that the honourable and learned Member's bill had not had fair play; for, though he (Col. Wood) agreed in what had fallen from the Honourable Gentleman who had spoken last (Mr. Brougham), he thought that the great good proposed by the bill of the Honourable Member for Peterborough, was to free the poor from the present degraded state of vassalage, in which they were kept by the settlement laws.

Sir J. Graham stated, that he had received communications from the country, which satisfied him that ninety-nine out of a hundred of the people were decidedly in favour of the bill referred to.

Mr. Mansfield said, that from the communications made to him from that quarter of the country, with which he was connected, he could undertake to say ninety-nine out of one hundred of the people were decidedly against this bill. (Hear! hear! hear!)

Mr. Birch corroborated the statement of the last speaker,

as to that part of the country which he had the honour to represent.

Mr. Scarlett declared his unwillingness to enter into any premature discussion on this measure, &c. &c.

The petition was ordered to lie on the table.

Sir Robert Wilson deprecated any degree of haste in the progress of this measure, whatever might be, as he knew, the expeditionary powers of the House, for it was a measure requiring the most deliberate consideration. As to the remark of his learned friend (Mr. Brougham), that no poor man should marry, unless he were able to support a family, he agreed in the principle of that remark; but it was to be considered, that a poor man might be able to support a family at the time he married, while in the very next year he might be deprived of that ability, through a new Corn Bill, or some further taxation, enhancing the materials of subsistence. (Hear! hear! hear!) The gallant officer forcibly commented upon the exceptionable character of the bill in various points of view, and especially in compelling a poor man to travel about in search of employment, while, if he failed in his search, he was liable to punishment under the Vagrant Act.

Mr. Gurney thought it his particular duty to oppose this measure, and that the passing of it would be a flagrant act of insanity*.

Mr. Scarlett agreed, that if a measure were unfit for discussion, it was unfit to be brought forward. But he objected to unfounded observations or prejudiced statements. He would not have the principle or provisions of the bill misrepresented to the country. His gallant friend was quite in error with respect to the character of this measure; but he would not condescend to correct that error further than to say, that the bill touched not at

* Hear! hear!

all on the Vagrant Act, in the manner which his learned friend appeared to think. He must add also, that before a gentleman undertook to animadvert upon any measure, he should endeavour to understand its principles.

Mr. Monck expressed his disapprobation of this measure, which he thought a mere temporizing expedient. If the Corn Bill were repealed, together with the duties upon beer, salt, malt, leather, and other articles in common use, the poor could afford to pay for their own support without resorting to the poor-rates, and the poor-laws would die almost of themselves. But while the poor were to be burdened and distressed as they were at present, he could not endure the idea of subjecting them to any harsh or restrictive regulations.

Mr. F. Palmer said, that when this measure should be brought into discussion, he would be prepared to shew that the agricultural labourers had never received sufficient wages to maintain themselves without resorting to the poor's rates.

Sir S. Seabright observed, that the poor's-rate formed the cause of the low wages allowed to agricultural labourers.

Lord Londonderry declared, that he could not see the necessity or the utility of prosecuting this discussion.

The petition was ordered to be printed.

June 13.

A petition against the Poor Laws Amendment Bill, was presented from Stockport, which was ordered to lie on the table; as were petitions to the same effect from Leeds, Huddersfield, and St. George the Martyr, Southwark. The last petition contained a statement, that persons being induced to come to that parish, as well as to other parishes in the vicinity of the metropolis, under the idea of getting employment with advanced wages, these parishes would be subjected to considerable incumbrances, should the proposed bill be allowed to pass into a law.

This petition was ordered to be printed.

Mr. Curteis presented a petition in favour of this bill, from the select vestry of the parish of Burwash, in Sussex. The petitioners, with whom the Honourable Member said that he fully concurred, further prayed that personal property might be subjected to the payment of poor's-rates as well as property in land or houses.

Ordered to be printed.

June 20.

Mr. Scarlett moved the further consideration of the Poor-Relief Bill.

Mr. Calcraft thought it would be desirable that the debate on this important subject should not be gone into without a chance of concluding it.

Mr. Scarlett did not wish to press on the debate against the pleasure of the House.

Lord Londonderry said a few words in favour of the continuance of the discussion.

Mr. Calcraft saw the necessity of some measure for the amendment of the poor-laws; but he did not therefore think himself bound to support one, which, he was convinced, would not be salutary and useful. He should attempt hereafter to show, that the evils, and even the burdens of the poor-laws had been considerably exaggerated *; though he owned they were evils, and though he felt the weight of the burdens: as to the remedy now proposed, he was a friend to the principle of the poor-laws, which was that of unrestricted compulsory provision for the relief of the indigent. His learned friend would cut up this principle. He fixed a *maximum*, which, under no circumstances, should be exceeded. This, at least, was the original enactment of this Bill: he had now modified it by exceptions, which would entirely take away its effect. This would show the

* They never were exaggerated: they are incalculable.

House how cautiously they should proceed, when a gentleman of so much knowledge as his learned friend, after only a few days' experience of a measure he had proposed, thought it necessary entirely to change it, &c. &c. *

Sir R. Wilson moved that the House do now adjourn. Mr. Nolan seconded the motion for adjournment. Mr. Scarlett had no objection to the proposition of his honourable and gallant friend, for it was his interest as well as his anxious wish, that the question should receive all possible discussion.

July 2.

Mr. Scarlett rose, not, he said, at the close of the session, to press any discussion on the bill: indeed, from the outset, he did not express a hope that the bill would be carried through the House that session. He would not enter at present into any discussion whatever, but would reserve himself for a further opportunity to answer the arguments that had been urged against the bill. It would, in particular, be necessary for him to brush up his law, in order to meet the opposition of his honourable and gallant friend (Sir R. Wilson). Whether they would meet in private contest, or otherwise, he hoped his honourable and gallant friend would not prove more fortunate than he ought to be. He (Mr. Scarlett) was aware that much had been written in order to inflame the public mind on this subject: for himself, he would say, that his attention had been directed to the state of the poor-laws for the last thirty years, and he always was of opinion that they were aws most injurious to the community, and most oppressive to the poor. He thought they were laws which went to degrade the lower classes. He withdrew the bill for the present; but he proposed next session to renew the measure. He would not pledge himself to words, but in

* Very just, indeed!

principle it would be substantially the same. If he should meet the same sort of support which he had received, he would propose another bill for greater discrimination between the moral claims of persons seeking for relief, and for the purpose of checking the expenditure, which was now a subject of general complaint. He should also propose, that the fathers of families should be no longer balloted for the militia, but that single men should be compelled to serve.

Sir R. Wilson said, that when the measure should be brought forward, he would oppose it every inch. In order to qualify himself to meet the threatened contest with his honourable and learned friend, he would sit down to study black letter during the summer. (A laugh.)

Mr. H. Gurney said, he hoped the honourable and learned gentleman would duly consider the state of the poor-laws before he attempted to interfere with them. He could not help thinking that the principle of the bill was absurd and injurious. The object of the bill was to prevent marriages: it went on the vicious principle laid down by Mr. Malthus—a principle which was against the laws of nature, and which, if acted on, would not leave an Englishman to till the ground which maintained his forefathers*. He hoped that the House would not be insulted by any of Mr. Malthus's friends attempting to force upon them the adoption of his system. A violent attempt to subvert the poor-laws, was more worthy of a raving madman than a legislator.

Dr. Lushington said, that if he thought the bill went to interfere with the real comforts of the poor, he would not give it his support; but he looked upon the bill as a measure likely to remove the causes of their degradation, and

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* Hear! hear! again. How melancholy is it to think of a Member of Parliament speaking thus!

to promote their real independence. The honourable Member had said that the bill was a measure to prevent marriages: it was no such thing: it was a bill to take away undue encouragement to improvident marriages.

Mr. F. Palmer rose, when

Mr. Scarlett said, that he had avoided all argument on the measure, and he thought it unfair, after he had waved his right, for honourable gentlemen to open a debate, and to misrepresent the principles and objects of the bill. He might be assimilated to a madman, but the honourable Gentleman himself was an abhorrer, and an abhorrer could not reason.

Mr. Gurney assured the honourable and learned Gentleman that he did not mean to betray, even in appearance, a want of courtesy to him.

Mr. F. Palmer considered the poor-laws as the chartered rights of the poor, and hoped the House would pause before it consented to touch them, and inquire seriously into the condition of the labouring classes.

Here we have before us the collective wisdom of Parliament, upon the most important question which Parliament can discuss and decide; and this wisdom, now collected together, does not amount to much. The record, nevertheless, is valuable. It might furnish matter for a volume of reflection; but in making remarks, I shall be brief, and my desire for brevity has already induced me to dispose of part of the *wisdom* by means of footnotes.

May I ask if any one of the above speakers ever served the office of overseer of the poor, or ever regularly attended vestry meetings for the adjustment of parish business? I suspect, there

is a want of practical knowledge in this way. Most of them, no doubt, have sat on the bench, and attended circuit courts, so as to have abundant knowledge of poor-law litigation; and of this Mr. Scarlett has produced an edifying estimate. He has, in this way, it would seem, studied the poor-laws for 30 years; but a tenth part of that time, farming in Wiltshire (where the system is most complete, and the poor most enslaved), and being obliged to do parish duties, would have probably given him still more valuable experience—much more insight into the nature of the system, and better lessons for improving or abolishing it.

But let us adhere to what is before us; and let me ask if there was ever any thing so monstrous of its kind as Mr. Scarlett's leading proposal to fix a *maximum* of rates. It is an insult to common sense, and all that concerns principle. Had Mr. Gurney alluded solely to this, there would have been no great impropriety in his language. It is more than monstrous; it is indeed akin to raving madness, in as much as it was totally uncalled for. The Bill is termed the Poor-Relief Bill; and if there is relief, it must flow out of the poor being freed from that necessity which creates enormous poor-rates. Nobody, I think, but a lawyer could have had the face to make such a proposal. When I spoke of the "*minimum* of misery,"—the gallon loaf, and threepence a week;—and wished English labourers to look sharp, lest that should be frittered down, I little thought that the *minimum* might be sunk by means of a *maximum:* but we

may now let the proposal drop, as it met instant and successive reprobation.

Mr. Scarlett's second proposal is rational enough, *bating* all consideration of the one thing needful—*the education of the poor, and an opportunity for their acquiring property and civil rights.* Mr. Scarlett would take from the poor their premium for idleness, and give them nothing in return. The poor are now quit of all care: war or peace; —plenty or scarcity, are the same to them; and in this changeful world, it is no small blessing to be free from cares dependent upon these. The poor are now independent thus far; and the land is unquestionably mortgaged for their support—for the continuance of their blessings. I, of all men, reprobate the system: nobody has more steadily kept it in view as a national curse; but the landed interest is bound to pay its charges, and they should be glad indeed to get rid of the obligation on liberal terms.

Mr. Scarlett would have the landed interest reap advantage *gratis;* and this too is the wish of Mr. Malthus. No, say I: six millions a year, which you are bound to pay out for the support of idleness, may be purchased, out and out, for mere liberality; and, without liberality, you shall not get clear. Two millions a year, the remaining part of the whole amount of poor-rates, might be made quite sufficient, before the end of five years, to defray all costs in supporting the impotent and old, besides educating the children of the poor. Be liberal, only, and this charm shall be wrought.

My plan of furnishing land to the poor, either to the full extent with commons, or to half the extent with gardens only, would pay its way: it would cost nothing but the expenses of the act of parliament which gave it being, and authority to proceed. With this plan adopted, all minor matters would be easily settled: the word *maximum* would then be forgotten, even as a reproach to Mr. Scarlett; and the mightiest evil which he complains of, the law of settlement, would, of itself, disappear.

Mr. Brougham seems to eye Mr. Scarlett's Bill with contempt; and any child is entitled to do so; but Mr. Brougham, I suspect, would blink *the one thing needful:* he does indeed raise a reek about matters of no importance comparatively. He speaks of the subject being "attended *with great difficulty,*" and points to "the laws against emigration, combination, and begging;" but what would all these be, were the people educated, and had they a chance of gaining property and civil rights! Every difficulty would disappear before these benefits granted to the poor; and if these are not granted, Parliament may debate till doomsday without removing the greatest national evil,—the wretched system of English poor-laws.

Mr. Scarlett speaks of the "*intention*" of the 43d of Elizabeth; and Sir Robert Wilson calls that statute the *Magna Charta* of the poor!! The 43d of Elizabeth laid the foundation for all the present mischief, equally the curse of poor and

rich. The 43d of Elizabeth was framed in an unlucky hour, and from false notions of policy. After the suppression of monasteries, and the seizure of church property, which had for ages fed multitudes of poor, and was, indeed, by law, in great part expressly intended for that purpose, swarms of indigent and idle persons spread themselves over the country, and induced legislators to provide for them by this statute. Great as the necessities of the poor were under circumstances, at that time, much better would it have been to have left nature to cure the evil. The act of Elizabeth provided work for the industrious, and prisons for the idle; but all should have been left to their shifts, save the old and impotent; there is no cure so good as hunger for idleness.

Similar causes, soon after, introduced poor-laws into Scotland. By an act of James VI. indigent children were bound to work for masters till past thirty years of age, and afterwards this law was ratified with additions by the Scotch Parliament in the reign of Charles II. empowering masters of manufactories, with the advice of magistrates, to seize vagabonds and idle poor persons, to employ them in their works, and exact of parishes sums of money to assist in their training and maintenance for three years, and after that to retain them seven years in service for meat and clothes.

It was also enacted, by the Scotch Parliament, that overseers of the poor should be appointed by justices of the peace; and that poor children, and vagabonds, and idlers, should be taken hold of, and

instructed to fine and mix wool, spin worsted, and knit stockings. In Scotland all this officious legislation did little harm, for education was introduced, and completely did away the necessity for its operation. In the year 1616, an Act of Council first established schools, and this was afterwards ratified and improved by the first Scotch Parliament of Charles I. It is truly worthy to mark this. The Scotch became enlightened, and got out of the bondage of their poor-laws. The English were kept in ignorance, and at last fell victims to unthrifty benevolence and mistaken notions of policy.

For any thing I can see in the debates before us, there seems a strange confusion of ideas with regard to the *rights* of the poor; and I question if Sir Robert Wilson, who has set himself forward as the champion of these rights, has very clear notions of the prize for which he is to contend. His calling of the 43d of Elizabeth the Magna Charta of the poor, justifies suspicion. The effect of taxation too, is, I suspect, but indifferently understood by some of the orators, particularly as it affects the poor of England. Were taxation reduced to-morrow, I know of no change for the better that it would make in the condition of the poor labourers of England, subjected to slavery by the system of the poor-laws. That taxation is now out of bounds, and that the evil is greatly aggravated by the wretched policy pursued by our present ministers, is too obvious. The distress of the labouring classes of Scotland is too good proof of that, though we had no other; but to the poor of England it

makes no difference whatever. Mr. Cobbett, who launched forth into very free remarks on these debates on the poor-laws, and sees through the whole system as clear as any body, has continually bawled out against taxes and paper-money being the sole cause of misery. I entirely differ with him in this. I am not only a friend to paper-money, as a refinement of commerce, and as it is the grand bond for confidence in adventure,—indeed, the only means of extensive dealings among men; but the holding it on at the present time, I do consider a matter of sacred importance to the interests of the poor of England, in procuring for them a gradual, genuine, and valuable deliverance from their present state of degradation.

Mr. Cobbett somewhere asks, "what rational man expects reform without a blowing-up of paper-money?" I am certain that Mr. Cobbett is not more keen for reform than myself. I have rationally weighed the question of paper-money, and these are my opinions. If the blowing-up of paper-money would blow up borough-mongering alone, much should I rejoice to see the explosion; but if such blowing-up would set loose the poor of England from all restraint before their present habits were improved, and before the rancour which has been generated between them and their masters was allayed and forgotten, God prevent every thing like such blowing-up. It has for many years been my decided opinion, that a well-modified property-tax would at once secure to us all the advantage of paper-money, and rid us

of every disquietude as to its proving our ruin. Without recurrence to this, our risks are great indeed.

Mr. Scarlett has declared it to be his wish "to improve the moral condition of the poor." This is the grand point for the poor and for the nation. He is to resume his endeavours next session; and I have to hope that, by that time, he will give attention to the *means* of attaining his object. His "attention," he says, "has been directed to the state of the poor-laws for the last thirty years, and he always was of opinion that they were laws most injurious to the community and most oppressive to the poor." I have devoted unceasing attention to the poor-laws for twenty-one years. I have not only *said*, but *done;* and I am as sure as that I am in existence, from much experience and practical knowledge, that if Mr. Scarlett does not greatly improve upon his principle of last session—greatly enlarge his views of the subject he has on hand, we can expect nothing but failure. With liberal and enlarged views, and by attending to the one thing needful, he may immortalize his name.

My hope of a Commission of Enquiry arriving from Upper Canada becoming less and less every day after the beginning of June; and anxious, as well to keep alive some notice to that subject, as to continue the train of my representations to Parliament with regard to the poor-laws, I wrote out the following Petition, and had it presented to the House of Commons by Sir James Mackintosh the

27th June; and as Sir Robert Wilson had spoken up for the *rights* of the poor, I sent him a copy, that he might understand my notions of what was required to establish their rights*.

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* 35, *Abchurch Lane*, 21st June, 1821.

SIR,

In March last, while expectation was high regarding Naples, I addressed to you a few lines† on the suggestion of a friend, and afterwards thinking that I had made too free, my friend sought you to give explanation, but you had changed your place of residence: I had gone to the country, and, before my return, the game was up.

You have asserted, on the question of the poor-laws, that the poor have *rights* which others deny, and in the abstract there may be doubt. I handed to Sir James Mackintosh, t'other day, a Petition, wherein I assert, that real and substantial *rights* have been taken from the poor, and that they ought to have compensation. As the subject is now in discussion, and as I observe you continue to keep it in mind, I take the liberty to accompany this with a copy of my Petition, which I hope Sir James Mackintosh will this day present. Should you honour it with perusal, I flatter myself you may find matter for serious and important consideration. Trusting that you will excuse this liberty. I have the honour to be,

Your's, &c.

Sir Robert Wilson.

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† London, 24th March, 1821.

SIR,

Having heard that you are to proceed to Italy, in aid of Neapolitan independence, and having some inclination to go thither, on the same errand, I should be happy to have the honour of conversing with you on the subject. Should you admit of this, you will have the goodness to say, when and where I may see you.

I am, your's, &c.

ROBERT GOURLAY.

35, *Abchurch Lane.*

Sir Robert Wilson.

To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

THE PETITION OF ROBERT GOURLAY.

SHEWETH,

THAT your Petitioner had presented to your Honourable House on the 11th day of July, 1820, a Petition *pro forma*, the object of which was to call attention to the state of Upper Canada, as it concerned emigration.

That your Petitioner would again and seriously have moved in this business at an earlier period of the present session, but for an expectation that a Commission might come home from the Province to strengthen his suit.

That this expectation having now vanished, your Petitioner begs leave to state to your Honourable House, more particularly what was his prime object in soliciting attention to the subject of emigration.

That with this view your Petitioner has to say that for more than twenty years he has made the subject of the English poor-laws a peculiar study.

That his attention was first riveted to this study, from being employed by the Board of Agriculture in the years 1800 and 1801, to make inquiry in certain parts of England, as to the condition of the labouring poor, and into a practice which prevailed of giving them land for the keep of cows, by which they could live without parish aid.

That the inquiries of your Petitioner completely established the fact in question, according to the shewing of the Board of Agriculture itself, published in 1816, under the title of "AGRICULTURAL STATE OF THE KINGDOM."

That the object of the Honourable Board, in ascertaining this fact, was to have introduced into a bill, for the

general enclosure of commons and waste lands, a clause, by which all poor people, who had rights of pasture, &c. upon such commons and wastes, should each have secured to him a portion of land, whereon he might keep a cow, and thereby be enabled to subsist without public relief.

That this general Enclosure Bill was laid aside; and that since then many hundreds of commons have been enclosed by local bills, without any attention to the claims of the poor; many thousands of whom have been unjustly deprived of their ancient rights of pasturage, &c.; and that this, among other causes, has contributed to the present dependence of English labourers on parish aid.

That your Petitioner, though he did not coincide in opinion with his employers, in 1800 and 1801, as to the particular mode of proceeding then proposed, for the benefit of labourers and the keeping down of poor-rates, was so much struck with the necessity of making great changes, to avert the evils springing out of the English system of poor-laws, that he resolved to shape the course of his life, so as to have opportunity fully to investigate the subject; and, in order to gain practical experience, did remove from Scotland, his native country, into England, chiefly with that view, and in the hope of being able to devise some remedy for the greatest of national evils. This he did in 1809, and for upwards of seven years devoted much attention to the subject.

That after due consideration, your Petitioner became assured that the first essential for a radical reform of the poor-laws was the education of the rising generation.

That however necessary this was, your Petitioner found that the system of the poor-laws had already completely formed a bar against the possibility of its being accomplished without the special interference of the legislature.

That your Petitioner, to gain attention to this subject, had a petition presented to the Honourable the House of Commons the 30th May, 1815.

That your Petitioner further discovered, that through the action of poor-laws, labourers had been deprived of all property in houses and land; and being thereby rendered incapable of locomotion, were completely subjected to the will and caprice of farmers, overseers, and others.

That your Petitioner, in order to attract notice to this part of the business, and to other matters essential for the cure of the greatest of national maladies, had a Petition presented to the Honourable House of Commons the 28th February, 1817.

That your Petitioner still saw, that though all his proposals were adopted, that something more might be required, safely and effectually to accomplish the grand object of abolishing the system of the poor-laws, and that an artificial vent would be required for redundant population, during a series of years, while the process of reform was proceeding.

That at this very time an unexpected and extraordinary change of fortune drove your Petitioner abroad to Upper Canada, to look out for a place of refuge for himself and family.

That your Petitioner, being in Upper Canada, discovered that that country could afford the vent required for the redundant population of England, and upwards of three years ago he did send home a communication, to be laid before Lord Bathurst, intimating what he had then in contemplation.

That a singularly unfortunate train of events detained your Petitioner in Upper Canada, involved him in political discussions, exposed him to the most groundless scandal, subjected him to the most cruel persecutions, finally ending in imprisonment and banishment from the province; not only unmerited, but palpably illegal and unconstitutional.

That your Petitioner, notwithstanding that his health has suffered beyond all hope of repair, from ungracious treatment abroad, and that his spirits have been sunk with

the most mournful calamities at home, has devoted all the efforts of a weakened mind, up to the present time, to advance the vast object at which he has been so long aiming, and still aims.

That your Petitioner has become more and more solicitous for attention to his proposal and schemes for the reform of English poor-laws, and the giving vent to redundant population, since he has seen a bill introduced into your Honourable House, clearly drawn up without practical knowledge of the system of the poor-laws, or a due consideration of circumstances.

That your Petitioner has long considered the principle of population, as laid down by Mr. Malthus, and on which Mr. Scarlett's Bill seems to be founded, to be sound in the abstract: that he has long wished to see all need for poor-laws done away; and believes it perfectly possible that they may be entirely done away, with advantage as well to the poor as to the rich. Yet, as circumstances stand, he is still more assured that substantial benefits must be granted to the poor;—that they must have opportunity given them to acquire property and civil rights, before their present rights of applying for public relief, are encroached upon, or taken away:—he is assured, that Mr. Scarlett's Bill, as it now stands, would at once be inefficient and dangerous in execution: that it would certainly, if made into law, engender discontent, and lead on to general insurrection.

Your Petitioner most seriously entertaining this belief, filled with anxiety and alarm from the aspect of public affairs, and conscious that wise and liberal measures may not only retrieve the country from jeopardy, but lay a foundation for its glorious security, in the improved morals and better worldly circumstances of the lower orders of society, does humbly and earnestly entreat your Honourable House to pause, and reflect well on the subject of the poor-laws.

Your Petitioner is willing to be called to the bar of

your Honourable House, or before any Committee, to substantiate what he has set forth, and to enter into any required explanation of his pretensions, principles, and proposals.

He would more particularly entreat, that the state of Upper Canada may be immediately taken into consideration, that preparations may, this year, be made to admit of a grand system of emigration being commenced by the following spring, in unison with a plan for reforming the poor-laws.

And your Petitioner will ever pray,

June 16, 1821. ROBERT GOURLAY.

It will be observed, that I conclude my Petition with entreating, "*that preparations may, this year, be made to admit of a grand system of Emigration, being commenced by the following spring, in unison with a plan for reforming the Poor-Laws.*" In summer, 1820, when communicating with Sir James Mackintosh, as to the objects I had in view, for strengthening the connexion between this country and Upper Canada, I informed him of my wish to prove what might be done, by a practical experiment, in settlement. When I put this last Petition into his hands, I again called attention to this subject; and, for some days, I am afraid, must have teased him with my written notes on the subject. My anxiety to have the matter spoken of before the House, when Sir James presented the Petition, was excessive; but not a word, I believe, was said. My anxiety could not rest; and, however little chance there was for a liberal hearing, from the Colonial Department, I, at last, resolved to address myself to Lord Bathurst; and the following correspondence ensued.

CORRESPONDENCE

WITH THE COLONIAL DEPARTMENT.

London, September 3d, 1821.

MY LORD,

Having a purpose to collect together a number of people willing to emigrate to Canada, and to proceed to that colony for settlement, under the best circumstances for the comfort of all, it becomes desirable to know, upon what terms government will grant land in aid of such purpose.

It would therefore be obliging, were your Lordship to order information to be communicated to me on the subject.

I have the honour to be,

Your Lordship's obedient servant,

ROBERT GOURLAY.

Earl Bathurst.

Letters find me, addressed to the care of ———— ———— 35, Abchurch Lane.

Downing Street, Colonial Department, 5th September, 1821.

SIR,

In reply to your letter, dated the third instant, I am directed by Lord Bathurst to acquaint you that his Majesty's government no longer give encouragement to persons proceeding as settlers to his Majesty's possessions in North America, beyond a grant of land which they will receive on applying to the governor of the province, proportioned to the means of cultivation, which they may possess, on their arrival in the colony.

Passages are not granted by Government.

I am, Sir, your most obedient servant,

HENRY GOULBURN.

Mr. Robert Gourlay.

London, September 7th, 1821.

MY LORD,

Mr. Goulburn has acquainted me, in pursuance of your direction, by letter, dated 5th September, 1821, that " his Majesty's government no longer give encouragement to persons proceeding as settlers to his Majesty's possessions in North America, beyond a grant of land, which they will receive on applying to the governor of the province, proportioned to the means of cultivation, which they may possess, on their arrival in the colony."

The important point for persons intending to emigrate is, to be *certain* as to the quantity of land which they will receive for *certain* means; and that, before they leave home. Crossing the Atlantic is a serious matter, and disappointment, after having crossed it, is still more so. My brother went out to Upper Canada in 1817, applied regularly by petition for land: took the oath of allegiance, and paid fees; but had nothing save insolence in return. He remained in the province eleven months, and then left it for want of employment and object.

The terms upon which land is granted are changed from time to time, and the fees, which in 1816 were very trifling, are now raised, for large grants, to a serious sum, nearly equal to the price at which the best wild land in the United States can be purchased*. Were

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* The *fees*, originally, were 37½ dollars per each lot of 200 acres. In 1817, they were raised to 41½ dollars; and the highest grant, viz. of 1200 acres, cost a little more than £52.

In the Upper Canada Gazette of January 7th, 1819, the following official order was published.

" *Executive Council Office, York, 5th Jan.* 1819.

It is this day ordered by his Excellency the Lieutenant-Governor in Council, that, in consideration of the increased value

settlers to sail next spring in expectation that on their arrival in the colony, " they would receive, on applying

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of land, (*land had been falling in price, for three years, and continues to fall, up to the present time*, 1821,) the fee on the patent on all orders for grants of land, pronounced after this date, shall be according to the following table.

	sterling. £	s.	d.
One hundred acres	5	14	1
Two hundred acres	16	17	6
Three hundred acres	24	11	7
Four hundred acres	32	5	8
Five hundred acres	39	19	9
Six hundred acres	47	13	10
Seven hundred acres	55	7	11
Eight hundred acres	63	2	0
Nine hundred acres	70	16	1
One thousand acres	78	10	2
Eleven hundred acres	86	4	3
Twelve hundred acres	93	18	4

J. SMALL,
Clk. Ex. Coun.

In the Upper Canada Gazette of Jan. 6, 1820, the following official order appeared:

Executive Council Office, York, 14th Dec. 1819.

Whereas it is desirable to alleviate the situation of the poorer classes of settlers, by an exemption from any charge on the patent-deed, and also to remove all obstacles from the more free accommodation of others, with larger grants than have been usually made, his Excellency the Lieutenant-Governor in Council has been pleased to order, that the first-mentioned class of settlers may receive a gratuitous grant of fifty acres, under exclusion, be it understood, from any further grant from the Crown, but with liberty to lease the reserves.

to the governor, a grant of land in proportion to the means of cultivation;" upon the same rule that was followed this year, their expectations might be blasted by

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To meet the above gratuity and increased burdens, attending the purchase and distribution of lands, &c. it is ordered, that the scale of demands on the grant of one hundred acres, and upwards, shall be regulated according to the annexed table, to take effect from the 1st Jan. 1820.

It is further ordered, that the restriction from sale for three years be abolished; and that deeds may issue, on proper certificates of the performance of settling duties being produced. The grantee will be required to clear one half of the road in front of each lot, and the depth of two and one half chains, from the road, the whole length of every lot, and erect a dwelling house.

FEES.

Upon all grants of land, issuing under orders in Council, bearing date subsequent to 1st January, 1820, the following sums will be paid by the patentee:

	sterling. £	s.	*d.*
On grants of 50 acres	0	0	0
On grants of 100 acres	12	0	0
On grants of 200 acres	30	0	0
On grants of 300 acres	60	0	0
On grants of 400 acres	75	0	0
On grants of 500 acres	125	0	0
On grants of 600 acres	150	0	0
On grants of 700 acres	175	0	0
On grants of 800 acres	200	0	0
On grants of 900 acres	225	0	0
On grants of 1000 acres	250	0	0
On grants of 1100 acres	275	0	0
On grants of 1200 acres	300	0	0

In three equal instalments. The first, on the receipt of the location ticket; the second, on certificate signed of settlement; the third, on receipt of the fiat for the patent.

a change of rule. It may be, by next year, determined to grant no more land, or to grant it on such terms as to render it not worth the fees, or price put upon it.

By correspondence with various parts of the country, I am assured that I could get a large body of people to go with me by next spring, and it is now time to be making arrangements for an undertaking so arduous and decisive of fate and fortune. Your Lordship, no doubt, has controul over all rules for granting land in Canada, and can therefore assure me upon the subject of my inquiries.

May I therefore beg the favour that your Lordship will take matters into serious consideration, and in another communication give me those assurances which are requisite for my plans being carried into execution, without risk of such disappointment as I have above supposed possible.

I have in view to settle towards the higher part of Lower Canada, and should wish a grant of land out of that still in possession of the Crown, which lies nearest to Montreal. It may be in your Lordship's power to determine as to the location in this country, and the comfort which settlers would have, from such determination, would be very great indeed. It would enable them to have preparations made on the granted land before they got out to take possession of it, very essential both for comfort and economy.

I am, your Lordship's obedient servant,

ROBERT GOURLAY.

Earl Bathurst.

Address as before mentioned.

No Petition can be entertained, unless accompanied by a written character, or a satisfactory reason shewn for such not being produced.

JOHN SMALL,
Clk. Ex. Coun.

Downing Street, September 15th, 1821.

SIR,

In reply to your letter of the 7th instant, addressed to Lord Bathurst, I am directed by his Lordship to acquaint you, that it is impossible to give you any more definite answer than what you have already received, respecting grants of land to individuals proceeding to the North American Colonies, the local government being the only fit judges of the means which a party may possess for cultivating lands in the province, and of the extent which it may be proper to assign to them.

I am, Sir,

Your most obedient humble servant,

HENRY GOULBURN.

Mr. Robert Gourlay.

Margate, 2d October, 1821.

MY LORD,

Mr. Goulburn's letter of 15th ultimo, in reply to mine of the 7th, addressed to your Lordship, reached me in course; but ill health, which has induced me to come to this place for recovery, has caused me to delay again troubling your Lordship on the subject of emigration. I have, indeed, hesitated a little, whether I should continue this correspondence, being very unwilling to make unavailing trouble. On mature reflection, however, I feel that I should not be satisfied with myself, without more particularly communicating my views; and your Lordship will, I trust, listen to explanation, whatever be the result.

Mr. Goulburn says, in his last letter to me, "It is impossible to give you any more definite answer, than what you have already received, respecting grants of land to individuals, proceeding to North American colonies." Now, what I wish to treat about, does not concern me as an individual only. As an individual, I could readily procure, on going either to Canada, or to the United States of

America, more land than I could myself cultivate. It is now four years since I first proposed to conduct to Canada a large party of settlers, and, indeed, to make a continued business of promoting emigration. I studied the subject in Canada, found that my scheme could be put in practice, at once to my own and the public benefit, and took every means to qualify myself for the undertaking. I sent home three letters, to be presented to your Lordship, all with one uniform and settled determination; and, as I have more and more reflected on what I had, and still have in view, the more am I inclined to proceed. The letters alluded to, were dated 3d November, 1817; February 7th, 1818; and 24th March, 1818; and, no doubt, were shown to your Lordship, through the medium of Sir Henry Torrens *. In these letters, I spoke of a contract, which I was desirous to make with Government, for the settlement of Canada with British subjects; and it is this contract which I would still willingly engage with. Under this contract, I could pay to Government a considerable sum of money for the land, and greatly promote the comfort and prosperity of settlers. Although the value of land has, of late years, greatly fallen in America, I could afford to pay Government one dollar per acre; say, for one million of acres to begin with, by three instalments, at the end of five, six, and seven years, and so on for an indefinite term, receiving more and more land from Government, to settle as the process went on, and payments were made good. Could your Lordship come to a resolution to promote a liberal scheme of this sort, within the present month of October, I could go out to Canada, have arrangements made for settlement, and be back before April next, to conduct settlers to their destination. Nothing more would be required than your Lordship's countenance, to enable every thing to be managed to the best advantage. This

* See these Letters, page 459, vol. II.

country could spare 50,000 people annually, to be thus conducted abroad; and I should have no difficulty to procure 10,000 to go out in one body by April next. When your Lordship has entered into a thorough investigation of the subject, these numbers will not appear at all extravagant to reckon upon, nor will there seem any difficulty in managing the concern. The distress throughout the country, for want of work, is general; and, after the ensuing term of Michaelmas, will be greatly increased. No rise in the price of corn will enable farmers to employ labourers so liberally this winter ensuing as they did last winter, and curtailing employment in Government works, as is now done by throwing labourers idle one day out of six, will, I am afraid, greatly aggravate misfortune. Emigration to the fullest extent would not much abate this distress, as it proceeds from extraordinary causes, which require special remedies; but a timely disposition on the part of Government to promote any species or degree of relief, would assist in lessening discontent. My hope of establishing a liberal system of emigration, does not rest on the present emergency, nor any temporary distress. Emigration could be carried to greatest extent, and with best effect, were the country flourishing. In the mean time, public calamity ought certainly to plead for its encouragement, and I hope your Lordship may still take serious thought of the subject. Your Lordship must, no doubt, have the fullest information from every quarter, as to the state of the country, and can need none from me. Having viewed both England and Scotland, however, all over from north to south, and from east to west, with my own eyes, within the last two years, and, having from time to time, information from intelligent correspondents in various quarters, I cannot resist expressing anxiety and dread of consequences. On the subject of emigration, I shall here beg leave to transcribe part of a letter from one of my friends, dated 23d August, 1821. "You may get

as many people as you please, to go from ——— ——— ——— with you to Canada. More than half of the farmers have been thrown out in the late bad times, and will not require much persuasion to emigrate. There is one family that I have spoke to, (I mean one of the sons) that will gladly go, and, as he was bred to the dairy system, he might make a figure in that capacity. He would soon get a dairy-woman with him for a wife. They rented a farm within a mile of ——— ——— at £517 of rent, on which they had thirty-eight as fine cows as were in the country. They failed, and were turned out with great severity. Their stock sold *at less than half-price,* and the farm is now let at £200. They paid rent five years, (I set them the land myself) and lost at least £1000 by the concern: of this £500 by the harsh *roup* (*sale by auction*) of their stock."

" Every season great ship-loads of people emigrate from Greenock to Canada. There is a cargo of 600 or 800 making up just now by a Greenock vessel, but loading at Fort William. But from Greenock itself every ship carries out emigrants, chiefly country people from the counties of Renfrew and Ayr. Were I twenty years younger, I would go myself."

How noble and generous would it be, my Lord, to set about arranging plans, by which such poor distressed people as those above spoken of, could have something like certainty and comfort to look forward to in the colonies, whither they are desirous to proceed. Emigrants now go out to Canada, only upon a chance of getting land worth acceptance. A thousand doubts torment them: a thousand difficulties and disappointments wait upon their movements. From their native country, and the society of friends, they have to enter into gloomy solitude: they have to cut out the road before them into the wilderness: they have there to take up their abode, while yet unskilled in the art of settlement, and unprepared by experience, to guard against

numerous and frightful accidents: they have often to strive, at once, against poverty and sickness. Not one in ten of those who go out to Canada, have, within themselves, the means of making comfortable commencement; and not the half of these can put even sufficient means to speedy and economical account, for want of plan and arrangement. Public arrangements for emigrants were miserable, when I was abroad. They are yet altogether defective, and every account sent home gives proof of consequent misery. All this can be prevented by your Lordship's endeavours, if seriously and strenuously applied. It was reported to me, on coming home, that your Lordship had said, on hearing some representation which I had made, as to the distress of emigrants, that "I should take care of myself," and, no doubt, it would be well, could I do so. Could I do this, and benefit tens of thousands of my fellow creatures, surely it would still be better. I have suffered more disappointment than, perhaps, any man alive, and hold no enviable situation at present; yet, my Lord, such is the consolation from good intention, that the balance of enjoyment may not, after all, be greatly against me. It is in your Lordship's power to set on foot a scheme of benevolence, beyond any thing yet witnessed by the world: it is my delight to reflect even upon the possibility of such being realized. There is not a man who is desirous of quitting the country, that it is not politic for government to aid in his getting out of it; at least if he is willing to settle in a British Colony. There he can be so placed as to reimburse every charge incurred by his removal from home. It would be wrong in me to attempt going into any detail for your Lordship's information, as to plans of settlement, on this occasion; but, I shall, at all times, be ready to wait upon your Lordship with every particular, if required. Last year the Chancellor of the Exchequer said, that "His Majesty's Ministers were disposed to adopt every measure which could really

contribute to the relief of the labouring classes," and that "Government were disposed to give every facility to any practical scheme, for mitigating the distresses of the labouring classes*." Now, my Lord, I declare myself ready to lay before you a practical scheme for mitigating distress, by emigration, with reflection on the above quotation. Your Lordship must be sensible, that more than the labouring classes want relief, "more than half the farmers have been thrown out in the late bad times, and will not require much persuasion to emigrate." These are the words of my friend, a man of the first-rate intelligence upon such a subject. These words should seriously be considered by your Lordship, and they may be submitted to the Chancellor of the Exchequer, with my offer of a scheme for mitigating distress. His Majesty's Ministers can determine immediately as to granting land in Canada; and all that would be required at present, would be an assurance that, as many people as were willing, by April next, should be allowed to settle down so compactly together as best to promote the general good. Your Lordship must know, that one-seventh of all the wild land in Canada, when it comes to be surveyed for settlement, must be set aside, and appropriated for the maintenance of a protestant clergy; and, this being settled by law, cannot be altered but by the interference of the Imperial Parliament: my plan could proceed without any alteration in this law; but were it shewn that it would be for general good that the law should be changed, this, I doubt not, could readily be accomplished during next session of Parliament, in time to let settlement in Canada proceed free of all obstruction. I have not supposed, that your Lordship is ignorant of my peculiar situation, connected with Upper Canada. Did your Lordship labour under any prejudice, or misapprehension as to this, it would still be wrong to allow any thing of the

* See page iii.

kind to intercept schemes of public beneficence. If my schemes can be shewn to be angelic, your Lordship is welcome to believe me diabolical. My schemes can be executed very well, even without my personal engagement in the performance of them. I have spoken of going out to Canada forthwith, to prepare the way for emigrants; but any other person might go in my place. I have spoken of it, rather to shew my zeal for public good, than with any particular relish for winter voyages; and more than a year ago, I told Sir James Mackintosh, that I should submit to go out in chains, rather than that the cause of well-conducted emigration should fail. If a million of acres seem too many at once to contract for, or to talk about, a township of 64,000 acres would give room sufficient to make an experiment in. To arrange for the settlement of a single township, I should go out to Canada, if required by government, without a farthing of emolument, and merely upon payment of my expenses. The important point is to have matters determined on within the present month of October. I shall be again in town by the end of this week, and shall be happy to have a definite reply to my suggestions by Monday or Tuesday next, addressed to me as before.

I am, your Lordship's obedient servant,

ROBT. GOURLAY.

Earl Bathurst.

Downing Street, 11*th Oct.* 1821.

SIR,

I am directed by Lord Bathurst to acknowledge the receipt of your letter of the 2d instant, stating, in reply to my former communication, that it is not your object to settle individually in Canada, but that you are anxious to enter into some contract with Government, for conducting emigrants to that colony, on a very large scale; and to acquaint you, in reply, that from what is stated in your letter, Lord Bathurst cannot encourage any expectation of

his giving his sanction to the measure which you have in contemplation.

I am, Sir,

Your most obedient servant,

HENRY GOULBURN.

Mr. Robt. Gourlay.

Although the above correspondence has proved of no avail either to me or the public, it is nevertheless valuable for record. It shews how completely indifferent Lord Bathurst is to the duties of his office—how callous to distress at home—how regardless of the interests of Upper Canada. I asked him for no favour: I made a proposal advantageous for the public: I offered to effect what Ministers have pretended that they wished to be effected. While for many years, under his administration, the land of Upper Canada has been thrown away for nothing, and worse than nothing, to beget misery to the actual settler, and no good to the favoured drone—to reward sloth and iniquity, I offered him for it a dollar an acre, and this to be put into the British treasury; nor should I require any thing but the patronage of Government to make good the contract proposed to any extent. I offered to contract, or merely to assist in doing good; but the Minister disdains every proposal. He will neither do nor let do. Like the dog in the manger, his sole object is to prevent enjoyment. What does such a man get enormous salaries for, out of the taxation of England? But every body knows; and it were pity to lose time with useless inquiry.

Since the end of the war, Ministers have prated over and over again about relieving distress, by promoting emigration. They have squandered considerable sums of public money, to make show of their good will to emigration ; but their words have been deceitful, and their schemes and efforts alike delusive—mere pretences of hypocrisy, in the garb of charity and benevolence.

In April, 1820, " Lord Archibald Hamilton suggested emigration to our colonies in North America, as the most effectual means of mitigating distress," (see page iii) and he had a *private* conference with Ministers on the subject. The result was, that money was *privately* allowed to assist emigration from the west of Scotland. Nothing like a *plan* was laid down for the economical application of this money: no clear idea was formed regarding the *art of settlement* in the wilderness, which is the grand desideratum, and which should be understood before a penny more of public money is wasted. It is by my knowledge of that art, or shall I call it a science, after studying it in all its bearings, its practical process, and its results, for more than four years, that I could, with the mere patronage of Government, fulfil a contract like that above proposed ; and it is by that knowledge I speak with confidence. I suspected that the trifling suggestions of Lord Archibald Hamilton, *privately* listened to by Ministers, and carried into effect in an underhand and partial way, would come to nothing. I inquired into its progress, and could hear no good of it, either here or in Canada ; nay, in Canada, I know that it was productive of misery ; and now

we see the scheme is abandoned, from an article which has just appeared in most of the London newspapers, extracted from an Edinburgh paper:—

"EMIGRATION TO CANADA."

"We learn, that notwithstanding the earnest and reiterated entreaties of the gentlemen of Renfrew and Lanarkshire, who promoted the recent emigration to Canada, that Government have decidedly refused giving future emigrants the pecuniary bounty of £10 to each, which has been enjoyed by those who went out during this and the preceding year. Grants of land will be given to settlers as before; and they will be gratuitously furnished with husbandry implements, but nothing further."

Here we see the policy of Government up to the last moment of time, and two months after I offered to give my advice and assistance, by which any number of people might be settled in the North American colonies, not at a *loss* even of "husbandry implements," but to a very great *profit* for the country; not with *misery*, but *comfort* to the emigrants; not on a *small* scale, which can effect no good, but on a *large* one, which would be every way advantageous to individuals and the nation.

PUBLICATIONS ON CANADA.

Since I first proposed in Canada to publish a Statistical Account of the Province, and had that proposal made known to Lord Bathurst, through direct communication, and to the British public, through newspapers here, no less than seven productions have issued from the press, regarding Upper Canada, and chiefly with a view to promote

emigration thither. Not one of these has given any thing approaching to a true statement of what they affect to discuss; and upon the whole, they have done any thing but good to the province, or the nation at large. Several of these abound in such misrepresentations, as no child could fail to detect; extolling the government of Canada, uttering execrations against that of the United States, and slandering all who have connexion with, or regard for, that country!! Nay, making a river the boundary between a healthy and pestilent atmosphere—a rich and a sterile soil! Had such stuff been published only by the Honourable, and Reverend, and Doctor Strachan, whose weakness is so well exposed in the above extract from the Scotsman, it would have been less worthy of notice; but we have a series of these trashy performances, obviously cherished with the countenance of government; and for this reason it will be of consequence to glance at the whole of them in order of their dates.

The first was the production of "CHARLES E. GRECE, Member of the Montreal and Quebec Agricultural Societies, and Author of Essays on Husbandry, addressed to the Canadian Farmers." This person seems to have come home from the vicinity of Montreal (where he appears to have a farm), a few months after the arrival of the Duke of Richmond in Canada as Governor-in-Chief; and one might suspect that he had received a commission to eulogize a man who never, to my knowledge, either did good in the province, or knew

how to do it. He dedicates his book to the Governor-in-Chief, with these, among other fulsome compliments: "The justice and humanity of your administration, and the fostering care and zeal for the welfare of these provinces, which you have ever manifested since you were first appointed to the high office which you now hold, are the strongest characteristics of true greatness." The "*true greatness*" had by this time shewn itself no where, that I ever heard of, but in the tennis-court, on the turf, or *elsewhere*. And "the *justice and humanity*," was then suffering me, a native-born British subject, to remain in prison, contrary to that constitution, which it was the special business of the Governor-in-Chief to have understood and maintained: but, all this, a sycophant can pass over, and try to shut his eyes against, by such words as these, "My confidence is increased by the persuasion that your liberal and comprehensive mind will duly appreciate the *motives* that have led to its publication," and "indeed the chief honour to which he aspires, as the author of this work, is, that he may secure your Grace's approbation, and have the privilege of subscribing himself,

Your Grace's most obedient,
And most devoted humble Servant,
CHARLES E. GRECE.

London, March 25, 1819."

The main part of Mr. Grece's book, seems to have little else in view, but to scandalize Mr. Birkbeck and the Illinois territory; and I would almost

suspect, was written for him in London. It greatly resembles the virulent stuff which appeared in the Quarterly Review, intended at once to throw a damp on the spirit of emigration, and to scandalize Mr. Birkbeck. Mr. Grece is ashamed of Mr. Cobbett; but cannot resist to borrow his darts for the destruction of my friend. Mr. Grece says, "venemous reptiles are found in the States, though not in Canada!!!—nor are the Canadians disturbed by that worst kind of venemous reptile, so common in the States of the Union, a rancorous spirit of party. It is true, a feeble attempt has recently been made to introduce among us the *spirit of reform*, which is only another phrase for a spirit of anarchy and misery."

The chief part of the book being thus employed, an Appendix is added, to give it more the air of being a farmer's book, made up of various disjointed materials; among which Mr. Grece seems to pride himself for having, *under the patronage of societies*, attempted to grow hemp in Canada!! He says, "unfortunately political events obstructed that effort." Now, what obstructed that effort was simply this, that hemp can be raised in Russia at a fifth part of the expense that it can in Canada, from the difference in the price of labour: but I am impatient to have done with a stupid man.

"THE EMIGRANT'S GUIDE to the British Settlements in Upper Canada," followed the work of Mr. Grece. The editor (for this was a compilation) speaks of "the excellent letter of Mr. Gourlay to the Gentlemen of Canada," meaning my first ad-

dress to the resident land-owners; and then introduces it, shorn of its most excellent part, which affirms, that "England alone could spare 50,000 people annually, while she would be refreshed and strengthened by the discharge, &c." The compiler leaves out this passage in the address, and fritters down my assertion in his title-page, where I am made to say, that "England could spare 5000 people annually," and there, too, the compiler thinks proper to quote from another author, and makes his sentiment appear to be mine; viz. that "the only ties which ought to bind men to their country, are the benefits they receive from it, and this is the only *genuine* and *rational* patriotism." This book was printed for T. Keys, Coleman-street, Bank, (London), 1820, and edited by a farmer, settled in the London District of Upper Canada, or his friend.

After this GUIDE, came forth "THE EMIGRANT'S GUIDE TO UPPER CANADA, BY C. STUART, Captain of the Honourable East India Company's service, and one of his Majesty's Justices of the Peace for the Western District of Upper Canada." The Captain is one of the evangelical, and, many a time over has recourse to the words grace, mercy, and providence, to get him out of difficulties. He cannot decide whether Durham or Canadian boats are best; but, "under mercy," determines that the one kind is as safe for the navigation of the St. Lawrence rapids as the other. The Captain inveighs heartily against clergy reserves, and is for "throwing open to settle-

ment the deeded lands," without having the slightest conception of what he would be at. The Captain says of these lands, that "like rocks in the ocean they glare in the forest unproductive themselves, and a beacon of evil to those who approach them." As the Captain's motto is "*deliberate, decide,* and *dare*," perhaps by this time he has made an assault on "the deeded lands," and, in that case, we may expect to hear that his success has been somewhat similar to that of Don Quixote when he assailed the windmills. The poor Captain, in fact, does not know the drift of his own ravings. He wrote the first part of his book on the voyage home, and at landing, hearing for the first time of the term "Radical," gets into agony, and proceeds:

"Thus far had I written before I reached England. On my journey to the sea from the Upper Province, I heard, with alarm and affliction, of the disorders at home, and my steps were hastened, and my heart throbbed for my country, and my arm (little as it was) longed to be raised in defence of her august authorities. But the term "radical" had not yet reached my ear, and a happy veil was spread over my eyes."

The Captain, still in agony, goes through six pages, and by and by, doubting if the term "radical" may not be a very good one, says, "I hail the term as a badge of the brightest honor, and blush only that I so little merit it." This poor creature, after getting, as it was said, a slice of the "deeded land," on which his "little arm" will never let in

a ray of light, was suffered to attack me when shut up in Niagara jail, cut off from all communication with the press, by the most virulent articles in the newspapers; and this too, he did, after having corresponded with the Convention, and having received a letter of thanks from it, dictated by me.

"May the shame fa' the gear and the blathrie o' it."*

In the midst of his wildest ravings, the Captain never forgot to flatter the governor abroad; and in his book speaks of the late Governor-in-Chief being "of an enlarged and liberal mind, active, public spirited, and benevolent:" also, of the "beneficent administration of the present Lieutenant-Governor, Sir Peregrine Maitland."

The work of the Hon. and Rev. and Doctor Strachan made its appearance soon after the Emigrant's Guide, by C. Stuart, Captain, and Justice of the Peace; and the most important point is, that these three publications, Grece's, Stuart's, and Strachan's, which for spleen, cant, and silliness, have no match, were treated with seeming respect by the Quarterly Review of October, 1820. The Reviewer is not pleased with Captain Stuart's approbation of the Yankee Methodists; but it is, nevertheless, a fact, that Yankees and Methodists are the most exemplary and well behaved people in the province. One errand of the Captain to England was to collect money for religious purposes. I dare say he did not get much; and I

* Quotation from the Captain's quotation.

may take this opportunity of apprizing those who are inclined to forward religion in Canada, that the less money they give in a random way the better. The mere idea of advancing religion in this way, draws off attention from the grand causes which obstruct its advancement—the mal-administration of public affairs, and the wretched state of property. If the money expended in Upper Canada by the Society for propagating Christian Knowledge, the Bible Society, &c. was applied to procure inquiry into the state of the provinces, they would soon be able to provide for themselves bibles and preachers. I am a sincere well wisher to religion; and having seen into the deplorable condition of our North American colonies, in respect to it, would earnestly intreat the Quarterly Review, and every other into whose hand this work may come, to impress what I say on the public mind.

The next publication after Strachan's VISIT TO UPPER CANADA, was "A FEW PLAIN DIRECTIONS to persons intending to proceed as Settlers to his Majesty's Province of Upper Canada, by AN ENGLISH FARMER." This was better than the preceding, in as much as it was accompanied with a map of the settlements. It speaks, however, of the "*blessings and privileges* of the *excellent constitution*" of the Provinces, as giving advantage over the United States, and its "*Elysian prairies*" for settlement—of the valuable work of Mr. C. Grece!! &c.: otherwise the directions are not amiss.

"SKETCHES OF UPPER CANADA, BY JOHN

Howison, Esq. were next offered to the public. You, Canadians, will remember that Doctor Howison, assuming the name of "*the Traveller,*" while he was advertising for employment among you as a practitioner of physic, assisted me for some time with his "*rebounds,*" in rousing your attention to the iniquities of the government, and the pollutions of Little York. You will remember that he was thought friendly to inquiry, and attended one of the first meetings; that he afterwards, when all was going on in the most orderly and peaceable manner, deserted the cause, and distracted attention from the *one thing needful,* by keeping up a silly correspondence with the major, who is now made sheriff of Niagara district, no doubt, as a reward for his zeal against the cause of inquiry. You will remember that Dr. Howison said that I had "disgraced" myself, and that your chief failing was "false pride." Let us see what he says now, speaking of the farmers between Queenston and the head of Lake Ontario.

"They are still the same untutored, incorrigible beings that they probably were, when, the ruffian remnant of a disbanded regiment, or the outlawed refuse of some European nation, they sought refuge in the wilds of Upper Canada, aware that they would neither find means of subsistence, nor be countenanced in any civilized country. Their original depravity has been confirmed and increased by the circumstances in which they are now placed."

After hearing that Dr. Howison had come home, and was to publish Sketches of Upper Canada, I sent him my compliments, through a merchant of

Niagara district, now here on business, wishing to forget the disappointments which he had produced in Canada; but since the Sketches have appeared, I am glad that my compliments were not delivered. The above quotation is too bad. It is not true: it is not fair: it is not discreet. The first settlers of Upper Canada, in my own opinion, were wrong-headed men as to politics; but they were far from being bad-hearted men, and any thing but "the ruffian remnant of a disbanded regiment." They were soldiers who had done their duty: who had regarded with reverence their oath of allegiance: who had risked their lives a hundred times over in support of their principles: who had sacrificed all which the world in general holds dear, to maintain their loyalty and honour. They were any thing but "the outlawed refuse of some European nation:" they adhered to the laws of Britain; and for the laws of Britain they bled. They did not "seek refuge in the wilds of Upper Canada, aware that they would neither find means of subsistence, nor be countenanced in any civilized country." It is a libel on the British government to say that they *sought* refuge; and a libel on common sense to say that men, who resolved to earn their bread by labour, under the worst circumstances in the wilds, could not find *means* of *subsistence* any where else. The whole passage is untrue—is shameful; and Dr. Howison should apologize for it in the public prints of this country. These very farmers whom he scandalizes so cruelly, stood up for British government most

nobly during the late war. Many of them lost their all at that time; and to many of them the British government is now deeply indebted. Their claims, well authenticated, were laid before the home government, at least five years ago; and not a penny has been paid to them. What now have these men to say to Dr. Howison, who has slandered their character, and injured their credit at home? What have the farmers of Niagara district to support their loyalty, should another invasion of the province ensue? Their treatment is indeed a reproach to British government. The mass of first settlers in Upper Canada were "true men," and to this day there is a peculiar cast of goodness in their natures, which distinguishes them from their neighbours in the United States. There were among them ruffians of the very worst description; and Isaac Swayze stands forth as a specimen. His Majesty's ministers needed spies, and horse stealers, and liars, and perjured villains; and America furnished such characters, just as England can furnish an Oliver and an Edwards. Why should a whole people be slandered, because of a few? The Canadians have indeed degenerated from the date of their first settlement. They have been debased by provincial government: they have been polluted by a mixture of bad fellows from all quarters, taking refuge among them; and to use the words of Dr. Howison, "*depravity has been confirmed by the circumstances in which they are* now *placed.*" Still the great mass of them are well meaning, honest, sober, and industrious men;

and it will be the fault of the British government if they are lost to this country as loyal subjects. Simplicity is the prevailing characteristic of Canadian farmers; and this springs from ignorance. It is not the farmers who are the *depraved* of Canada. It is the councillors, the priests, the magistrates, and all who depend on government; and among these men there is depravity of the most odious kind. It was to root out this depravity that made me enthusiastic, when writing in Canada, on public affairs. Before I began to rouse public attention to the causes of abomination in that country, I had privately communicated to Dr. Howison the speech of a magistrate, which should have sunk deep into his reflection—a speech so horrible, that it cannot be repeated. From this, and other speeches, and conduct of the *higher classes* (if I may, for distinction sake, make use of the term) there was no hope of morality gaining ground in the province among the lower classes. Some of those who set themselves up for the *respectables—the gentlemen* of the country, were, in fact, the most ignorant, mean, disgusting, and infamous characters that ever came under my observation. I saw into the seat of disease; and as a surgeon thinks it no disgrace to foul his fingers with cutting out a cancer, so I thought it duty to expose the *gentlemen* of Upper Canada, while Dr. Howison was trifling with a creature who had not sense to be a gentleman even in appearance. Dr. Howison wrote in Canada only to trifle; and now we see the consummation.

We see a book very well written; very readable as a romance—the tale of a sentimental weak man; but, as it affects men and their serious affairs, worse than trifling—scandalous. To say all the ill he could of Canada, and no good of it, is unfair, —is deceitful. To speak as he has done of the people of Niagara district, who were favourably disposed towards him, and from whom he experienced many civilities, is indiscreet, is ungenerous, is ungrateful.

Dr. Howison accompanies his Sketches with "practical details for the information of Emigrants of every class;" but, after reading his book, who would be inclined to emigrate to Upper Canada? who would choose to associate with a "*ruffian remnant*," and "*outlaws*," whose "*depravity*" has been "*confirmed* and *increased*"? Who would not laugh at his parting exclamation about the "happy shores of Upper Canada"?

Scandalous as Dr. Howison's book is, I have yet hope that it may do some good. It is well written, and will be read with some degree of relish, which none of the other works spoken of have been, or can be. If it does not make the people at home in love with you, Canadians, it may yet excite a desire in their bosoms to better your condition.

The seventh, and latest publication, is a very slender affair of twenty-five pages, intitled, "SKETCHES OF A PLAN FOR SETTLING IN UPPER CANADA, BY A SETTLER." It takes up my notion of connecting emigration with the reduction of poor rates; but it is manifest that "THE SET-

TLER" has not very deeply studied the subject of settling "an almost unlimited number of the unemployed labourers of England." He must study hard, and a great deal more to be ready to start with advantage by "the 1st of February, 1822." Let it be the 2d of April, (for I would have none go off for Canada till after fool's day) and perhaps I may go with him and assist. But I forget; Lord Bathurst would not patronize me. Perhaps he is going to make a shew of doing something for "the settler," and we must only watch that it may be no humbug;—nothing like that of the Perth Settlement in Upper Canada, or the more expensive *experiment* at the Cape of Good Hope! The subject of settlement is one of vast importance. It never has been understood; and it is pity that it should be trifled with. It is now upwards of four years since I was convinced that the Americans themselves, who have been the greatest settlers in the world, did not understand the art. It will be observed, that I said so in my first Address to the Resident Land-owners of Upper Canada (page cxcii); I have, since the date of that Address, devoted to the subject my days and nights; and if I shall be so fortunate as to gain public attention, it shall be my greatest joy to make known my plans. Hitherto the settlement of the wilderness has uniformly been accompanied with a lowering of human character. I contemplate, at once, the improvement of man and the land, which the Creator of all meant that he should occupy and improve.

I have now, under this head, to say a little of my own work. My first proposal to publish a Statistical Account of Upper Canada, was connected with my immediate private interest. It would have assisted greatly my project of establishing a land agency. Canada offered peculiar advantages in this project. I could recruit for emigrants to Canada all over the United Kingdom, which I could not do to the United States, because of our emigration laws*; and the publication of a Statistical Account, well authenticated, was the best and simplest mode of making Canada known. The opposition of a priest, to this simple proposal, should never be forgotten; but it was not his opposition which had any thing to do with my change of measures. The discovery that your Governors neither understood nor paid respect to the laws, whereby property had value, induced me to pause; and greater experience gave assurance that it was right to do so. I could not honestly invite settlers to a country, while gross mismanagement subsisted in the Government; and now, I believe, you are all sensible of the mischief which has ensued. We should never repine at the events of life; we should improve upon them; and this I shall say, that after the gayest visions, which

* Some years ago, a person was arrested for enticing away people from the Highlands of Scotland to America, and imprisoned for months. Orders have, of late years, been issued to suspend the rigour of law; but still there is no certainty of freedom to emigrants. Emigration laws should be abolished.

first presented themselves to my mind, of settling in Canada, fled: after ill succeeded ill; and, up to this hour, misfortune seems to have no end; still I am hopeful that all is for the best.

My political warfare in Canada brought out secrets, and displayed characters which it was of utmost consequence to have exposed: indeed, what could mark the iniquity of your Government so well, as the sufferings to which I was subjected. The whole, I hope, has laid the ground-work of thorough reform. If health and strength fail not, I shall not fail; and, circumstances every day unite to aid my endeavours. My work is now no longer a call to emigrants to go out to Canada: it is a call for inquiry into corruption, mismanagement, and mis-rule. The book has swelled on my hands; but it is full of valuable documents. It exhibits both things and men: it traces provincial policy from its root upwards to its cankered branch and its fading leaf. It is now divested of all little selfish considerations: it now contemplates only great and benevolent objects. If these are made good, emigration will indeed become a glorious theme, and Canada will flourish. If these objects are not carried, all GUIDES to Upper Canada must be guides to wretchedness, as they have hitherto been; and all comparisons which go to make the British provinces appear superior to the United States for settlement, must be false, and deulsive, and treacherous. No man ever regarded Upper Canada with fonder eyes than myself: no man ever devoted so much of his life

to do it lasting good: no man wishes better to it, even up to this hour, than me; but I must not, and shall not, prefer Canada to truth.

APPEAL.

In the outset of this General Introduction, I have exhibited my case as a banished British subject: produced documents: stated what course I was pursuing, and about to pursue for redress. In the body of my work, I have completed my reasoning on your monstrous sedition law, and proved to demonstration, that that law never could, and never was meant, to apply to a British subject; and never should have been applied, as it was, to me. While in Scotland last winter, I wrote to the gentleman in town, who has charge of my appeal business, to procure, if necessary, the assistance of counsel, to draw up my petition to the King in council. He laid my printed Circular before Mr. Adam, an eminent counsellor; but Mr. Adam entirely mistook the object which I had in view. Looking back to the first part of this Introduction, printed more than a year ago, you will observe that I never trusted to redress by the ordinary course of law. My complaint is not only that I was illegally imprisoned in Canada; but, that by cruel treatment, I was deprived of my natural powers of defence;—that I was incapable of it; and, indeed, had the court which tried me put me to death, instead of mocking me with a trial, cir-

cumstanced as I was, its conduct would not have been a more fit subject for parliamentary inquiry. My appeal is, and always has been, against violence; and violence of such a nature as cannot be taken cognizance of by the usual forms of law. I have been willing to follow out every course of law, and to leave no stone unturned within the precincts of ceremony and form; but, from the beginning, I had no hope, save in extrajudicial inquiry. It was conviction of this which induced me to write to Sir James Mackintosh, as to the newspaper report of his speech, (page liii), to procure from him a contradiction of that report; and the opinion of Mr. Adam makes it still more necessary for me to guard myself from error. I shall here produce that opinion, with its sentences numbered for clearer reference.

1st. I have read Mr. Gourlay's statements, and the act of the Legislature of Upper Canada, with the greatest attention, and the only remedy that is open to him, if the conduct he complains of is illegal, is, in my opinion, to bring an action in the courts of Upper Canada, or in this country, (if any of the persons who acted in or contributed to his imprisonment, are to be found in the country), to recover damages for the imprisonment he underwent, and his forcible removal from the Province, supposing he has sustained any injury, and that the conduct of those who have so injured him, was not justifiable by the local law. 2d. Mr. Gourlay has a clear and distinct remedy by action; but the King in Council can afford him no relief for the personal wrongs he has sustained; nor can he hope for any compensation by petitioning the House of Commons. 3d. It is, undoubtedly, open to Mr. Gourlay to petition

the King and the Parliament, either on the score of his individual grievances, or the general ill government of the Province; but, it is quite hopeless to expect any personal remedy, except by pursuing the only course the law points out, an action in a court of law. 4th. With respect to the legality of the proceeding against Mr. Gourlay, in Upper Canada, it must not be overlooked, that the statute contains a clause, (now become not uncommon), by which the burthen of proving that a person accused is not in the situation pointed out by the statute, is thrown upon him—a severe provision, and in direct opposition to the general rule of law, which imposes the necessity of proving the whole case upon those who allege the fact. 5th. It seems clear Mr. Gourlay did not do so, nor does it appear that he offered to do so, either before the magistrate, or on his trial. 6th. Indeed I had collected from page 6, (Petition to the House of Commons), that he had not taken the oath of allegiance before his commitment. 7th. It is true that it appears from his affidavit, 13th January, 1819, that he had taken the oath on or before that day. 8th. But it does not state when; nor does it appear that that affidavit was ever used judicially. 9th. I apprehend, therefore, that it must be taken, that Mr. G. was amenable to the act.

W. G. ADAM,

Lincoln's Inn, 24th Feb. 1821.

Before making remark on the above opinion, let me again state, that I only wanted the assistance of counsel *to draw up* my petition. Writing to my solicitor, from Fifeshire, 7th February, 1821, I said, "Lest assistance of counsel should be required to draw up the petition, I beg leave to inclose a bill on London, per £10, to account." I had not only got the opinion of Sir Arthur Piggott

specially, and that of other lawyers, generally, that my confinement was illegal; but I had made myself thoroughly acquainted with the subject; and I defy all contradiction to the facts and reasonings thereon, which I have in this work produced, to shew that the Canadian sedition law is not applicable to a British subject. I wanted no opinion as to this; but behold here is an opinion, and one which decides that I was "amenable to the act"!!! Such an opinion having come into my hands, it is necessary to expose and criticise it; and, without wishing to be personally disrespectful to Mr. Adam, merely for my own salvation, and to maintain my great and valuable right as a British subject, I shall not scruple to be free. The opinion before us is an excellent specimen of the misconception, shallowness, confusion of ideas, and bad reasoning, which constitutes "the glorious uncertainty of the law," and by which lawyers "take away the key of knowledge." I shall examine it in regular order. Mr. Adam sets out with saying that he has read my statement and the act "with the greatest attention:" and yet he passes over the chief thing complained of—the severity of my treatment, which rendered me unfit for trial, and which ought to annul the whole proceeding, whether I was subject to the act or not. The act itself does not justify undue harshness, even to an alien; and had even an alien been treated as I was, it might have been becoming in the British Parliament to have taken his part, and to have addressed the King on the subject, not

only to make amends to the suffering individual, but to maintain national honour. Harsh treatment to any one in a jail is criminal; and upon proof of it, most assuredly, the sheriff, or whoever else has been criminally concerned, may be punished: but to proceed. The whole of the three first sentences only lead to confusion and mistake. I never could have doubted, for a moment, as to my remedy by action, against those who imprisoned and maltreated me in prison. If all had been regular; if I had been able to protest against the trial, or keep up to the forms of law, and have appealed to a higher court under an arrest of judgment, or bill of exceptions, all might have been managed successfully. In the course of law my sentence might have been reversed, and then in the course of law I could have prosecuted for damages; but under *severity of treatment* I lost these advantages, and till this severity of treatment is inquired into, and the unjust consequences removed, all hope of my obtaining redress must be small. It is, indeed, perfectly astonishing to me how Mr. Adam could think for a moment on the subject, and suppose any doubt existed as to this. I mean yet to petition both Houses of Parliament, besides the King in Council, but expect no "personal relief," as Mr. Adam expresses it, directly from them. I expect them to determine that the act was not applicable to British subjects, and they can easily do so; and I expect them further to listen to evidence that I was, by severity of treatment, rendered unfit for fair trial. This done, I expect that

they will address the King to interfere and restore me to my just rights—to have the sentence of the court annulled, and a liberty granted me to commence and carry on prosecution against the parties by whom I was imprisoned and mal-treated in jail. I may not succeed: my expectations may be blasted. The Queen of England was wronged: her enemies failed in their persecution; but still she was denied her rights; and mine will have much less strength to support them: nevertheless, I think it duty to persevere; and, while I have life, I shall do so.

In his fourth sentence, Mr. Adam comes to consider the legality of my imprisonment, and instantly gets within the body of the statute, to make out omens from its entrails. How perfectly absurd! The statute either is or is not applicable to British subjects, altogether independent of its garbage. Blind to this great truth, Mr. Adam, in his fifth, sixth, and seventh sentences, runs on to question matters of no importance whatever; and from *these* comes to a conclusion! Mr. Adam rests importance on my not having taken the oath of allegiance as prescribed by the Act, when it was not necessary for me to take the oath of allegiance at all. My natural allegiance was protection enough. I never thought any thing more was required for procuring my enlargement, but the fact that I was a native-born British subject; and only allowed the attorney, who conducted the process, to take what other steps he chose, as they could not injure my plea, and seemed to give less excuse for my

detention in jail. The fact that I was a native-born British subject was notorious; Dickson knew this well: Chief Justice Powell never pretended ignorance of it; and upon the knowledge of this alone he was bound to set me free.

Canadians! I wish you to understand that any delay of my return to the province, after all the forms of appeal are gone through, will not proceed from want of success. When it suits my convenience, I shall tread again on the soil of Upper Canada, even in the face of imprisonment and death. I put this whole affair on record, not as it concerns myself as a private individual, but as it concerns the most sacred right of a British subject.

PAUSE.

It has been stated (page ccx) that I put a second volume to press, in the hope that a commission would come home from Canada last summer. I was not only disappointed in this; but in much more than this. On the 10th September a packet reached me, containing the Report of a Parliamentary Committee, and a Gazette of Upper Canada. I had been previously prepared to hear that my friends in your Assembly were foiled in attempts to procure inquiry—that they were out-voted; or that the measure had been thwarted by the Legislative Council or the Governor; but what was my astonishment to find that not one of them had moved in the matter, and that a Parliamentary

Committee had been sitting only to excite contempt, with a pensioner of Government in the chair, prating about things which should be left to themselves, reflecting on the corn laws of England, yet fostering corn laws in the province, and desiring the adoption of them by Lower Canada!! Holding talk about a grand navigation, and appointing Commissioners, without thinking for a moment as to the means of execution; in short, trifling with every thing, and wholly neglecting what was most needful—a submission of your whole public affairs to the consideration of the Imperial Parliament. The moment that I read the Gazette and Committee report, every sanguine hope vanished. I felt disgusted: expressed my disgust; and soon after resolved to make a complete pause in my operations here, which I had trusted would be profitably brought to a close, by at least some encouragement and countenance from Canada. Finding that not one of your representatives had done you service, and that from the gross ignorance which prevailed in your Parliament, that any thing but good could be expected from its endeavours, I flung aside my plans for settlement in the wilderness: I relinquished my sanguine hope of seeing the grand canals of the St. Lawrence and Niagara executed through provincial wisdom: I resolved to narrow my views, at least for a time, and rest my remaining hope with the people of England, who have so long been put to enormous expense in nursing up a colony, only for disgrace and degradation. About two months after this resolution was taken, the people

of England had a sample of what soured me with your parliamentary representatives served up to them.

Morning Post, November 15, 1821.

On the 28th September last, a meeting was held by the inhabitants of the county of Halton, in the Gore district of Upper Canada. The chair was filled by James Crooks, Esq. M. P., and the following resolutions were adopted:—

1. That it is the opinion of this meeting, that the restrictions and regulations at present existing in Great Britain, with respect to the importation of grain and flour from these provinces, are such as amount almost to a prohibition; and that to their operation is to be attributed, in a great measure, the present distress of our agriculture and commerce; and unless means be devised for our speedy and effectual relief, the certain ruin and bankruptcy of the entire farming and commercial interests must ensue.

2. That though a nominal market for grain and flour, the produce of these colonies, is supposed to exist in the southern parts of Europe, yet such are the systems pursued in those countries, and so great the disadvantages under which we labour, from the competition and rivalship of other countries more favourably situated, and who, from proximity of situation, are in possession of greater facilities, that our efforts to obtain relief therefrom must be totally unavailing. So evident indeed are these advantages, that it is not known that a single shipment has been made to any of them the past or present years.

3. That notwithstanding the apparent advantages of a trade with the West Indies, it has been found, on close inspection, and indeed from actual experience, that they are but few in number, and doubtful in effect. The indirect trade encouraged between them and the United States, under the authority of the Free Port Act, and the in-

creased expense of bringing our produce to market, in consequence of our remote situation and the difficulties occasioned by the obstruction of our navigation in winter, rendering it impossible for us to enter these markets with any thing like a fair competition, or reasonable chance of success.

4. That the interests of the two provinces of Upper and Lower Canada are so mutually interwoven, that it were to be wished some measure could be devised (in concert) to remove existing obstacles, and facilitate new arrangements, more likely to contribute to the general welfare.

5. That the existing regulations in Lower Canada, which admit the importation of American produce, to be there consumed, without any duty being imposed upon it, are directly in the face of that reciprocity which ought to exist between the two provinces in their commercial intercourse with each other, as it not only tends to depress the price of Upper Canada produce, but renders nugatory the laws thereon existing for its protection.

6. That the want of an outlet for our grain, and the consequent depression of prices, has an immediate tendency to encourage its conversion into spirits, the increasing consumption of which is destructive alike to the morals and industry of the inhabitants.

7. That a great proportion of the wants of the inhabitants of this country has been hitherto supplied from Great Britain, by way of barter; that such trade must entirely cease, from the impossibility of making payments, unless our grain and flour be admitted there for consumption.

8. That although our distresses have been progressive, yet their approach has been so steady and unremitted, as to have overwhelmed the inhabitants with consequences the most ruinous, and with a rapidity which no caution or foresight could guard against. In these appalling circumstances, we see but little prospect of relief, unless by a direct application, by petition, to the justice and generosity

of his Majesty's Government, and the Imperial Parliament.

9. That with this view a Committee, consisting of twelve persons, be appointed to prepare and forward such petitions as may be deemed necessary to promote the objects recommended in the foregoing resolutions.

10. That the Committee consist of J. Crooks, Esq. M.P., Manuel Ovenfield, William Chisholm, Daniel C. Redy, Walter Nichol, Titus G. Simmons, Absalom Shade, John Erb, Alexander Brown, Robert Murray, James M'Bride, and James Biggar, Esquires.

11. That this Meeting recommend it as a measure of vital import to the Canadas, that similar meetings be held in the several counties throughout the provinces.

The opinions entertained of the above, you will be able to judge of from the following extracts:—

"*Morning Chronicle, November* 17, 1821.

"That these poor people (remarking upon the above) are grievously distressed, and have long been so, is a matter of notoriety; but they are rather unfortunate in the selection of remedies, which appear in these resolutions. They wish the repeal of the Corn Bill. They wish the monopoly of the supply of the West Indies. They wish a Corn Bill for Lower Canada. Why do they wish us to repeal the Corn Bill, and to grant them the monopoly of the West India market? We gain nothing by Upper Canada: the inhabitants pay no taxes: an immediate sum of money is raised by taxation from the people of this country, and spent in that province. Why should we levy a tax on the West Indies, in the shape of the additional price occasioned by a monopoly, for their relief?"

"*Traveller, November* 17, 1821.

"Upper Canada is the most fertile part of the North Ame-

rican continent, blessed with a most delightful climate, with unexampled means of internal navigation, with the privilege of importing its wheat into Great Britain when our market price is 67s. (instead of being excluded, like other countries, till the price is 80s.); the charge of its army is paid by Great Britain; yet, with all these advantages, the inhabitants are languishing, not in absolute want (for in such a situation no man can want food), but in the lowest condition to which well-fed animals can be reduced. On the opposite side of the rivers and lakes, in the territory of the United States (much of which has been settled more recently than Canada), there is the most striking difference. The country is full of the most flourishing villages; and it is remarkable, that while in the United States there is now not the smallest village without a steeple (while scarcely such a thing is to be seen in Canada), or at least a place of worship. This fact, among others, a tour recently published by Mr. Howison, evidently without any political partiality, bears testimony to. It is to be remarked, in addition, that our Government always gives away its land (*fees* of course excepted), while the lowest price obtained by the American Government for their's is two dollars per acre*. That there is mismanagement the mere results shew; but the details of the jobbing which produces them, and the policy which has sent so many wretched settlers to the coast of Africa, while almost a boundless quantity of the best land might have been obtained for them so much nearer

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* My last letter from the United States (dated 18th September, 1821) gives me the following as the current prices of land in that country:—Credit sales in the Genesee country, near Lake Ontario, five dollars per acre; and south towards Pennsylvania, two to five dollars. Cash sales, few or rather *none*. United States land in Ohio, Michigan, Illinois, and Indiana, one and a quarter dollar, *cash all down*.

home, will be well worthy of the attention of those who wish to see how the least good can be done at the greatest expense."

"*Times, November* 23, 1821.

"Quebec Gazettes of the 19th October arrived yesterday. They present a deplorable picture of agricultural distress in both the Canadas. The absence of all demand for wheat had compelled several farmers in the district of Montreal to send hay, oats, and vegetables, in boats, down the river for the chance of a market at Quebec. In some of the parishes of Montreal, which formerly sold great quantities of wheat for exportation, farms partly cleared, with a log-house and barn, had been sold at Sheriffs' sales for less than the usual law expences incurred to effect the sale. One immediate consequence of this distress was expected to be the compelling the farmers to resort to family manufactures for their supply of clothing, as they must soon otherwise be without the means of protecting their bodies against the inclemency of the seasons."

"*Scotsman, November* 24, 1821.

"The same distress in which the British farmers are involved seems to have extended to the farmers of Upper Canada, who are holding meetings, and voting resolutions, condemnatory of that clause in the late corn law, which prevents the importation of Canadian wheat into this country, until the home price reaches 67s. a quarter. But while they are loud in their cry against the monopoly established in favour of the British farmers, they are themselves strenuously denouncing the impolicy of those regulations "*which permit the importation of American produce into Lower Canada, without any duty being imposed upon it*"! Full liberty to export their produce to England would not satisfy these gentlemen. They must besides have a mono-

poly erected in their favour, and be invested with the exclusive command of the market of their neighbours! A modest demand, truly; but quite in the taste of the practical Statesman of the Board of Trade."

Here you see, Canadians, what the people of England think of your Township Resolutions, countenanced by James Crooks, Esq. M. P. The extracts, here produced, are from newspapers of the very first respectability, and all of them noted for their hostility to the Corn Laws of England. They are the very newspapers which most heartily would have taken you by the hand, had you come home with liberal demands; but you see how they pity and despise you, when on the same paper you exhibit impertinent comments on English legislation, and the most grasping selfishness. It was this, and more than this, which turned my stomach the *tenth of September, one thousand, eight hundred, and twenty-one years;* (see vol. II. page 560) and I am, indeed, happy to shew you that similar causes have produced a similar effect upon the minds of men of the first-rate talents and respectability, in this country. Of all men, you had least reason or right, to complain of the English Corn Act. To you it is most liberal. Allowing your wheat to be sold in England, when prices rise here to 67s., was a mighty favour; and of that you complain!! No man was more opposed to the Corn Bill of England than myself. I posted the Bath Society, in 1815, as infamous, for proposing that bill to parliament; declaring

the measure to be "*selfish, futile, and impolitic;*" but in your place I should have said nothing against it. Your present distresses may be traced to other causes than the Corn Laws of England. This is not the place to enlarge upon these, but a glance at one of them will be sufficient for my purpose.

The Halton petition speaks of the "certain *ruin* and *bankruptcy* of the entire farming and commercial interests;" but the "justice and generosity of his Majesty's government" cannot now help that, and be otherwise consistent and fair. Your debts, contracted when wheat sold readily among you at 8s. per bushel, cannot be soon paid when the price is two shillings; far less when there is no price at all. But why did you contract debts? It did not follow, because money was made plenty and cheap by the immense issues of government during the war, that you were to be more and more extravagant. Let any one of you look back for ten years, and say if he might not at this moment have been clear of debt, had he taken advantage of the precious opportunities which have now fled. You were extravagant: you went on contracting debts when you might have paid them off; and now you are unable to pay. Your plan, now, is to become bankrupt at once, and bid adieu to ruin. There is no dishonour, under certain circumstances, in becoming bankrupt; and justice, as well as prudence, often plead for it. A Canadian farmer has not much to fear in bankruptcy. He can support himself and family with four hours

labour a day; and with eight hours labour he may have luxuries and fine clothes, all from the growth of his own farm, and by domestic industry. With so fine a country as you possess, and the right of taxing yourselves, it is even impious to be sending home petitions like that before us. You may be happy and contented without foreign trade, and though the mouth of the St. Lawrence were frozen up for ever. What, think you, became of Adam and Eve after being turned out of Paradise, without a soul to trade with!! You are slothful, and, of course, poor. You are grossly ignorant: and Mr. James Crooks does not blush to subscribe to it! Dr. Howison tells us in his Sketches that nobody can prevail with you without "*flattering your vanity.*" I never did and never shall flatter your vanity; for out of vanity nothing can be expected but vexation of spirit. It was for very different objects that I wished your parliamentary representatives to send home a commission from those which appear on the face of the Halton petition. I wished to see glaring obstructions to improvement removed: I wished to see your just claims on government satisfied out of means well used in the province: I wished to see a liberal system of government introduced, the pride of power humbled, and business attended to: I wished to see Canada become profitable to England, instead of hanging upon her as a burthen: I wished to see you throw aside all taxes, but one, upon land, by which you might in time correct the wretched state of property now existing, which smothers you up

among reserves, and unoccupied grants of drones and absentees. I wished to see you obtain a loan from England for the execution of great public works, on the security of such a tax. I wished to see 50,000 emigrants annually settled on the waste lands of the crown. My ideas were great, and good, and practicable; but ignorance and vanity have, for the present, blasted them.

There is not a single clause of the Halton Resolutions that does not contain something foolish or offensive. The second and third expose the natural disadvantages of Upper Canada, while her manifold natural advantages are forgotten,—advantages which, if improved by good government, would quite outbalance the disadvantages so peevishly dwelt on by the inhabitants of Halton. Upper Canada cannot meet the United States of America in West India markets, *not* because of her "remote situation, and the difficulties occasioned by the obstruction of navigation in winter," ***but because*** of the inferiority of government; and because of the bad state of property above spoken of, which renders it impossible for the Canadian farmer to cultivate with economy and profit; which indeed retards all

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* People from the United States even supply vegetables to Kingston market; and newspapers are half the price in the States that they are in Canada—all from the bad state of property. Upper Canada contains about seven people to the square mile: the State of New York thirty people. Here is a simple cause; and in the course of this work I have again and again pointed to it.

improvement, and makes every thing dear*,—which beastifies society, and insults us at home with the publication of the Halton Resolutions! The expense of sending produce to Quebec, and thence to the West Indies, is a mere bagatelle, to the expense and waste sustained by bad management *within* the province of Upper Canada.

The 6th clause of the resolutions cants about injury to the "morals and industry of the inhabitants," from distillation in the province; while it is a fact, that the province has all along stunk from end to end, with West India rum!!

In the 8th clause, little prospect of relief is seen, "unless by a direct application, by petition, to the justice and generosity of his Majesty's Government and the Imperial Parliament;" and this application, forsooth, must be made through such a medium as a County Meeting, with a Member of Parliament in the chair, who had neither the ingenuousness to countenance the Convention of friends to inquiry, nor manly resolution to stand up in his place in Parliament last session, and *insist on a commission being sent home!!* It is quite sickening: my patience is exhausted with such a display of ignorance and vanity. I had reflections to make on the general perversity of mankind: I had designed to cast my eye back on the foregoing pages, and make some remarks on the conduct of my Lord Holland, Sir James Mackintosh, Sir Robert Wilson, &c.: besides having once more at Mr. Cobbett, the cleverest fellow of them all; but really, my good Canadians, the resolutions of James Crooks, Esq.

M. P. and his neighbours of Halton, have quite cloyed my desire for criticism and censure upon the conduct of any man, woman, or thing on this side the Atlantic.—ADIEU.

COLONIAL GOVERNMENT.

On this subject I shall address myself

To the People of England.

SINCE the United States made good their independence by the sword, North American Colonies must have cost us little less than fifty millions of pounds sterling; and I question if they have returned so many farthings for our governmental care. Till of late the annual charge could not be much less than half a million; and this fact I shall maintain, that instead of throwing away money on these colonies, we may draw from them a considerable revenue, merely by the economical disposal of waste lands. At the present time, when the bonds of society are ready to burst with overstrained taxation, surely, such a consideration ought not to be thought a trifling one.

Our North American colonies are not yet ripe for independence, or that should be granted them;—not independence of the crown, but of ministers. The colonies stand in need of kind nursing for ten years to come; at the end of which period they might be allowed to meet in Convention, and

choose a government for themselves. It is their interest to remain for ever connected with this country, and there is not the slightest reason to suppose that they would ever harbour a wish to throw off its sovereignty, or deny us the right of disposing of waste lands to the best advantage. Set free from the wretched controul of haughty, ignorant, and capricious governors, they would most assuredly cherish a pride in their affinity to the parent state: they would remain for ever our friends, and fellow-subjects. Were a liberal system of government established in the Colonies, liberal minded men would spring up there; and, thither, liberal-minded men would emigrate from Britain. It is from liberality alone, that Britain can retain and derive benefit from her colonies. Let us then at once have liberality.

Looking back to the history of America, how simple do the means appear by which we might have retained the United States. Good heavens! what madness was it to drive free-born Americans to rebellion, by denying them the rights of men! What folly to imagine that we, islanders, could coerce the people of a continent, 3,000 miles removed! Had Americans been permitted, in due time, to govern themselves, they never would have denied to this country the right of disposing of waste land; and by the judicious disposal of that we could not only have drawn home a considerable revenue, but have planted the new world with a superior race of men. Surely we may now be taught by experience;—surely, in this more

enlightened age, we may learn how to turn to profit the immense territory which we yet possess on the continent of America. Let the eye only glance over the map, from the Atlantic to the Pacific, and from the St. Lawrence to the Pole; and, then let me ask, if it may not be for the honour of England, holding profit apart, to consider by what means so vast a region may be tenanted with civilized men—with happy souls and loyal subjects. Four years ago the charming possibility of this being realized dawned upon my mind; and I said that "England could spare 50,000 people annually, and be refreshed with the discharge." The truth has grown more and more obvious, and I now repeat it with perfect confidence. The vision of quickly and thickly peopling the earth with our species, brightens in my imagination day after day; and most earnestly would I intreat every benevolent mind to give serious attention to the subject. The idea may be easily realized. It requires but systematic arrangement, and the judicious application of capital which we have in abundance. It will pay: it may be resorted to, not only for the performance of the first great command to multiply and replenish; but for our individual advantage and our national aggrandizement: it may be looked forward to as the peaceful means of establishing a new and a better order of things in the world. Hitherto men's chief employment has been to butcher their kind. They have gone on from age to age, destroying and depopulating: they have striven to give aid to vice and misery. Why

should it be so? Merciful God! What cause have we to quarrel with the people of the United States; or these people with their neighbours in Canada? Is there not room for us all, and should we not first consider how that room may be filled up? One and all of us may, for centuries to come, have positive and great advantage in settling the wastes of nature to their remotest verge. England *alone* could, in prosperity, *easily* supply 50,000 recruits annually, for emigration and settlement; and the United Kingdom 100,000. Yes! by the simplest arithmetic it can be proved, if proof is called for.

Our North American Provinces should be confederated. They should hold congress in the month of June, at Quebec. Lower Canada: Upper Canada: New Brunswick, having Gaspé and Prince Edward's Island laid to it: Nova Scotia, having Cape Breton laid to it; and Newfoundland, might constitute five independent, but confederated provinces. Labrador: East, South, West, and North Hudson, might fall into the confederacy as they became civilized and sufficiently populous; and, in the course of time, those parts of the United States, whose waters issue by Quebec, (never to be gained over by conquest), would, I doubt not, join the Northern Confederacy, and swell the Government of the St. Lawrence to its natural size.

The best Constitution for a North American Province, while at nurse, would, in my opinion, be this: to consist of an Assembly chosen by the people, as in Canada; a Governor and Council.

The Governor might be a military man, and have the commissioning of militia officers, while he and the Council appointed judges, magistrates, &c., who should be subject to removal on the application of a certain large portion, say four-fifths of the people, among whom they were appointed to act. The Council might consist of ten members or more; one half to be chosen by the people eligible to sit in Assembly; the other half to be real men of business, sent from England on salaries for service. These men, besides doing duty in the Council, as advisers and legislators, might form a land-board, altogether independent of the Provincial Governors or Government, and be subservient, in that capacity, to a grand land-board at home. The grand national land-board, with its branches in the several Provinces, might dispose of waste lands on strict business principles; and by system, every way defined and adjusted, manage in the best possible manner for public good. Accurate surveys and maps might be made, and exhibited both at home and abroad, for the expediting of business, either in purchase or exchange; and under the auspices of the land-board and its branches, a grand system of emigration might be organized and maintained in constant operation. There is nothing in mere magnitude which should frighten us. Magnitude in general may be made to contribute to success; and with systematic arrangement, and adequate means, may be turned to its utmost account, without difficulty, confusion, or failure. I avoid particulars. The subject of

profitable emigration and settlement, is one to which I have devoted part of my third volume, and should the public happily conceive favourable opinions of schemes now hinted at, it shall be my utmost ambition to go on to practical illustration and detail. A few words on the fundamental principle may not be thrown away: they may assist in arresting attention. Land is valuable, according to the degree of convenience attached to it; and other things being equal, increases in value as the density of population increases. A single family planted down on a square mile, as is the case in Upper Canada, can have no convenience—no sufficient strength to make head against obstacles to improvement; and while the settler is held in misery, little value is added to the land he occupies. Plant down two families, twelve, twenty, or more, on the same extent of ground, and each addition, up to a certain proportion, insures greater and greater comfort and convenience to the whole, while an instant and great value is given to the soil. One solitary family, settled on a square mile, must pine for years, become poor, dispirited, beggarly, and brutal, while twenty families will not only retain their strength, their spirit, and their manners, but instantly flourish, feel contented, feel happy, and be more and more ambitious to excel in activity and skill. England has thousands of people to spare; and for her thousands of people she has millions of acres to settle and improve. She is the greatest landowner on the globe, and she has the greatest com-

mand of capital. That capital is now running to waste; or worse than waste, it is running on to increase pauperism and idleness; idleness both among the rich and the poor. While this capital is yet at command, England may do wonders, by setting in motion a vast machinery at home and abroad; but let this capital waste itself, as it is now doing, and a little time only will see its end, —a woful end!

Newfoundland now contains 70,000 permanent inhabitants. They are sending home petitions, to obtain a free and regular constitution of government. Let experiment be made there. Before the chartered constitutions of Nova Scotia and New Brunswick, or those of Canada, framed by Act of Parliament, are pulled to pieces, let Newfoundland have one framed without delay; and when that is found perfect, the older constitutions may be new-modelled, to correspond with it. An immediate experiment may also be made in rightly laying out and disposing of land in Newfoundland. In general, that country is unfavourable to cultivation; but still it contains immense tracts, which, under good management, may be brought to value, and be occupied at once to the advantage of individuals, and the nation. At present, the people of Newfoundland are not allowed sufficient land, even for potatoe gardens. How monstrous*! And this too, because of an absurd,

* While the above was printing, the following article appeared in The Times newspaper, 28th January, 1822. It will shew the

antiquated notion, that the cultivation of the soil there, would injure the fisheries. It would assist the fisheries: it would enable us to cope with the people of the United States, in that trade, along the North American shores, where they are striving to rival, and, by all accounts, only require time to go beyond us, notwithstanding that our natural advantages are superior. But colonial policy is every where at war with nature. The people of Newfoundland would, no doubt, be willing to give a fair price for land, to suit their convenience; and a judicious mode of laying out, and disposing of land, as it came to be wanted, is of the utmost consequence to insure that convenience, and make it valuable. The North American Provinces might choose three or more members each, to attend congress at Quebec; and one of these for each Province, might be allowed to come home,

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result of preventing the inhabitants of a country from cultivating its soil.

"We are sorry to learn that advices are in town from Newfoundland, which describe that colony to be in a state of extreme distress. Among the lower orders, it is said, there are few able to support themselves; and the members of the opulent part of the community are so small, that relief was impracticable. Many, it was feared, must perish from want. Meetings of the inhabitants had been held, for the purpose of raising subscriptions, and the Governor had intimated to them, that a sum equal to the whole raised by the colonists would be contributed by the government. Memorials have been sent to England, to claim the interposition of the legislature. The advices are to the 6th instant, the vessel which brought them to Liverpool having performed the voyage in the short space of seventeen days."

and have a seat in the British Parliament, with liberty to speak, but not to vote. These members might, from the Congress being held in June, annually visit England, and return to perform their duties at Quebec; and thus a direct, social, lively, and watchful intelligence might be maintained between the home and the colonial governments: all would be simple and efficacious; friendly and independent; active and harmonious. If desired by the provincials, one of our Princes might reside at Quebec, as Viceroy, to be directed by ministers, subject to impeachment; and to the Viceroy might be given a power, much wanted abroad, to pardon offences of every kind: indeed, saving acknowledgment to the Sovereign of England, the Viceroy might be clothed with every royal prerogative. At Quebec, too, a supreme judicial tribunal might be established, to supersede the necessity of appealing to the King in Council at home;—a palpable bar to justice. The mere skeleton of provincial government is sufficient now to have exhibited. It is now only meant to attract notice to the subject, and to lay the foundation for mature discussion. Never did necessity call more loudly for investigation into colonial policy, than now. We cannot, indeed, *afford* longer to trifle with this most important subject. Our colonial policy over the whole world is abominable; but in North America it ought most speedily to be seen to; for there it cannot be much longer endured, even though our Ministers had still means to riot in folly and extravagance, in holding colonies only

for the portioning of their friends and relations. Bickerings between provincial assemblies and their governors are now continually heard of; and even the little island of Bermuda has for years been in a state of distraction and discontent, from arbitrary proceedings*. The cause is obvious. Colonial Governors are all of them armed with too much power, which, almost to a man, they abuse. They are blinded by the sycophants who surround them; and invariably become either stupid or mad. Our North American colonies afford, in their history, not a single trace of common sense, discretion, or economy. Mismanagement and misrule have prevailed, and are prevailing. Not only do they yield no revenue, but, as consumers of British manufactures, the inhabitants are not half so advantageous to us as any like number of people in the United States; for this clear reason, that colonial policy has kept them spiritless and poverty-stricken. By the simplest and safest measures, all may be changed for the better. We may speedily lessen our expenditure, and, from improved management alone, we may at once have a direct revenue and flourishing people to deal with in trade.

My pen must not be laid down without noticing the opposite sentiments of politicians in and out of power. Ministers seem to have no idea of holding

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* "The little island of Bermuda is now involved in the very tempest, torrent, and whirlwind of contention, between the Governor and the governed; between the Legislature and the inhabitants of the colony."—*Englishman Newspaper, 14th Oct.* 1821.

Canada, but by enfeebling the people; ruling over them by a wretched system of patronage and favouritism; and guarding certain points by ships, and fortifications. Most expensive works have, within the last two years, been commenced at Quebec and Isle-au-Noix, for military defence, while neither the one nor the other post could have a thousandth share in maintaining the provinces to Britain, in the event of invasion. In fact, all that is wanted for this, is the good will of the people to defend themselves, and with liberal treatment, that would never be wanting.

Our Opposition men run to another extreme. They are for abandoning Canada, or selling it to the United States. This is worse and worse. I can answer for the loyalty of the Canadians: it abounds; and their desire to be independent of the United States is strong, from one end of the country to the other*. All that they

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* Perhaps I cannot do better than quote, upon this subject, an article which appeared in a Canada Newspaper, when I was residing in the Upper Province.

Quebec Gazette, Feb. 1818.

"The following extract from Bell's Weekly Messenger, a paper of very extensive circulation, published in London, appeared in several papers in this province. I subjoin an extract from the *Edinburgh Review* of August last, a Literary Journal of the greatest merit and most extensive circulation in Great Britain, as a suitable accompaniment.

Extract from Bell's London Messenger.

"Our relations with America have become so important, or,

want to continue and ensure this for ever is, the promise of independence now, and the reality after a

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at least in a progress of becoming so, that we shall defer our consideration of them to an opportunity when we can discuss them by themselves.—Mr. Monroe is a man of great talent and activity, and his movements are not without an object. We think the point of difference will be, the affairs of Spanish independence. We conceive that we feel as strongly as any one, for the true glory of this country; but it always has been our opinion, and we know it personally to be that of one of the greatest statesmen this country ever produced, that Halifax, Canada, &c. are not worth what they would eventually cost England; and the true point of wisdom would be to make the best bargain we could for them to the United States. Go they must; and it is better to let them go, before another debt of eight hundred millions be added to this country."

From the Edinburgh Review of August, 1817.

"When discoursing, in 1778, of the terms on which England should make peace with the Colonies, he [Franklin] recommends at once giving up Canada, not merely as a measure of conciliation, but as the best means of removing a bone of contention, and a fertile cause of future wars. Unpopular as the suggestion may now appear, we suspect many years will not elapse before we see reason to wish that this course had been pursued. Already we have sacrificed largely to Canadian interests, by commercial losses in other quarters; we shall, in all likelihood, sustain a long contest for that unprofitable colony, and end by losing it, after adding many a million to our debt, in attempting to keep it. The experience of the American war will prove to have been thrown away upon us; and we shall lose the opportunity of honourably terminating the political connexion between the colony and the mother country, and substituting for it one of mutual commercial advantage, until our pride gets up; and being attacked, we feel it impossible, with honor, to yield before we are beaten."

given period of years. To attract notice to this most essential point, I have twice repeated the word in my

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" The politics of the Messenger are sometimes one thing, sometimes another, but, generally leaning to the side of power. The Edinburgh Review is decidedly in the opposition. In its political articles, a party bias is frequently discernible. With respect to America, it often shews a want of information which could hardly be expected in a work of such acknowledged merit. Its articles relating to this country have been unpardonably incorrect.

" That two British publications like the Messenger and Review, should agree in the doctrine, that the British possessions in North America should be given up to the United States, is unaccountable. Is the state of the public mind in Great Britain, prepared to receive such a proposition? Are the high-minded people of England prepared to retrograde in the path of power and empire? Then " farewell, a long farewell to all their greatness." In the language of their favourite bard, they may " doff the Lion's hide, and hang a Calf's skin on their recreant limbs." Their wealth will not long survive their power. It will only augment, for their subjugation.

" England has many brave and loyal subjects in her American provinces, who pride themselves in being British subjects, and glory in their connexion with the country of their forefathers; men, who envy neither the boasted liberties of the American Union, nor the frothy honors of its rising reputation.—To be handed over to the United States, like so many Russian serfs or German boors, is an insult for which they were not prepared, so soon after lavishing their property, and exposing their persons in the cause of Britain against these very U. S. Was it to heighten the price at which they were to be sold, that they were called upon to meet the enemies of England in battle? No; the proposition of the Messenger and the Edinburgh Review can have few partisans among the people of England. They have their origin in the brain of some miserable stockholder, trembling for the loss of his

engraved title-pages; and, by accident, the sun has been made to shine from the north, to emblazon it. The moment that the promise of independence is granted, that moment all chance of discord and war between the United States and British America will cease, and England may forthwith begin to reduce her military and naval establishments in that quarter of the world. At Kingston and Sackett's harbour immense ships of war are upheld, reproaching at once humanity and common sense. In a very few years these ships will be rotten, and why should not each nation, while the materials are yet fresh, have them disposed of for useful purposes? These and the Government stores, at

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ill-gotten wealth, from an increase of the national debt; or they are the offspring of a mind adulterated by a factious opposition to Government, to the extent of losing sight of the honour of the fairest and most powerful empire in the world.

"But, leaving every other topic out of the question, let us see what would be the political consequences to Great Britain of handing over the North American colonies to the United States. Wounded feelings are never healed. A loyal population, basely delivered up to those they had so recently met in the field, would ever after be the bitterest enemies of Britain. She boasts, and justly boasts, of a navy; but could she think of protecting with her navy her Newfoundland fisheries, if the St. Lawrence and the coasts of Nova Scotia were the safe resorts of American privateers? With the main land she must abandon the islands; with the islands, the coasts and the banks. She must abandon one of the best nurseries for her seamen, an extensive employment for her shipping; she must abandon the essential supply of fish for the West India Islands. With the whole coast of America, from Davis's Straits, (I beg pardon, the Messenger and Review, perhaps, in-

Kingston and elsewhere, would go far to make good the navigation of the St. Lawrence; and nothing more can be required to have these safely disposed of, but a plain agreement with the United States, that the breaking up shall be mutual and simultaneous.

The late invasion of Canada by the people of the United States, was a burst of madness, of which these people are now ashamed, and which never would be repeated, were Canada independent of British Ministry. All of us rejoice in the independence of South America, now secured by years of civil war; and with that country there is now every reason to believe we shall cultivate a most friendly and profitable intercourse. How glorious would it be for Britain, while opportunity yet re-

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tend to keep possession of Hudson's Bay),—with the whole coast then from Labrador to the Gulf of Mexico, in the possession of an enemy, she might as well abandon at once the West India Islands and the whole trade to Terra Firma, north of Cape Roque. Perhaps the eloquent writers of the Edinburgh Review will be able to persuade Russia to suffer her to trade to the Baltic. France and Holland will not annoy her coasts; and Spain, Italy, and Turkey, particularly after Russia gets a free passage through the Dardanelles, may allow her to go to the Mediterranean. As to the trade to India, America will be able to look to that, once that she has possession of the West India Islands.

"But go they must," says the magnanimous writer of the Messenger: "let us make the best bargain." Go it must then, your national honour, your national security. Make the best bargain with your conquerors, with a world that envies and hates you, and take good securities." "A. B."

mains, to grant independence to North American colonies! how glorious for her to enjoy the immortal honour of being the first nation upon earth to do justice to her progeny,—the first truly entitled to the endearing appellation of *parent State!*

POSTSCRIPT,

(Chiefly for after Reference and Discussion.)

THERE is something in the foggy atmosphere, the monotony, or, I know not what, of London, uncongenial to one who has been accustomed to a country life—to air and exercise in the fields. Since the day on which I was made prisoner at Niagara, my health has not been so good as in November last. In December it declined, and by the middle of that month, beset with vexations, such as I hope no other individual has experience of, I became totally unfit for business, and could have no relief but in a fourth flight to the country. My plan was to devote a week to this, and Wiltshire presented objects of attraction. I have still a farm there, which, in duty to others, I must look after: there my acquaintance is extensive; and there, the interests of the poor recur to my recollection, as connected with the chief destiny of my life. At Salisbury, Devizes, and Warminster, on Tuesday, Thursday, and Saturday, I calculated on conversing with the farmers, and seeing how it went with them. I could inform myself as to the situation of the poor of Wily on Sunday; and return to London within the week; leaving behind

me an Address to the people of Wiltshire for publication in the Salisbury Journal, respecting my character and conduct, during a residence of seven years among them, that notoriety might aid me in petitioning for inquiry, as to my treatment abroad, and for my return to Upper Canada. Thus I had contrived; and all seemed well contrived for diverting the mind from unprofitable cares. After a week's delay, from incessant rains, I set off on Christmas eve. An accident arrested my course: laid me up by the way; stiffened me with rheumatism: deranged all my plans; and detained me three weeks, instead of one, in the country. Thus, to use the words of our Scottish bard:

"The best laid schemes o' mice and men
"Gang aft a-gly."

The prolonged time was not, however, entirely lost. Perhaps it was all for the best; and that is a maxim which unfortunate man should continually recur to. With more time I saw more, and conversed more; and thought more of what I saw and conversed about. Alas, the farmers! How many of them, even in Wiltshire, where they are most substantial; with great farms, and great flocks, and great ricks, and great barns; even in Wiltshire, how many of them pant with the dread of losing their all: how many, indeed, have already lost every thing; and now only hang on the mercy of landlords, themselves hanging by a thread—a mortgage foreclosing!! Rents behind: trade'sman's bills unpaid: a bad sample to go to market with;

and even with the best, the market bad. These are now subjects of reflection for the English farmer, while he lays himself down to rest, and can find none. How infinitely more to be pitied is he, than the Canadian farmer! He cannot rise from ruin by mere manual labour: down once, and down for ever: this day lording it over the poor; to-morrow a pauper. But who were so regardless in times of prosperity, as English farmers? who had so little public spirit, or feeling? and even now the mass of them only despond; or worse than despondency, at the suggestion of stupid landlords, sign irregular petitions for increased duties on imported corn! I saw this actually going on at Warminster. I saw a good sort of a man running about among the market tables with a great parchment, soliciting signatures. Imported corn has not affected our markets for years: but no matter for that, Corn Bills must be amended!! While part of our farmers sign petitions for duties, others are for no taxation whatever!! One Lord (Chichester), bids farmers trust to *individual exertion* on their farms!! Another (Fitzwilliam), lets down his rents 35 per cent.*!! While Mr. Cobbett enjoys the madness and

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* On the subject of *rents*, the following letter, which I had published in March, 1815, will speak for me:

To the Editor of the Salisbury Journal.

SIR,

In your last Journal, an article under the head *Corn Bill*

confusion: in Sussex to-day: in Norfolk to-morrow; and next day in Huntingdon. To be sure,

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appears, as setting forth your own opinions and arguments; and in the same paper Mr. Bleek favours us with his.

Both of you, I conceive, are fundamentally wrong. Both, however, have written in that serious and argumentative style, which, while it entitles you to respect, demands investigation and exposure the more.

You do not want the Corn Bill amended: neither do I: but the reasoning is very different upon which we rest our opinions. Both of you treat the question as if it lay between individuals. The mere sinking of rent, you think competent to relieve the country. This is a very dangerous error; and the more so, as it inveigles the passions of a numerous body of men. Those in possession of money naturally think this money will be greatly increased in value with the lowering of bread; and this will certainly be the case, so far, with money secured on land mortgage. Not so that capital which is invested in the funds; and which is out of sight the greater proportion. The security of this vast capital must rest on the present factitious state of things; and rent is part of the material which maintains this state. The partial fall of rent would weaken this security: and a great fall would occasion a convulsion, which might blow up the very foundation of funded property. Rent is a substantial property; not optional, or relying on credit. Remove all the machinery which draws from land so much wealth to the public: remove the tenant, his stock and labourers, still a handsome rent or increase may remain to the landlord. In many cases, even while markets were high, landlords found more profit from their lands in grass than they could obtain by the interference of a tenant's skill, capital, and industry.

The public, therefore, may be greatly mistaken if they take

the ensuing session must afford us a lively scene of conflicting interests. The landed interest at

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it for granted that rent is subject to such lowering, as to relieve the general pressure; or, that landlords may be driven to beat under, for the aggrandizement of others. They may for a time not realize their accustomed incomes; but landed property will ever remain valuable, even amidst the wreck of every other; and would bound, perhaps, above its present pitch, if any convulsion should throw off the national debt.

The grand practical question, I conceive, for all who would not look with an envious eye on the property of others, nor desire to see the bonds of society broken up, nor public faith violated, is to consider how the causes may be removed which have accumulated our burdens, and repressed our industry. In my opinion, we have here such scope, that the people want but virtuous resolution to put all to rights. Down with all taxes which affect industry, and let them rest on rents and idle capital: commute tithes; and devise measures, which may be very simple, for the abolition of pauperism.

These would be virtuous and efficient efforts; and I shall ever be ready to assist you and Mr. B. in bringing them to bear. So far from our national debt disheartening us, we should look to it as the pledge of what our national industry can effect; for not one farthing of it was created but through the means of industry; and the same industry, continued and husbanded, may discharge it honourably at no distant day.

Why then run foul of each other? Why talk of levels, while an ingulfing surge unfairly beats us down? Why look back to form odious comparisons between landed and funded property?

Had not every one a constant choice in the investment

death's door, coming alive, and getting furious. The monied men still confident; and ministers at

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of his property? The question is for the future time, and prompt decision is the very soul of our delivery. A manufacturer turns the water from his mill wheel, and in one instant his motion is rest: he discharges his hands, and each has a parish to turn to: he balances his books; puts his capital to interest, and retires to politics, and *otium cum dignitate*. Different, indeed, is the farmer. His capital is sunk in the soil, and upon stock which must remain for years to reproduce it; and if he fails at a single term, his landlord may take advantage of embarrassment, and reap the harvest which he did not sow. He cannot profitably withdraw. He cannot safely proceed, "and half a tillage stints the smiling plain."

For God's sake, let no one think that agriculture can be sported with. A year's ruin among farmers may derange the economy of many after it; and lay the foundation of a thousand troubles. If all the wealth, which it has afforded the nation of late years, has been extorted by taxation, and flung to waste, that should not beget prejudice against agriculturists. The devouring fiend should be slain, but the industrious producer protected and cherished.

The blow up of the nefarious Warminster meeting, gave, I believe, general satisfaction even among farmers; and as I was absent from the county, at that time, I seized the earliest opportunity, after my return, to thank Mr. B. for his well-timed aid in the public cause. I also enjoyed his first letter. His second does not coincide with my ideas. Had I the farm he instances, which by fallen prices may not now be worth half the rent I had agreed to pay for it, I should contract my cultivation, or, perhaps lay the farm entirely down to grass, so that if I did lose upon the rent, my loss should not be increased by voluntary labour, which could

a non-plus, or only putting off the evil day with hollow expedients. How like to the time spoken

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not be balanced by additional produce. This is very different from "letting it lay waste, producing only docks and thistles." I am sorry he should have said any thing about artificial scarcity having arisen out of increased capital, and thrashing machines. My opinion is quite the reverse. Had it not been for the increased capital of late years applied to agriculture, and the facility of meeting, by thrashing machines, the sudden demands of a war time, prices would have been higher than they were. Notwithstanding the increase of capital, it never yet has been sufficient to do the general business of the country, as it ought to be done; and the dispatch which machines gave to farmers in bringing their corn to market immediately after harvest, had the double effect of lowering prices, and encouraging farmers to advance into speculation with too slender capitals. Farmers, generally, never can be monopolists, and it must always be for the country's good when they are enabled to keep on a full stock. The misfortune both for farmers and the country, of late years, has been the small stock on hand. While the taxes of late years, have kept down the farmers' profits, even in the midst of monstrous prices, the vast idle population maintained by these taxes, has devoured the plenty which his increased skill and industry were continually endeavouring to create. It is our taxes which impoverish all; which devour all. Why then should we turn our eyes from the taxes, and have them wander among delusive arguments? Let us leave off arguing, where all is notoriety. Let us leave off envyings in this land of freedom. Let us leave off strife, where there is but one cause. Let us all go up as friends to Salisbury next Wednesday, and with peaceable

of by Mr. Hume, in his Essay on Public Credit, when "Necessity calls, fear urges, reason exhorts, compassion alone exclaims;" and yet how easily could all be held in peace and security, were reason alone consulted. We want employment for the idle: we want consumption: we want money and enterprise; and we may have them all. We want retrenchment in wasteful expenditure; but expenditure increased to the utmost on profitable objects: we want "better soils to cultivate*:" we want rents reduced by the market price of wheat: we want industry relieved by withdrawing taxes from necessaries: we want our national credit sustained by upholding a due balance between substantial and fictitious stock, by taxing rents and interest: we want the way prepared for unbounded freedom of trade: we want tithes commuted; and a reform of

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dispositions, but determined voice, proclaim—no taxes on industry—no corn bill.

This, Sir, is my language before the public; but let not the public misconstrue it. Let them mark its order; for there rests the safety of all. If the public oppose the corn bill, and do nothing more, they bring ruin on the country:—they

"Rob us of that which not enriches them,
"And makes us poor indeed."

ROBERT GOURLAY.

Deptford Farm, March 3, 1815.

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* This, I think, is said by Col. Torrens, the most impartial, ingenuous, and argumentative of the half-hundred writers on Corn Laws.

the poor-laws, connected with a grand system of emigration.

What I said above as to English farmers holding out in these trying times worse than Scotch farmers, I find confirmed. What has been reported in newspapers about poor-rates diminishing, I can again say, with greater confidence, is a wretched delusion. The burden is every day increasing. It cannot be otherwise. The paupers are breeding amain, and so it must be while the premium is continued for the breeding of paupers. Salisbury, containing less than 9,000 people, has 2,000 poor maintained by a rate of 12*s.* in the pound. The whole of the flannel weavers once kept busy by supplying the Spanish market, are now entirely out of work: to be sure, because Spaniards are now shaking off incumbrances, which repressed their own industry;—priests and a world of abomination. With Lord Bathurst's good will, I could relieve Salisbury of its burden, and make independent men of the flannel weavers. I could remove them to Upper Canada, and make them flourish there; but what will rouse Lord Bathurst to any thought of benevolence! how shall we get the camel through the needle's eye!

I attended a vestry meeting at Wily, and saw the poor have their fortnight's dole. Mercy on us! what a group of poor creatures! It is greatly worse with them now than five years ago, when I resided in Wiltshire. Before going out to Canada, I spoke to my friend Wilkie about making "PAYING THE POOR OF WILY," a subject for his

pencil. I thought of thus getting attention to the effect of the poor-laws, in degrading our species, in diminishing the stature, and worsting the appearance of God's image. Were the system of poor-laws to continue thirty years longer, the labourers of Wiltshire would scarcely have the appearance of men: they would be shrunk to nothing: they would not only grow up, as now, without calves to their legs, but they would be distorted—diseased—downcast. Perhaps they would prove Lord Monboddo's hypothesis to be sound*. If the writer on *poor laws* in last *Edinburgh Review*, did but see the progress of the evil as I do, he would not coolly admit of a poor relief bill being put off for years. An effort must be made for deliverance from this frightful evil, and the sooner the better.

I have found Mr. Scarlett's proposal for a *maximum* every where scouted; and the assertion of my petition (page cclxxxv), that refusing relief for children without making up to the poor some substantial advantage in lieu of it, would certainly lead on to insurrection. I have found, what I am glad of, that there are, even Wiltshire farmers, who now approve of my plan of granting a little land to the poor. They are yet, however, opposed to education. In Wily, there is a school with twenty

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* Lord Monboddo, a Scotch judge, maintained that men had improved from monkeys: that they had once tails; and said that one of his own domestics still had a stump remaining.

children; but though the farmers were willing to let poor children attend, many of the parents are unable to pay the charge of 6d. a week. The information which I received in April last (see note, page cxxii), as to the school established in Wily by labourers, I have now got corrected. Stephen White, Joseph White, Philip Bennet, labourers; with the assistance of Mr. Brandis, schoolmaster, and a person from another parish, have the merit of upholding this school, in spite of opposition. It is a Sunday's school. Nearly 100 children attend regularly, and receive great benefit. I again ask, "Should such people not be assisted by government?"

Select vestries have been established in a good many parishes in Wilts, under the act of 59 Geo. III. chap. 11, 12. There is one at Wily. The farmers find them convenient. To be sure they are now made judges in their own cause; and there is no summoning of overseers. Convenient, indeed! The tyranny of the poor-laws has been strengthened by it; but better is the absolute power of the farmer over the poor than the wretched vacillating will of magistrates, especially reverend ones, which used to decide in petty sessions.

A *little* improvement on the *great bad system*, has been made since I was resident in Wily parish, by paying the poor by what is called "*the scale.*" Instead of each member of a family getting a gallon loaf and threepence: a man is allowed the loaf and sixpence: a woman, and children above twelve years of age, the loaf and fourpence: children from

eight to twelve years of age, the loaf and twopence; and children under eight years of age, the loaf alone. This certainly is an improvement on the artificial system; but the *desideratum* is to get quit of artifice. This scale suggests a gradual raising of men's wages and diminution of the children's allowance, and it would be well thus gradually to proceed till the artificial practice was extinct. Let Mr. Scarlett notice this, and I shall tell him more when willing to listen.

The Lord of the Manor of Wily, who used never to concern himself about the parish poor, has now taken a little thought on the subject. He has repeatedly visited the parish; and tried to collect pennies from the poor labourers to put into a savings bank for clothing them! Notwithstanding this *great* effort, it is very palpable to my observation, that the poor of Wily are now even more ragged than they used to be. When the poor receive the fair and natural price of their labour, directly from their employers, savings-banks may be rendered of infinite consequence: till then, and while parish regulations equalize the pay of weak and strong;—when nothing but the *minimum* of misery is allowed, relief by savings-banks is but mockery.

My prolonged stay in Wiltshire afforded me opportunity of conversing with Mr. John Combes of Fovant, who with a party visited Mr. Birkbeck, in Illinois, September, 1818. I had seen an account of this visit, published in American newspapers, from the Observer London paper, of 17th January,

1819, wherein it was insinuated that Mr. Birkbeck had been inattentive to his visitors. I was very sure that the account was incorrect, and so I found it to be from my conversation with Mr. Combes; who said that it was "*harsh.*" Mr. B. had no means of accommodating visitors. Mr. C. admired the country; but found it unhealthy, which all new countries are at first clearing, south of latitude 45°. north, getting more and more so, as we proceed southward. Mr. C. does not doubt of Mr. B. succeeding, and told me he would make a fortune if a certain public road was conducted through his estate. Mr. C. decidedly prefers the western to the eastern states for settlement.

I had the following Address inserted in the Salisbury Journal of January 14th, 1822.

To the People of Wiltshire.

Having visited this County, partly on business and partly on the recovery of health, I have taken occasion to post hand-bills in the several towns of Warminster, Salisbury, and Devizes, printed for me in March, 1816, by Messrs. Brodie and Dowding, and setting forth, that, "*a property tax on* RENTS *and* INTEREST *is that, and that alone, by which the country can be preserved in peace.*"

This act, taken by itself, may be considered frivolous: taken in connexion with circumstances, I hope it may be viewed quite otherwise. Permit me to explain. In the spring of 1816, having a company dining with me at the Antelope, in Salisbury, a person introduced himself, and asked us to subscribe a requisition for a county meeting to petition against the continuance of the property tax. The requisition was already signed by Wm. Cobbett and Henry

Hunt; and it was indeed Mr. Hunt who had employed the person to solicit our names. I said, that if a county meeting was called, I should oppose the Requisitionists, and vote for a well modified property tax. The meeting was held: Messrs. Cobbett and Hunt carried all before them; and thousands of poor men, who never were affected by any kind of property tax, and to whom a rousing tax on *rents* and *interest* would have been the greatest blessing, cheered, with their utmost breath, the resolutions of the day!! I was quite aware how it would go; but having very deeply considered the subject, was desirous to register my opinion for after reference. A natural defect disqualifies me for public speaking, and for that reason I had the bill in question printed off while the people were assembling, to give it into their hands from the hustings. The resolutions of the county meeting were most irregularly and unbecomingly opposed by a counter petition to parliament, and, in consequence of this, I wrote an article, which was published in the Salisbury Journal of 1st April, 1816.

Being in Upper Canada in 1818, I found that country, by nature the finest in America, completely ruined, in my opinion, by mal-administration, and advised the people to send home a commission to entreat the government to correct existing evils. This proposal brought upon me the wrath of men in power, and on false allegations they had me arrested in two different districts. I was twice tried, twice pleaded for myself, and twice honourably acquitted. Soon after this, the London Courier of the 8th July, 1818, arrived in the province, setting forth that I "was one of the worthies who *escaped* after the disgraceful proceedings of Spa-fields." This most infamous falsehood was instantly seized upon by my enemies as the ground-work of fresh persecution. The most atrocious calumnies were fabricated to injure my character, and it was publicly declared that "*I and Hunt had the death of Cashman to answer for.*" I was now again arrested, under colour of a statute, applica-

ble only to aliens; and, the leading charges being, that I knew Messrs. Cobbett and Hunt, and had been at Spa-fields meeting, I was ordered to leave the province. In my right as a British subject, I refused to obey, and was then committed to jail, where I remained without benefit of bail, for nearly eight months. During the last six weeks of this period, being closely shut up in a cell, while the weather was intolerably hot, cut off from all communication with the press, and for some time denied free conversation with law counsel, and even magistrates of my acquaintance, my health declined, and my mental energies became altogether weak. At the assizes I was brought up for trial, but the fresh air proved too much for me. I forgot that I had a protest in my pocket against trial, under the alien law, consented to trial in a state approaching to delirium, and was banished, not for any crime, but merely because of my refusal to leave the province.

While yet in expectation of a fair trial on some specific charge for crime, I sent to England for a copy of the *Salisbury Journal* of the 1st of April, 1816, to prove how very opposite I was in political opinion to Messrs. Cobbett and Hunt; but though this arrived in time, and I had with me a pamphlet published in England, wherein I deprecated such great irregular meetings as those of Spa-fields, all went for nothing. Before my trial I was desirous to announce to the public my receipt of the Salisbury Journal of 1st April, 1816, together with the opinion of Sir Arthur Piggott, that I was illegally imprisoned; but though application was made to the Sheriff for this liberty, it was refused, and on my trial a feeble effort to produce the newspaper was immediately resisted by the Attorney-General: such was the dread of my enemies at once to prevent *my reputation* from being maintained, and *their own wickedness*, in holding me in jail for a mock trial, being made known.

I wish not to be invidiously distinguished from any man or set of men in politics: not even from Messrs. Cob-

bett and Hunt. I am as zealous for parliamentary reform as they, and have long been so; but it so happens that there is not in England an individual more hostile to their means of bringing about reform than myself. I wish it accomplished without the intervention of passion or force;—by peaceful, orderly, and manly measures on the part of those who desire it.

Having by no means given up hopes of getting inquiry instituted into the state of Upper Canada: having views of still holding connexion with that country; and being bound in duty to myself and family to uphold my character both at home and abroad, the object of this Address, to which the posting of the bills was merely intended as an introduction, is to challenge scrutiny and exposure in this county, where I resided for upwards of seven years, regarding my conduct or connexions—my private and my public life; and I do challenge my bitterest enemy to say aught to my discredit.

I came to Wiltshire, not as a common farmer in search of a livelihood, for I was then independent of all professional exertion, and my ultimate failure arose from no fault of mine. I came to reside in Wiltshire in the year 1809, chiefly with a view practically to study the system of the Poor Laws, a subject to which I became devoted in 1801, in consequence of being then employed by the Board of Agriculture to inquire into means for bettering the condition of the poor; and it is also a fact, that my efforts in Upper Canada were stimulated by a desire to have that delightful country thrown open to a grand system of emigration, in connexion with a plan for the reform of the Poor Laws.

It is two years since I returned from America, and during these two years I have struggled under miserable health and accumulating distress of every kind, to reach a great and a good end, altogether distinct from that of any other political projector: my opinions are altogether peculiar to myself; nor had I ever in Britain a single associate in

politics. I have now in the press, and nearly ready for publication, three volumes regarding Upper Canada and the Poor Laws of England, which will go some length to speak, not only for the purity, but consistency and magnitude, of my views. Sorry I am, that worn out with sickening cares and adversity, my powers of execution have fallen short of their object, and have become too feeble for the mighty cause which I desire to plead,—the cause of the English Poor, and of a benighted province of the British Empire.

Since my return home I have twice petitioned Parliament on these joint subjects, and during the ensuing Session shall resume my suit, besides making appeal as to my individual sufferings in Upper Canada, which has been delayed for want of witnesses, now happily within reach. In such cases, before a British Parliament, an individual can have little chance of hearing without the aid of public notoriety and fervor in his behalf, and I shall not hide my anxious desire to be thus assisted. In Wiltshire I am sure there are many who wish me well. A suitor at once in a great public cause, and for my birth-right, as a native Briton, perhaps I may even take advantage of an incident, which otherwise, so far as I was concerned, might have rested in silence,—an incident which will testify that I can feel for another as well as for myself—that I am not destitute of sincerity. Coming hither from London on the night of the 24th ult. in the Old Salisbury Coach, a poor man was found drowning in the flood near Staines. I hastened to his relief, and plunging thrice to the neck, rescued him from a watery grave*. May I hope, from this incident, to strengthen belief,

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* The accident alluded to, page ccclii.—About two miles from Staines, a gravel pit runs for some distance alongside of the high way, unguarded with post and rail. This was filled with water, and overflowed to some distance round by the flood

when I declare, that for twenty-one years I have been devoted to the cause of the poor of England; and that in

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then rising, which in a few days afterwards inundated the whole country in that quarter, to a degree unprecedented. A London postboy, lost in the dark, had drove his carriage off the road, and overturned it in the gravel pit. Part of two wheels only were visible above the water's surface, and the poor man, upheld by the pole or horses, beneath him, stood immersed to the lips, and had so stood for about half an hour, roaring out most piteously. Our coach drawing up, I hastened out of it to get to the man; but sinking into the pit beyond my depth, and being no swimmer, I escaped with difficulty: then secured from fatal consequences by the coach traces tied together, and round my body, I succeeded in dragging the man ashore. Hearing that the Road Commissioners had often been unavailingly complained of for their neglect in leaving so dangerous a place unguarded, I wrote to a friend in town an account of the affair, calculated to attract notice to this neglect, bidding him give it for insertion in the Newspaper, but withholding names. The account appeared in the Morning Chronicle of 29th December, and being immediately copied into other papers, had the desired effect. On returning to town, I found the following letter published in the Statesman of 3d January, 1822.

To the Editor of the Statesman.

SIR,

Having observed in your paper of last night, an account of an accident to a carriage and horses, and the driver, which happened near Staines on Christmas eve; I beg leave, as proprietor of that equipage, to return, through your means, my most grateful acknowledgments to your correspondent, the gentleman passenger by the Salisbury coach, to whose humane, prompt, and persevering endeavours, I am indebted for the recovery of the carriage and one of the horses; and my servant, the driver, for his rescue from the perilous situation into which he was thrown, by the shameful neglect of the Commissioners of Roads, of that

Upper Canada I never entertained a desire either disloyal or in any way impure—that my every effort there was bent on making that country a profitable and honourable appendage to the parent State, instead of a burden and reproach, which, hitherto, most assuredly it has been.

ROBERT GOURLAY.

Wily, Wilts, 9th January, 1822.

The article above spoken of, as published in the Salisbury Journal of 1st April, 1816, was this.

To the Editor of the Salisbury and Winchester Journal.

SIR,

Your last Journal contains the Resolutions of a meeting of this county, regularly called together by the sheriff, and countenanced by his presence. It also contains a petition of individuals affecting to be noblemen, clergymen, gentlemen, and freeholders of Wilts.

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district. I think it proper to add, that my sense of the duty I owe to the public at large, has induced me to direct my Solicitor to make application, in the proper quarter, for redress, and hope it may be the means of preventing the recurrence of similar accidents in future.

I am, very respectfully,
Sir, your obedient servant,
CHARLES GATES.

Adam Street, West, Bryanstone Square.
Sunday, December 30, 1821.

Though I have not yet quite recovered from the effects of my cold bath, the satisfaction of having saved the life of a fellow creature, is quite equivalent to my damage; and at a gloomy moment of existence, such satisfaction I prize the more. But for the coincidence, that I was on a journey to Wiltshire, to appeal to the public as to uprightness of principle and conduct, the affair should certainly not have been repeated with my signature.

The resolutions of the meeting, set forth certain opinions, in language pointed and strong. The petition disavows the principles of these resolutions, and stigmatizes the supporters of them as factious men.

Having, at the county meeting, openly expressed my disapprobation of part of its resolutions, I conceive that my right of animadverting on this petition, to which they have given rise, is so much the better; and I do not hesitate to say, in the face of all who may have signed it, noblemen, clergymen, gentlemen, and freeholders, that if the county resolutions were in any thing wrong, this petition is infinitely more censurable.

I am not one who have either much relish for county meetings, or much hope of good from them; yet, as they are constitutional, and have for ages afforded the chief opportunity for the expression of public opinion, I must say it omens ill, to see individuals, whoever they may be, running from these meetings to arrogate to themselves superior virtues, and presuming not only to throw discredit and obloquy on the combined sentiments of their fellow subjects, but loading deserving characters with insidious and reproachful language.

Who, I would ask, is entitled to fix the standard of sentiment? Or rather, who are factious men? They who attend to the call of the sheriff, and express, under his auspices, their opinions? Or they who fly to all the corners of the county to find strength for scandalizing, in parliament, the result of regular proceedings?

The universal excuse is, that Hunt and Cobbett should not be countenanced; and a more wretched plea cannot possibly be set up.

Almost in every quarter of the kingdom meetings were held to oppose the property tax. In Wiltshire there was no movement towards this, till Mr. Hunt came forward, and procured a meeting. If it was right elsewhere to hold meetings, it was right here. If it was virtuous in other

individuals to call for the expression of public opinion, it was so in Mr. Hunt. If the public duties of a county are neglected by those who should be foremost to perform them, surely such persons should be the last to complain when these duties are performed by others.

What is it that makes Mr. Hunt popular in Wiltshire, but the advantage he finds in neglected duty? He and Mr. Cobbett do not deny this. The latter declared at the meeting, that he would not trouble himself in this quarter if the gentlemen would do their duty. Have they done their duty? Are they now doing it by vamping up this counter petition? Quite the reverse. If they had any public opinion, the county meeting afforded the genuine opportunity for the expression of such opinion; and, after neglecting the fair opportunity, all opposition is clearly unbecoming and factious.

The county meeting was open to all: whoever set it on foot, whoever attended it, made no difference,—it was still the county meeting; and when past, its determination remains that of the county, and as such should be respected.

If the gentlemen of Wilts wish to oppose the opinions of Mr. Cobbett or Mr. Hunt, why should they be afraid to come forward? If they had done so upon this occasion, most assuredly the present resolutions would have been negatived, or at least greatly modified, and a check would have been given to the sway of Mr. Cobbett and Mr. Hunt. How has it been in Hampshire? There they have repeatedly made their appearance, but they have been opposed—constitutionally and successfully opposed. In Wiltshire they carry all before them; and for their opponents in political opinion, there seems no consolation but in the prostrations of a passive spirit to one party, and the disgorging of spleen towards another.

These frank declarations may give offence; but I speak for myself only, and wish to command no conviction but what reason and reflection can approve.

I do not hesitate to say, that in many things I cordially agree with Mr. Cobbett: in some I would oppose him with all my might. He cannot wish more than I do for parliamentary reform; he cannot express too strongly for my taste an abhorrence for military despotism; but when he comes forward with a scheme for relieving the pecuniary embarrassments of the nation, which is to take a retrospective view of transactions, and call for the refunding of property out of the peculation and waste of times that are gone, not only my faith in his sincerity is lessened, but my blood runs cold with the imagination of such dangerous fallacy. While his scheme would be inefficient for the end in view, it would subject thousands of the innocent to misery: it would introduce a reign of terror.

Mr. Cobbett has, for months past, in his Political Register, engaged the attention of his readers with the subject of national remedies; and here he has displayed his usual acuteness and penetration in exposing the errors of others. When it comes to this his own wit's-end on the subject, with what melancholy sensations of every kind must we be impressed?

Mr. Cobbett's idea of refunding is not of recent date, though only now formally declared. He has hinted at it for years; and it is truly astonishing, that a mind so superior could have so long harboured a thought so delusive. No man knows better than he does the vast resources of this country; and how easily the burdens of the people could be lightened without any retrospective law, merely by just and economical arrangement. He knows that the very existence of our enormous debt is the best pledge that we have resources for paying it off; and he cannot be ignorant that, with stable credit, *price* would rise to equalize so far the present ruinous disproportion between real and fictitious property.

My notions as to the remedy for national distress have been long stationary. Last year, in a printed letter, I con-

denied them within this short sentence: "Down with all taxes which affect industry, and let them rest on rents and idle capital; commute tithes; and devise measures, which may be very simple, for the abolition of pauperism." This year, I read at the late meeting, from a printed hand-bill, the following scheme, which, as something very extraordinary must soon be done, is as practicable as any other equally efficient:—

"A property and income tax is that and that alone by which the country can be preserved in peace. While it is withdrawn from the fields of industry, let it remain on the wastes of idleness,—let it affect only rents and interest, and let incomes proceeding from these be further taxed, in the ratio of their increase. Let such incomes at 1,000*l.* per annum be charged with one per cent.; at 2,000*l.* with two per cent.; and so upwards to 100,000*l.* per annum, where the ratio of increase may *safely* terminate. This scheme would admit of all taxes on malt, salt, soap, candles, leather, bricks, tiles, &c. &c. being withdrawn. It would sustain the national credit, check immorality, give spirit to industry, and make the poor man's face beam with joy."

ROBERT GOURLAY.

Deptford Farm, March 28, 1816.

One reason for my here inserting these newspaper extracts is, that my Canadian friends (for such I boast of having, notwithstanding my severities to them as politicians) may read the simple document which an illiberal, up-setting Attorney-General would not suffer to be read in court; and see that I can challenge scrutiny here at home; but my chief object is to draw attention to these words, "*price* would rise." To point to these words now that *price* has fallen, and

Mr. Cobbett, with Lord Fitzwilliam and others, have made up their minds that it will fall still lower, may seem wanton folly; but I shall stick to my text, and if no malignant star, to borrow a *proviso* from Mr. Francis Moore, comes in the way, shall prophesy that they will even rise. There was no person more thoroughly convinced than I was for many years before the peace, that price would not keep up so high as it had been; but I am as thoroughly convinced that at this moment it might have been kept up much higher than it now is; and the question is vitally important. Price depends much upon demand, and demand upon consumption. The price of an article too, is often regulated by the strength to hold. A needy man can never obtain so high a price for his goods as a man at ease in his circumstances. Well do I know it. What has made the price of a farm in Canada with a log-house, as spoken of above, in the extract from the Times newspaper, "less than the usual law expenses incurred to affect the sale"? That is not the natural price, and cannot continue as it is. The absolute poverty of the holder has gone so far to produce the effect; and want of demand, from stagnation of trade and general poverty, has summed up the poor account. Ever since the funding system and paper money had existence, there has, I presume, been stagnation, and the price of land and its produce has fallen at the termination of war. This happened to a great extent after the American revolutionary war, and now to a greater degree, clearly from a too sudden stop being put to

activity. I would have the reader pause, and fix this very word, *activity*, in his mind, as important. The activity of war has destruction for its main object: yet in spite of this destruction,—this waste, such is the virtue of activity that a surplus of gain may be secured by it. At the end of wars, activity, stimulated by the violent passions which make and maintain them, is too hastily checked. It is checked from the subsiding of passion, when it should be excited more and more, only having its direction changed from destruction and waste to profitable production. The fall of price was greatly owing to the lessening of Government transactions with peace, and the consequent diminished issue of Government paper. Suppose Government had continued transactions and expenditure to the full extent in peace as in war; only with this difference, that those to whom they paid out money, had been employed profitably instead of wastefully —had been industrious farmers and mechanics, instead of soldiers, and officers of soldiers, what now would have been the issue? Certainly, among other effects, price would have been kept high, and all would have been prosperous. Every thing, on the contrary, has been done to lower price: transaction and excitement have been lessened; consumption has decreased; industry has pined:

> "It is idlesse all;
> "Knight, and Page, and household Squire,"
> "Loiter!" loiter! loiter!

We may keep up an immense army in peace; we may pay away forty millions of interest of debt, to

maintain idlers; but we cannot do it by idleness; and now more than half the people of England are idle! Price has increased in modern times, not merely from the issue of Government paper, but from the trade of banking. That trade will improve; and as confidence gets established, will more and more furnish means for rational and well-digested adventure. Though taxation and Government were put down together, and for ever, paper money would circulate and circulate more and more freely, as men became more and more worthy of confidence, by greater intelligence, and more steady habits. Paper money has not caused the present distress; but the cessation of that activity which kept it afloat. This is truly worthy of attention, and yet it has been entirely kept out of view, or never thought of. Let profitable employment be found for all that are willing to work: let Government again issue its paper in every direction, where it can yield a certain return, and, undoubtedly, mankind may flourish in peace, as well as in war: undoubtedly we may keep faith, and fulfil our engagements with public creditors.

When confined in Niagara jail, I addressed the Representatives of the people of Upper Canada, about to meet in Parliament, with a view to attract notice to the principle which I here but poorly do justice to. I shall, now that the British Parliament is about to meet, copy in my Address, as it was printed in the Niagara Spectator newspaper, and let it be exposed to scrutiny, in a country where there is no want of mental discernment, and at a time

when the spirit of *activity* should be roused, even for the salvation of the empire. I purposely let my ideas go loosely before the public. I have full confidence in my fundamental principles, and when I am attacked, I shall be ready to defend. I have written below the title POSTSCRIPT, "*chiefly for after reference and discussion*," and I have done so, inviting challenge.

NIAGARA SPECTATOR, JUNE 10, 1819.

TO THE PARLIAMENTARY REPRESENTATIVES OF THE PEOPLE OF UPPER CANADA.

Niagara Jail, 7th June, 1819.

GENTLEMEN,

It is a lamentable fact, that men will sometimes continue to hate those whom they have injured, for no other reason, but because they themselves have already done so much wrong. Having made this remark, I shall not apply it to any particular case, but wish that all of us, for the future, may be guarded against a propensity so very detestable, and ruinous to human felicity.

You are this day meeting together, to legislate for your country; and I, driving from my memory all past occurrences, looking anxiously to the eventful moment, and keeping only one object in view, viz. the general good, have considered by what means, and to what end, your labours may be most beneficially directed. With a mind thus abstracted and serious, knowing that you are not prepared to go so far as could be wished, it seems prudent to confine myself to that which is most likely of being accomplished.

In my earliest reflections upon the political condition of this province, I saw restraints which greatly retarded its improvement, and which seemed so obvious, that I could not doubt they would be speedily removed. The greatest im-

mediate restraint seemed to arise out of the state of property, to which there appeared a simple and effectual remedy in the adoption of a new system of taxation. To this subject my attention has been very often directed; and to this I would now beg leave to call particular notice.

It is not vanity to say that I have, for many years, devoted much reflection to the subject of taxation, generally. It is merely stating a fact; and liberal minds will admit of my frankly communicating some of the results, without being moved by this or any other passion.

My reflections have led me to believe, that the chief perfection of Government is to be looked for in the adoption of a correct and just system of taxation. This, I am convinced, may be so regulated, as not only to contribute sufficiently to every public enterprise, but to command the destinies of power and property, every way to good.

Mankind have looked with astonishment to the mighty achievements of England. They have seen her, single-handed, contending with Europe,—nay, almost with the world besides; and they have seen her rising in strength as effort was required;—they have seen her unexpectedly prevail over innumerable difficulties. Whence has she derived her strength? From her system of taxation.

In former ages, the energies of our species have been called forth to war, as furiously as we in our day have witnessed. In former ages, we have seen those energies sometimes elicited by superior genius, and sometimes impelled by the influence of accumulated treasure; but, till this age, never did the evanescent skill of the financier fully display its powers; never did human policy so completely excite and control human exertion; never did waste, to such a degree, induce excitement; nor excitement so completely supply the devouring jaws of waste.

Often have I wandered in my fields at home, ruminating on the principle which upheld our national greatness: often have I indulged the blissful reverie, that it was possible to

make the same principle operate in time of peace, to the increase and enjoyment of our kind, as, in war, it had been bent on destruction and misery. But where—where, I would say, is there room for action? This little island already overflows with people: every spot is cultivated—every art driven to perfection. Arrived in Canada, surveying its boundless forests and its noble river, there were at once before me scenes of action, objects of employment, and incitements to exertion. What more is wanted here, but to give the first impetus to motion? And what may not motion effect—what may not be its wonderful increase?—But before coming to the point of action for Canada, let me glance at some of those circumstances which have enabled England to display such mighty power. Her system of taxation is not one which could primarily have been brought into full play; neither could it at all have been practicable in every country. England, happy in her local situation, contains within herself more natural advantages than any other spot of equal extent; and her population, sufficiently great and dense, is pent up and secure by the surrounding ocean. In England, honour and shame are made to toil together. There ambition has the highest range, and necessity the direst spur:—there, from poverty to extreme wealth, we behold a highway, but it is crowded, and only he who labours hard can get on. He looks behind, and is terrified with want: he casts his eye before him, and longs for the glittering prize. Competitors pant by his side: there is health, there is vigour, there is joy in the race. Where, in the wide world, do we see mankind so busy, by night and by day, as in England? In England, at all events, there must be action, and in action there is gain. It was from the extraordinary increase of this action, arising from a variety of causes, that the means were created which sustained the late war. The Government sent abroad its armies, and tens of thousands were annually slain; yet the waste of life was inferior to the supply, and population continued to increase. The Government squandered its hundreds

of millions, but the monied means became more and more ready at command. In all this, there was no miracle. A full inspection of the materials and machinery, is sufficient to account for the wonderful results.

Mere population, however great, will do nothing without excitement; nor will wealth alone continually sustain exertion. China swarms with human beings; but they are things without passion,—feeble, and tame—loiterers in the paths of improvement. Spain had her treasury long replenished from Mexico and Peru; but her wealth served, ultimately, only to enervate; and her body politic, as well as her people, became plethoric and dull. England has wealth, directly poured into her from the West and East Indies, besides the general profits of trade; but this wealth flows not immediately into the Treasury. Its course is better directed. It first spreads out among the people; gives pleasure to the rich, an aim to the ambitious, and employment to the poor. An inward flow of wealth so very great, would be ruinous to society, had it no vent: it would tend to repletion, and repletion would induce disease. The war afforded vent to the vast surplus of English wealth, as well as for her spare population. In one sense, it created health and vigour. The cessation of war has, in some respects, already produced languor and disease: it has diminished consumption, and stopped up the ducts of beneficial waste. War and waste were, of themselves, to be deplored; but so far their effects were good. The *desideratum* now is, seeing that such agents have promoted beneficial action and production, to draw forth activity, and thence have production by peaceful means, and for peaceful ends.

I have not lauded, and shall not laud, the English system of taxation, as one which I approve, or should wish to see imitated. It has rested on oppression, and has begotten oppressors. I have spoken of it only as it has displayed the wonderful efforts which mankind can make, with sufficient excitement. The English system of taxation would never have been made

so productive, but by a corrupt representation of the people. With the people, Boroughmongers have no common feeling: nay, their interests run counter; and, as tools of the Minister, they are altogether perfect. They are the handspikes which squeeze from the grape the wine which itself would not yield. No system of this kind can be established here. The people, fairly represented, will not endure that degree of pressure which is required, to put industry to its full stretch; and while there is not sufficient necessity to goad, there is a want of ambition to lead on. Still, however, nature presents here most inviting objects for exertion, and when the course is fairly opened, the race may not be slack.

In contriving the system of taxation which now has place in this province, no thought, I am convinced, was bestowed on the *effects* which might be produced from one system more than another. It was only considered how the required means, for Government purposes, could be most directly procured. At first, money was only seen in shops and taverns; and a licence upon these was adequate, for a time, to afford the little wanted. By and by, the farmers' stock increased, and the principle of taxing property, according to its value, was adopted. As a burden, taxes are here trifling; and it is a saying, that without challenge, all is well. The wild lands of absentees being untaxed, first gave rise to complaint. To tax the lands of absentees, has been the object of repeated motions in Parliament; and a Bill, for this purpose, got so far as to be printed. The order of the day now is, that they must, at least, be made to contribute to the improvement of roads. I am to propose that they shall do more. In fact, I mean to strike at the root of the present system of taxation, and exhibit an entire new one for adoption. I shall first briefly sketch out my scheme, then pull down the old one; and, lastly, set forth what effects may be produced by the other, when substituted in its place.

My proposal then is to have but one tax for the collection of revenue in this province—a general land tax, making

no distinction whatever between wild and cultivated land, public or private property, that of residents or absentees; the rule of estimating value to be governed by one consideration, the rate of population of the township in which the land is situated, taken in conjunction with that of the neighbourhood. A few examples will best illustrate what I mean.

Let us take it for granted that the average value of land throughout the province is 20s. per acre, and the average rate of population, 1,000 souls to a township of 60,000 acres. Say that township A has this precise population and extent, is bounded nine miles by the lake or river, of which no account shall be taken, nine miles by Township B, containing 1,500 souls, nine miles by Township C, containing 1,500 souls, and nine miles by Township D, uninhabited, or, by unsurveyed land. Township A being within itself at par, and, thus bounded, remains at par, viz. 20s. per acre.

Say again, that Township E, of equal extent as Township A, contains 1,500 souls, is bounded nine miles by F, containing 1,000 souls, nine miles by G, containing 800 souls, nine miles by H, containing 1,800 souls, and nine miles by I, containing 2,000 souls. Thus situated, the land of E shall be reckoned worth 28*s.* $4\frac{8}{10}d.$

Again, say that Township R, of equal extent as the above, contains no inhabitants, and is bounded by Townships S, T, W, and X, containing, respectively, 500, 400, 300, and 200 souls. This will make the land of R worth 5*s.* $7\frac{1}{5}d.$

Again, say that Township W contains 500 souls; and is bounded by Y for nine miles, containing 1,000 souls, and on the other three sides by uninhabited land. This will make the land of W worth 6*s.* per acre.

These examples sufficiently shew the principle upon which I would have the value of land estimated. A Township may contain more or less than 60,000 acres, or it may be bounded by more than four townships, and perhaps irregularly. In such cases a little more calculation only is wanted to give an equally fair result. The idea of raising all

taxes from land, is not new. It has often been the subject of political discussion; and often have I mused upon it before my acquaintance with this country. In an old country, many objections start up against its adoption; here I know of none. Throughout the whole province nature has wonderfully equalized the value of land. What is better in point of quality, is generally worse in point of local situation; and, at this early stage of settlement, minute differences in this respect are of very little consequence. The simplicity of such a scheme—the economy and ease of management are highly to be prized. If the owner of land is out of the country, or tardy in paying his assessment, an entry of debt can forthwith be made against him, his account to become chargeable with compound interest, a half per cent. above the ordinary rate; the law declaring this debt inseparable from the land, and preferable to every other, while it gave a power of sale for recovery, at the termination of a given number of years, say 10, 15, or 20. The perfection of a land tax, in a new country, is obvious, so far as speculators must either settle, sell, or pay for their profits.

Having said thus much of what I propose for adoption, let me briefly state wherein the present system of taxation is erroneous and impolitic.

In the first place, rating all wild land at the same value of 4*s*. per acre, is glaringly wrong. Some wild land in remote situations being worth less than even 4*s*., while other wild land is worth ten times as much. In the second place, it is very unfair to rate a lot of wild land one farthing less than a lot of cultivated land, to which it is immediately adjoining. The wild land rises in value merely from the labour bestowed on that which is cultivated, and, in strict justice, ought rather to be rated higher, from the consideration of its being a nuisance. The revenue from Town lots is a bagatelle, which should be left to the controul of the inhabitants of the towns respectively, for their immediate comfort and convenience. Taxing houses, and their fire-places, in a new

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Again, say that Township R, of equal extent as the above, contains no inhabitants, and is bounded by Townships S, T, W, and X, containing, respectively, 500, 400, 300, and 200 souls. This will make the land of R worth $5s.\ 7\frac{1}{5}d.$

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country, is a sin against nature: good houses should rather have a premium. Taxing mills is damnable: taxing shops and storehouses is nearly as bad; but, when we get among the taxed horses, the taxed milch cows, and the taxed horned cattle, what can we do but laugh at the monstrous absurdity, and think that the whole scheme was contrived by an ass? Suppose a mechanic, whose daily bread is earned by his ten fingers, has a certain weight continually to bear about with him, I should think that, if he could not distribute the burden equally over his body, that somewhere between the shoulders might be an appropriate situation for the mass of it; but certainly, not a single grain should be allowed to entangle the fingers, or even the parts adjoining. Husbandry stock, shops, and mills, are the very fingers of industry, and ought, at all events, to go clear of incumbrance. (See the Table of Assessment, vol. II. page 355.)

When we see any thing very far wrong, and but feeble efforts employed for amendment, we may with some reason suspect that there is a snake in the grass. To excuse the ass above-mentioned, I have occasionally thought that the present system of taxation had been introduced by some law-beleagured judge from England, partly perhaps under instructions from the landed oligarchy, or partly besotted with the notion that Mr. Pitt's practice was correct, of running into every corner to tax the middling and poorer classes of society, while his friends of the higher order went comparatively free; but then looking across Niagara river, and finding that a system somewhat of the same kind obtains among our neighbours, my investigation into the cause is still restless—I am still disposed to make further conjecture. The majority of those who legislate in all countries, rank with the wealthier class of society, and selfishness will invariably have its bias. Let us first consider the private circumstances of our legislative councillors of Upper Canada. Say that one holds 100,000 acres of land; another 80,000; a third 60,000; a fourth 40,000; and the remaining five so much as to bring the average of each councillor's

landed estate to 20,000 acres. This being the case, we cannot wonder much that these gentlemen have hitherto stood in the way of fairly taxing wild lands. Now, further, among yourselves, most honourable representatives of the people of Upper Canada, we shall say that there is one who possesses 50,000 acres of land; another 25,000; a third 15,000; and the rest of you such extent, as to make out, on the whole, an average possession of 5,000 acres of land, which possession, though it will not operate so powerfully as a selfish bias against the due taxation of wild land, as the greater average possession of legislative councillors, will still make you tardy, as you really have been; it will still make you in some degree not so frank as in duty you ought to be, for promoting the interests of your constituents, who on an average do not possess above 400 acres of land, of which a fifth part is under tillage; while out of your 5,000 acres, not more than a 25th is cultivated, nor, out of the average possession of legislative councillors, not a 50th. Being myself a holder of little more than 400 acres of land, I, of course, sympathize most purely with my brother farmers; but, Gentlemen, were I a holder of 40,000 acres of land, such is my assurance that the principle of taxation now proposed by me, would be infinitely for the advantage of all, that I would push the adoption of it with so much the greater zeal. Land in America is the very lubber-fiend which checks its own improvement. Could nine-tenths of it be sunk in the sea, and afterwards emerge by tenths, gradually, as it became absolutely necessary for the wants of mankind, there would be infinite gain in every way. The people of the States are wasting their strength by spreading too rapidly over their wide domains: nor is the dropsical condition of that country likely to have a speedy cure. Here, in Canada, circumscribed by narrower bounds, the disease may be easier checked, and the fullest advantage obtained from compact settlement.

Before proceeding to consider the use and effect to be

made and produced by condensing all taxes into one upon land, let me sweep down the remaining lumber of the old system. There are all the trashy duties upon importations from the United States, which should fall by the lump, not excepting that upon salt, imposed by the wisdom of your very last session. To go to the cheapest market, wherever it may be, is economy: to punish ourselves, that others may suffer, is wretched policy: to give scope to free trade is noble: to beggar custom-houses is delightful; and, looking to moral improvement, there is more hope in the end of smuggling than in the beginning of preaching. The tax upon whiskey stills is merely a premium upon rum, a less wholesome beverage, and a drawback from the profits of the Canadian farmer, in favour of the West India planter. To tax billiard tables, which might give exercise in bad weather to idle gentlemen, and perhaps draw them off from drinking "One bottle more," is a foolish conceit, especially when dice may be rattled at will, and a dirty pack of cards makes part of the furniture of every cobbler's stool. Lastly, and here I shall have opposition from every bench of worshipful magistrates, there should not even be a tax upon taverns. All—all should be free of taxation but land. To tax taverns as a palliative against debauchery is delusive: to tax them in order to make advantage of travellers is ungenerous and unwise: to tax them at the discretion of magistrates, is giving an inlet to favouritism and arbitrary power: to tax them merely as a source of revenue, is altogether unnecessary. Off—off, with all taxes but one upon land; and then, the heavier that is made by large and judicious expenditure on public works, so much the better:—then, indeed, Canada shall flourish.

Let us take it for granted that the province contains one hundred townships of 60,000 acres each, on an average, valued at 20s. per acre, thus giving a total value of £6,000,000: one per cent. on which, viz. £60,000, we shall assume as the first required annual revenue. How simple and fair

becomes the business of voting the yearly supply in future. An estimate is made out of what is required; and whatever it is, double, treble, a half, a fourth, or a sixteenth, more or less, becomes the sole consideration. Out of this supply I should propose to defray every public charge whatever: the charges of the civil list—of making and repairing roads, canals, &c. As to roads, they should rank under three descriptions. Provincial, being those great leading roads which connect together the remotest points, and which should draw from the public fund an absolute sufficiency for their being made and kept perfect. Secondly, district roads, being those connecting less distant points, and which should have support proportionate to the assessed value of the districts through which they pass; and lastly, township roads, which should have their proportion afforded on the same principle.

It ought to be allowed, at all hands, that good roads are of the first consequence in the improvement of any country; and it is clear that if a fair principle is once fixed upon for the making and support of these, the hand to extort means to such ends may be at once relentless and just; for, the greater the expenditure, the greater, certainly, will be the gain. But, Gentlemen, I now proceed to the grand purposes which taxation, on the proposed plan, when once adopted, and put in spirited action, may accomplish—I mean its application to the improvement of the St. Lawrence navigation; and its being made a bond of connexion between Canada and England—a bond by which both countries may reap infinite advantage. Let me first, however, rid myself of a little latent contempt, by laughing outright at the grave resolutions of your last session, to apply to His Royal Highness the Prince Regent for *a hundred thousand acres of land*, to be intrusted to a committee for executing this great work out of the sales thereof. God help us! what will the sale of such a quantity of land fetch, as things are now managed? Truly, perhaps as much

as, added to the pittance (£2,000) voted out of the taxes of the province for defraying the expenses of a survey, might complete that object respectably with plans and estimates. Very truly, my clodhopping brothers--most august legislators, I am ashamed of you: so do be so good as wipe off this nonsensical concern along with the gagging act, that we may all be friends again; and, in the issue, recover some little claim to the possession of common sense. You cannot think how anxious I am to get home to England, and report you all in a sane state of mind, after the damnable alarm you have given to John Bull.—Well, hoping the best, let us proceed.

Gentlemen, the St. Lawrence navigation should be looked to as a great national object; this province affording security for the repayment of all charges, and Britain promoting the work with a loan of money, and the supply of hands. Was the affair properly represented to the imperial parliament, there would neither be difficulty nor delay in the accomplishment. Permit me to give you a slight sketch of ways and means, for the sake of illustration. Now that there is peace, Britain could spare out of her population, annually, 100,000 souls with advantage; but they who would willingly emigrate, have not the means of transport. My very first fancy towards Upper Canada, burned forth from a desire to effect the vast object of finding a vent for these poor people, with whose circumstances I have been peculiarly well acquainted for near twenty years; but, *here* I am, for my zeal in the cause. Under the wing of wealthy farmers, many thousands of them might before now have been comfortably lodged in the province, had all gone well; and by next summer many thousands may still be at work on the St. Lawrence navigation. I have taken the present value of the settled part of the province to be 6,000,000*l*. Suppose a navigation for vessels of 200 tons could be opened from Montreal to Lake Ontario, in the course of five years from the present time, and that during

the same time there was an influx of 20,000 souls annually into the province, pray, may we not fairly calculate that from 6,000,000*l.* value, the territory settled by the end of that period, would be fully worth three times as much; and that an expenditure of 2,000,000*l.* might very easily be repaid out of the taxation of the province before the end of ten years?

Let us exhibit a jotting of how things might go on; 5,000 able-bodied men could be transported from Britain, at the rate of 10*l.* each*, and be at work on the canal by the 1st of June, 1820 - - - - £ 50,000

Transport of 10,000 women and children, supposed to accompany the men - - -	50,000
Pay of 5,000 men at work, from 1st June, till 1st December, 1820—six months - -	100,000
Ditto, till 1st April, 1821, four months - -	30,000
Ditto, till 1st December, 1821, eight months -	130,000
Transport of 5,000 men, with 10,000 women and children, 1821 - - - - - - -	100,000
Pay of these second year's men, from 1st June, till 1st December, 1821 - - - - -	100,000
Interest and contingencies - - - -	40,000
	600,000
At this period discharge the first year's men, who refund their transport, and have in pocket 10*l.* per man - - - - - - - -	100,000
Total expenditure up to 1st December, 1821 -	500,000

* By personal inquiries made at the ports of Glasgow, Leith, and Aberdeen, spring, 1820, I found £7. was the common charge for a man. On contract, and after a grand system of emigration was set on foot, the charge would be greatly lowered.

Brought forward - - - - - -	500,000
Pay of second year's men, from 1st December, 1821, till 1st April, 1822 - - - -	30,000
Ditto, till 1st December, 1822, eight months -	150,000
Transport of third year's men, with women and children - - - - - - -	100,000
Pay of these men from 1st June, till 1st December, 1822, six months - - - - -	100,000
Interest and contingencies - - - -	40,000
	900,000
Deduct, refunded by the second year's men, now discharged - - - - - - -	100,000
Total expenditure up to 1st December, 1822 -	800,000

It would serve no purpose to go farther with such a sketch. My meaning is already clear; and the practicability of the proceeding is obvious. I suppose the men to contract at home only for the labour of two seasons; and they are above represented as entirely quit of the work at the end of the second season. One half however may be supposed to return, and make engagements for labour, the third, or even fourth summer, so as to give any required acceleration to the business. To employ the hands during the four months of their first winter, would require a little arrangement; but with this, jobs sufficient could be found while so great an undertaking was on foot. It will be observed, that there are never more than 5,000 men to be thus provided for; and being free by the commencement of the second winter, with a sufficiency of cash for present wants, they might either spread themselves over the country, in the service of others, or they might make a beginning in clearing land for themselves. By this time, not only reconciled to the novelty of their situation, but pretty well informed as to the various modes of management, and taught

to handle the axe, they would be free of all that gloom and awkwardness, which is so heart-breaking to old country people, when they have to go directly into the woods after their first arrival in this country.

Gentlemen, could I be assured that there was to be a speedy end to all illiberal and trifling proceedings, how joyfully should I continue to write on this glorious theme.

ROBERT GOURLAY.

In the same Newspaper, there appeared a report of proceedings in the British Parliament, respecting distresses in Ireland. I shall here copy in part of this alluded to in my next week's communication.

HOUSE OF COMMONS,

Tuesday, April 6, 1819.

Sir *John Newport* rose, to call the attention of the House to the state of disease in Ireland, and to move for the revival of the Committee of last Session, with a view to make further inquiries upon this subject. It would be recollected, that in consequence of the Report of the Committee of last Session, a legislative measure was adopted; and one of the objects of the proposed Committee would be, to inquire into the effect and operation of that measure, whether it had served, and in what degree, to mitigate the disease which had so long afflicted Ireland. That the measure alluded to had done good, he was ready and happy to admit; but, unfortunately, the ravages of disease still continued. Its rage was indeed such, in the district with which he was more particularly connected, that, within the last twelve months, no less than 3,500 patients were admitted into the fever hospitals of that district. But the want and misery which prevailed among the poor, and which promoted the violence of the fever, was really such, that the unfortunate

sufferers were better off, even in the hospitals, than elsewhere; for out of doors they were condemned to endure the aggravated distress which too often drove them back again, to seek relief, in the hospitals, from that disease which distress mainly engendered. Of the spread and violence of that disease, the House might judge from this fact, that in the counties of Dublin, Cork, Limerick, and Waterford, no less than 43,000 patients had been admitted into the fever hospitals, within a period of fifteen months. After stating this melancholy fact, he hoped the House would not think he asked too much, in calling for the appointment of a Committee, to consider the means of providing some remedy or mitigation for such an alarming evil. If the House should agree with him, in thinking that this Committee should be appointed, it was his intention to move an instruction for that Committee to inquire, not only as to the state of disease in Ireland, and the means best calculated for its removal or mitigation, but as to the state of the labouring poor, and the means of enabling individuals to provide employment for them. Upon this last point, he hoped the Committee would exercise the most diligent investigation. It was not his object to propose that the people should look for the means of employment from the public purse, but that private individuals, or associations of individuals, should not have any obstacles in their way, towards providing employment for the labouring class. He trusted the House would feel that, where such obstacles existed, they should be immediately removed, and that whatever could be effected by general regulation, towards facilitating the employment of the poor, ought to be promptly adopted. It was known that, according to the opinion of the Commissioners for surveying bogs and marshes of Ireland, there were no less than 2,083,000 acres, which might be converted to purposes of agriculture. One million of these acres had indeed been already surveyed, levelled, and reported upon by the Commissioners. What scope, then, did such an extent of land afford for the employment of the labouring poor! But the

fact was, that this property was so intermixed, and belonging to such a number of persons, that it was found impracticable to render it so available as could be wished. To provide a remedy, then, for this deficiency, and to enable individuals, or associations of individuals, to furnish employment to the poor, was one of the great objects to which it was proposed to direct the attention of the Committee, who would naturally be led, in the progress of their inquiry, into a consideration of the means by which the labour of the Commissioners, to whom he had alluded, might be rendered most productive to the country. As far as the census now in progress had proceeded, it was found that out of a population of 3,840,000, in certain districts in Ireland, the proportion employed in agriculture, compared to that engaged in manufactures and mechanical professions, was as 488,000 to 164,000. Such a comparison, then, clearly demonstrated the necessity of providing every possible employment for the labourers in agriculture, especially as it was found, that without such employment, the labouring poor must be destitute of the common means of support. Without additional employment, indeed, a great mass of the labouring poor must be reduced to absolute beggary. There was no district in Ireland in which the population, employed in agriculture, were not considerably more than those engaged as manufacturers and handicraftsmen. This was the case even in the principal manufacturing counties of Antrim, Down, Armagh, and Derry, where the proportion of agriculturists to manufacturers and handicraftsmen, was as 288 to 83. Hence, then, it was obvious that nothing should be left undone which promised, in any degree, to augment the means of employment for the labourers in agriculture; and hence he was induced to think the point to which he had adverted, as of vital importance to the interests of Ireland. Therefore he hoped and trusted it would engage the most serious consideration of the proposed Committee.

The Motion being read by the Speaker,

Mr. *C. Grant* rose to second the motion, which he did, he declared, with peculiar satisfaction. He lamented that, upon the discussion of such an important subject, the House should happen to be so thin, because he wished that the people of Ireland should be impressed with a high opinion of the interest which Parliament felt in their concerns, and also that the people of England should be fully apprized of the sufferings which their Irish fellow-subjects had undergone for some years back; (confirms what had been said by Sir J. Newport, as to the severity of sufferings, though they were diminishing, &c. but still an advocate for the motion, &c.) In the melancholy prevalence of disease, in the years 1816 and 1817, notoriously owing to the scarcity which afflicted Ireland within that period, the poor suffered especially from want of food and fuel: they were indeed so much distressed for food, that numbers were absolutely obliged to feed upon such esculent plants as they could find, such as potatoe tops, turnip tops, and cabbages. The depression of spirits and debility of body which must be the consequence, naturally extended the ravages of the fever; but numbers of the poor were the victims of those very amiable qualities which so particularly characterized their country—that hospitality which always opened their doors to distress, and that affection for the dead, which distinguishes them in a peculiar degree, served to spread the contagion, by exposing the poor to its influence. But it was to be hoped that some advantages would be found to result hereafter, from the experience which the lower Irish had, during this melancholy period—that they would be again more prepared to guard against the extension of such calamity—that they would take the precaution of being more cleanly in their domestic habits—of fumigating their houses, of separating the healthy from the sick, of changing their bedding and their clothes. In these respects they had been heretofore lamentably negligent, and hence the general suffering had been more severe. The sufferings of the poor had, indeed, been most severe, and nothing could, perhaps, be more ad-

mirable than the patience with which they suffered—(Hear, hear, hear!)—for, although placed in such a state of desperate distress, as, according to a great historian in his comments upon similar misery in ancient Athens, might be supposed to relax the morals of men, or render them indignant to the obligations of law, or to the distinctions of right and wrong, the Irish poor were peaceable and orderly. This meritorious people were, indeed, most religiously resigned to that fate, which, however, all that were rich and benevolent sought to mitigate by all the means in their power. Nothing was, in fact, left undone that could serve to relieve distress, or mitigate disease; and the afflicted were unbounded in the cordial expression of gratitude to their kind benefactors. Those benefactors comprehended every class of persons in the country. One impulse directed all. The Clergy, of all persuasions, took the lead in that work of charity, which they so diligently preached—(instances of benevolence noticed.) As to the plans of relief for the poor, proposed by the Right Hon. Baronet, he was glad to find nothing to countenance the idea, that any legislative measure was contemplated in that House for extending to Ireland that system of Poor Laws, the pressure of which was so generally, so loudly, and so justly complained of in this country—(Hear!)—He spoke thus emphatically, because such an idea was held forth by some individuals, who had, of course, but imperfectly considered the subject. As to any legislative interposition, for providing employment for the labouring poor, he could only be favourable to such measures as served to remove any obstacles to that employment. If the Hon. Baronet had that removal only in view—if it were his object merely to facilitate the application of capital through the operation, he should, of course, be ready to co-operate with him. The Right Hon. Gentleman, after apologizing for having so long occupied the attention of the House, sat down amidst loud and universal cheering.

The Hon. Mr. *Hutchinson* said, there was a subject to

which he begged to call particular attention, as one upon which much real good might be done for Ireland: he meant that of absentees. If some measures were adopted by which, at least, some part of the sums which absentee landlords drew from their tenants were spent upon their estates, it would afford employment and food to a great majority of poor.

Sir *John Stuart* rejoiced that the interests of Ireland were committed to an individual at once so able and so well informed. He was of opinion, that the fever originated in general impoverishment, from the want of food, raiment, and fuel, in the hard winters. The great evil was, in his view, a superabundant population.

Mr. *Blake* observed, that the disease was produced by distress, and the distress arose from the want of work. Government would, therefore, do well to afford every encouragement to the improvement of estates in Ireland, by extending the grant from the consolidated fund, applicable to that purpose.

Mr. Alderman *Wood* said he found, in his visits to Ireland, that the great cause of its distress consisted in want of capital. He had himself, in the course of last session, introduced a Bill, the object of which was to encourage the introduction of English capital into that country.

Sir *John Newport* replied briefly, and expressed a hope that the stamp duties on advertisements for charitable purposes might be taken off, as they operated materially to reduce the amount of collections. In his own city (Waterford) the charges for printing and stationary amounted to £84, out of which £60 went for advertisements alone. He concluded with a compliment to the Society of Friends, for their charitable exertions in the cause.

The Motion was then agreed to, and a Committee appointed accordingly.

By a gentleman who left York yesterday morning, we (the Editor of the Niagara Spectator) have

been politely favoured with a manuscript copy of his Excellency the Lieutenant-Governor's speech, at the opening of the Provincial Parliament, which met on Monday, the 7th instant.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

Many considerations having determined me to call you together before the close of the year, I decided on the present season as probably more convenient to you than a later period.

Since you were last assembled in this place, little alteration appears to have taken place in the state of his Majesty's indisposition.

In that interval, his august consort, the Queen of the United Kingdom, has closed a long life, illustrious for the exemplary discharge of every public and private duty.

His Royal Highness the Prince Regent, in behalf of his Majesty, has authorized the Governors of both Canadas to bestow lands on certain of the provincial navy and the militia, which served during the late war. Recent purchases from the natives have been so far effected, as will enable me to set apart adequate tracts in the several districts, to accommodate such of their respective inhabitants, as are within the limits of the Royal instruction.

I DO NOT CONSIDER MYSELF JUSTIFIED IN EXTENDING THIS MARK OF APPROBATION TO ANY OF THE INDIVIDUALS WHO COMPOSED THE LATE CONVENTION OF DELEGATES, THE PROCEEDINGS OF WHICH WERE PROPERLY THE SUBJECT OF YOUR VERY SEVERE ANIMADVERSION.

The Royal Assent has been given to the Bill for the establishment of a provincial Bank, but, from some delay, it did not arrive in time for promulgation, within the period limited

by law; the form of an enactment will, therefore, be necessary, to render it available.

At the termination of the last session, it was recommended you to bestow your attention on an amendment of the Road Law; at present, after a nearer acquaintance with the state of the country, I am more deeply impressed with the importance of that subject. It is painful to observe, how serious an evil the neglected grants, of an early date, are presenting to the actual inhabitants of the province. The exemption of any land, belonging to individuals, from the operation of the Assessment Law, is found to be detrimental: a new Bill, so modified as to protect the land from sale by distress, until due notice can be given to the proprietors, will receive his Majesty's Assent.

Gentlemen of the House of Assembly,

I shall direct the proper officers to lay before you the public account of Receipt and Expenditure, with Estimates of the service of the ensuing year.

Honourable Gentlemen, and Gentlemen,

The growth of the province in population and wealth, justifies a reasonable expectation, that the measures adopted to encourage it will receive your fullest support; and I must suggest, for your consideration, the expediency of affording the new settlers, unavoidably situated more remote from the great lakes and rivers, an easy approach to market.

Your attention will, doubtless, be given to such laws as are about to expire, as may require to be continued.

Some parts of the province, not accessible by land, it is my purpose to visit, during the present season for navigation, that I may become personally acquainted with every part of the population committed to my care.

York, 7th June, 1819.

I here beg of the reader to pause for a little, and

reflect on the words printed above in capitals. It was these words which were alluded to in this General Introduction, page xi.; and I ask, had Sir Peregrine Maitland the right to use them? Had he the right to interpose his will between that of the Prince and some of his most loyal subjects? Was it expedient? Was it prudent? Many of these individuals, who were members of the Convention, are now Members of the Commons House of Parliament. By and by, I shall lay before the reader the whole record of the Convention, which brought down upon them the malediction of their fellow-subjects, representing them in Parliament, and cut them out of the token of their Sovereign's favour, for three years' faithful service in war. At present, let the question be judged of from what is here displayed. Hoping that the Parliament then in session would not give countenance to the Governor's purpose, I again addressed myself

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SPECTATOR, JUNE 17, 1819.

TO THE PARLIAMENTARY REPRESENTATIVES OF THE PEOPLE OF UPPER CANADA.

Niagara Jail, 14th June, 1819.

GENTLEMEN,

It was a remarkable coincidence that my communication of last week, setting forth how easy it would be for the redundant population of Britain to be transported into this country with profit to themselves and the nation, should be accompanied with a report, in the same newspaper, of proceedings in the Imperial Parliament, exhibiting the dreadful condition of the Irish poor since the termination of the war,—

diseased and dying by thousands, and stating that "*without additional employment a great mass of the labouring poor must be reduced to absolute beggary.*"

Gentlemen, I have again and again informed the public of this country, that my opportunities of knowing the history and condition of the poor at home had been very peculiar; that I had not only been employed by government to make inquiries on this subject; but for many years had made it my favourite study. I have over and again given assurance that my first zeal to make Canada known in England, arose from a conviction that it could be made a place of refuge for millions in distress; but, alas! the more I have urged to great and rational measures, the more I have been persecuted and abused by ignorant and narrow-minded men; the more I have been held back from getting accomplished the grandest scheme of benevolence that can possibly be conceived.

I ask if Britain and Ireland can spare 100,000 souls annually, and be better of the discharge?—if such a multitude can be transported annually into British America, not only with comfort to the individuals but advantage to the nation, if the scheme for accomplishing this is not worthy a thought? I ask you if by such a scheme the value of this province could be increased ten times in as many years, and be made the envy of the world, if you, as representatives of the people of Upper Canada, are not bound to take steps for its accomplishment; and, I shall stake my existence that if you shake yourselves clear of delusions, and send home a commission to gain due attention to the business, that it shall be put in execution. Many of you put on at least the outward garb of religion; and the Lieutenant-Governor has gone forth in the streets, sounding the trumpet of faith before him; but let us have liberal proceedings for a testimony, and faith shown to us by works that are charitable: let us be done with "indignation," and severe "animadversions," which never can be "proper" without cause.

I have already given you a sketch of what may be done with less than a million of money; the commencement of a great public work, which would certainly pay well for the charge of execution, and the introduction of 45,000 settlers into the province in the course of three years. I was purposely moderate in this first exposé, not to startle reflection too much at first; but on the same principle, twice this number of people could be brought over in a single year, and twice the advantage gained.

So much am I an enemy to war, that I would wish even its name blotted out from memory, were it not to illustrate what may be performed in times of peace by the skill and activity of mankind; and never did the conduct of any war afford such excellent data for reasoning as that lately carried on by England. I have already glanced at the peculiar circumstances of England, the influx of foreign wealth, as well as the direction and effect of this on domestic industry. I have shewn that it was necessary to draw off the spare produce of action so highly stimulated, under these circumstances, and that the power of taxation being absolute, enabled the minister to do this, and waste such produce on war. What was wasted on the late wars from the commencement in 1793, was perhaps double the amount of the existing national debt; but let us say that it was only eight hundred millions, and stand amazed at the power of production! After our wonder has had sufficient rest, let us ask what would have been the amount of production if, instead of throwing away this vast sum on war; if, instead of maintaining millions of men, for the sole purpose of murdering other men, it had been employed in cherishing the arts of peace, in clearing away the woods of America, and gaining more and more food, to sustain more and more artisans and cultivators; what, in that case, might not now have been witnessed? Why, nothing more than may still be witnessed by the end of the next twenty-five years, by adopting rational plans, and creating excitement to industry. England is as power-

ful now as ever, was her vast machinery again put in motion; and were it put in motion for peaceful and productive purposes instead of war and waste, how delightful it would be! There is nothing in war itself inviting to the mass of individuals employed in it. A few monsters, perhaps, find a pleasure in bloodshed and carnage, but these are few indeed: not one, it is to be hoped, out of a thousand. The sailors of a man-of-war would almost invariably prefer the merchant service: the soldiers of an army would be more happy at the loom or the plough, than loitering about in tedious idleness; while all employed in furnishing these men with ammunition, clothing, and food, would be equally willing to supply their wants, were they engaged in peaceful professions. They all look to the immediate means of living, and the profits of their calling; not to the remote object.

Good heavens! how the mind sinks down in sorrow with reflection on the past, and how it might bound aloft, could the hope of futurity be brought to rest on the decisions of wisdom. To the millions who look back over twenty years of war, and have still to mourn the bloody deaths of their nearest friends, what poor consolation is it that a Bourbon is re-established on the throne of France, and that the beloved Ferdinand holds dominion in Spain! for this is the amount—this is the gain to Europeans:—a gain, which the accident of a moment may wipe out, and perhaps, happily, for ever.

But if there is such a thing as necessary war, and such there was to the loyal inhabitants of Upper Canada, what a glorious aim is it to endeavour to remove, for the future, every chance of such necessity. This blessed end, Gentlemen, could be accomplished by a little exertion on your parts; for who would dare to invade Canada, were it compactly settled? Look back to the efforts made by England for the protection of this province from conquest: reflect on the lavish expenditure on your little war, not less than fifteen or twenty millions of money, and say why England should

not be willing to afford what is wanted now, to be speedily repaid, in order that all future war and waste may cease in this quarter of the world—why you should not, at least, send home a commission, to ask such assistance, and have every obstacle removed.

It was desirable that France should repay the charges of the Allied Sovereigns for placing Louis the XVIIIth on the throne. A London banker attended, and immediately advanced the required sum. The banker considered only the goodness of the security; and if you will pass an act, during the present session, and get it confirmed by the royal assent, giving security on a land-tax of the province, twenty London bankers will be ready with cash for your purposes. Do, my good friends, get over prejudices, and try the experiment. Your constituents will thank you, when returned home, for voting five thousand pounds of their money to defray the charges of a commission to England. You know I proposed ten thousand dollars for the Convention Commission; but double the sum would do better. Surely you need not be envious of a little credit accruing to me, from the success of the experiment. It will require not a *little* credit to make up for what I have lost by your holding me up to the world as the "One factious individual," and by these months of ignominious imprisonment: indeed, I think you will make me a present of the "*hundred thousand acres of land*," with consent of his Royal Highness the Prince Regent, when you have got £2,000,000 lent you, for improving the navigation. At all events, do, I beseech you, send home the Commission.

You will observe, from the debate in the Imperial Parliament, that Sir John Newport, Mr. Grant, and others, proposed to relieve the poor of Ireland, by finding work for them in the bogs, and by taking off the duties on advertisements for charitable purposes. Alas! alas! how cold is charity, and how blind are they who *will not* see. The landed gentlemen of England and Ireland have been going into committees, and making most feeling speeches, for years, on the

question of relieving the poor; but the things needful they will not do, though both they and the poor should together be brought to starvation.

I have yet said nothing of the funding system of England, an ally to that of taxation; but these parliamentary speeches lead me to notice it. The system of borrowing money for government purposes and funding was first introduced, I think, by King William the IIId. and the practice gradually increased till it reached perfection under the administration of Mr. Pitt. Long before his time some of the wisest of men, and among them Hume, the historian, predicted that this system would ultimately tend toconfusion and ruin. I hope that no such consequence will ensue; and certainly it need not.

The funding system, by generating a fictitious capital, strongly secured, yields advantages not only to government, but to individuals. It economises every process of lending, and exchange: it gives latitude and ease to adventure: it moderates the swing of political violence; and affords strength and security to executive power. So far it is well; and when a nation is fairly represented, I cannot conceive how danger should result from it. In England, where this fictitious capital has swollen up till it exceeds in amount, the value of the land, and the substantial stock of the industrious is seized at will, to make good the dividends of an over proportion of idlers; then, indeed, there may be risk. At the end of the late war, two things required attention, the employment of the multitudes, whom war had kept in a state of action, and some alteration in the system of taxation. Had government looked out over the wide range of British dominion, for great objects upon which industry could be bestowed to profit, such as improving the St. Lawrence navigation, and the like, not a man might have pined at home in idleness, and continued action might greatly have assisted in keeping at once distended and secure, the bubble of fictitious wealth; but with every such precaution,

this, of itself, required trimming for a peace establishment. Years before the war, it had swollen to undue bulk, and was stifling that industry to which it owed its existence. From the year 1813, the most valuable stock of the country—the agricultural stock, began to suffer diminution, and to become unequal to the enormous burdens imposed upon it. But the farmers of Britain have no voice in political concerns, and the evil, not immediately felt by their landlords, was allowed to go on for two years, without even an attempt towards a remedy. The termination of war shewed, at last, that something should be done: but what did the landlords do? They trusted to keep up their rents by a Corn Bill, and by their political influence they carried that into a law, against the will of nine-tenths of the nation. Never was selfishness more blind; and miserable, indeed, have been the consequences. To this hour land and farming stock have continued to fall, while the funds are kept up by a system of taxation, absolute and relentless. On this subject I can speak at once feelingly and correctly. Only a few weeks ago I had accounts of the final sales of my father's estate. Five years ago this would have readily brought, at the hammer, upwards of £130,000, and now it has netted only £95,500, while in the same period of years, funded property has risen more than 10 per cent. Let the difference between the fall of substantial stock, and the rise of fictitious capital be taken only at 40 per cent.; and think what a dreadful convulsion such change must have effected in society, simply considered! but if it is taken into account, that the loss has been deducted out of that which held the machinery of production in motion, and the gain added to that which is idle and unproductive, what then must we conceive to be the sum of accumulated mischief! The national expenditure is, no doubt, greatly lessened since the cessation of war: say 40 or 50 millions a year; but the interest of the national debt is still 40 millions, while the substantial stock, out of which it is taken, is sunk more than a third; and that part of this

stock really engaged in production, more than a half; and what is worse, the profits of the same stock are greatly lessened, merely from the circumstance of its diminution: for, who does not know the difference in trade, which results from a powerful capital, and a capital feeble and insufficient? Besides providing employment for the hands whom the cessation of war threw out of employment, had a few taxes which bore immediately on the agriculturists, been taken off, and the property-tax continued on land rents, and the interest of money in the funds, and otherwise, England might have stood the change from war to peace with the greatest ease: real and fictitious property would have retained a fair relative proportion to each other, and the nation would have started before all the world in renewed and enlarged efforts of industry and commerce. What do we experience now but the very reverse? What do we hear of but another proposal in England, to raise the price of corn by legislative enactment; and what do we see in these fine speeches of the Imperial Parliament, but strained measures to improve the bogs of Ireland, after farming capital is extinguished; and a magnanimous resolution to relieve distress, by taking off the stamp duties on advertisements for charitable purposes!!!

Gentlemen, the miserable policy pursued by England since the peace, has created evils beyond all conception;—evils not only to the people at home, but to all. It is this, mainly, which has clogged the wheels of industry, and deranged all the transactions of commerce;—which has shaken the credit of the world, and with universal peace introduced universal poverty. At the bottom of all this calamity was the landed interest of England. The Duke of Devilry, my Lord Lubber, and Sir John Sinecure, at the end of the war called a council of their land stewards, and found that existing rents could not be paid under existing circumstances, except the price of wheat was kept up to 10*s.* per bushel. "Rents must be kept up," said the Trio; "that's flat; and nothing but a Corn Bill can do for us." With all the aid of raised duties,

on imported grain, rents were not sustained; but the great landlords felt little personal inconvenience. The duke had only to reduce his establishment from £80,000 of expenditure to £50,000. The lord, from £30,000 to £20,000. And the knight mortgaged, for a present supply, part of his estate to his brother, a banker and fundholder in the city. By this class of men no great immediate inconvenience has yet been felt; but it has been different indeed with all below. The further down, the greater is the misery; but the further down, the less is that political influence, which can guard against approaching ruin, and the more removed are individuals from the sympathy of those who have it to wield. The first question in political economy should be, can the mass of the people live comfortably under this or that arrangement? but this most necessary question was forgotten, and many of the people have perished. In the commercial world the consequence of raising, by forced means, the price of grain in England, is obvious. America cannot pay for the manufactures of England but in produce; and when England lays duties on the importation of grain, the natural consequence is, that trade must be diminished, even though America did not lay countervailing duties on English goods; and we now see two nations, which ought to be reciprocal customers and friends, become mutual destroyers of each other's gain. America retires within herself, and calls hands to the anvil and the loom, who, otherwise, would be better employed with the axe and the plough. England yokes her weavers in gravel-cart harness, and Ireland contrives work for her ruined farmers in the bogs, when wheat is 10*s.* per bushel—the bogs! which did not tempt cultivation when the average price was 15*s.*

For generations, nay, for centuries yet to come, the crowded population of the old world must naturally make labour cheaper there than in America; and there goods will be manufactured upon easier terms than on this side of the Atlantic. Here, again, from the cheapness of land, food will

be more readily obtained. Intercourse among men is desirable, of itself; but how strongly does nature thus encourage it; and what pity is it that the slightest obstacle should be thrown in the way. In furnishing goods to America during the late wars, England had advantages which she is not likely again to possess. The people of the European continent, who can afford labour even cheaper than the people of England, were then held back from competition. They will now quickly engage in the arts, have the same advantages from machinery as the people of England; and, rid of many of their old feudal restraints, may soon be upsides with our fellow subjects in the production of every article now required by America.

When the landed interest of England were selfishly devoted to their favourite policy, to raise artificially the price of grain, they overlooked one beautiful principle, which, with a little forbearance at first, would soon have come to their relief. Had they allowed provisions to be cheap, the population of the island would rapidly have increased, and the value of land being always greatly ruled by local situation, they would have gained from *convenience* more than they will obtain, in the end, by checking the natural growth of population.

Gentlemen, my last communication was abruptly terminated; but it had sufficiently displayed the ease and rationality of the scheme for introducing settlers, and improving the navigation of the St. Lawrence. Let me now call your attention to the *effects* upon industry and improvement, generally, which would ensue from the adoption of such a scheme. The farmers of Upper Canada have, for the two last years, had but a sorry market for produce; and when that continues bad, their efforts get, of course relaxed. Were they assured by your conduct this session, that the St. Lawrence navigation was to be set about next summer, and that 15,000 consumers were to be imported, besides the usual influx of settlers, what a spur would be given to exertion! This very autumn

thousands of additional acres would be sown with wheat, in the certainty of a rising market, and the hope of better times would inspire every one with confidence. Confidence would beget credit, credit would beget money; and money would beget more. The discharge of 15,000 souls annually, or 100,000, if you will, out of the hospitals of Ireland, and out of the poor houses and gravel-cart harness of England, would afford no small ease to these countries. The poor emigrants would soon be able to replace their rags with good raiment; and increasing orders from Montreal would redouble the advantage to England. Does it not warm your hearts to think of such a glorious scheme of charity? Does it not extinguish every groveling idea when you *know* that you can bring it to bear? Does it not awaken you to duty and to honour? If it does not, then bow still lower to your idol, give praise to him whose first breath in the province was tainted with "indignation," and whose revenge, at the end of eight months, cannot rest in his bosom without acts of injustice, without extolling the rash and unwarranted expressions, which, you well know, gave offence to nine-tenths of your constituents. Be assured that the landed oligarchy of England have but little care for the farmers of Canada, when they suffer their own tenants to be ruined, and their poor labourers to be starved. Be assured that while governors are sent out from among this class of men, and more particularly if their stomachs have been charged with military hauteur, it is your duty, as representatives of the people of Upper Canada, to be steeled against slavish dread—to be guarded against puling language, and, as British subjects, to cause to be loudly proclaimed in Britain, what befits the interests of this province, instead of trusting to the court whisperings of a governor and his imps. I tell you once for all, that the landed interest of England is hostile to Canada, not the sovereign and the people; and I tell you that there are evils which nothing but the open and dignified front of a commission will get removed at home. It is not mere vice

that you have to contend with: it is not the selfishness of English landlords, taking them individually. The world scarcely contains such a body of generous and noble hearted individuals; but in their public cares, and collectively, all is ignorance, trifling, and indifference. The prosperity of England never was indebted to them a farthing. It has forced its way in spite of them, through the wonderful activity of the people—through the enterprise and spirit of merchants—the dexterous skill of manufacturers, and the plodding perseverance of farmers. The activity of the people will, even yet, overcome every difficulty: half may be ruined or starved, but the other half will hold on, and finally, the country will prosper. After all, even the national debt may be speedily paid off, were it desirable. To those who cherish hope, this debt may be looked to only as an evidence of past exertion, and an index of what may again be performed.

Gentlemen, you have never sufficiently appreciated the vast advantages which might accrue to this province, were the connexion with the mother country duly cultivated. You have a relation stored with every thing you want for prosperity; but, by a sheepish bashfulness, you hold back from a frank and open communication: you trifle away your time with governors, while you should be shaking hands with the sovereign and people of England.

It is now precisely two years since I set my first foot on the soil of this province. Two years before that, British newspapers had been filled with proclamations for the encouragement of those who should incline to come out here as settlers, upon very liberal terms. Anxious to know what had been the issue of this scheme, I made it my first business to repair to the new settlement of Perth, in the Johnstown District, where I staid several days. Of the Scotch settlement I took a most particular account, visiting the house of every individual, and getting from each a narrative of all that had occurred since his leaving home, &c. I further entered in a table, prepared for the purpose, the following

particulars: 1st. Settler's original profession; 2d. sister or wife; 3d. sons; 4th. daughters; 5th. from what county; 6th. from what parish; 7th. date of leaving home; 8th. date of embarkation; 9th. date of disembarkation; 10th. date of taking possession; 11th. buildings erected; 12th. number of acres chopped; 13th. number of acres cleared; 14th. number of acres in wheat; 15th. number of acres in oats; 16th. number of acres in potatoes, garden, &c.; 17th. number of pounds of maple sugar made; 18th. number of cows and horses. When each man had furnished me with these particulars, he signed his name, attesting the correctness of the statement, and declaring that he was "*well satisfied*," meaning with the country and his farm. This table, together with an explanatory letter, I sent home to be published in the newspapers. The letter I shall here transcribe; and extract out of the table as much of those columns, relating to the departure from home, embarkation, disembarkation, and getting possession of the land in Canada, as will demonstrate the strange mismanagement of this concern. I have, in my former communication, stated, that men could be transported from home, and placed at their labour on the St. Lawrence navigation, by the 1st of June each year, for £20 per man, with wife and child, which charge could be refunded from the profits of labour, at the end of the second season. The Perth settlers were kept idle a whole year, at an enormous cost to government; to say nothing of the vexation and anxiety to the people themselves. Only mark the difference: mark the wide difference between management and mismanagement.

(Here was inserted the letter and table which appear in vol. i. page 522, and onward.)

There are about fifty settlers thus entered in the table, but the above extract is sufficient for the present purpose. About six months after I sent home my account of the Perth Settlement for publication, I read here an extract from the English newspapers, stating, that the Government plan of

promoting the settlement of Canada having failed, no more encouragement was to be given to emigration. Now, I ask if any means could have been contrived more effectual, for throwing cold water on the spirit of emigration, than this clumsy and expensive plan, especially when followed up with a provincial act, to restrain public liberty. Truly those narrow-minded oligarchs, who would rather see the poor reduced to beggary at home, than permit them to have a safe conduct to America, find in such plans and acts most charming assistants.

Let me make this concluding remark, that at the end of the war, there were some people at home who had good wishes to the Settlement of Canada, and that the Prince was quite propitious to the scheme, however ill digested; but that there are other people altogether adverse, and who turn a deaf ear to every correction of error, and every rational proposal of encouraging emigration on great and liberal principles. Those whom I propose as settlers, are farmers with capital, and the real labouring poor of England; but I know not if a single individual, of these classes, has yet seen the province. The farmers will not come to be gagged or imprisoned; and much will their landlords rejoice in their being held back. The real labourers again cannot move for want of means. Those who were brought over in 1815 had to deposit £16. per man at home, for their passage, &c. to be repaid at the end of two years; and all who have yet arrived, are people of the same description—people who have been little accustomed to hard work, but who have carried themselves from home with the poor remains of a reduced capital in trade.

I trust that by this time some of you have bestowed a little reflection on the proposal of substituting an equalized land tax, in the room of every other. Permit me to say a little more on that subject.

Mankind, besides being creatures of imitation and habit, in external acts, are so even in their mental prejudices. Under

the despotic Governments of the old world, taxation has been mainly imposed to support the ambition of rulers, and to add to the trappings of state: it has hitherto only been considered as an engine of oppression; and thence the very name has become odious. To conduct only the necessary affairs of a Government, really virtuous, very little indeed is required; but there is, beyond this, a use to be made of taxation, which might redound greatly to the advantage of all. This province is peculiarly adapted to illustrate what I mean, and to receive benefit from a liberal system of taxation. Its internal navigation is the most inviting object for speculative improvement which nature presents. Take up the map of the world, and you will not find upon its whole surface any thing to compare, in point of interest and grandeur, to the waters of the St. Lawrence, whether you consider the millions whom the genial sun and fertile soil of their borders must speedily rear up, to hold communication with each other, or the more extended idea of these waters being united to those of the west, and forming a highway for commerce between the Atlantic and Pacific Oceans. Other rivers, subject to the mutiny of inundation, rushing through the valleys of a mountainous country, or discharging themselves into the unhealthy regions of the torrid zone, frighten, or mock, or enfeeble every desire to improve them, for the purposes of man; but in the regular majesty of their flow through plains stretching between a happy temperature, the waters of the St. Lawrence speak confidence to adventure, and give security to the figures of the most sanguine calculation.

NIAGARA SPECTATOR, 24TH JUNE, 1819.

[*Continued from our last.*]

Had I capital sufficient to improve the St. Lawrence navigation, and competent authorities would say—"Take it into your own hands, and from henceforth have the benefit of a toll from those who choose to prefer your canal to the present

course of navigation," certainly I should think it a fine chance of laying out my money to advantage, and not sparingly should I lay it out. The more completely the work was done, so much the better should I expect to be repaid. But were I made proprietor, not only of this navigation right, but of the province, with how much greater confidence should I proceed! Estimating my landed estate at £6,000,000, should I stickle at borrowing two millions, to improve its value three times over in five years, which most certainly would be done with proper management. On the same principle, and with equal confidence, as an individual would proceed, so may a community, and the individuals of a whole nation may yield as cheerfully to taxation, for promoting the general interest, as any company of traders contribute shares to the common stock. The chief consideration, as to taxation, rests with the principle upon which the means are to be exacted, and I maintain, that what has been chalked out by me is perfectly fair; nay, not only fair, but such as holds out the highest inducements for its being liberally and resolutely put in action.

Such is the peculiar situation of landed property in this province, that I am fully convinced, were £200,000 or £300,000 raised annually, by taxation, on the principle proposed by me, and thrown into Lake Ontario, it would tend to good. Though at first it would be pinching, by and by it would be less felt, the effect being to force on settlement and cultivation, by rendering wild land less, comparatively, profitable to hold than cultivated land; and, through this effect, the tax, in the end, would be drawn out of such an increased value in the aggregate, as scarcely to incommode individuals in the least degree. It never should be forgotten, that wild land is the chief bane of this country, and no fair means should be left unemployed to lessen it. In my former communication, I stated at random that farmers, your constituents, possessed, on an average, 400 acres of land, and that a fifth part of that, 80 acres, might be in cultivation. I have since had the curiosity to examine an Assessment roll, and find that farmers,

on an average, possess only 237 acres, out of which only 38 acres are cultivated.

Their average assessment stands thus:—

Wild land - - - - -	3*s.*	3½*d.*
Cultivated land - - -	3	2
Assessments on sundries -	4	3¼
	10	8¾

I formerly supposed, at random, that the province contained one hundred townships, averaging in extent 60,000 acres, and containing 1,000 souls each. The province contains probably, within the surveyed limits, double this number of acres, and a greater number of inhabitants; but, for simplicity of calculation, let us adhere to the first assumed extent and population, viz. 6,000,000 of acres, and 100,000 souls. Further, let it be supposed that every tenth person is a farmer, and possesses, at an average, the same extent of wild and cultivated land, as those farmers actually do in the Assessment roll above quoted from, with the same proportion of other taxable property, then 10,000 farmers possess

	Acres.		£.	*s.*	*d.*
Of wild land -	1,990,000,	taxed at	1,658	6	8
cultivated land -	380,000	- -	1,583	6	8
other property - - - - - - - -			2,156	5	0
Then if farmers possess 2,370,000, and pay			5,397	18	4
The possessions and payments of others, should be - -	3,630,000,	and	8,264	7	5¾
Totals -	6,000,000 acres,		£13,662	5	9¾
An equalized land-tax, at 11*s.* per acre, would bring - - -			13,750	0	0
Or, bringing it up to 20*s.* per acre, and 1*d.* per pound, as cultivated land is now rated - - - - -			25,000	0	0
And at 1*s.* per pound, or 5 per cent. on the fee-simple - - -			300,000	0	0

Here we are at the utmost sum which I have proposed to be thrown into Lake Ontario; and pray, who would be greatly hurt by it? It would only be £11. 17*s.* to each farmer; and I am very sure that Canadian farmers do now, on the average, throw away more in idle time and drinking, without increasing the value of their property. Nay, don't contradict me; I am very sure of it; but rather keep your eye steadily on the holders of wild land, and see how they can bear it. Mark, for instance, old Mr. Landlubber, of Little York, who does nothing all day but sit in his elbow chair. He has 10,000 acres of wild land; but enters on the Assessment roll only 5,000, well knowing that nobody will take the trouble to detect the cheat, and so he now gets clear for the yearly payment of £4. 3*s.* 4*d.* But, under my system, there shall be a Land Register, open to the inspection of the public, shewing who are the holders of land; and from which Assessment rolls shall be correctly drawn out, and through which means neither Landlubber, of York, nor Mortgager, of Montreal; no, nor the King (meaning thereby the King's servants), nor even the Clergy, who are most likely, shall be allowed to cheat the revenue a single farthing. By this means, and at the rate of five per cent., Landlubber must pay £500 per annum of tax. Now, at first sight, we may be disposed to pity Landlubber; but, in fact, he requires none. He may still sit easy in his chair, and become richer and richer, even while he sees his money cast into the Lake. It will be remembered, that if individuals are not ready with the payment of their tax, down it goes to account; but Landlubber has a clear income of £800. per annum, independent of his wild land; being knowing, he lets no debts of this kind go to book; and being thrifty, he resolves to reduce his expense of living to £300.

All this, however, is only brought in, for the sake of illustration; and, with the same view, let us advance a step further. Suppose the same sum of £300,000, raised by taxation, was, instead of being thrown into Lake Ontario, employed in

bringing poor people out of England, where there are 3,000,000, who have not one shilling in the world to rub on another. Suppose that these people were kept two years employed in mere idleness, say heaping up stones one day, and casting them abroad the next; by this policy, much more would be gained to the province, than by throwing the cash into the Lake. It would create a market for produce, give circulation to money, and stimulate the industry of farmers and others; besides all which, it would add greatly to the strength and value of the province by the increase of settlers. But if by the raising, and thus foolishly squandering away so much money, so many advantages are to be produced, what would be the mighty triumph of economy, when the money and labour was expended on useful public works; above all, on improving the St. Lawrence navigation, which I have already said presents the noblest object for speculation within the wide compass of nature. Oh! it is delightful to muse upon the consequences of such a scheme being put in execution: to think of the profit!—the utility!—the sum of relief to the poor of England!—the security to Canada!—the glory to the nation!—15,000 souls annually rescued from distress, and fairly established in the high way of vigour and enjoyment!!! But when it has been a few years in action, let me visit Little York:—let me inquire for our old friend Land-lubber. He was for the first year of the tax, really disagreeable; sulky to a degree, and from time to time would bellow out, "Damn that wretch Gourlay*, who first proposed this cursed coercion act." By the second year, Land-lubber could not help, in the course of nature, being better tempered, as the thrifty scheme of living had considerably lessened the dropsical swelling in his ancles, and he had not half so many twitches of the gout. The third year Land-

* Language of an assembly-man in parliament.

lubber walked out daily, and inquired as to the price of land, which had now risen from two to four dollars an acre. The fourth year it was really pleasant to see him: clean in the shank; and with a face full of glee, it was hard to say whether he or his cane would win the race, as he bustled about asking the news—the progress of the navigation—the arrival of emigrants—the price of land, the price of land!

One day, as I stood at Forest's hotel door, he could not help, in the joy of his heart, bursting the fetters of an old grudge, and made up to me. "Well, Sir, the weather is very fine indeed: have you heard any news to-day?" "It is just reported, Mr. Land-lubber, that the Grand Canal will be finished next month, and that the good ship Britannia, of 300 tons, is fitting out in style at Quebec, to bring up his Excellency the Governor-in-Chief to make the first *debut* on Lake Ontario, by the canal: land has risen another dollar an acre this last month; and 10,000 emigrants of respectability are now on their way from Europe, to make purchases here, and become settlers." "Mr. G. that is really excellent news —glorious news! Will you dine with me to-day? I hope we shall all be good friends again." "Indeed, Mr. Land-lubber, I never was your enemy: only a plain-speaking counsellor, and a little impatient, at times, with those who would not look forward to the rising grandeur of the province; who soured every hope with unfounded suspicions, and low jealousies." "Well, well, it is all over now: all's well that ends well: you must certainly dine with me, and give me some more news about lands and emigrants. Oh, charming weather! Oh, fine times! Our rising grandeur! Our rising grandeur!!!" "I shall dine with you most willingly, Mr. L., but you must now promise to assist me in blowing up Little York." "Oh! certainly, my friend: I swear I shall have a torch ready for you at command. These narrow streets, and miserable, dirty, unpainted clap-boarded huts, will never suit our rising grandeur: even that great gawky-looking brick house must come down: aye, garrison and all must be blown up. Well,

we shall talk more of it after dinner; so good bye—good bye. Ha! ha! ha! Land up! Houra! Our rising grandeur! Our rising grandeur!!!"

The execution of such a work as the St. Lawrence navigation, by the scheme proposed, settles the question of expense as one of no consequence. I spoke of a scale to admit vessels of 200 tons burden; and in doing so I considered both as to what would brave the ocean, and what would not be inconveniently large for internal navigation. Should it be deemed advisable to have larger vessels in the trade, any additional expense should never for a moment be thought of, as an objection. The La Chine canal is to admit only of boats. This may suit the merchant of Montreal, but will not do for Upper Canada. Indeed I am doubtful if our great navigation should at all touch Montreal; and rather think it should be carried to the northward. Here, however, I am without personal knowledge. As to the line within the province, my mind is made up, not only from inquiries commenced on my first arrival here, but from considerable personal inspection of the ground, as well between Lake Ontario and Lake Erie, as below. My opinion is, that the navigation ought to be taken out of the river St. Lawrence, near the village of Johnstown, in Edwardsburgh, and let into the Ottawa, somewhere below the Hawkesbury rapids: probably in that part of the river called the Lake of the two Mountains. By a bold cut of a few miles at the first-mentioned place, the waters of the St. Lawrence might be conducted to a command of level, which would make the rest of the way practicable, with very ordinary exertion. The idea which has been started by some, of raising the navigation by two stages, first into Lake St. Francis, and thence to the higher level, may do for boat navigation; but for vessels of a larger scale, it is greatly objectionable. Any benefit to be gained from the lake, considered as part of the canal already formed, would be quite overbalanced by the want of a good towing path. A boat navigation may, I think,

with benefit to the parts adjoining, be brought up so far as Millrush, through Lake St. Francis, and thence be taken into the line of the grand canal. The advantages to Upper Canada from a navigation on a large scale, would be infinite. Only think of the difference of having goods brought here from England, in the same bottoms to which they were first committed, instead of being unshipped at Quebec, unboated and warehoused at Montreal, carted to the ditch canal, and there parcelled out among petty craft for forwarding to Kingston. Then again at Kingston tumbled about for transport across Lake Ontario; and again, if Amherstburgh is the destination, a third time boated, unboated, and re-shipped. Think of the difference in point of comfort and convenience to the merchants here. Think of the greater dispatch. Think of the saving of trouble and risk! Think of being unburdened of intermediate commissions and profits! Think of the closer connexion which it would form between this province and England! Think of the greater comfort it would afford to emigrants, and how much it would facilitate and encourage emigration! With navigation on a large scale, ship building would become an object of great importance here, and new vessels might be ready loaded with produce to depart with the first opening in the spring. There are but a few vessels trading from England to Quebec, which make two voyages in a season, and then it is with increase of risk that the second voyage is performed. Every vessel could leave England, proceed to the extremities of Lakes Michigan or Superior, and get back with ease in a season; or every vessel could leave Lakes Erie or Ontario in the spring, proceed to England, get back here, and again take home a second cargo of produce.

In time of war what security would such a scale of navigation yield! In fact it would put all competition on the lakes out of question. Upper Canada would then possess a vast body of thorough-bred seamen and ship-carpenters, with abundance of vessels fit to mount guns, not only for their

own individual defence, but to constitute a navy at a moment's notice. In commercial competition, too, the great western canal of the States would be quite outrivalled by such a superior navigation. The line of the States' canal must be for ever subject to nearly 400 miles of towing, besides having many counteracting locks: here from Lake Erie downwards, there would not be more than 100 miles of towing, and not a single counteracting lock. Upwards, except at the falls of St. Mary's, where a very short canal would give a free passage, navigation is clear for more than a thousand miles; and when population thickens on the wide extended shores of the Upper Lakes, only think how the importance increases of having the transport of goods and produce uninterrupted by handling and shifting from one class of vessels to another, eight or ten times over. Oh! it is quite elevating to look forward to such a noble work; so let us have nothing to do with piddling concerns.

ROBERT GOURLAY.

In the same newspaper of June 24th, 1819, appeared the replies of the Legislative Council and Assembly to the Lieutenant-governor's speech, given above. Two clauses extracted from each, I shall here copy in, to mark the spirit of these *august* bodies.

"MAY IT PLEASE YOUR EXCELLENCY,

"We, his Majesty's dutiful and loyal subjects, the Legislative Council of the province of Upper Canada, in parliament assembled, beg leave to return our thanks for your Excellency's speech at the opening of this session.

"We are gratified to learn that his Royal Highness the Prince Regent, on behalf of his Majesty, has authorized grants of land to certain of the provincial navy and the militia who served during the late war, and we feel the pro-

priety of withholding this mark of approbation from the individuals who composed the late convention of delegates.

" WM. DUMMER POWELL, *Speaker.*"

Legislative Council Chamber,
10*th June,* 1819.

" MAY IT PLEASE YOUR EXCELLENCY,

" We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial parliament assembled, beg leave to offer to your Excellency our most humble and hearty thanks for your gracious speech from the throne, at the opening of the present session.

" We are gratefully impressed with the gracious intentions of his Royal Highness the Prince Regent, in authorizing the Governors of both Canadas to bestow land on certain of the provincial navy and militia, who served during the late war; and with your Excellency's considerate attention in setting apart adequate tracts in the several districts, for the accommodation of such of their respective inhabitants as are within the limit of the Royal instructions; and we lament that any portion of his Majesty's subjects should have forfeited their claims upon the bounty of their government.

" ALLAN M'LEAN, *Speaker.*"

Commons House of Assembly,
9*th June,* 1819.

Underneath the word POSTSCRIPT, which heads this part of the work, is written, " *chiefly for after reference and discussion;*" and here it is only necessary to state, that the fate of Upper Canada, as a British province, never was affected more than by these fulsome and shameless replies to the Lieutenant-governor's opening speech.

CONCLUSION.

TO THE PEOPLE OF UPPER CANADA.

February 11, 1822.

CANADIANS,

IT is this day two months since the date of my last Address to you. I was then feeble; and had shortly after to abandon part of my plan; to throw aside my pen, and fly to the country. That movement set afloat new ideas; and my Address to the People of Wiltshire led me first to produce some extracts from Salisbury newspapers, and then to exhibit others out of the Niagara Spectator, which you will find link well together, and manifest at least consistency in opinion and principle.

During these two months most eventful occurrences have taken place; and up to this hour the landed and farming interests have been getting into greater and greater trepidation*: have been holding meetings in every direction; and coming forth with

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* HOUSE OF COMMONS, Feb. 1822.

Mr. Coke rose to present a petition from the owners and occupiers of land in the county of Norfolk. The petition prayed for economy and reform: it prayed for the reduction of taxes, and particularly of those which were imposed upon malt, salt, leather, candles, and other necessary articles of consumption, which would afford the country relief to the amount of five millions, without any real injury to the revenue. How astonished must the country be to hear the declaration of the Chancellor of the Exchequer, that the removal of any tax would be an aggravation of the existing distress. Gracious God! at a time when the people, from one end of the country to the other, were complaining of distress, with the proofs of which the table of that House would soon be groaning—at such a time were they to be told, by a hard-hearted and callous government, on the first day of the session too, that

speeches altogether radical, led on by noble Lords. Parliament is now met; and we are all upon tip-toe

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they were to meet no relief, and that their complaints would be disregarded? He did not suppose that the petitions of the people would be attended to by that House, but he certainly did not expect to hear that doctrine so openly avowed. There had been persons who looked up to that House as a land of hope, corrupt as it was, profligate as it was (loud cries of "Order"). It was known to be so (cries of "Order," and "Chair").

The Speaker rose, and observed that he should be the last person to interfere with the expression of the sentiments of a member of that House, did he not feel himself called upon to do so by an imperious duty. He was convinced that a moment's reflection would shew the honourable member that he had transgressed the limits of fair debate.

Mr. Coke apologized for having said what was considered improper. He knew that he was warm, and it was natural that he should be so. It was understood, however, that the petitioners were not likely to obtain redress from that House (hear, hear). The petition would perhaps better explain the view which he entertained with regard to the constitution of that House than he could himself. It stated that retrenchment would do much towards the relief of all classes of the community; and he must remind them, that although an hon. member of that House (Mr. Hume) had shewn last session that there was no branch of the expenditure, either foreign or domestic, in which reduction might not be made, yet large majorities had always been found to reject his propositions. "Therefore," said the petitioners, "it is our decided conviction, that the corrupt and defective state of the representation, is the true source of the prevailing distress, and that until the people shall be fairly represented in parliament, no relief is to be expected."——*The Times, 8th Feb.* 1822.

Mr. Coke. Was the country to be told by a hard-hearted and callous government that no relief would be granted? Not that he had deceived his constituents by saying that he hoped their petition would be attended to. He had not told them any such thing; for, constituted as the House was—corrupt as it was—profligate as it was—(order, order).

The Speaker said that the hon. member must be sensible that these expressions were highly disorderly and improper (hear, hear).

Mr. Coke. It is known to be so (order, order).

The Courier, February 8, 1822.

Canadians! "Tell it not in Gath:" You must be all very sensible how improper was the above language of Mr. Coke; but I would draw your attention to the extreme folly of petitioning

to learn what is to be done. Ministers, it is said, are about to borrow five millions to lend to landlords and farmers, to keep peace in this island; while penal laws and military force is applied for to cure disturbances in Ireland!!! Mr. Cobbett having raised a cry about Peel's bill, (a most excellent bill) thinks, I presume, that he may trust to that for a while with more hope than to "Cobbett's parliament," which is put off, *sine die:* so, after all, our fate is left "to the force of events," and we know not what a day may bring forth.

Newspapers have informed us that your provincial parliament met on the 30th of November: that it was expected that the session would be short and tranquil; also, that the question of your far-famed sedition law was agitated. I am sorry for this. It has lessened my expectation of a commission coming home immediately; but I shall not yet despair. The sole duty of your representatives should rest in refusing supplies till a commission is appointed: but the silliness of last session makes me suspect that silliness may still prevail. It is reported that the Governor-in-Chief has asked the parliament of Lower Canada to grant the civil list during the life of the sovereign. Surely they will not be fools enough to comply.

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parliament to reform itself. Petitions for reform of parliament should be presented to the King alone; and they should be systematic. They should pray for something specific; for instance, that every householder should have a vote in the choice of members of parliament. They should be short and uniform. Every parish in the kingdom should present one to the King; and Mr. Coke, than whom an honester man is not perhaps in England, could easily have one presented from every parish of Norfolk.

Though I am a friend to free trade with all the world, and wish to see that brought about as speedily as possible, had your representatives sent home a commission last year, instead of trifling away time, by appointing a select committee (see page 666, Vol. II.) only to exhibit ignorance and vanity, I should have been happy to have seen the timber trade continued for a few years in favour of Canada, with notice that the favour should be gradually withdrawn. This would have given opportunity to people in the trade to have wound up their business economically, and to have disposed of or worn out their machinery (saw-mills, &c.) to some profit. Should a commission come home this session, I should on the same principle be happy to see our North American provinces favoured for a few years in the corn trade. I should wish to see your corn and flour admitted for sale here at all times on a certain duty, to be diminished year after year, till the trade was free to you; and, after being free to you, for some time, to be made free to all the world. An *ad valorem* duty would be the thing; but for illustration, say that your wheat should this year be admitted to sale, on paying a duty of 3*s*. per bushel, next year 2*s*. 6*d*., and so on, diminishing 6*d*. every year till the duty was extinct. The Halton petition, and your parliamentary proceedings of last year, plainly manifest your wish to bar out your neighbours in the United States from trading through Quebec with England on equal terms with yourselves. This is a selfish and narrow-minded no-

tion, on your part, and it would not suit England, even though you were to be gainers. It is besides impracticable. Whenever provincial duties are imposed to any great amount on produce of the United States, and vent is found for it at Quebec, the extent of unguarded boundary line between the Canadas and the States will afford such opportunities to smuggling, as effectually to blast your illiberal policy, and I rejoice in this truth. In the event of the St. Lawrence navigation being effected on my plan, I had a scheme to propose for making American produce pay towards that; but at present there is no occasion for enlarging on the subject. It is the interest of Britain to trade with Americans through the port of Quebec, as freely as with you, Canadians, though her shipping interest only was taken into consideration; and were an act immediately passed, admitting corn and flour to be imported from our North American colonies, and sold here at all times on a duty, as above proposed, the benefit would be instant and great both to England and the colonies. If your commission would come home, and propose this simple measure, without any invidious, grasping, and illiberal view towards your neighbours, I doubt not but it would be admitted; and perhaps you might yet get to rights without becoming bankrupt. Half the farmers of Halton probably have their names standing on the books of James Crooks, Esq. M. P. for goods furnished to them when prices were high. He again is perhaps indebted to merchants in Montreal; and they to

merchants in London. In the course of time, trade might assist in adjusting these accounts. I spoke lightly of a general bankruptcy among you, keeping my eye bent on the infinitely greater distress which general bankruptcy among British farmers would produce. Your distress would be comparatively nothing to their's; and their's would not only be to themselves ruinous, but it would spread death and destruction around to millions: yes, were the public credit of England once vitally touched, and a general breaking down among the farmers would certainly so touch it, not less than two millions of human beings would be swept from existence—paupers, annuitants, and fundholders; young, old, and infirm! I have said above, and I say again, that no nation on earth was ever situated as we are, from the factitious state into which we have been brought by the Pitt system of finance, as it is called, in conjunction with the greatest of all evils—the evil of the poor-laws.

I have already said, and this too I repeat, that were reason to regulate our affairs, all danger could be avoided: even the Pitt system could with discretion be followed up in time of peace to infinite advantage; and taxation itself could be turned to profit. Reason, however, I am afraid, will never be consulted while we are ruled by boroughmongers: while ministers study only their own interest, and are totally regardless of public good. How mad are all their measures! Let us look for an example of it to Ireland, at the present moment. That unhappy country could be cheaply redeemed

from distress. Emancipate the catholics: let not one-fifth of the nation lord it over four-fifths. If clergy are to be paid by government, let catholic clergy be paid as well as protestant clergy, on condition of their allowing the people to be educated: let tithes be commuted; and let emigration be assisted. All this would be reasonable; but ministers are equipping an army to make war against the poor, ignorant, distracted, starving Irish; and Lord Roden has just told us in parliament, that the great evil is to be traced to "the non-residence of gentry and landowners"!!!

In England we have much to gain by mere legislation. Tithes could be commuted by an act of the simplest kind, merely to make them payable at a fixed rate, depending on the price of grain. This would instantly ensure peace and harmony between tithe-holders and farmers: it would instantly give the rein to the spirit of improvement; and it would free the clergy from a world of reproach. But the clergy, who, of all others, would be most benefited, who would indeed secure to themselves, as a body, a chance of lengthened possession of church property;—the clergy set their faces against this!!!

In five years, five millions of annual expenditure on the poor could be saved to England by reforming the poor-laws; and at least five millions more would be added to national wealth by greater industry and better conduct on the part of the poor themselves; but, will the poor-laws be reformed? This session they could be reformed, as well as in any other session; but the last Edinburgh Review

is for delaying that most necessary of all reforms for several years!!!

Since autumn, 1813, farming has been unprofitable (since then I calculate that 200 millions of money have been lost to the farming interest); and though the present low prices could have been guarded against, it was clear that war prices could not be kept up: it was clear that something should have been done to give farmers relief from contracts formed when prices were high, which could not possibly be fulfilled when prices were low: it was clear that an act of parliament, to allow them to pay rents according to the price of grain, would have protected them from ruin better than a corn-bill; but their landlords could not think in time of lowering rents; and they now do it partially, only to increase mischief!!!

Had landlords, who rule this nation,—the landed oligarchy, seen, and they might have seen, had they opened their eyes;—had they seen that rents could not be paid in peace which were contracted for in war;—had they seen that even the Pitt system, *judiciously acted upon* in time of peace, could not uphold war prices, after our monopoly of trade was at an end, after other nations enjoyed domestic peace, and could supply themselves; after they were freed from ancient encumbrances; and, with "cheap labour and removed absurdity, could afford the productions of the soil at one-third of our price*:" had our oligarchy seen all this,

* I have quoted these words from my LETTER to the EARL OF KELLIE, published in 1808, to give opportunity of further proving

and it was quite visible;—had they seen this, and liberally proposed lowering their rents according to the fall of corn prices;—had they thus lowered rents, and insisted at the same time, which in the omnipotence of their power they could have done, that fundholders should be paid in the same pro-

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my long-established opinion as to what would happen after the war. The LETTER was written, to expose the indifference of landlords at that time to the interests of their tenants, and to show how unprincipled was the farmers' property-tax: I shall here give an extended quotation: "In the property-tax bill, what class of men is so strangely, so unfairly used? (alluding to the farmers.) One paying a moderate rent, fairly settled in his possession, and able to spare from his profits, assessed in a moderate proportion: another, who has just got sufficient stock, adventures (perhaps he had closed his bargain immediately before the act was passed) with a farm at a very high rent, which for several years, if he be a spirited cultivator, positively will not pay the expence; and by the end of which period peace and cheap markets ensue: this man, at a time when all is outgoing, from the price of every thing being raised by the war, is greater than ordinary; this man has to pay at the rate of 30 or 40 per cent. of the interest of his capital, sunk for years, and which may rise in times when reduced prices will only give it breath to see its end with the termination of his lease..... This is no fancy: it may yet be practically evinced. The farmers, good souls! have of late years found they could not go wrong in taking land; and if their purses were able to pay, it did not matter to them what injustice reigned above, or how their dignity as a body was affected. If the experience of several years has settled them into a purring contentment and confidence, it would be a pity that they should open their eyes and disturb their quiet by looking to the markets on the continent, where, notwithstanding the ravages of war and unsettled credit, *cheap labour and removed absurdity* can afford the productions of the soil at one-third of our price."—LETTER TO THE EARL OF KELLIE, p. 58.

portion; that all government officers should be paid in the same proportion, &c. &c. :—then, indeed, with peace we should have had plenty and prosperity. What is to prevent this to be done now? What is to prevent a general arrangement throughout his Majesty's dominions, that all contracts may be paid on a certain scale of reduction? Suppose your *august* parliament, Canadians, was to enact that all contracts were to be compounded for at a certain low rate, which would save you from universal bankruptcy among yourselves; which would enable the inhabitants of Halton to get out of the books of James Crooks, Esq. M. P. Your provincial law could not let him out of the books of the merchant in Montreal; nor could an enactment of the Lower Province let the Montreal merchant out of the books of the London merchant; but if the British Parliament were to set about the work;—if the supreme government were to admit of debts being extinguished at 30, or 40, or 50 per cent. discount at home, and our governments abroad were to act in unison, we should be all able to start afresh, hale, sound, and unincumbered; and with the dire experience of what has happened, avoid in future such scrapes as those in which we are involved. All this could be easily effected, had reason the controul; but I must confess, that my hope of reason guiding our destinies is not very sanguine. Again, adieu.

26th February, 1822.

CANADIANS!

THE above was post-dated four days, to make up the month, from the date of my former Address to you, and it was just written when the OBSERVER Newspaper, published at York, in Upper Canada, the 24th December, 1821, was put into my hands. This paper was brought over by a merchant * of Niagara, who crossed the river at

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* This merchant is the "*Englishman*," spoken of, page xvi. On hearing of his arrival in town, I congratulated myself on the opportunity which now occurred, of letting him know what had been said before this book went abroad. I spoke of my intention to mutual friends, and soon after another joined us, who acquainted me with the purpose of Mr. H., the Englishman, to call upon me; and, from what was said, my mind was instantly set at rest from all suspicion of his having, as a juryman, acted from any prejudice towards me—any bad *intention*. Next morning I called upon my informant, with a copy of this book, and the following letter, which he was so good as to deliver to Mr. H.

13, *Clifton-Street*, *Finsbury*, *Feb.* 10, 1822.

Dear Sir,

A few days ago, I was informed of your arrival from Canada; and although I had an unpleasant affair, upon which to communicate with you, I was glad that an opportunity occurred. You were on my jury at Niagara. It was, I believe, owing to you, that I was banished; and this banishment has ruined me in family, fortune, and reputation. This being the case, you may readily imagine, that if any circumstances led to a belief that you had acted under unjust bias against me, my feelings might be wounded not a little. Before my trial, lists were handed me of persons nominated as jurymen, who were unfriendly to me; and your name was in one of these lists. Had I been collected and sound in mind, when brought up for trial, I should certainly never have admitted of such a trial as I was subjected to; but, on a *fair* trial, most assuredly should have cast you off the list, having a person ready to swear that you had prejudged

Queenston, on the ice, the 2d January, sailed from New York on the 10th, and was landed at Liverpool, the 1st of this month: The OBSERVER has

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me, and declared openly, before my trial, that I "*should be punished.*" This, it would appear, was your opinion, before I had opportunity of defending my conduct. It was an opinion which I could not have expected from you: still you had a right to that opinion; and I, as assuredly, could have cast you for the expression of it. Some days before my trial you came and shook hands with me at the door of my cell, which was scarcely consistent with your declaration, that I was a culprit. Even had I been in good health, this might have deceived me, and led me to forego the advantage of casting you out of the list of jurymen. Now, with certain impressions springing from these facts and occurrences, I have in my book, about to be published, spoken of the affair without mentioning your name, yet in such a way as will probably make you feel sore. The moment I heard of your arrival, I resolved to let you know what I had written, and offer you satisfaction in any way you chose, if you felt yourself injured. Last night Mr. S——— accidentally met me, told me that you had proposed to call upon me, and thence my mind has been made up on the disagreeable affair. I have banished every thought of your having been biassed on trial against me, and shall be happy to see you, and shake hands. The book I shall leave with Mr. S——— for your inspection beforehand, and shall yet have opportunity to soften the words used in it. I am, &c.

ROBERT GOURLAY."

"J——— H———, Esq."

Since the above was written, I have met Mr. H———, shook hands with him, and am perfectly convinced that there was nothing on his part unfair to me. The whole, however, calls more and more for reflection on the infamous statute of Upper Canada, which was still more infamously resorted to, for my destruction; a statute which, after being heard of with execration by all the world, is still retained on the Canadian code by the Legislative Council!!!

I am far from saying that bad government is the only cause of misery to mankind. We see much springing out of causes with which government has nothing to do; but, in the amendment of government, we have reason to expect great amelioration of our condition.

ten columns stuffed with debates of your Parliament, on the 6th, 7th, 8th, 10th, and 11th of December,—debates very considerably worse than nothing, in which the lawyers have nine shares out of ten. I was very sure, when I first learned that seven lawyers were returned to Parliament, that they would delay inquiry, and increase confusion; and so it appears, from the shewing of the OBSERVER.

The OBSERVER contains this curious paragraph:

"We fear our Parliament will continue longer than we expected. A Bill came down from the Upper House, which goes to vest a power in the judges, to tax litigious characters."

Judge Powell will have it all his own way, by-and-by. A bill to tax litigious characters!!!

The good people of Pittsfield, in Massachusetts, whose attentions to me I shall never forget, have, we are just now informed by American newspapers, agreed among themselves, to settle all disputes by arbitration, without troubling either lawyers on the bench or at the bar. This is excellent. It anticipates a project of my own, which, as soon as I obtain a seat in the Canadian Parliament, I mean to bring forward: its object being to dispense both with lawyers and priests. Under good government this is quite practicable; and, established in practice, how happy should we all be, even in this sublunary world!! The OBSERVER proceeds:

"During the discussion of the Confirmation Marriage Bill, on Saturday, a clause was introduced by Col. Nichol, and, to our astonishment, carried. It legalizes the children

of certain marriages; but makes their mothers what we do not wish to name."

It will be amusing to the English reader, to have a specimen of Canadian oratory, and the OBSERVER furnishes a good one.

He (*Mr. Jones*) would tell that Gentleman that he was as much devoted to the cause of ROYALTY* as any man in the country; but that devotion to support his Sovereign, should be on *honourable* grounds, and then he should support HIM with his life—with his property; but not by slavish *obsequiousness (the applause that burst forth shook the building to its base)*. Mr. Jones said that he wanted that sum restored to the people, which was improvidently given by a former Parliament. The granting or withholding of money was the constitutional check of the democratic upon the other branches of the legislature, and it was for the purpose of preserving inviolable that check, that this bill was introduced. Where, he would ask, was the use of their coming to that House, if they were tamely to surrender this great privilege? This House has only within these few years been called upon to vote money, for the support of the administration of the civil Government; and in proportion to their utility, thus to vote monies, was their consequence and importance increased. It was not the opinion of their constituents: it was not the opinion of the country: it was not the wish of their Sovereign, that they should comply with the arbitrary suggestions of the *honourable* member from Kingston. (Hear, hear, hear, and bravo, in the gallery.)

And bravo! say I, in London. Bravo! Jonas

* On my passage from Leith to London, last spring, I had for a fellow voyager, an officer who had recently come home, from being some years in Upper Canada. He was stationed near to where Jones resides, and it would be edifying to tell his opinion of the *royalty* of the Member of Parliament, was there room for it.

Jones, of Brockville, lawyer, M.P. and Esquire. You've " screwed," at last, " your courage to the sticking-place." I hope you won't vote a farthing for the existing civil Government, and, I hope, not one farthing will be voted this year*, towards it, in the British Parliament. Then, of necessity, the governors, themselves, will cry out for inquiry.

This fellow, Jones, (I am intitled to speak plain; this *fellow* was reported, by word, to have used the language *noted* in page ccccxvii, and I have written evidence of part of it, see Vol. ii. page 665), you will remember, had the chief hand in gagging you, and I shall give the following extracts from the Upper Canada Gazette, to refresh your memory, respecting the pretty proceedings of your Assembly, and the spirit with which your present Lieutenant-Governor, Sir Peregrine Maitland, began his reign. The following clause made part of his speech, on the 12th October, 1818—his *maiden* speech when opening Parliament.

" In the course of your investigation, you will, I doubt not, feel a just indignation at the attempts which have been made to excite discontent, and to organize sedition. Should it appear to you, that a convention of delegates cannot exist without danger to the constitution, in framing a law of prevention, your dispassionate wisdom will be careful that it shall not unwarily trespass on that sacred right of the subject, to seek a redress of his grievances by petition."

To this the Legislative Council replied on the 14th October, in these words:

* Upwards of £7,000 was voted last session of the British Parliament to the civil list of Upper Canada, and upwards of £10,000 the session before—altogether absurd.

" We shall, at all times, feel a just indignation at every attempt which may excite discontent, or organize sedition; and if it shall appear to us, that a convention of delegates cannot exist without danger to the constitution, in framing a law of prevention, we will be careful that it shall not unwarily trespass on the sacred right of the subject, to seek by petition a redress of grievances."

On Monday, the 19th October, a Committee of the House of Assembly presented an Address with the following clause:

" We feel a just indignation at the systematic attempts that have been made to excite discontent, and organize sedition, in this happy colony, while the usual and constitutional appeal, for real or supposed grievances, has ever been open to the people of this Province, never refused or even appealed to; and deeply lament, that the designs of one factious individual (me) should have succeeded in drawing into the support of his vile machinations, so many honest men, and loyal subjects to his Majesty. We remember that this favoured land was assigned to our fathers, as a retreat for suffering loyalty, and not a sanctuary for sedition. In the course of our investigation, should it appear to this House, that a convention of delegates cannot exist without danger to the constitution, in framing a law of prevention, we will carefully distinguish between such conventions and the lawful act of the subject, in petitioning for a redress of real or imaginary grievances;—that sacred right of every British subject, which we will ever hold inviolable."

HOUSE OF ASSEMBLY, WEDNESDAY, OCTOBER 21st.

Mr. Jones moved that the House do now resolve itself into a Committee of the whole, to take into consideration that part of his Excellency's speech, at the opening of the present session, which relates to the meeting of Delegates in Convention.—*Carried.*

THURSDAY, OCTOBER 22d.

The House went into Committee, to take into consideration that part of his Excellency's speech, at the opening of the present session, which relates to the meeting of Delegates in Convention.

Mr. Burnham reported, that the Committee had agreed to some resolutions, which he was directed to submit for the adoption of the House, which were received and adopted, *nem. con.* as follows:—

1st. RESOLVED.—That the rights of the people of this province, individually or collectively, to petition our gracious sovereign for a redress of any public or private grievance, is their birthright, as British subjects, preserved to them by that free constitution which they have received, and which, by the generous exertions of our mother country, has, through an arduous contest, been unimpaired.

2d. RESOLVED.—That the Commons House of Assembly are the only representatives of the people of this province.

3d. RESOLVED.—That the electing, assembling, sitting, and proceedings of certain persons, calling themselves Representatives or Delegates from the different districts of this province, and met in General Convention at York, for the purpose of deliberating upon matters of public concern, is highly derogatory and repugnant to the spirit of the constitution of this province, and tends greatly to disturb the public tranquillity.

4th. RESOLVED.—That while this Committee regret that some subjects of His Majesty, whose allegiance and fidelity are above suspicion, have been deluded by the unwearied and persevering attempts of the factious, to lend their countenance to measures so disgraceful, they cannot admit that their example should give a sanction to proceedings manifestly dangerous to the peace and security of the province, proceedings, which it is painful and humiliating to observe, have drawn upon this loyal province the attention of other

countries, and of our sister-province, and even of our parent state, as to a colony impatient of its allegiance, and ungrateful for the fostering care that has cherished its infancy; looking anxiously to the period of its strength as the moment of its revolt.

5th. RESOLVED.—That to repel at once so foul an imputation, to undeceive the misguided, to stifle the hopes of the disturbers of public peace, and to give to our parent state and to the world the best grounded assurance that the inhabitants of this province know how to prize their happiness in belonging to the most exalted nation upon earth, and desire no more than the secure possession of that just liberty which her own more immediate children enjoy, it is the opinion of this Committee, that some such legislative provision should be enacted as the wisdom of the Imperial Parliament has found it proper to provide to meet similar occasions, which may hereafter put it out of the power of any designing persons to organize discontent, and degrade the character of the province.

6th. RESOLVED.—That these Resolutions be communicated to the Honourable the Legislative Council.

Present.—Messrs. Burwell, Mc. Martin, Van Koughnett, Cameron, Durand, Chrysler, Nelles, Howard, Hatt, Jones, Cotter, Swayze, Burnham.—13.

Wednesday, October 28th.

Mr. Jones obtained leave to bring in a bill to prevent certain meetings in this province, which was read the first time.

Saturday, October 31st.

The Bill to prevent certain meetings in this province being read the third time,—

Mr. Van Koughnett moved, that it do now pass, and that it be entitled, "An Act to prevent certain Meetings within this Province." Upon which the House divided, and the Yeas and Nays were taken as follows:—*Yeas*, Messrs. Swayze, Fraser, Cotter, Clench, Hatt, Van Koughnett, Durand, Burnham, Cameron, Robinson, Howard, Jones, Nelles—13.

Nays, Mr. Casey. Carried in the affirmative, by a majority of twelve, and the Bill signed.

An Act for preventing certain Meetings within this Province.

"Whereas the election or appointment of assemblies, purporting to represent the people, or any description of the people, under pretence of deliberating on matters of public concern, or, of preparing or presenting petitions, complaints, remonstrances, and declarations, and other addresses to the King, or to both or either Houses of Parliament, for alteration of matters established by law, or redress of alleged grievances, in church or state, may be made use of to serve the end of factious and seditious persons, to the violation of the public peace, and manifest encouragement of riot, tumult, and disorder.

"*It is hereby enacted*, That all such Assemblies, Committees, or other bodies of persons elected or otherwise constituted, or appointed, shall be held and taken to be unlawful Assemblies; and that all persons giving or publishing notice of the election to be made of such persons or Delegates, or attending, voting, or acting therein by any means, are guilty of a high misdemeanor.

"*Provided always*, That nothing in this Act contained, shall impede the just exercise of the undoubted right of His Majesty's subjects to petition the King or Parliament for redress of any public or private grievances."

York, Nov. 27, 1818.

At three o'clock this day, his Excellency, the Lieutenant-Governor, proceeded in state to the Legislative Council Chamber, where, the House of Assembly having been summoned to attend, his Excellency gave the royal assent to the Bills mentioned below, and closed the session with the following speech:—

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

It does not appear that any alteration has occurred in the state of His Majesty's indisposition.

You have afforded seasonable aid to the constitution by your Bill, entitled, "*An Act for preventing certain Meetings within this Province.*" It is a subject for deep regret, that the constitution should have stood in need of such aid; but let us hope that the good disposition of His Majesty's subjects will put an early period to this unhappy necessity.

If any portion of the people of this province be indeed aggrieved, they are well aware that a dutiful petition, proceeding from themselves, would find easy access to the foot of His Majesty's throne.

Gentlemen of the House of Assembly,

I thank you, in the name of His Majesty, for the supplies you have granted for the service of the current and the ensuing year.

In future, I hope to relieve you from the annual demand for the support of the Surveyor-General's department.

You have added to the character of the province, by the unanimous expression of sentiments, which are highly worthy of the enlightened representatives of a free and generous people. I could not refuse myself the pleasure of transmitting your Resolutions to His Majesty's government, well convinced that they would prove grateful to the royal personage who presides over it; and confident that they will be received with affectionate approbation by every description of your fellow-subjects in the mother-country.

Honourable Gentlemen and Gentlemen,

There are a few objects of general importance, which, had the public mind been tranquil, I should have brought before you early in the session. Of these I shall mention one, which appears to me to require, in a peculiar degree, your calm and deliberate consideration: I mean the providing a remedy for the unequal pressure of the Road Laws. By offering at present this subject to your notice, I hope to benefit by the attention you will be pleased to bestow upon it during the recess.

After which the Honourable the Speaker of the Legislative Council, announced that the Parliament was prorogued to the 2d of January next.

Canadians! Reflection on the above extracts may still be of use to you. The convention which I had assembled, not only was lawful, but did any thing but what was seditious. It referred its cause to the Lieutenant-Governor and Assembly, and thus was it treated!! Your liberty of meeting by deputy was no sooner taken away by your own representatives, than I was committed to jail, and deprived of liberation, on application by writ of *habeas corpus!!* Thus tyranny goes on from worse to worse; but tyranny could not exist in any country were the people virtuous: and you may think of that till we meet. The foregoing pages will tell you not only what I have been doing since my arrival from Quebec, but you will be able to judge of my sentiments and pursuits for more than 20 years back, from the various extracts I have produced of publications at different times; and I do challenge the world to present proofs of any one being more constant to principle, more peaceable, or more consistent; yet I am the man whom your parliament denounced as the "one factious individual." The poor creature, who is above reported as making *the building shake to its very base with applause*, never had, and has not, a conception of the good which you might have experienced, had a commission come home four years ago, when I first recommended that measure. Your civil list, your claims upon government, could all have been paid before now, by good management, out of the rich stores which nature has provided in

the province; but these must lay hid till common sense and manly conduct take the place of ignorance and vanity. I am told, that since your parliament met, Sir Peregrine Maitland has sent home a message respecting the dispute with the lower province, no doubt, to be laid at the foot of the throne*, where such messages, and many of the trashy addresses of your parliament have been laid again and again, without ever having been heard of in this country. I am told that your Assembly has resolved not to grant supplies this year till the alien act is repealed. It is all wretched trifling. The province will continue a sink of corruption, sycophancy, and meanness, till the Imperial Parliament takes its state into consideration; and I have now drawn up, to be presented to the House of Commons, by Mr. Hume, the following petition, written since I read of the building being *shaken to its base* with the oratory of Jonas Jones, of Brockville, lawyer, M. P. and Esq.

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* Since the above was written, a New York paper, of the 8th of February, has arrived, containing the following article:

"UPPER AND LOWER CANADA.

"Difficulties have for some time existed between the two Provinces, on the subject of duties received at the port of Quebec. Last year, Committees from both Provinces met at Montreal, in order to settle this business, but adjourned without effecting any thing. We now find, by the York (U. C.) OBSERVER, that the Attorney General of the Province is to proceed forthwith to England, as a Commissioner to present the Addresses of both Houses of the Provincial Parliament, upon the subject, to the King. The sum of 3000 dollars has been appropriated for his services."

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND IN PARLIAMENT ASSEMBLED.

THE

PETITION OF ROBERT GOURLAY,

HUMBLY SHEWETH,

That, your petitioner has had presented to your honourable House two petitions, calling attention to the state of Upper Canada as it concerns emigration. That these petitions were received and ordered to be printed: one, on the 11th July, 1820; the other on the 27th June, 1821; and to these your petitioner would still refer*.

That, your petitioner now presents himself before your

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* On first scrawling out the above petition, I allowed myself to enlarge on several points beyond what the nature and limits of a petition could properly admit: several passages were accordingly thrown out; but it may be well to quote some of these now, for the sake of illustration. They shall be numbered, to distinguish them from other notes.

No. 1. "That by perusal of the former of these petitions, your honourable House will find that your petitioner was most cruelly treated, in Upper Canada, under colour of a provincial statute, applicable only to aliens and outlaws:—that he was cast into jail, and deprived of his right of liberation, on application, by writ of habeas corpus, although it was expressly declared, by Mr. Pitt, in his Majesty's name, on the 4th March, 1791, when the Royal Message was read to the House of Commons, desiring a constitution to be given to Canada, that 'the habeas corpus act was already law, by an ordinance of the Province, and this invaluable right was to be continued as a fundamental principle of the Constitution.' (See vol. ii. p. 4.)

"That your petitioner conceives this single violation of constitutional right—this flagrant disregard of law and principle, is sufficient to cause inquiry to be made by your honourable House, into the state of Upper Canada; but he asserts that not only this act of violation has been committed in the Province, but others, by which both person and property have been rendered insecure."

honourable House on broader grounds. He would now call attention not only to the state of Upper Canada, but to that of our North American colonies in general; colonies, which, since the revolutionary war of America, have been maintained at an enormous expense to this country, without yielding it a farthing of profit.

That, at the present crisis, when it is allowed by all that economy and retrenchment are essential to the salvation of the empire, the mere saving of expense must be deemed matter of importance; but, your petitioner asserts that, not only may all expense in governing North American colonies be saved, but that these colonies may, if properly governed, yield a considerable revenue to Britain.

That, your petitioner's opinions on the subject have been formed, not only from personal observation during a residence in Upper Canada, but from a continued correspondence, since then, with that part of the world; a constant attention to occurrences connected with the colonies; and much reflection on the constitution thereof; the state of property, and state of society therein.

That, your petitioner assumes it as an almost self-evident proposition, that North American colonies cannot be retained to Britain for many years, on principles less free and independent than those which govern the adjoining country. He is assured, that before many years go by, these colonies must either be declared independent, and be held in connexion with Britain by liberal treatment and the interchange of favours; or, they must fall into the arms of the United States, and become part of that already too extensive and aspiring republic.

That, your petitioner is most positively assured, that the latter alternative would not be agreeable to the wishes of the colonists: that the former, on every account, would be preferred, and is therefore worthy of countenance from the Imperial Parliament; as the result equally concerns the honour and the interest of the nation.

That your petitioner is aware that the colonies are not yet

ripe for independence,—that they are yet deficient both in physical strength and mental ability; but, were the mere promise of independence, at the end of ten years, granted to them, he is assured, that all chance of war would cease in that quarter of the world; and were certain arrangements made with the government of the United States, an immediate and great reduction of our military and naval establishments might take place, while a vast quantity of warlike stores might be spared for other useful purposes *.

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* 2. " That in a moral point of view, it is greatly to be desired, that our North American colonies should be reared up into a nation apart from, and independent of, the United States. The people of these States have not evinced that pure and manly spirit which might have been expected from them, enjoying so many blessings. Their shallowness has betrayed itself: their vanity has become proverbial: they have idolized military glory: they have sanctioned the deeds of a murderer: they have blighted the hopes of liberty: they have sullied the fair page on which she had written her name, sanguine of an asylum in the west. The history of the world has told us, and the system of nature seems to require, that mankind must be truly virtuous before all come into union;—that nations must remain apart, while the finger of scorn can point with effect to each other's crimes,—till the adoption of sound principles is complete, and uniform good conduct has left no occasion for a blush."

This will not please Americans, but I cannot help that. No man ever crossed the Atlantic with better feelings towards them than I. After travelling in the United States, I saw reason to check some of my fondest hopes, and, till the approval of Ambrister's murder (it should go by no other name) is erased from the Journals of the American Congress, I shall be sorry, indeed, to see the slightest addition made to the power of the great western republic. America will, probably, divide into several governments: that of the Sea Board, the St. Lawrence, the Mississippi, &c., as common interests require. The most doubtful point, for speculative opinion, respects the slave states. The Convention which has lately sat, for altering the constitution of

That, there are two great objects which demand attention, —objects quite sufficient to form the cement of a lasting connexion between Britain and her North American colonies, without interference on the part of British Ministers with their internal government. The first regards the disposal of public and unappropriated land; the second the regulation of commerce.

That, the first of these objects, viz. the disposal of land, is, of all things, perhaps, most worthy of attention from your honourable House. It is an object which never before has been brought fairly into public view; but which, when duly considered, must appear of great importance, not only as it may tend to national aggrandizement, but also be instrumental in advancing the limits of civilization, and in improving the condition of man.

That, hitherto, public land has been disposed of in a way which has at once sunk its value, and prevented its improvement. No consideration has yet been bestowed on a most important principle, which not only rules the value of landed property, but which may be studied to advantage, for the comfort and prosperity of those who are to occupy and cultivate. In Canada large portions of land are set aside for the future purposes of government: large portions are set aside for the maintenance of a dominant church, which has not even a chance of being established; and large portions are given away in favour and for fees of office, to individuals who never think of cultivating, but who depend on sales at a re-

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the state of New York, has allowed of Blacks participating in civil rights. This will not soon be conceded in the slave states: nor would it be proper, without previous preparation. That, it is to be hoped, will speedily be set about. The approval of Ambrister's murder must not be ascribed to the nature of the Government of America, but to the low character of the people. It was their representatives in Congress who approved. The Senate, composed of better educated individuals, disapproved: this is matter for important reflection: it is cheering.

mote period of time, while actual settlers are, in consequence, removed so far apart, that it is impossible for them to cultivate with economy and profit. The bad effects of thus disposing of land is clearly evinced by contrasting Canada with the contiguous parts of the United States. These have been settled many years later than Canada, but already they are three times more populous, and land there is four times more valuable. These results have mainly sprung from the different modes of disposing of public lands. In the States it is exposed to free sale, at the rate of one dollar and a quarter per acre; and, by the official returns of last year, produced a revenue of one million and six hundred thousand dollars *. In Canada, the very process of disposing of land by Government, is attended with loss to the public.

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* The above is quoted from an article in the TRAVELLER, of JANUARY, 1822, which is altogether well worthy of a place here.

"The Report of the Secretary of the United States Treasury to the House of Representatives, has reached this country. The following is the account of American finances, under the heads of receipt and expenditure.

RECEIPT.	DOLLARS.	EXPENDITURE.	DOLLARS.
Customs —	14,000,000	Debt —	5,722,857
Sales of land —	1,600,000	Army —	5,108,097
Other receipts —	510,000	Navy —	2,452,410
		Civil expenses	1,664,297
	16,110,000		14,947,661
		Balance	1,162,339
			16,110,000

Converted into sterling money, the United States income amounts to £3,624,750, and its expenditure to £3,363,221. The expenditure of the United States, including the interest of the debt,

That, the most melancholy effect of the unthrifty disposal of land in Upper Canada, is that of degrading the people. Scattered over the province at the rate of seven to the square mile, they have not only been unable to co-operate in rural economy, but have retrograded in civilization and moral worth. The British Parliament liberally conferred on the people of Upper Canada a free constitution—liberty to make laws for themselves, and to uphold the purest principles of freedom; but in ignorance * and degradation they

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is thus about *one-third* of the charge in Great Britain for the army including the military part of the ordnance) alone. Exclusive of the charges of the debt, the whole civil and military expense of the United States is about £2,075,579, nearly the sum which is frittered away in this country in what are called *Miscellaneous* services, that is to say, expenses exclusive of the charge for the army, navy, and ordnance, the allowance to the royal family, and the expenses of the administration of justice. The civil expenses of the United States are £370,000: those of England, which come under the head of Miscellaneous Services, and charges on the consolidated fund, generally amount to four millions.

* Since the above petition was presented to the House of Commons, a notable proof of the ignorance of the legislators of Upper Canada has been laid before the House of Peers. Let it first be read as extracted from the TIMES Newspaper of March 1st, 1822; and then I shall make remarks.

"HOUSE OF LORDS, FEBRUARY 28th.

UPPER CANADA.

"Earl Bathurst laid on the table, an Act of the Legislative Assembly of Upper Canada. We understood the Noble Earl, who spoke in a very low tone of voice, to state that this was done in consequence of an Act of Parliament, according to which, when a Bill, under certain circumstances, passed the Assembly of Upper Canada, it was necessary, before it received the royal assent, to lay a copy on the table of both Houses of Parliament. After lying on the table thirty days, without any objection being made by either House,

have abused these inestimable privileges: they have suffered the best of laws to be counteracted by the arbitrary power of

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his Majesty would then give the Bill the effect of a law, unless he should think fit to withhold his assent. The present legislative measure of the Assembly of Upper Canada, has reference to a former act of that Assembly, by which one-seventh of the lands, in every township, was appropriated to the use of the Protestant Church. This portion of land was intended for the maintenance of the church; but notwithstanding this appropriation, doubts had since arisen as to whether the remaining six-sevenths of the land, were not liable to the payment of tithes. The object of the Bill, which he now laid on the table, was to remove these doubts, by declaring that the six-sevenths were not liable."

In a letter dated February 19, 1818, addressed to me by a member of the Upper Canada parliament, then in London, it is written, "I am sorry to say, that a bill, which was passed two years ago, for doing away the right of tithes in Upper Canada, has never, in conformity to the constitutional act, been submitted to the Imperial Parliament;" and, in consequence of this neglect, the *wise* legislators of Upper Canada, still dreading tithes, passed a second Bill (see vol. 2, p. 682.) which is that now laid on the table of our House of Lords. Lord preserve us from foolish legislators! In my second volume, the reader will find a curious *critique* on the Upper Canada Statutes at large; and I hope it may prove generally useful in making people consider the absurdity of too much law. In the course of thirty years the poor bodies of Upper Canada have absolutely bog'd themselves in their own folly and filth of legislation.—But to the instance before us. The dread of tithes in Upper Canada sprung out of the first statute which was enacted there, adopting the whole law of England, save that which regarded bankrupts and the poor (see vol. 2, p. 113). It was argued, after this statute was passed, that, as tithes were lawfully drawn in England, *ergo*, they might be drawn in Upper Canada. The fallacy was, and is, that the law of England subjected land *generally* to tithes, instead of only *protecting* the property in tithes upon certain lands: and

their governors; and they have fabricated a code absolutely disgraceful to modern times. Neither person nor property, indeed, can now be held secure in the province.

That, Upper Canada, by nature the finest part of America, is chiefly valuable to Britain, as it may be made an asylum for her redundant population; but this greatest good cannot be realized from the wretched state of property, and still more wretched jurisprudence which there exists. Ignorant and poor emigrants only, settle in Upper Canada, while all who have wealth and intelligence betake themselves to the United States.

That, were public institutions equally good and equally well observed in the province as in the States of America, not a man would emigrate from the United Kingdom to the latter country unless attracted by some peculiar object: that the commercial advantages which Britain can and does confer on her colonies; the comfort of adhering to natural allegiance: the love of country and kindred; the numerous

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it would have been equally rational to have supposed, that, by adopting the laws of England, all land in Upper Canada was subject to pay the land tax of England, and what not. Here, however, we have a twice-passed Bill of Upper Canada, lying on the table of the House of Lords!! waiting for the royal assent!!! Will the king give his assent to this silly concern, and quiet the groundless fears of his liege subjects of Upper Canada; or consult his own dignity in refusing?

If this Bill receives the royal assent, it is possible that the moon-rakers of Upper Canada may take alarm, and send home another Bill, to get it solemnly declared, that the moon is not made of green cheese, and never can be devoured by church-mice.

But, before the Bill has been thirty days before Parliament, for approval of Lords and Commons, would it not be well for them to interfere, and prevent trouble to his Majesty? nay, may we not hope that this very display of provincial silliness may assist in obtaining inquiry into the state of Upper Canada?

benefits which British subjects are entitled to at home and abroad; the pride, the glory, the honour of remaining in connexion with the greatest nation upon earth,—all conspire to make the British emigrant prefer the colonies to an alien land; but with heavy heart, he who thinks at all, must relinquish these for advantages still more valuable and substantial.

That, your petitioner observed with regret the monstrous mismanagement in Upper Canada, and sent home communications to be laid before Lord Bathurst on the subject, but without avail:—that he has, within the last six months, corresponded with the colonial department: has offered to submit improved plans of settlement: has tendered his services at home or abroad without emolument: has offered to contract for the settlement of land in Canada, and pay for it at the rate of one dollar per acre, which, with government patronage, he could easily do; but all to no purpose: and he now states these facts to your honourable House, as matter worthy of public notice and investigation. Thousands of poor emigrants are annually shipped off to the colonies: thousands are engulfed in misery when they get there, and all for the want of arrangement, which might at once secure comfort to individuals, and admit of profit to the nation.

That, giving independence to the colonies, and withdrawing from all interference in their domestic government, is quite compatible with our retaining the right of disposing of unappropriated land, and drawing a revenue from thence; quite compatible with the colonists remaining under British sovereignty. This country has the power of directing the current of emigration to any of her colonies; and all property must improve in value as population becomes more dense, and where judicious settlement is made. Hence there is scope for mutual benefits. Colonies may grow strong from an increase of people; and the mother country may go

on for ages reaping profit from the land she settles out of her redundant population.

That, it would be vain for your petitioner to enter at present into any detail as to his plans of emigration and settlement, a subject to which he has devoted his attention for several years. He refers to the fact now more and more the subject of conversation; the great increase of population consequent on good living and peaceful pursuits*. He points

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* The increase of population in Great Britain will appear from the following table:

	1801.	1811.	1821.
England	8,331,434	9,538,827	11,260,555
Wales	541.546	611,788	717,108
Scotland	1,599,068	1,805,688	2,092,014
	10,472,048	11,956,303	14,069,677
Army, Navy, &c.	470,598	640,500	310,000
Totals	10,942,646	12,596,803	14,379,677

Increase of population in the United States.

1790.	1800.	1810.	1820.
3,929,326	5,309,758	7,239,903	9,625,734

In my last letter from the United States, dated November 10th, 1821, replying to queries concerning population, &c. it is said, "The four years immediately after the late war with Great Britain, brought us about 100,000 from Europe, or 25,000 persons

to the vast expanse of unoccupied land over which it has pleased Providence that the British sceptre should sway. He points to Ireland overflowing with a wretched population: to England getting more and more crowded with paupers; and to Scotland whose moral energies have sent forth her millions of industrious and respectable people to replenish the earth: he asserts, that our whole redundant population may be disposed of to individual as well as to public advantage:—that Britain may combine the efforts of her children, and direct a mighty and constant stream of emigration into her colonies: that she may set on foot a scheme of benevolence heretofore unparalleled: that a new source of wealth and happiness may be laid open—a source at once pure and abundant.

That, the second great object soliciting attention from your honourable House, viz. the regulation of commerce, would go hand in hand with a grand system of emigration; and might be established on principles equally simple, natural, and permanent.

That, your petitioner holds in his possession official documents sent home from Upper Canada, by which it appears, that legislators of that country aim at imposing provincial duties throughout both the Canadas, on grain, &c. produced in the United States; and a similar desire has been evinced in resolutions of a county meeting of Upper Canada. That this disposition of the legislators of Upper Canada betrays equal ignorance of the policy which should be pursued, and of the impracticability of executing their wishes, seeing that

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annually. Some years since, the emigration would probably fall short of 10,000."

During the last thirty years America has not probably received from Europe 8,000 emigrants annually. How absurd, then, are Godwin's assertions about America owing its rapid increase of population to emigration.

along a boundary of upwards of a thousand miles, which separates the inhabited parts of the United States from British America, there is no possibility of guarding against contraband trade: nay, from this very impossibility, Britain possesses the power of supplying the people of the United States with her manufactures free of those heavy duties which are now levied on them in the ports of the Republic *.

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* On this subject the following article appeared in the TRAVELLER, 24TH JANUARY, 1822.

"A regular file of American papers have been received this morning, to the 31st December, from which we copy the following:

Kingston, Dec. 2, 1821.

"Our readers will recollect, that in the abstract we lately made of the evidence taken before the British Parliament last winter, relative to the timber trade, it was stated that certificates of origin would be required on shipments from the colonies, and that all timber thus shipped, if not proved to be the growth of his Majesty's colonies, would be subject to the duties exacted on timber imported directly from a foreign state.

"Though this regulation has been in force only during the present season, we understand that schemes have been already devised to introduce timber from the United States into the lower province, and to export it from thence to England, with certificates declaring it to be the growth of Canada. To check this species of fraud, which, if unmolested, would rapidly increase, it is in contemplation to form an association for the purpose of employing several trusty individuals along the frontier and elsewhere, whose business it will be to watch the introduction of American timber into the province, and to detect and punish every person who may endeavour, by perjury, to procure certificates that it is of Canadian origin. This association is, we understand, already numerous; and it will, doubtless, prove beneficial in guarding the British revenue."

The association will have full and worse than idle employment in my opinion. There is one place where the timber, coming from the United States, can be guarded out or taxed; that is, where the boundary line crosses Lake Champlain; and, from that

That, the best policy of Britain, is to receive land produce, at Quebec and other British American ports, in exchange for our manufactures, without question as to origin. The grand benefit to be derived from possession of these ports, rests in securing a monopoly of trade, and, with liberal legislation, this may be carried to an extent, hitherto neither experienced nor contemplated. By liberal measures, the port of Quebec may speedily become the greatest in America, if not in the world—a port where we may give and receive to an unlimited extent—a port holding out to us the power of reaping the utmost advantage from American trade, without any officious meddling with the domestic politics of that country,—a port through which the parent state would be for ever able to nourish her progeny and supply her customers,—where the people of Britain and America would meet in the enjoyment of reciprocal accommodation.

That, the late change in the law, which regulates the timber trade, renders it more immediately necessary to attend to our colonial and shipping interests. Were liberal principles admitted; were the corn law amended, and free sale of grain and flour coming from our colonies, allowed in this country, on payment of a fixed duty, an instant revival of trade would be experienced; and by and by we should wit-

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lake there used to be very large quantities of timber sent to Quebec. At a thousand other places it can be hauled across the line, or floated down the water boundaries, without the possibility of detection, when people on each side of the boundaries have an interest in playing into each other's hands. While the attempt to restrain importation of this bulkiest article will be in great measure nugatory, the attempt to restrain importation of grain into Canada will be quite so. The importation of tea, &c. from the United States, is forbidden, but it is altogether farcical. I have been told by respectable merchants of Upper Canada, that nine-tenths of such goods consumed in Canada, come from the United States, leaving the fair trader no chance. Why then keep up a restrictive system only to beget roguery?

ness most beneficial consequences;—increased consumption and demand: rise of price both at home and abroad: we should see confidence restored, and plenty going hand-in-hand with peace.

That, however necessary it was, under circumstances, to secure British farmers from ruin, at the termination of war, it is now too certain, that the existing corn law must be modified or repealed. Looking forward to change, and supposing it necessary, that a factitious state of things must be adhered to, your petitioner humbly begs leave to submit his opinion, that no change could carry with it such beneficial results, as the permission of free trade with our colonies, on the payment of fixed duties. It would at once give a monopoly to our shipping; yield us a direct revenue; and secure and increase the value of our foreign possessions.

That, your petitioner has in his hands, documents, signed by many hundreds of the resident land-owners of Upper Canada, from which it may be proved, that wheat can now be grown in that country for 3*s*. per bushel; and he could shew, that with certain changes in the state of property, in the power of the Imperial Parliament to make, wheat could be grown for 2*s*. per bushel.

That, now, and for three years back, the cost of bringing wheat from Upper Canada to England, has not exceeded 2*s*. per bushel; and that thus it may be afforded in British ports for 4*s*. per bushel. That a duty of 1*s*., 2*s*., 3*s*., or whatever sum may be found necessary to equalize the price with that which wheat grown at home must sell for, to admit of present taxes being paid, would be fair and reasonable; and in proportion as the amount of duties increased, Government might free the British farmer of part of his load of taxation. The American farmer would, from the sale of his produce at home, be enabled to purchase British manufactures. British manufactures would thence multiply, and, by increased consumption, would render the foreign supply of food not only safe, but necessary. Nor could the supply

coming from British colonies be ever withheld. In war, as in peace, its flow towards us would be constant and secure *. What, indeed, has Britain to fear from famine, if she is liberal to her colonies,—if she suffers corn to be imported from British America, from the Cape of Good Hope, from New Holland, and from Van Diemen's Land, subject to equalizing duties? It is a well known fact, that, hitherto, the supply of grain and flour, from America, has never been great, in proportion to the amount of home growth; and, at no time, has importation from thence, been disadvantageous to this country, but the reverse. Indeed, all well-regulated trade with America, must leave us a profit, inasmuch as it gives opportunity for our cheaper labour, and our superior industry and skill, to exert itself, and earn its fair and natural reward.

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3. "Your petitioner, bred to farming, would in this place remark, that parliamentary Committees have been too fastidious on the question of this island growing its own bread-corn. It would be better, in the humble opinion of your petitioner, if less land was cultivated, and more was set apart for the keep of live stock. An abundance of live stock would not only be a better guard against famine than the precarious supplies of harvest; but would insure a better average return from a limited tillage. British farmers have generally erred in ploughing too much; and, at the present time, they are ploughing to excess, from necessity. They are exhausting their lands, while their live stock is unprofitably diminished. It is not by driving the plough to hill-tops, by toiling upon barren muirs, or wasting health and strength in unprofitable bogs, that the farmer increases national wealth. It is by bestowing his best attention on the best soils, and leaving the worst to chance and futurity. If the British nation possesses, in every quarter of the globe, abundance of fertile land, why should her legislators confine exertion to a mere speck of the empire? Why should the extremities be chilled, if, by free circulation, the heart can be strengthened?"

That, there are now, in England, some of the most respectable land-owners of Upper Canada, both of the British and Indian nations, who may be called to the bar of your honourable House, or before any committee, along with your petitioner, who will substantiate the truth of what has been said above, and confirm the opinions of your petitioner.

He therefore earnestly intreats, that your honourable House will take the whole into consideration, and institute inquiry into the state of Upper Canada, and other colonies of Britain,

And he shall ever pray.

ROBERT GOURLAY.

February 26th, 1822.

March 8th.

This petition was presented, and ordered to be printed, the 27th February. It was previously shewn to all my Canadian friends in town, and highly approved of by them. Mr. Hume, himself, went over it twice before it was ingrossed, and obliged me by correcting it as often with his own hand. He spoke to Mr. Brougham on the subject, who advised delay till the home business was further advanced; but I pressed the presentation, by way of laying the ground-work for an after-motion, as well as that the printed petition might be perused by the committee appointed to revise the corn law; and I have no doubt, that it will be taken into serious consideration by that committee.

There are but these words which require explanation, "supposing it necessary that a factitious state of things must be adhered to;" I wish it clearly understood, that I do not think it neces-

sary, that a factitious state of things should be kept up for any great length of time. Free trade with all the world is my darling wish. With free trade, mankind would speedily come to know, and agree with each other, in political opinion. They would discover that very little of government interference was required, for the protection of person and property: that these could be protected at small expense; and that the mass of antiquated law might be flung aside, with all its trumpery expounders and executors. The plan suggested of receiving all land produce at Quebec, without question as to its origin, would most assuredly give us a vast monopoly of trade, and tend much to confound the restrictive system of the United States; but would British subjects ultimately, and in general, benefit by this? I say, no: the Americans are willing to take off their duties on British goods, as soon as Britain chooses to admit of free trade. Free trade,—free importation of corn into this country would not only give us abundance of cheap food, at all times, but enrich us with the vast demand for manufactures. Population would then increase faster, in Britain, than it has yet done in America; but it would create no misery; for the connexion with America would become so great and harmonious, that natural emigration would increase beyond all precedent. The moment a man found himself not fully employed in manufacturing goods for exportation to America, he would be off to that country, to cultivate land, to continue the abundance of bread at home, and give better employment to those left

behind him. In the mean time, people, on both sides of the Atlantic, would be getting better and better educated—more and more liberal in their ideas —more and more correct in their conduct and manners; and hope might be indulged, that before the continent of America was thickly peopled to the shores of the Pacific, virtuous restraint would be quite sufficient to keep the increase of population within due bounds: that no physical means would be required to check it, as proposed by Mr. Place*; and that it would no longer be a cause of vice and misery, as insisted on by Mr. Malthus. The sensual passion *can* be governed. Example, habit, sentiment, refraining from gross conversation, keeping in check the imagination, giving both mind and body proper exercise:—these are sufficient to raise us superior to beastly desire; and the point should not be given up. What is it that maintains purity between brothers and sisters, but correct sentiments, never suffered for a moment to stray? What is so delightful as chaste converse with the sex! Unluckily, it is the fashion of the world to laugh at beastly indulgence,—to excuse it in others, that we may find excuse for ourselves; but, is there, upon earth, a rake, who does not inwardly rebuke himself for his folly—who has not cause, sooner or later, to repent of every departure from rigid virtue? For myself, with sufficient experience, I say, no.

"I wave the quantum o' the sin,
The hazard of concealing;
But, och! it hardens a' within,
And petrifies the feeling."

* In a well written, sensible book, just published.

Poor Burns! with thy genius and fine natural dispositions, how long, how respectably, how happily might you have lived, but for giving way to vicious indulgences!!

Canadians! My only wish to see a factitious state of things kept up, would be to admit of our getting out of the miseries in which a factitious state has involved us. In ten years this could be accomplished. After ten years we could safely open our ports to all the world. In these ten years, were my scheme of abolishing poor laws (see page cxlii) put in execution, together with a grand system of emigration, every difficulty might be got over, every danger avoided, every evil corrected. For such a period only would emigration require assistance. You will see on my large map, lines of canals, roads, &c. These were meant to illustrate my plans of settlement, had I finished this work, or obtained the countenance of Government. They run over about ten millions of acres, and there is there room to settle a million of people, who might be profitably removed from England and Ireland, while poor laws were in the course of being abolished, and the mass of the people prepared by education to take care of themselves in future. Were Government to charter a company for the settlement of these ten millions of acres, a dollar an acre could be paid for the land, and, at least, double that sum made by the company in less than twenty years. I may here observe, that the principle on which these improvements and settlements would proceed, has nothing to do with that on which the St. Lawrence navigation could

be executed, as proposed in my addresses from Niagara jail, page ccclxxvii. The St. Lawrence navigation can only be executed on a grand scale, by the imposition of a land-tax, which would, at same time, speedily amend the bad state of property now existing: but that must rest with your Parliament; and your Parliament does not seem to have brains for the comprehension of the simplest rules of political economy. We have just heard that it was prorogued on the 17th January, after 3,000 dollars were allowed to pay the expenses of the Attorney General, on a mission to this country, to get settled, your quarrel with the lower Province, about duties!!! There ought to be no duties to quarrel about; but I have no patience with this consummation of trifling. With these 3,000 dollars, three of your Members of Assembly might have been here before now, to back my petition,—to have insured instant attention to the one thing needful—INQUIRY INTO THE STATE OF THE PROVINCE.

However puny is the object for which the Attorney General is coming home, it is well that he is coming. The King will now *really* be spoken to about Canadian affairs: he must consult Parliament; and Parliament thus formally consulted, Mr. Hume, and others, will have opportunity to advance the more important questions: this book will be more generally read; and, in this book, with all its faults and imperfections, the great principles upon which Canada should be governed, will be found.

SUPPLEMENT.

WHILE in Upper Canada I published four Addresses to the Resident Landholders. My first has appeared above, page clxxxvi, my second and third will be found in vol. II, pages 471, and 581. To complete the set, I shall here produce the fourth and last, and add a reply and *duply* as a specimen of the political warfare which I had to wage in the Province. These extracts may give rise to some useful ideas now, and shall be afterwards referred to.

NIAGARA SPECTATOR, May 27, 1819.

TO THE EDITOR OF THE NIAGARA SPECTATOR.

Niagara Jail, May 22, 1819.

SIR,

In your paper of 17th December last, I announced my intention of being at St. Catherine's on the 26th of that month, there to consult with those who should honour me with a meeting on the subject of INSTRUCTIONS to be put into the hands of Parliamentary Representatives, prior to the sitting of their next session, intending to take my departure forthwith, for England. In the mean time, being arrested and served with an order to quit the province, it became necessary, in defence of my honour, to delay departure; and I informed the people who met at St. Catherine's,

that it might be better, under changed circumstances, to delay entering on the subject of INSTRUCTIONS, and that I should first deliver my sentiments through the medium of the newspapers, in a series of communications on the constitution and political circumstances of Upper Canada. Shortly after this, being arrested and committed to jail, I judged it proper to allow some time for the public mind to reflect on that extraordinary occurrence. Only a few weeks had elapsed when the whole magistracy of the district appeared in arms against me; and in the number, many of those who had shewn the greatest zeal in the cause of inquiry, prior to the arrival of Sir Peregrine Maitland in the province. It was impossible not to feel damped with such experience; and I must confess, that for some time a degree of melancholy rested on my spirits. Truly, it may be said, " If the salt hath lost its savour, wherewith shall it be salted?"

Seeing that parliament is now summoned to meet on a very early day, my pledge to the people of St. Catherine's has been called to mind, and I have set about an attempt to redeem it. I have addressed a communication to the Resident Landowners of Upper Canada (herewith sent you for publication) and would fain continue it; but, in resuming my pen, I find my health so much impaired with confinement, that there is a want of energy to do justice to the subject, and I am doubtful of being able to complete my wish.

The whole drift of my endeavours, first and last, has been to induce *inquiry into the state of the province, and to have a commission sent home, that the whole may be openly and fairly submitted to discussion in the British Parliament.* What I would now ask of those, who ever were sincere in support of my measures, is this, that they should immediately meet in their several townships, and address a letter to their respective representatives in parliament, expressing a wish that the subject of inquiry should be the first consideration of the ensuing session of parliament, after the infamous

resolutions sent home to the foot of the throne, are erased from the journals, and the gagging act repealed.

ROBERT GOURLAY.

TO THE RESIDENT LANDOWNERS OF UPPER CANADA.

Niagara Jail, May 20, 1819.

GENTLEMEN,

I have thrice before now addressed you: always in sincerity, and never without considerable effect. My first Address was so simple, and in its purpose, so palpably beneficial to the province, that it must remain to excite surprise, how a single voice could be raised in opposition. My second Address was urged by imperious duty, on becoming better acquainted with the political state of affairs. The object of that Address was to advise parliamentary inquiry into the state of the province, and the appointment of a commission to carry home the result. My third Address, holding the same object in view, sprung from a momentary impulse, occasioned by the sudden and extraordinary breaking up of parliament. Wherever the light of information reached, this Address was electric, and thousands of the most loyal hastened to conform to its *dicta*. Horrible to relate, there were found among your own representatives, men, who, belying every preconceived notion of character and conduct, shewed themselves, in brutal opposition to the quiet and peaceable exercise of constitutional right, and who have finally, in their public capacity, made party against the cause of truth and liberty; who, losing sight of that dignity which should ennoble them as statesmen, have stooped to the abuse of individual character, soiled the parliamentary journals with the record of untruths, and bereaved their constituents of the most valuable privilege—that of employing rational means for carrying a petition to the foot of the imperial throne.

Gentlemen! by the acts of your own representatives, you can no longer boast of freedom: you are, in fact, this moment slaves. Alas! am not I myself a striking witness of this truth?—a prisoner, without trial, after two honourable acquittals!—a prisoner, locked up at the capricious mandate of my personal enemies; as which of you may not be? And is there now an honest and independent man among you who would raise his voice against inquiry, who would prefer darkness to light, who would sit in ignominious silence while such things are? Was it to be enslaved that you came from the States of America, from Britain, and from Germany? Was it to be enslaved, that you here supplanted the native Indians, noble and free? Was it to sow the seeds of despotism, that you lifted the axe to clear away these woods? Was it for the growth of tyranny and oppression, that you let in the solar rays to warm and fertilize the teeming earth? Forbid it, Heaven! Deny it, grateful man! Why was America reserved to modern days for settlement? Why were thousands of years suffered to elapse, and yet half the world unknown—unoccupied? O! it was most consistent with the designs of a Providence, ever benignant and kind—a Providence, who *wills* to give a second chance to virtuous liberty. These thousands of years were clearly meant to prove how vain are the struggles of man against the power of despotism, when once confirmed. Look to the old world: look back on the pages of history, and say what has *there* been exhibited—what is *there* recorded, but one continued tissue of misery from priests and kings, and superstition and tyranny? What! are we in this reserved and unpolluted land, to make no advantage of lessons so costly, and of experience so dear? Are we to shut our eyes to the so glorious designs of Providence? Are we to give way to natural weakness, and make no effort, while yet it may so easily be made to brace up the cause of reason and of truth—to smite in the bud the earliest germ of despotism? Are we to suffer our own children to grow up in rebellion, and our

own servants to bind us about, unresisting, with chains? No, even I, a prisoner, will protest against it: a prisoner, deserted, betrayed, and trodden down; still will I call, though with a feeble voice, against acts disgraceful to British rule, killing to this infant colony, and sickening to every true feeling of generous loyalty. Gentlemen, though it is impossible to speak on this subject without giving some vent to passion, I shall endeavour to moderate my language, and, with what calmness I can, enter into a discussion concerning the political state of circumstances of this province; which I trust may open the eyes of some, and correct the vision of others. Narrow, selfish interests have, no doubt, taken the lead against my measures; but in their train they have borne along much perversity of mere temper—much prejudice—much ignorance. I have not been publicly accused of folly. The charges of my enemies are all of a criminal cast. They fancy some deep conspiracy, some horrid wickedness: they conjure up treason, bloodshed, and death. Were it not for a feeling of real sorrow that there are imaginations so foul as to conceive such thoughts, I should laugh outright at every criminal charge. It is now eighteen months since I became the subject of public animadversion, and from nothing that could breed suspicion, and blacken character, have I escaped. Has any evil been proved? No: neither will it, though I should remain here as many years, and slander should cross and recross the Atlantic with every tide. In prosperity, in adversity, I have through life been uniformly the same: enthusiastic and sincere in every public undertaking: often imprudent: sometimes foolish; but never for a moment have I harboured criminal design.

Gentlemen, your parliament is again about to meet, and the intelligence has roused me;—that parliament is about to meet, which thrice before assembled, only to sink the country in disgrace, deeper, and deeper, and deeper. Let every eye be turned towards the sitting of this parliament, that shame and compunction may at least work a miracle, and good be

forthcoming of evil. I am, myself, in hope, and again seize the quill, to call for INQUIRY, AND A COMMISSION TO GO HOME. I despair not of the old broom. The proverb says, that "New brooms sweep clean;" but when a parliament is worn to the stumps, it will do you most service. The mass of dirt too, which at present needs removal, calls rather for stumps than spray. Let the hardened and dirty stumps grub up the thick of it, and a new parliament will come in appropriately for the more thorough cleansing of your apartments*.

There is but one thing concerning myself, which I wish seriously to be considered by your honourable Representatives —their conduct towards me last session. It was shameful, and wholly without excuse. If any little stomach is again charged with bile, let it not be forgotten, that with all the boast of privilege, the most honourable course is, to let complaint have a regular hearing in a court of justice. I am now paying dear for a fair chance of defending my conduct; and if a fair chance is allowed, I dread not being able to satisfy the country, that so far from being blameable, my conduct has all along been founded on principles of duty and honor, never was, and never could be productive of harm. But let us proceed: let me give light to the operations of the old broom.

To have a right conception of the true policy which should be followed, to secure a lasting connexion between Britain and her colonies, it is necessary to glance back to that period of history, which details the rise and progress of the revolution which separated the United States from the mother

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* When I was first shut up in jail, a man confined there was employed making Indian brooms. I asked him to teach me to make these, and said I should advertise my brooms for *sweeping the province*. The joke went round, and then I gave it a turn by saying, I must first provide *shovels*.

country. It may first be remarked, that the inhabitants of America, before the revolution, were, both by the intercourse of trade and blood relationship, more closely connected with the English people, than you of this province; and many documents prove how very anxious they were to maintain the connexion. It was broken by the infatuation and obstinacy of the British ministry. That ministry would persist in a principle which the constitution did not warrant, and which the American people nobly and successfully resisted. The cause of the Americans was espoused at home, not only by the majority of the people, but by the most eminent statesmen;—by Chatham, and Burke, and Fox; and that it was a good cause, the very men who opposed it, many of whom are still alive in this province, would not now for a moment deny. They themselves would now rebel against Britain, should any attempt be made, by the ministers of that country, to tax them without their own consent.

But though the right of taxing themselves was the great and immediate object which induced the American people to resist the nefarious designs of the British ministry, there had been for many years before that crisis, causes which tended to retard the prosperity of the provinces, and alienate the affections of colonists from the mother country. However pure may be the principles of any government,—however flattering may be the language of state, there are invariably at work, underhand and beguiling interests, counteracting these interests and belying this language. The proclamations of Britain may breathe the kindest endearment towards her provinces, and, in the heart of the sovereign every subject may have an equal share of royal affection; but beneath the sovereign care, a thousand petty interests are continually at work, and a thousand passions seek to be gratified. Charity begins at home, and unless the people of a colony look out sharply for their own interests, they will undoubtedly be sacrificed to the pride and profit of the parent state. As the population of America increased,—as her natural resources

came to be developed, and the genius of the people found scope for enterprise, a competition in commerce and manufactures excited the jealousy of merchants and manufacturers at home. These left no effort untried to check the increase of American shipping, or to palsy the arm of the colonial craftsman: "We must not" (said a British minister, taking the part of these narrow-minded interests), "suffer the Americans to make so much as a hob-nail." How ridiculous!—how vain!—how impolitic and profitless! Was it to be supposed, that the enlightened people of a continent could long be governed, and thus be held down by the sway of islanders three thousand miles apart? No: and while independent America, with her commerce free, and tradesmen unshackled, has flourished beyond example, has she not, at the same time, yielded tenfold more wealth to England than she could ever have done as a colony damned with counteracting influences? How easily could England have retained the sovereignty of America! How glorious would it have been, had she surrendered in time all that was reasonable and proper to her offspring! How happy would it have been for the human race! How much bloodshed would have been saved! What rancorous feelings would have been stifled! Good God! for what reason should we and the people across Niagara river, even at this day, be held in enmity? How comes it that these people go so far beyond us in every undertaking? How is it that Americans are free, and Canadians slaves? Aye, the most abject of slaves, subject, by their own enactments, to arbitrary imprisonment. Why do people here shrink from inquiry? —Why so jealous of the liberty of the press?—Why do they love darkness rather than light?—Why? because their deeds are evil: because there are yet in this part of America secret and vicious influences at work: because the interests and passions of men in office are yet at variance with justice and truth.

When the question of giving a constitution to Canada was before the British Parliament, not only had experience proved

how vain it would be to withhold from people in this quarter of the world the right of taxing themselves, but there was a clear necessity for being liberal in every respect, both from viewing the local situation of this country and the spirit of the times. The independence of America was already manifesting its glorious consequences, and the French nation was then in the very act of bursting the bonds of feudal oppression. Mr. Burke, who already foresaw the horrors likely to arise from the French revolution, did not hesitate to say, that the people of Canada should be presented with such a constitution as would leave them nothing to envy, when they surveyed those in the states of America. One noble Lord (Sheffield) objected to the policy of at all cherishing the settlement of Upper Canada. "Why," said he, "should we rear up a nation of farmers in the heart of America who will only become rivals to our tenants at home—who will only produce what it is our interest to have produced on our own fields?" His idea, though miserably selfish, deserved, nevertheless, credit for open avowal; and, should be treasured up by you, the resident landowners of Upper Canada. Lord Sheffield said he would only encourage settlements along the sea coasts, where the people might be raised to man the British navy, and yield wealth to England from their industry in fishing; as in the case of Newfoundland, where this villanous principle is carried so far as to delay the culture of the earth: the earth given by God for tillage, is there kept altogether unproductive, that the landed oligarchy of England may better afford to sustain their riot and their rank with enormous land rents!

One proposal made in the British Parliament was, that the people of Upper Canada should choose a constitution for themselves; but it was very properly suggested, that they were then too few and too unskilled in such matters to be able rightly to estimate what was best for their advantage; and finally, it was agreed, that nothing could exceed, as a boon, the offer of the British model. How to form a House of Peers was

the difficulty; and honest Charles Fox could not help laughing, when he thought of the brood of nobility which was to be hatched in the wilderness. His opinion was, that the Upper House should be elective, as are the senates of America; but Mr. Pitt had it settled, that the nomination of legislative councillors should be in the crown, while the propriety of *breeding* nobility might rest as a matter of discretion in the same power.

The fact is, that all comparison between the British Constitution and that of this Province, is absurd; or, at best, it is a comparison analogous to what may be made between a man and a lump of clay, having two legs and a head: your lump of clay being, in some respects, the preferable commodity; for, if it should be found to stand more erect upon one leg than two, the spare leg may be cut off without danger or bloodshed.

What comparison is there between a king, or prince, living at home in the midst of his people—born there, and to die there:—what comparison is there between a person who *can do no wrong*, and who has no object in life but the pure enjoyment of seeing himself elevated by the virtues of his people—a person who is responsible for no act of government, but whose ministers are most strictly watched, and must answer with their heads for executive crime,—a person whose very conscience is in the keeping of another:—what comparison is there between this pure and exalted personage, and a provincial governor?—a man appointed through court intrigue, and who goes abroad for the express purpose of bettering his fortune; here to-day and gone to-morrow; certainly without local experience or knowledge; probably without talents, and most probably without principle; placed in the very threshold of temptation, and surrounded with sycophants; yes, with sycophants, who at his slightest nod will debase themselves and enslave their country; yes, were an ass, a real corporeal ass, sent out to govern a province, I do believe he would find worshippers; and it would be

called libel to publish the most notorious truth, that his ears were long. What did I say was the opinion of Mr. Burke? Burke! the luminary of his age, and whose oracular truths still rise and brighten from the tomb. Was it his opinion that we in Canada should see nothing to envy in the United States? And must we shut our eyes to the splendour of Clinton and Monroe? Must we throw aside *their* speeches, charged with the balmy and invigorating light of truth and civilization, breathing patriotism, and blazing with eloquence, to bedim our eyes with staring on the blank and heart-sickening records of provincial weakness? O God! comparisons are odious.

All things must be judged of in connexion with circumstances. The British constitution is to be admired as a happy compromise for the general good between great contending parties, which through many ages had struggled in violent opposition: the King, the Nobles, the Priests, and the People. When we read the history of the world, and trace the fate of nations, callous indeed must be the heart which swells not with gratitude, when the revolution of 1688 bursts upon view;—when we behold, for the first time, monarchical power rendered innocuous, the pride of aristocracy humbled, priestly arrogance laid low, and the people free. Well indeed may the British nation triumph in having first established such a compromise: justly are they entitled to boast of the glorious revolution; and, cautious ought they to be, at home, in venturing on further change.

Here in Canada, the case is altogether different: here restraints are few, and the jeopardy of change is comparatively nothing: here no tyrant ever swayed a sceptre: here no feudal lord ever looked down contemptuous on humble serf: here no priest has yet bent the human mind beneath superstitious fear: here the people want but discretion and firmness to establish the happiest freedom for themselves and posterity: here indeed they had it in virgin purity, but it is already gone; yes, even already have the people's own representatives

deflowered the darling image, and bartered it away! A British subject in Upper Canada no longer treads beneath the protecting privilege of *habeas corpus*, nor dare the people choose a commission to carry home a petition to the Throne!!

The degradation of this colony does not originate in the frame of its constitution. In the democratic branch of their constitution, the Canadian people are favoured beyond the lot of their fellow subjects at home. These have but a shadow of representation in parliament, those a reality. In Canada, the purse-strings are truly in the hands of the people: in England they are held by a wretched knot of Borough-mongers; but two causes have operated in Canada to render of no avail the omnipotent power of the people—simplicity and ignorance on one side, and the enormous patronage possessed by the executive on the other. Thus circumstanced, Upper Canada had better to the present day have never had an Assembly. No mere Governor and Council would have had the effrontery to issue edicts so disgraceful to civilized times, as are many of the acts of the Provincial Parliament.

Gentlemen, I saw into the horrible state of your public affairs at an early period: I saw many of the causes which held this Province in poverty, and have been steady to my purpose of effecting a change. At first I had no view whatever to any change in the frame of your government: I thought only of correcting abuses in its internal management; but hesitate not to say, now my experience is enlarged, that it would be well if change, in every respect, was accomplished. My eye was, at an early period, caught with the monstrous influence in the hands of the executive; greater than is to be found in any other colony, and infinitely greater than any thing of the kind at home. I saw that the Governor had not only the disposal of every civil office, of every civil and military commission, but of land to boundless extent: I knew this influence had been misapplied, and witnessed the lamentable effects: I saw public duty neglected, and the whole face of the country pining with disease: I saw nature every

where struggling with misrule; and beheld with sorrow civilization itself on the decline.

The constitutional statute exhibits no cause for the existence of these evils; nor was any apprehended by the virtuous members of the British Parliament when this was under consideration. To give to Canada the British Constitution, —the glorious British Constitution, seemed all in all; and "here it is," exclaimed the generous spirit of Simcoe, to the first Canadian Assembly: "here it is, *the very image and transcript.*" General Simcoe was, I believe, a truly single-hearted man, and had but one view, that of peopling the country. He lined out great roads, and began to open them by actual settlement along the tracts: he issued proclamations, inviting settlers to come in: he offered whole townships on liberal terms to enterprising men; and enterprising men were instantly at hand with axes and ox chains, ploughs and harrows, to fulfil his design. But what then? Why, the landed oligarchy of England conceived that "the nation of farmers" was likely to prosper too well in the heart of America, that they were likely to produce such abundance of grain as to cheapen that article in the home market, that their own tenants, in that case, would find it hard to pay their rents; and hearing perhaps how well their brother farmers in Canada got on, might take a longing to emigrate, and so more and more reduce the land rents of England. Such consequences were appalling to little selfish minds; and the landlords of England took the alarm. They had not sufficiently studied the doctrine of Lord Sheffield when the Canadian Bill was digested; but they had abundant interest in the cabinet, and could yet so order matters as to mar all the fine effects of the boasted constitution. Simcoe must be recalled: his plan of road making must be given up: his offer of townships must be quashed: no more encouragement must be held out to enterprising men: only lots of two hundred acres must be allowed to poor settlers, and these men must be kept down in poverty, by blocking them up and holding them apart with

large grants to non-residents, half-pay officers, and the like. Then it will be easy to form a Legislative Council which shall be altogether subservient, and a majority of the people's representatives being constantly held in check by donations of land, places, or pensions, the beauty of the constitution can quickly be transformed, its bulwarks levelled to the ground, and the prosperity of the province completely blasted.

Gentlemen, I sincerely believe that such influences have been in operation, and such trains laid, to produce the effects so visible in every quarter of Upper Canada. Up to the present time they have completely shut you out from the substantial benefits of the constitution, and from having wealthy emigrants from home; nor will such ever be induced to come into the province, while things rest as they are. Those who emigrate from England will, in preference, go to the States; but thousands would start from home for Canada, were things as they should be, who will not, at all, move to reside under an alien government.

The scheme which I set on foot by my first Address, was the best possible for making this country known to the farmers of England. That Address was sent home by me, altogether without suspicion, to be presented to Lord Bathurst, and published in the newspapers. So early as February 28, 1818, it was stated in the Montreal Herald, that "from recent intelligence, Mr. Gourlay's plan will not be countenanced by his Majesty's ministers, although it would, in our opinion, be difficult to assign just motives for such conduct." As soon as this article appeared, I began to guess at the *motives*. His Majesty's ministers did not, I was convinced, choose that farmers, with capital, should be withdrawn from home; and besides, I believe, there is a jealousy, that if an independent and enterprising class of men should get into Canada, the province would be less easily kept in subjection to the mother country. Now, I am assured, that the selfish dread of ministers, as it concerns the emigration of

wealthy farmers, would never go to such extent as to lower the land rents of England, although it would mightily assist Canada in a variety of ways; and I am still more assured that Canada would be longer retained in connexion with Britain by a liberal than narrow-minded policy.

Gentlemen, should health permit, I shall resume this subject. I wish, for my own credit, to throw upon it the greatest possible light; but nothing can be expected of consequence to the welfare of this country, till the people bestir themselves; and urge on their representatives to serious exertion. This Parliament will do as well as another, if pressed from all sides to the great measure of inquiry, and to submit the whole affairs of the province to the inspection and review of the Parliament at home.

ROBERT GOURLAY.

NIAGARA SPECTATOR, July 1, 1819.

To the Editor of the Niagara Spectator.

SIR,

In your paper of the 27th ultimo, I find an Address from Mr. Robert Gourlay to the Resident Landowners of Upper Canada, dated Niagara Jail, 20th May, 1819, and as a resident landowner, I wish to offer some observations in reply.

In doing so, I do not address myself to Mr. Robert Gourlay. I know him not personally, and I mean nothing personal to him. I grieve for his present situation, and would rejoice could I alleviate it. Placed at a distance from the immediate facts which have led to his confinement, I have lamented it, because, on such information as I have, it appears to me that the common course of the laws was abundantly sufficient for the public good, and that the extreme resort, therefore, to which recourse has been had against him, was equally harsh and injudicious; but with all these

undisguised sentiments of regret on public grounds, and of unfeigned commiseration for the personal sufferings of the individual, I most unequivocally assent to the lawful power legally and essentially vested in the united branches of the Government for establishing such a resort (wofully liable as it is, from the universal guilt of our nature, to abuse) whenever requisite. I assert, that without such a resort, no well-constituted society could exist; and regarding Mr. Gourlay as in the hands of the laws, and as secure in their progress of as fair a result as the general experience of human nature in any state would warrant him to expect, I commit him to them; as, in such circumstances, I would myself wish to be committed.

But it appears essential to me, that the false and pernicious impressions which I think his Address calculated to excite, should be controverted. Into his motives I desire not to penetrate: to them, in what I propose saying, I have no allusion. I know, for the history of human nature supplies the proof, and I myself have most mournfully witnessed it, how egregiously the conscience of man can deceive itself. I know, for the disgusting fact has been forced upon my knowledge, that a self-applauding idea of rectitude may exist, even where, with all the bitterness of malice and ungoverned passion, the most dear and sacred duties and affections are sacrificed and spurned. I know that this question, as it relates to Mr. Gourlay, is one between God and his own soul; and that all human interpretation of it, must be at the risk of that censoriousness and arrogance under which our nature is so willing to screen its own wrathful tempers, and the direct tendency of which is (except in extreme cases) to scatter bitterness and discord.

The diffuse style (according to my judgment) of Mr. Gourlay's compositions, as far as I have witnessed them, comprising a straggling meaning under a mass of declamatory words, renders it difficult to meet him at all points with effect. This course must be abandoned; in which case

some of his matter may appear unanswered, or, a similar progress must be followed, and a similar indistinctness may probably be the result. This is an evil more or less experienced in every argument; and I subject myself, no doubt, to a share of the same defect. I offer this remark, to account for the degree in which I may fail. I shall, however, proceed with the same freedom which he uses, with an intention, which I profess to be as honest and disinterested as he asserts his to be; with a direct denial of the remotest degree of any thing like personality, and, I trust, in more temperate language (and as far as may be judged by language, with more temperate dispositions), to offer to my brethren, the resident landowners of Upper Canada, the free opinions of another of their members.

Mr. Gourlay tells us, we are at this moment slaves! I abhor the idea, probably as much as he does. I have an arm and a heart to resist tyranny as deliberately, as actively, as firmly, and as constantly, probably, as he. I am not willing to suppose myself a sycophant more than he; and I do not believe a selfish or private interest would warp me more from the strictest path of duty than it would him; but I can perceive no grounds for such an assertion, except tempers, which probably deceive themselves, as much as their tendency is to exasperate and betray others.

He thinks we are slaves, because he is in prison, or at least that this is an evidence of our slavery. I think not (though I lament his being in prison), because he is there in the regular and legal (though extraordinary) course of the laws; and because he *must* thence be relieved in the due course of law, unless lawful cause, on open inquiry, prevent it. To the inconvenience which he at present suffers, every member of society, in extreme cases, must be liable. This is one of the penalties which we must pay, in return for the security and conveniences of society; and that security and those conveniences, are well worth every such liability which they may require. In every well-regulated state, I

repeat, a final constitutional resort must be established, (and, I believe, no happier resort could be established, than that which exists in our Government) for the extraordinary demands of the public welfare; and to call the constitutional exercise of this indispensable prerogative, despotism, is to belie language, and to breathe sedition *.

In one sense, all rulers are servants of the state: it is the light in which they ought to regard themselves: it is the light in which the voice of familiar affection ought to address them. But the tongue of insolence betrays itself, when in the vein of its abuse, it presumes to call those so whom God has placed over it. That unhappy tongue requires to learn that its rulers are those to whom God expressly commands it to use deference, respect, and obedience:—that they are those, to whom the sword has been committed, both for protection and correction; and that such language, turned towards an upright, enlightened, and pious Governor, though it may breed confusion, or obscure for a time the truth, is but infamy and evil to him who uses it.

Mr. Gourlay goes on to say, (oh, it is a disgusting contrast!) "*How is it that Americans are free, and Canadians slaves?*" And is this a voice to be sounded in Canadian ears? I wish not to do the Americans wrong: in the little scale of human nature they are a great and a growing people. In many things I admire them; and in the people of Canada many things may be found to condemn; but compare their state with our's, (except in its wealth and power) and Canadians may well blush at the comparison. Would he make us subjects of that Government, which has so recently

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* One reason for exhibiting this letter is, that I think it a curiosity. It is a singular example, not only of weak reasoning, but how far such reasoning can go in hood-winking, confusing, and misleading the weak mind from which it emanates. Let the reader think of this before he goes further, or reads my reply.

sanctioned the murder of two of our fellow-citizens? Would he make us the soldiers of a Jackson; a military despot, whose hairs are whitening for the grave, but whose eye exults in blood? Would he introduce us into a state of society, abhorrent to those manners, on which many of the proprieties and decencies of social life depend? Would he have us blinded by the odious comparison which has ranked Monroe and Clinton above the pure and elevated mind with which the gracious providence of God has blessed us?—a mind grieved, no doubt, by insult; harassed, perhaps, by clamour; but still pursuing an active and beneficent course of policy, and controlling, with dignity and composure, the factious tendency of such writings as those to which I now reply. If these be his views, he acts consistently;—his means are in some measure adapted to their end; but this I will not suppose; and I mourn over the delusion, which thus hurries an active and apparently dauntless, and professedly honest mind, into declamations, as unsound and as pernicious as the spirit of anarchy and discord, abusing and falsifying the truth on which they rest, (but deriving a dangerous colouring from that truth, though falsified) can, with such materials, and such talents, make them.

A British subject, in Upper Canada, Mr. Gourlay says, no longer treads firm beneath the protecting privilege of *habeas corpus!* What does he mean? Did he not apply for and obtain a writ of *habeas corpus?* Was he not taken to York, and, upon lawful inquiry and decision, remanded to prison, to take his trial at the first subsequent court of competent authority? And, if so, what more does he want? Would he have the term gifted with some charm, by which a person accused, in the eye of the law, may evade the regular course of law, and erect himself into a licentious member, of scattering, without controul, around him, the ebullitions of intemperance, abuse, and confusion? If so, an assembly of delegates, exulting over the ruins of the constitution, might

suit him; but we, at present, are mercifully preserved from such.

The people, he says, dare not choose a commission to carry home a petition to the foot of the throne: that is, they cannot choose it in his way and in his words. But otherwise, why dare they not do so? I know of no impediment! On the contrary, the very Act which put down *Conventions*, (that most dreadful and dangerous implement of anarchy—an act which must be hailed by every lover of order, as a new bulwark to our liberties and happiness) that very act unequivocally asserts the undoubted right of free petition. There is no impediment to our acting, in this respect, as we please, as long as our conduct is consistent with the public safety and happiness; and whoever, beyond this sacred boundary, would advocate, or encourage, any pretence to such a right, can be but an enemy to those solemn interests which he may suppose it is his wish to advance.

As one of those landowners, whom Mr. Gourlay addresses, I thus publicly declare, that I see no ground for any such commission or petition. I know that abuses and evils exist every where, and that it is lunacy, not wisdom, which expects to escape them. I know that the existing evils of a state cannot be rectified at once, and that it is anarchy, not order, which calls for the knife, instead of the balm, to remove them. I know that a beneficent spirit of improvement exists, for I witness its operations; and, I am persuaded that this system has been as little produced, or aided by the light, which, in some respects, Mr. Gourlay's proceedings have thrown on those evils, as it has been impeded by the insulting, anarchical, and delusive nature of his publications. Under these convictions, with respect to the evils which do exist, I am silent: their correction is in the hands of the organized and lawful authorities of the state. If the voice of the people speak not loud enough, through their present representatives, the period is fast approaching, when,

by a new choice, they may speak more openly. Meanwhile, casting my eyes over the world, and viewing the states which I have seen, I hesitate not to declare that I know of no people, who, in every temporal concern, have such abundant causes for gratitude, and such lively sources of hope, as the inhabitants of Upper Canada; and that to this, no effort, no view, no voice, no change, no improvement whatever, is necessary, beyond the established resorts of the existing Constitution of the Province in subordination to the parent state. The disinterested and cultivated mind which presides over us, is a guarantee beyond all general experience and hope; and I can think of no other dispensation of Providence, in the common course of things, by which our happiness, and all our wise and lawful desires could so well have been consulted, as by the invaluable gift to us, of such a mind.

In one point of his information, I can positively correct Mr. Gourlay. He says, the offer of townships is quashed, and no more encouragement held out to enterprising men. Though totally devoid of interest with Government, and unknown to public life on this side of the world, when I was in London, a little more than two years ago, I was credibly informed, that I could have obtained a township, had it been in my power to have brought out an adequate number of settlers. I have every reason to believe that this power still exists in the Secretary of State's office. Priest M'Donald, of Glengary, was my authority. Mr. Gourlay adds, only two hundred acres must be allowed to poor settlers. If he means by this, that poor men, who have not means, perhaps, to improve fifty acres, cannot obtain more than two hundred, every candid mind must allow the Government credit for its wisdom, instead of reviling its folly; but, if he mean that settlers cannot, in this Province, obtain more than two hundred acres, he errs; for a power exists, and is in operation in the local Government, for granting to the amount of twelve hundred acres, according to the means

of cultivation; and the gift to that amount is only restrained, either by the want of those means, or by other lawful and reasonable disabilities.

But admit all this stir of discontent and reviling, shall we forget that there are such things as candour, patriotism, and loyalty? or shall we be blinded to believe that they exist in the power of convening lawless assemblies, and of turning liberty into licentiousness?

Mr. Gourlay seems to wish on this subject, above all things, to constitute a commission to carry a petition from this province to the foot of the throne. Does he forget that majesty commonly acts through ministers; and that he has been reviling those ministers? imputing to them (whether truly or unjustly) principles of selfishness and baseness, which is by no means calculated to propitiate their good-will? And could his wish be effected, what, couched in such language as we have seen him almost invariably using, would be the result;—what but the indignant rejection which an importunate and insulting intrusion would merit? And then, whither in consequence would he lead us? to brood with shame and contrition over our rash and discontented efforts? Or to plunge into the ocean of such a patriotism, as his writings seem to advocate; and on a treacherous and destructive principle of political justice, to set all early associations of gratitude and tenderness and genuine truth at defiance, and revive the principle which created ruin in France, and sent the myriads of her madmen over Europe.

But no: patriotism is a widely different principle. Its law is founded upon gratitude and disinterested affection; not upon the proud and disorganizing principle of licentious independence! Its fruit is liberty, not anarchy: its guide is law, not passion: the Holy Scriptures are its ground-work and its rule; and it thence learns the beauteous and humble and constant spirit of faithful but of dauntless loyalty; a principle which remembers and watches over, and is hum-

bled under a sense of its own evils : a principle which knows and acknowledges the abundant evils of the happiest state on earth, and is not blinded by the lunatic presumption of escaping them through intemperate and insulting measures; a principle which ardently desires improvement, and to which happiness is as dear as to any other, but which blending the meekness with the steadiness of wisdom, pursues them in a lawful, peaceful, and persevering course, without discontent and without bitterness; a principle, which flowing from the same source as its sister principle of Christian love, suffers long, and is kind, and can be extinguished only by such an established and ruinous system of falsehood, guilt, and tyranny, as seldom indeed exists; such as led to the revolution under the second James, but such as bears no more relation to our present condition than the railings of a demagogue to the sweet and balmy voice of Hope, and Truth, and Peace.

If in these lines Mr. Gourlay, or any other man, should find aught to offend him, I again distinctly and solemnly declare, that every such idea is abhorrent to my feelings. I write as a fellow-subject, kindly; as a member of a free state, openly; as a lover of order, most seriously; as a subscriber to the press, on those generalizing principles which disclaim every thing personal; and profess to have no object in view but the public good. On these grounds, I am ever ready to meet him, or any other man; and from these grounds I am aware of no power which could force me, but that personal violence and insult which would compel me, in self-preservation, and in a lawful manner, to confute and resist the malice or falsehood which might madly struggle to brand me.

C. STUART.

Near Amherstburgh,
Western District, U. C. 10th June, 1819.

NIAGARA SPECTATOR, July 8, 1819.

TO THE EDITOR OF THE NIAGARA SPECTATOR.

Niagara Jail, July 5, 1819.

SIR,

I have read in your last newspaper the letter signed C. STUART; and thinking that an exposure of its delusions and errors may tend to confirm and fortify the public mind, shall now bestow upon it part of my idle time.

This Mr. Stuart, I have been told, was in the East India service, and has of late been studying divinity. He was in the lower part of the province when the Lieutenant-Governor first arrived; and, I conceive, at that time he might be making interest for a church living: but in these matters Mr. Stuart can correct me, if mistaken or misinformed.

Last summer he wrote a letter on the subject of addressing the Prince Regent, for the consideration of the Convention. It was very well written; and impressed me with an opinion that he was a man of amiable dispositions. We could make no use of Mr. Stuart's assistance for improving the published Address to the Prince Regent, as our plans had, by that time, been changed, on account of my prosecution, and the violent opposition set on foot by petted members of Assembly: but I moved a vote of thanks to Mr. Stuart, for the kindly good will he had shewn to the cause of INQUIRY.

Mr. Stuart says, "I do not address myself to Mr. Robert Gourlay." This, as a declaration of the fact, was totally unnecessary, for the letter is unequivocally and substantially addressed to you: but this declaration served to introduce another, viz. that Mr. S. was "not acquainted with me, personally," which was not essential to his "meaning nothing personal." It occurs that he was induced to make the two first declarations, lest Sir P. Maitland (the grand object of his adoration) should suspect, from seeing in the printed

transactions of the Convention, that I had moved him thanks, that we were personally intimate, a circumstance which might tend to injure his views of favour. No doubt there was some reason; and if Mr. Stuart can otherwise explain why he threw in a declaration, of itself altogether useless, he may do so. It is a case which justifies a surmise as to motives, which should never be questioned without good cause. Mr. S. "desires not to penetrate into my motives;" but I challenge the whole world to give even so much evidence of my motives being mean, as the above, which leads me to suspect those of Mr. Stuart. My motives have often been so clearly stated, and as so chaste and great, that no honest mind can pretend ignorance of them for an instant.

Mr. Stuart makes many liberal professions, but as constantly renders them of no avail. He three or four times protests against personality, and as often slides into reflections and expressions as obviously directed against me, as if he had made the charge direct. This is much worse than any kind of personality. Summon me to trial by name, and let *facts* be the ground work. If any thing about my person, or connected with my history and writings, can substantiate these facts, let all be told out. Set me up at once, and eye me all over. If I am accused of theft or murder, look me hard in the face to see if my countenance betokens guilt. Or search my pockets for stolen goods and the bloody knife; but be not so rude as to take the slightest liberty till there is some fact to proceed upon, or palpable ground of suspicion.

In the midst of Mr. Stuart's palaver (he will excuse me for throwing myself within a circumflex, as he so often does to apologize for a vulgar word) he admits that my conduct must be tried between "God and his (my) own conscience;" yet he surrounds the question with such hideous pictures, that it is clearly his intention that these should seem reflected from my image, so that men may think that my "conscience egregiously deceives me"—that with "an applauding idea

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of rectitude," I am choke full of "malice and ungoverned passion:" that I "sacrifice and spurn the most dear and sacred duties and affections." Then again, "all human interpretations of it must be at the risk of that censoriousness and arrogance, under which our nature is so willing to screen its own wrathful tempers, and scatter bitterness and discord."

Pray, what did Mr. S. undertake? Was it not to offer some observations in reply to my Address of 20th May? Then what is all this preaching *at me* for? The matter of my address warrants no such preamble; and when we come to Mr. Stuart's actual charges and criticism, we find them altogether pithless and absurd. One would think that he raises a mighty smoke to frighten me, before coming to the real attack, conscious of his own weakness: but, Mr. Editor, your readers are pretty well assured that mere powder will not put me to the rout: so let us advance to the charge.

Mr. Stuart first disputes my assertion, that "we are this moment slaves:" and he thinks my imprisonment no proof of it; because I am in prison by regular course of law. I won't be driven in this way from my position. There is no person whatever in this province who may not be imprisoned as I have been, whenever two or three persons choose to sacrifice truth and decency to malice and party spleen; and it is quite correct to call people *slaves* who are subject to such treatment, whether in the course of law or not. The Inquisition in Spain has the authority of law, but the people subject to it may well be called slaves: nay, the slavery of the poor negros in the West Indies, and Southern States of America is countenanced by law. The shameful consideration attending my imprisonment is, that it is notoriously false and illegal; for the law never was intended to be applied as it now has been. In my case the law has been most scandalously abused; and this, in due time, I trust to be able to shew, to the smart of those who have imprisoned

me. So much being said, look back to Mr. Stuart's second paragraph. There, he first commiserates my situation, and then pleads for the law as one without which "no well constituted society could exist." *This law*, like to which there is nothing to be compared in any other country! so being satisfied that all is well, he coolly *commits me;* "as in such circumstances he would wish to be committed"!!

My opinion has all along been made up, that the atrocity of the proceedings against me, would in the abstract justify any degree of violent opposition; and so strong was the feeling among the country people, that I was called upon by several, from various quarters, soon after my confinement, who told me that if I inclined, the prison should be pulled down to let me out. I said in reply, that I should shake hands with those who entertained such generous sentiments; but on no account would wish to see them acted upon. I resigned myself to a most cruel fate, in defence of my own honour, and with a hope that my case would be the best proof of the necessity of what had so constantly been urged by me, viz. of *inquiry into the state of the province;* and all the language I have used, has been to keep the people steady to that object. I have called them *slaves*, not to affront them, but to urge them to the recovery of their freedom; and not merely for their own sakes, but that the province may not continue to be scandalized with laws and measures which must withhold from it respectable settlers.

Mr. Stuart is disgusted with my question, "*how is it that Americans are free and Canadians slaves?*" and asks if this is a voice to be sounded in Canadian ears? To be sure it is. Canadian ears should ring with it constantly, till the disgusting truth is removed by the people here being made as free as Americans;—not restrained as to holding meetings, and not subject to arbitrary imprisonment. Mr. Stuart seems to think Canadians not yet ripe for freedom. I think their loyalty so firmly fixed, that they may safely enjoy the utmost measure of liberty. I think nothing can shake their

loyalty, if not grossly insulted and abused by the ministers of government.

Mr. Stuart asks if I would make the people here soldiers of a Jackson—a military despot: but he will see from the same paper which contains his letter, that before it was perused by me, I had declared myself as strongly as he had against Jackson's conduct; and I have steadily done so ever since that unhappy affair was heard of, both here and in the States.

The question as to being "introduced into a state of society abhorrent to those manners on which many of the proprieties and decencies of social life depend," must be further explained by Mr. S. before an answer can be given, for, at present, it is incomprehensible.

As to ranking Monroe and Clinton above "the pure and elevated mind with which the gracious providence of God has blessed us;" I did nothing of the kind. I compared the speeches which we read in the newspapers of Monroe and Clinton, with those of provincial governors; and it is but too notorious how infinitely superior the former are to the latter. I drew the comparison, to rouse our Governors to think of the difference, and to make better speeches, both for their own credit, and that of the people they govern. I have since compared the conduct of Sir Peregrine Maitland and General Jackson in the same way, without having any view to contrast, or expose the individuals, but to shew how a departure from *first principles*, which should never be lost sight of, leads to error and to evil.

If Mr. Stuart would make believe that Providence has more to do in the appointment of our Governors than those of the United States, he sports an idea which deserves the most severe reprobation. If there is a scene upon earth on which the eye of Providence beams with peculiar love and approbation, it must be that where a free people are assembled together for the purpose of raising to honour him whose individual merit has won their regard and confidence.

If, again, there is a scene wherein the devil makes himself particularly busy, I should think it lay within the purlieus of a court when every selfish and filthy desire could be instigated to the utmost, in making interest for the appointment of a provincial governor.

Mr. Stuart would raise our ideas of Sir P. Maitland's individual excellencies. He speaks of him as "the pure and elevated mind." Pray, upon what does he rest this extravagant compliment to a mere man? I myself entertained hope of Sir P. Maitland being of a noble and generous disposition, when I first heard of his being one of Wellington's generals; and when I understood he was son-in-law to the Duke of Richmond, I most unhappily conceived that this duke was the great man who once stood at the head of reform in England. Under this impression, I recommended the Convention to place confidence in Sir P. Maitland, which led to all our misfortunes. About three weeks afterwards it was reported, that the present Duke of Richmond was not the man we had taken him to be; but it was nearly two months before I was assured of this, and knew all the truth. I heard that this duke had never signalized himself as a lover of freedom:—that he was very poor; and thence needed a provincial Government to improve his fortune;—that Sir Peregrine Maitland had run away with the Duke's daughter in France, and thus got himself *elevated;* that the Duke of Wellington had interceded for him with his father-in-law, so as to reconcile him to the clandestine marriage, and thus Sir Peregrine was made *pure.* Let Mr. Stuart contradict these facts if he can, and then establish our confidence in "the pure and elevated mind" upon proofs, not upon fulsome compliments. When Sir Peregrine Maitland passed through Kingston, I was abiding my trial at the assizes there, and addressed a respectful note to him. I again wrote him from New York, in the fullest confidence that after two honourable acquittals from charges of sedition, that he would then consider me pure, and, at least, worthy of a civil reply.

I had not returned to Upper Canada three days when the Gazette announced the existence of sedition, and blasted the purest hopes of good. At no moment could passion have so operated upon me, yet I resisted passion, and followed the resolute and calm course of my duty. Both at Kingston and onward to York, while I was pressing the people to protest against the existence of sedition, I uniformly advised them to look to the Lieutenant-Governor only as an ill-advised man, and still to treat him with respect. I spoke publicly to many thousands, and not one can say they heard a disrespectful word flow from my mouth towards the Lieutenant-Governor. At York I found he had wilfully offended against constitutional right—against "enlightened manners, and the beneficent influence of religion." I found that he was worshipped as an idol, and from that moment considered it my duty to lessen such mischievous adoration.

No one but Mr. Stuart has explicitly avowed the principle on which adoration should be paid to Sir P. Maitland. He sets him up as a person especially placed over us by God. He speaks of our Rulers as those "to whom God expressly commands the tongue to use deference, respect, and obedience." Now, I do most earnestly intreat attention to this subject, for it is one upon which the clearest light should be thrown: it is a subject which should be thoroughly understood by every well wisher to good government.

God, no doubt, directs every event; but I deny that Rulers have more his favour than the least creature in existence. As long as Rulers virtuously discharge their duties to those whom they rule over, they deserve deference, respect, and obedience; but no longer. It was for many ages insisted on by the kings of the earth, that they reigned over the people by a *divine right*, and under this plea the world was subjected to the grossest tyrannies. Soon after the Bible became known to the people, by the art of printing, they read in it that the first king was granted to the Israelites on their own request, proceeding from their own filthy lusts, which tempted them to prefer a king, as a ruler, instead of

God himself, who had hitherto directed their affairs, through the medium of judges; and who now granted their request, that therein they might be punished, ordering a protest, however, to be first made to them, against their folly and wickedness, in desiring a king. (1 *Samuel, Chap.* iii.)

The world groaned for thousands of years under the reign of kings, who pretended, in direct contradiction of truth, that they had the peculiar countenance of God, and were appointed for a blessing, not for a curse, as the Scripture most explicitly declares. The truth at last being known, the British nation first prevailed over this wicked assumption, and they drove the Stuart family from the throne, because of their continuing to act upon a right, which they, in their pride and bigotry, would still insist was derived from God. At the glorious Revolution many of the people of Britain thought they could do without a king; but as many others were prejudiced in favour of having one, they agreed to elect a foreigner, viz. King William; but they so bound him down, as to possess no arbitrary power. They gave him the right of declaring war, but they kept the purse in their own hands, without which, the King could not procure a sword, either to destroy his own subjects or others. Further, that he might, at all events, be blameless, they declared that he could do no wrong; and that his servants were to be liable to punishment for every error committed in his name. By this contrivance it is, that we can render to the king the most constant and perfect love: but as we respect him, it is our duty to be watchful over his servants; and by the custom of England, the people do take greater liberties in censuring the conduct of the king's ministers than they do, or would be allowed to do, towards other men. A laxity of this practice in provinces has been one cause how Governors have become so very licentious and overbearing; and it is only filthy idolatry which would check an exercise so constitutional and necessary. As to myself, I declare before God, that I have never wantonly made light of Sir Peregrine

Maitland. I have done so on the strict principle of duty, and for the sole purpose of lessening the abominable idolatry which is observed towards him, and which bereaves men of all sense of propriety, shame, feeling, and honour. I do it at an expense of comfort to myself; for politeness and courtesy are, for their own sakes, truly dear to me.

When Mr. Stuart would blind us (see page ccxxxiii) * * * * Jesus Christ was under the law, and the lawyers laid snares to inveigle him within its penalties; but though he would not deny the right of Cæsar, they could take no hold of his language towards the Governor of Cæsar's province. After there was "no fault found in him," Herod only "mocked him, and set him at nought;" Herod! who afterwards was struck dead on his throne while the people extolled him as a God! (*Acts, chapter* 12.)

When Paul preached at Ephesus, no doubt he made free in putting to scorn the image of Diana, which the people worshipped instead of the God of Truth. The people seem to have been willing to hear him; but the craftsmen who profited by upholding the image, drowned his voice with incessant clamour, and by hallooing out "Great is Diana of the Ephesians! great is Diana of the Ephesians!"

Mr. Stuart does not know what I mean by saying that "a British subject no longer treads firm beneath the protecting privilege of *habeas corpus*." O! Idolatry! Idolatry! to what wilful blindness canst thou reduce mankind!

He knows of no impediment to prevent the people from choosing a commission to carry home a petition to the foot of the throne. Let him give us the plan, and we shall be satisfied. Would it do to assume the beautiful, the orderly, and peaceable mode which I shall ever boast of having organized, merely changing the word *Convention* into *Congress*, and *Friends to Inquiry* into *Holy Alliance?* So soon as his plan is shewn to be safe and efficient, I shall propose the recall of Sir Peregrine Maitland as the subject of our first petition.

Mr. Stuart rants against conventions this summer, though last summer he aided the convention; and though he then gave a sketch for improving the petition to the Prince Regent, he now says, "I thus publicly declare that I see no ground for any such Commission or Petition!" What! Sir Peregrine, have you really made him sure of a Church, or granted him a well situated Reserve?

The only other controverted point, concerns my having said that Simcoe's "offer of Townships was quashed;" Mr. Stuart says "on this point I can positively correct Mr. Gourlay." Now there is here such unblushing ignorance and presumption as passes all comprehension. In many parts of the Province there are people now alive who came as settlers upon Simcoe's offer of Townships, but who had to put up with 1200 acres in lieu thereof, upon the offer being quashed. These people, to this day, complain of the breach of faith, and others who came well prepared to take advantage of the offer, returned to the States in disgust. Mr. Stuart says, "I could have obtained a township, had it been in my power to have brought out an adequate number of settlers. I have every reason to believe this power still exists in the Secretary of State's office." He means, no doubt, that the power of granting townships exists in the Secretary of State's office; and I am quite willing to think so, on the authority of Priest M'Donald. What I want is to see the power taken out of these offices at London and York; to have it placed in proper hands, and the land under proper regulations disposed of for the national advantage, after the whole colonial policy has been fully discussed by the Prince and Imperial Parliament.

Did any body ever know of a Township being granted on fair business principles; or is any body so weak as to believe that if the ministry would hold out liberal terms at home for the settlement of Canada, that there are not capitalists in England who would come out here and engage for whole Townships? Pray, why should British farmers be now purchas-

ing large tracts in the States, and be proceeding even so far inland as the Illinois territory, with large bodies of people and abundant capital, if their own government would deal liberally with them? Seventeen months ago, I offered, if government would give me the management of the public lands of Upper Canada for 30 years, that I would maintain, during that time, two regiments for his Majesty, repair, and keep in repair, all the forts, and for the last twenty years of the term, pay an annual rent to Britain of a hundred thousand pounds sterling. This offer I published, to attract notice to the value of Canada, and, bating an adequate sum for the mischief done by Sir Peregrine Maitland, I should really still engage with it. This was called "my GREAT OFFER," and was reported all over the States and Britain. I shall now gratify Mr. Stuart with an exhibition of a *little* offer, which I actually made as an emigrating British farmer soon after my arrival in the Province (see letter to Sir John Sherbroke and reply, page 557, vol. 2d.)

Observe here the miserable decrepid system of proceeding laid down in this letter of Col. Myers. What farmer of capital would engage with separate lots of 100 acres, or be dependent for an increase of bounds to the caprice of inspecting officers "from time to time?" After this, I petitioned at York, to know what quantity of land I should have, in the event of my actually coming to settle in Canada. The answer was, that "a location would be made, in proportion to the opinion then formed, of my means to become a useful settler." All this is childish in the extreme, or worse than childish; it shows a determination to avoid all liberal and regular commercial proceeding.

The fact is simply this, the Executive neither wishes to encourage farmers to come from home with capital, nor to see enterprising men in this Province. They wish to see it settled with poor ignorant people, who may quietly submit to be domineered over by the arbitrary will of governors, priests, and legislative councillors. Nor will the resident landowners of Upper Canada ever break up the illiberal, narrow-

minded and base system, which has so long held down the value of their property, till they get the whole subject of Canadian policy fairly and openly brought before the Imperial parliament. How often, good God, how often should I have to repeat this truth, and press this measure, so constitutional, so safe, and effective? Is it not the truest loyalty to put confidence in the Prince and Parliament at home?

Mr. Stuart asks, if I forget that Majesty commonly acts through its ministers; and seems to think it odd, that I should revile those ministers who will thence indignantly reject us. To be sure the *ministers* will: but my proposal, all along, has been to get beyond the ministers; to get into the royal presence, and on the floor of the British parliament to prove that the blame and reviling was just and necessary. The ministers are great landholders in England, who have a direct selfish interest against that of the landholders of Canada; but the Prince has no such interest against this country. He would glory, and have increased glory, in seeing it flourish. In the British parliament too there are some noble independent spirits, men who would have sense to see that the prosperity of Canada is not incompatible with that of the parent state; that the selfishness of English landlords ought not to stand in the way of national good; and by their manly and liberal discussions, they would interest the great mass of the people in their favour. Reviling of ministers is a constitutional right of Englishmen. It is a practice which all parties at home allow to be essentially necessary to keep down the tyrannical disposition which all men in power are prone to, and to keep alive the watchfulness of the people. The late Mr. Pitt was, I believe, in private life, a most amiable man, and nobody would have spoken harshly of him in that capacity; but as a minister he was reviled, grossly reviled, by as amiable men as ever stepped. This kind of reviling does not proceed in wrath from the heart, but from the understanding, as a constitutional duty.

Mr. S. proceeds to lecture on patriotism, and says many

things which would *sound* well from a pulpit; but he forgets that neither the words *patriotism* nor *loyalty* are to be found in the sacred Scriptures, (at least so far as I can remember) and that at present he has thrust himself forward into political controversy.

His doctrine is passive obedience; and towards God, I shall be as meek as himself. In politics I hold myself as having to do with men; and to guard against their tyrannical dispositions, consider it to be my sacred duty, continually to watch and resist, if required. The Scriptures inculcate charity, and tell us that it "thinketh no evil;" but the Scriptures also tell us, to "be wise as serpents, and innocent as doves." This expression clearly indicates that mere innocence is not enough, at least, here on earth. We must not be uncharitable or suspicious; but neither must we forget that we are here surrounded with evil. To angels in heaven, at least now that the devil is driven out of it, I think no caution would be necessary to be as wise as serpents. Mr. Stuart works up his definition of patriotism, to suit his doctrine of passive obedience, and gives it for a ground-work, the Holy Scriptures, wherein it has neither root nor branch. The Holy Scriptures inculcate universal benevolence, which is at variance with patriotism. Patriotism was a feeling as strong before the Christian era as since; perhaps stronger: for I know not if any event in modern times, has given proof of it equal to the conduct of the Spartans, who died for their country, at Thermopylæ; but the drift of Mr. Stuart, is to cement patriotism with loyalty, through the medium of the Scriptures, and he thus deludes himself more and more: I say, himself, for I cannot think his wretched sophistry will impose upon any reflecting mind. Patriotism has always been strongest in republics. The Romans gave strong proofs of patriotism before they became subject to the emperors. After that, their patriotism dwindled down into loyalty and passive obedience.

True British loyalty is far above passive obedience. It is founded upon reason, and is not "*humbled under a sense of its own evils,*" as Mr. Stuart would have the principle of loyalty to be. To God it is humble; but not to man. British loyalty entertains unfeigned love to the King; but it does not regard the King only. It regards the whole body and soul of the constitution; and it acts most firmly when it best understands the spirit of the constitution. The second James was so bigoted that he could not comprehend this spirit. He would dictate, in defiance of Parliament, from an idea that he had a divine right to the throne, and that his subjects owed him passive obedience; but his subjects taught him a lesson which kings should never forget. They taught him that they could drive him from the throne, and place in it another, who should be passively obedient to reason and the laws.

Mr. C. Stuart resembles, so strongly, the second James, that I cannot help thinking him a lineal descendant.

It is truly worthy of remark, as characteristic of human weakness, how this man, while he is preaching up what he thinks Christian doctrine, is evidently frying with passions to which the spirit of Christianity is most expressly opposed. I ask the readers of the Spectator to study his letter over and over again. They will more and more perceive, that while he is bowing to, and flattering Sir P. Maitland, his soul is bursting with wrath and uncharitableness towards me and my opinions. I say, bursting, because the passion seems to be beyond his controul. He makes shew of the cup of charity. He says, that he grieves for my situation, and commiserates my sufferings: he pretends not to penetrate into my motives: he protests against personality; while unkindness, cold-hearted indifference, and accusations most pointed, accusations distorted with misrepresentation, and blackened with the tints of a distempered imagination, burst forth at every pore. I hope he will yet be conscious of the evil spirit which moves within him; and, in the mean time, bid

him take back, in his concluding words, " the malice and falsehood which madly struggles to brand me."

ROBERT GOURLAY.

N. B. On looking over my papers, I have found copies of two notes, addressed to Sir Peregrine Maitland, and the Duke of Richmond, on their first arrival in the Province, which may not be altogether unworthy of notice, to shew how very little suspicious I was, at that time, of being regarded as a seditious person.

To Sir P. Maitland, *&c. &c. &c.*

Kingston, Aug. 10th, 1818.

Sir,

Laying, as I do at present, under a charge of libelling the Government of this country, it would be unbecoming in me, at present, to present myself before your Excellency; and, at any rate, it is little my disposition to be obtruding.

As, however, circumstances have brought my name into notoriety, in connexion with the political concerns of the province, I beg leave to say, that should your Excellency have any desire to have an interview with me at a future period, I shall be happy to have that honour, and shall be most willing to reply to any question which, after more than a year's research in the province, you may suppose me capable of answering to satisfaction.

Most anxiously desiring the welfare of Upper Canada, and that a liberal policy may yet bind it more and more close to the parent state, I shall sincerely rejoice if these great objects can be effected, under the auspices of your Excellency. And, with all due respect, I am, Sir,

Your Excellency's most obedient Servant,

ROBERT GOURLAY.

TO HIS GRACE THE DUKE OF RICHMOND, *&c. &c. &c.*

Cornwall, September 2d, 1818.

Mr. Gourlay passing through Cornwall, has heard that his Excellency, the Governor in Chief, is to be here to-day: Mr. G. embraces the opportunity of offering his sincere congratulations, on the arrival in Upper Canada, of a personage who has before him the finest field in the world, of improving human happiness, and extending in *reality* the bounds of the British empire.

Mr. G. takes the liberty of presenting the Duke of Richmond with four pamphlets, connected with the present political state of the province, which his Grace may, on his journey, perhaps, have time to peruse.

NOTE.—Four days after the above was published, I was shut up a close prisoner, and not allowed to communicate with the press. My friends, even magistrates, and counsel, were for some time denied access to me, and, till the 20th August, when called up for trial, I was not allowed to step across the threshold of my cell. I was tried, and honourably acquitted, at Kingston, on the 15th August, five days after the date of the above letter to Sir Peregrine Maitland. I was tried, and honourably acquitted, at Brockville, on the 30th August; and two days afterwards wrote the above to the Duke of Richmond, on my way to New York, where I was to determine, by letters waiting me there from England, whether I could remain longer in America. My letters encouraged me to remain, and I addressed the following,

TO SIR PEREGRINE MAITLAND, K. C. B., &c. &c.

New York, September 18, 1818.

SIR,

You would receive from me, on your way through Kingston, a note, intimating, that, laying, as I then did, under a criminal charge, I could not with propriety present myself before your Excellency. From that charge I was acquitted, as well as from another of the same kind, at the Johnstown Assizes.

My detention in Canada, in consequence of these prosecutions, had deranged all my plans, and I had to hurry off to this place to receive

letters which had long lain for me; to have the latest intelligence from my friends at home; and to quiet their anxieties, by communicating the issue of the unpleasant occurrences, which had broken the chain of correspondence, and delayed my return to England.

Having set at rest these private concerns, I return forthwith to Canada, to support the public measures which I have there advised; and I hope that your Excellency will, in many things, see good reason to countenance a full and fair inquiry on the subject: should this be the case, nothing would give me greater pleasure than to renew the Statistical inquiries which I began nearly a year ago; and with liberal patronage from your Excellency, such a work might, I trust, be made generally useful. In completing it I should require no information which ought to be concealed; and all that has come, or may come, to me from the people of the province, should be open to your perusal. No one ever started a project with better intentions, or had to change his plan with greater chagrin.

As to the political controversy which has taken place, I have no wish here to influence your Excellency in my favour. It is difficult to contend with abominations without being defiled. Recent publications in the newspapers must have met your eye; and they are the most loathsome. That your Excellency may have opportunity to trace matters from the beginning, I shall take the liberty of ordering a collection of extracts from the Niagara Spectator, to be forwarded to your Excellency.

Should the general impressions made upon your mind, generate suspicions that I am unworthy of confidence, the mere acknowledgment of the receipt of this letter, by one addressed to me, at Queenston, will be sufficient. If otherwise, and you should incline to have a conference on the subject, I shall willingly proceed to York, and wait upon your Excellency. I am, with due respect,

Your Excellency's obedient Servant.

ROBERT GOURLAY.

I arrived at Kingston, from the United States, on the 17th October, and on the 20th, the Upper Canada Gazette of the 15th reached that place, containing the Lieutenant-Governor's speech at the opening of Parliament, on the 12th of October, with the replies, from which extracts have been given above, page ccccvii.

Here then is the summing up: after two honourable acquittals, and after addressing myself to the Governor and Lieutenant-Governor, in the fullest confidence of at least being civilly treated, my conduct called forth "indignation" in the opening speech: I was designated "a factious individual" by the Assembly; and finally, without the slightest proof of guilt, imprisoned and banished!!!

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