

THE COBOURG CONSPIRACY

IT is difficult for readers of the present to obtain a really vivid impression of the atmosphere of turbulence, bitterness, and apprehension which prevailed in many parts of Upper Canada in 1837, '38, and '39. Some true idea of the extremely agitated state of the public mind can be obtained only perhaps by studying a number of local communities, and it is with a view to illustrating that fact that the following story is presented. The episode, while it is not of great importance in itself, illustrates attitudes and conditions which were without doubt widespread throughout the province.

There is no better illustration of the rapid degeneration of the Patriot movement than that provided by the activities of Benjamin Lett and William Johnston. Whatever justification might be alleged for "invasions" from the United States, there could be none for the predatory raids upon steamships, churches, and other public or private property which was attacked by gangs under Lett's and Johnston's leadership.¹ Johnston's most outrageous act was the attack upon the steamship *Sir Robert Peel*, which was burned about 2 a.m. on May 30, 1838, off Wells island, the largest of the Thousand island group.² Johnston was the typical buccaneer, who was quite obviously restless under the leadership of others, and his notorious record indicates a shrewd and capable desperado, who long defied both British and American forces as he maintained a sort of feudal sovereignty at Fort Wallace³ and

¹Unless, of course, the end justifies the means. An Ogdensburg Patriot, in writing for William Lyon Mackenzie a description of the attack on the *Sir Robert Peel*, sums up the Patriot aim: "Money is the god of the merchants and they fear a war—But it must come. And if it does the British must bid farewell to Canada—Good times may yet be in store for the Patriots" (MS. letter of A. B. Hill, June 3, 1838, in portfolio of letters, *Lindsey papers*, University of Toronto Library, in trust). Yet the same correspondent refers to the burning of the *Peel* as an "outrage", blaming it upon "an armed band of British refugees and robbers"; though the Brockville *Statesman* published a list of ten American citizens and nine Canadians who had participated in the attack (reprinted in the Cobourg *Star*, June 27, 1838).

²Several narratives of the event may be found in the contemporary press, while there is also Hill's letter in the *Lindsey papers* (see n. 1). Hill's account, which contains much not found elsewhere, was printed in part in *Mackenzie's gazette*.

³Fort Wallace was Johnston's favourite fastness and was located on an island at the head of Wells island. Not to be outdone by Sir George Arthur, Lord Durham, and Governor Marcy of New York state, all of whom issued proclamations after the burning of the *Sir Robert Peel*, Johnston issued one "to all whom it may concern". Admitting the attack on the *Peel*, he advertised the continuance of his warfare against the British crown until the independence of the Canadas was achieved. He announced that he had studied the latest treaties and maps relative to the boundary line among the Thousand

struck terror into the settlements along the Canadian shore of the upper St. Lawrence.⁴

Ben Lett was different from Johnston in that his Patriot activities were usually clothed in secrecy; Lett also participated in at least two organized Patriot raids upon Upper Canadian territory and was in both cases commended by his leader for gallantry.⁵ There has grown up about him, however, a thick mist of rumour and legend, and activities in which he had no part have been attributed to him. The most notable of these errors is probably that which blames him for the blowing up of Brock's monument at Queenston Heights on Good Friday, April 17, 1840;⁶ and while a relative⁷ has stated that he was among the invaders at Windmill point, Prescott, and a member of Johnston's gang which destroyed the *Sir Robert Peel*, it is almost certain that he was not present on either occasion.⁸ On the other hand, there is little doubt that he killed Captain Edgeworth Ussher in front of his home in Chippawa,⁹ and that, among lesser depredations, he participated in the Cobourg conspiracy of July, 1839.

islands, and knew very well what he was about. His proclamation, dated June 10, 1838, appeared in the *Albany Argus*, from which it was reprinted in the *New York Albion* of June 16. It may be seen also in T. W. H. Leavitt, *History of Leeds and Grenville, Ontario, from 1710 to 1870* (Brockville, 1879), 45. Johnston was a Canadian citizen, born about 1780. He took part in the War of 1812 as a spy in the American service, performing many bold exploits in the St. Lawrence region. On one occasion he escaped from the Canadian shore by paddling thirty-six miles across Lake Ontario to Sackett's Harbor in a bark canoe.

⁴"On last Monday this notorious Brigand made his appearance with four armed men in one of his gigs, in the River about 10 or 12 miles above this place. . . . Some sensation was created in town on Thursday night by a report which was brought in of his being at Oak Point (7 miles from this) with a strong party of armed men" ("Bill Johnston again", *Brockville Statesman*, reprinted in the *Cobourg Star*, June 27, 1838).

⁵At Navy island and at Fighting island, where he ranked as a lieutenant. See D. McLeod, *A brief review of the settlement of Upper Canada . . .* (Cleveland, 1841), 216. Lett was born in Ireland in 1814. Five years later his parents emigrated to Canada, and in 1833 the family removed from the vicinity of Montreal to Darlington township, Upper Canada. When the rebellion broke out he was living on lot 27 of the 7th concession. He does not appear to have been at Montgomery's tavern, but numerous stories are told of his introduction into the Patriot movement, of his escapes from custody, and singular matter much of which is contradictory and seems to have little or no foundation in fact. See in this connection J. E. Farewell, "Early days in Ontario county" (*Toronto Star*, July 5, 1913); J. B. Fairbairn, *History and reminiscences of Bowmanville* (Bowmanville, 1906), 3-5; and John Squair, *The townships of Darlington and Clarke, including Bowmanville and Newcastle* (Toronto, 1927), 163-6.

⁶"It is beyond doubt that John H. DeWitt . . . and a man named Wheeler were the parties by whom Brock's Monument was blown up" (*Niagara Chronicle*, quoted in the *Christian guardian*, April 24, 1844).

⁷See letter of E. J. Pierce, Detroit, July 1, 1890, to R. B. Ross, in Ross, "The Patriot war" (*Michigan Pioneer and Historical Society*, XXI, 607-8).

⁸His name does not occur in the list in D. D. Heustis, *A narrative of the adventures and sufferings of Captain Daniel D. Heustis* (Boston, 1847), 62-6; nor in the list of participants in the attack on the *Sir Robert Peel*, n. 1 *supra*.

⁹It is recorded on Ussher's tombstone in Chippawa that he was "cruelly assassinated" on November 16, 1838, "at the early age of 34 years". Lett is said to have admitted that he had received a money consideration for the deed (see T. R. Preston, *Three years' residence in Canada from 1837 to 1839* (London, 1840), I, 176-7).

Cobourg, which this year celebrates its centenary as a town,¹⁰ was noted as one of the most progressive of Upper Canadian settlements in the eighteen-thirties. Many men of capital and influence had settled in the vicinity, and their public spirit and enterprise led to the construction of a harbour¹¹ in 1831-2, as well as the projection of a railway to Peterborough¹² at the same time, and its ultimate completion in 1854—two years before the Grand Trunk Railway had been pushed through to Toronto. The rear townships of the Newcastle district, meanwhile, were being settled by the Hon. Peter Robinson's Irish emigration of 1825,¹³ colonies of thrifty and enterprising immigrants from Cumberland, Wiltshire, and other parts of England, Ireland, and Scotland, and a group of cultured colonists of the half-pay officer class among whom may be mentioned the Stricklands, Moodies, Traills, Stewarts, Reids, Rubidges, and Langtons, and Thomas Need, founder of Bobcaygeon. These families not only contributed greatly to the development of the district,¹⁴ but most of them wrote¹⁵ extensively concerning their experiences, and made the

¹⁰The movement for incorporation was under way late in 1836, but was delayed by opposition from Amherst. Early in 1837 the bill of incorporation was making progress in both houses of the legislature, and became law in the early spring. The first election under the new status was held in the town on June 5, and Ebenezer Perry became president of the board of police; the new regulations and by-laws went into effect July 1, and are printed in the *Cobourg Star* of July 12. The Rev. Anson Green outlines the development of the settlement from "a small village of some 100 inhabitants . . . two small stores, several mechanics, and plenty of taverns" (1824), to an enterprising settlement which, he rightly observed, owed its progress in some measure to the Upper Canada Academy. He wrote on January 13, 1837, that "the census of Cobourg has just been taken, showing a population of 1653 souls" (A. Green, *The life and times of the Rev. Anson Green, D.D.* (Toronto, 1877), 49 and 216).

¹¹An account of the construction of Cobourg harbour, 1831-2, may be found in the author's "Old times in Cobourg and district" (*Cobourg Sentinel-star*, Jan. 30, 1936).

¹²A chapter in the author's *Early life in Upper Canada* (Toronto, 1933), 573-85, gives an account of the history of the Cobourg and Peterborough Railway; while a description of the excursion to Peterborough and the banquet there in honour of the inauguration of the line, December 29, 1854, may be found in his "Cobourg" (*Sentinel-star*, Dec. 31, 1930). Copies of both series on the history of Cobourg may be found in the Toronto Public Library.

¹³This conducted emigration of 2,024 people was paid for entirely by the governments concerned, and the immigrants were given land, log huts, and provisions for a year and a half. A smaller Irish settlement in Cavan township in 1817 was slightly aided in the matter of transportation expenses, but all others appear to have financed their own emigration, in some instances, as in the case of the group from Cumberland who settled in remote Smith township in 1818, even advancing £10 each for their land.

¹⁴The commencement of work upon the Trent canal was in no small measure due to their settlement along the lakes and rivers of the system. Sir John Colborne made a tour of inspection of the region in 1834, and he named "Rokeby" the village which was developing around Thomas Need's settlement, but it was shortly called Bob Cajwin (Bobcaygeon) after the rapids at that point. See *Six years in the bush: or extracts from the journal of a settler in Upper Canada* (London, 1838), 99.

¹⁵It is unnecessary to name the well-known works of Samuel Strickland and his sisters, Catherine Traill and Susanna Moodie. Need's lesser known but equally valuable *Six years in the bush* (published anonymously) has already been mentioned in n. 14.

"back-lakes" region well known both in the United Kingdom and the United States.

There was, consequently, a distinctly loyalist background in Cobourg and its vicinity at the time of the Rebellion of 1837, and when William Lyon Mackenzie was scheduled to speak at the Amherst court house,¹⁶ a short distance from Cobourg, during the winter of 1836, a large number of men proceeded from Peterborough and its vicinity to prevent the meeting from being held. The incident shows the temper of the times. To effect their purpose secretly, they held a ball at "government house",¹⁷ and in the early hours of the morning set off in sleighs for Cobourg, thirty-five miles distant. When they arrived there, they found that the Tories of the locality had already seized the building and locked the doors, while Mackenzie and the Reformers were vainly attempting to enter and threatening violence if further refused. The Peterborough sleighs lined up in front of the doors, and as it was useless to attempt to pass them, the Reformers commenced an open-air meeting. The Tories continually interrupted it with derisive shouts and stationed a bugler near by to play "the rogue's march and other tunes supposed to be appropriate to the occasion". Finally Mackenzie was threatened with violence if he did not desist, and not only was the meeting abandoned but Mackenzie had to secrete himself until he could make a safe retreat from the district.¹⁸

The Reformers were not, however, either few in numbers or weak in influence, though, as in Upper Canada generally, they were largely excluded from public office and other positions of John Langton's letters have been edited by W. A. Langton (*Early days in Upper Canada* (Toronto, 1926)); while Frances Stewart's letters have appeared in two editions (*Our forest home*, ed. by E. S. Dunlop, Toronto, 1889, and Montreal, 1902). Valuable letters concerning the experiences of early settlement appear in Basil Hall, *Travels in America in 1827 and 1828* (3 vols., Edinburgh, 1829), and, though anonymous, the writer considers them to be undoubtedly by Thomas Stewart and Charles Rubidge. Stewart's is given in I, 307-23; while one certainly by Captain Rubidge is in I, 325-39, and another, which from the contents appears to be Rubidge's also, follows from 340 to 346. The letters were written at the request of Captain Hall, who visited the settlements concerned.

¹⁶The first settlement, by the Burnhams and others, was at Amherst before the close of the eighteenth century. It is located about a mile and a half north-west of Cobourg, which commenced to the southward a few years later and was called Hamilton, after the township, and then Cobourg in 1819, in honour of the marriage of Charlotte Augusta, daughter of George IV, to Prince Leopold of Saxe-Coburg-Saalfeld. A frame court house was erected at Amherst in 1806, and the large stone structure which replaced it in 1831-2 was subsequently used as the county house of refuge until its destruction by fire on December 22, 1934.

¹⁷A large log structure, so called because it was the headquarters of the Hon. Peter Robinson during the settlement of the Irish immigration.

¹⁸T. W. Poole, *A sketch of the early settlement and subsequent progress of the town of Peterborough, and of each township in the county of Peterborough* (Peterborough, 1867), 29-30.

prominence. Certain townships, notably Haldimand and Cramahe to the east of Cobourg, have always been predominantly Liberal in politics, and a clergyman wrote to Egerton Ryerson in 1837 that in these townships there were "twenty rebels to one sincere loyalist".¹⁹ The Reformers of the district supported one of the most radical of Upper Canadian weekly newspapers, the *Cobourg Reformer*,²⁰ and Samuel Hart, who figures prominently in the story that is to follow, produced an ephemeral sheet, *The Weevil*, with radical tendencies. But no one from the locality was at Montgomery's tavern; and though a few people were arrested,²¹ and others subsequently became refugees²² in the United States, in general the Reformers were either not Radicals or felt constrained to change their allegiance—outwardly at least—upon the crushing of the revolt. Among the ten to twelve thousand militiamen who rushed to Bond Head's support in the first week of December, 1837, the Newcastle district contingent drew forth particular reference from Sir Francis, who stated in a despatch that "from the Newcastle District alone, 2600 men, with nothing but the clothes in which they stood, marched in the depth of winter towards the capital, although nearly 100 miles from their homes".²³ Among them were, of course, many Reformers, and the *Cobourg Star*,²⁴ which would have been the first to impute disloyalty to Reformers

¹⁹E. Ryerson, *The story of my life* (Toronto, 1883), 176: Anson Green to Egerton Ryerson, Nov. 16, 1837.

²⁰Established in June, 1832, by James Radcliffe, and ceased publication in 1837.

²¹A list of those arrested in Upper Canada and placed in confinement on a charge of insurrection or treason, between December 5, 1837, and November 1, 1838, was enclosed in a despatch of Sir George Arthur to Lord Glenelg, December 31, 1838. The list contains only twelve names for the entire Newcastle district (the present counties of Victoria, Peterborough, Northumberland, and Durham), and all of them were discharged, although in some instances they were detained in jail for several weeks. See *Imperial blue books on affairs relating to Canada*, XI, 1839. The list is reprinted, with a number of errors, in Charles Lindsey, *The life and times of William Lyon Mackenzie* (Toronto, 1862), appendix 1, vol. II, 373-400.

²²The refugees are more difficult to trace. Hart was apparently but one of a considerable number who are referred to generally in the *Cobourg Star*, July 3 and 10, 1839.

²³*Imperial blue books on affairs relating to Canada*, IX: Head to Glenelg, Dec. 19, 1837. Some 1750 marched to Toronto, entering the city on Sunday, December 10. But in addition to these a detachment of the Durham cavalry had entered Toronto on the seventh, nearly a thousand men from Peterborough and the east had reached Port Hope when halted by the lieutenant-governor's order, and other detachments were on duty at Colborne and at the Trent river; so that, including still others continually coming in from the rear townships, there must have been nearly four thousand men who answered Bond Head's frantic call to the militia.

²⁴The *Cobourg star and Newcastle general advertiser* was established by R. D. Chatterton in January, 1831, the first number appearing on January 11, just two weeks after the inauguration of the Hallowell (Pictou) *Free press*, which was the first newspaper between Kingston and York. The first sixteen years' files of the *Cobourg Star* are in the Toronto Public Library. As will be apparent from the quotations herewith given from the *Star*, it ranks with the *Toronto Patriot* in high-Tory partisanship. The *Toronto Mirror* described the *Star* as a "vile Tory journal" (July 26, 1839).

if there had been any grounds, was quick to emphasize their co-operation in support of the government. "We are proud and gratified to say", wrote the editor, "that all the leading reformers in the town of Cobourg have to a man denounced the present measures of Mackenzie, and are to a man actively aiding the arrangements to oppose him . . .".²⁵ "Cobourg proved loyal beyond expectation", wrote Mrs. Traill. "Much fear had been entertained of the disloyalty of this town, but to their honour be it recorded that they proved faithful on trial."²⁶

Such is the stage upon which was enacted a remarkable but little-known²⁷ Patriot raid in the summer of 1839. Cobourg was by no means exempt from the repression which followed the crushing of Mackenzie's rising, and there was persecution and petty tyranny which apparently drove some from their homes.²⁸ When the contents of Lord Durham's *Report on the affairs of British North America* became generally known, however, the Reformers, who had had perforce to restrain somewhat their public utterances, eagerly welcomed their new champion and seized the opportunity to hold "Durham meetings" to further the interests of reform.²⁹ The Tory papers, on the other hand, were quick to label all such gatherings as "treasonable", and their members as "rebels", "Yankees", and "republicans".³⁰ Two of these meetings were in the background of the conspiracy which developed in the vicinity of Cobourg in the last days of July, 1839, and in which Ben Lett was believed to have taken a prominent part.

On July 1 a Durham meeting was held in the township of Haldimand, probably at Grafton, seven miles east of Cobourg.

²⁵Cobourg *Star*, Dec. 6, 1837.

²⁶C. P. Traill, *The backwoods of Canada* (London, 1836, ed. of 1929, Toronto), 327. The material concerning the rebellion was, of course, not in the original edition.

²⁷The conspiracy is not referred to in any of the histories of the rebellion, and the author has been able to find mention of it in only one contemporary book—T. R. Preston's *Three years' residence in Canada from 1837 to 1839* (London, 1840) I, 177-8. Preston also states that Sir George Arthur was aimed at with a rifle as he passed near Cobourg in October, 1838, and was saved only when it missed fire (*ibid.*, I, 179).

²⁸The late Andrew Hlewson of Cobourg told the writer that a Reformer residing to the east of the town was packed in a china crate with the intention of shipping him to the United States; but instead they threw him into the harbour and he narrowly escaped drowning.

²⁹Numerous accounts of such meetings may be found in the press of the day. At Davis's temperance hotel, Yonge street, the "Responsible Government party" met on October 15. But "Mr. Sheriff Jarvis armed his murderous faction", and, "aided by Mr. Mayor Powell with his Aldermen and Police" and all "the low, drunken carters, &c., each armed with pistols and bludgeons", drove the Reformers from the spot. They tried to continue their meeting a hundred yards away but were followed, and every man "who had not a purple ribband in his bosom" was "beat, stabbed and maltreated" (Toronto *Mirror*, Oct. 18, 1839).

³⁰Cobourg *Star*, July 3 and 10, 1839.

Some three hundred Reformers were present, and the meeting was orderly, with no interference on the part of either Tories or magistrates, two of the latter being on hand to see that the law was respected. It is probable that those who participated in this meeting were as public-spirited men as might have been found in any assemblage of the opposite political persuasion, but the *Cobourg Star* labelled them "Canadian Chartists, . . . a contemptible collection of chiefly liberated traitors, notorious rebels, and men without either character, property or education".³¹

A week later a similar meeting was held in Cobourg, "the Durhamites", says the *Star*, having "determined on insulting the Conservative town of Cobourg". A considerable part of the assemblage appears to have come in from Haldimand by waggon, flying two flags, one of which was inscribed "Lord Durham and Reform". A rough hustings having been constructed in front of the town hall, "a crew of the most ill-favoured, Yankee-visaged democrats" mounted the platform and commenced the meeting. But a group of "old countrymen, principally Irish", found "this audacious display of insolence and rebellion" too much for them, and, armed with shillelaghs, demanded the surrender of the Durham flag. One of "the Jack Cades" on the platform drew a pistol, but the flag was given up after a tussle, and "instantly torn into a thousand shreds and trampled on with contempt". A volley of stones quickly put the "Durhamites" to flight, one being carried off wounded, and others hiding in cellars, in the woods, or among the rushes of the lake-shore. After this typical old-time "bloody battle", the town was "pretty quiet" for a time, though among other "minor demonstrations of loyal energy" one man was given a ride on a rail and forced to give three cheers for the queen. One of the Reformers' waggons was closely pursued until the driver fired a pistol into the mob, whereupon his "good-humoured & sober" assailants, somewhat taken aback, were perforce content to let him escape, though not without wishing most audibly that they could have killed him. The *Cobourg Star* trusted that the warning implied in the day's proceedings would be heeded, and that no more people would be "inoculated by the pernicious virus of his Lordship's Report, for REBELLION MUST NOT BE ALLOWED TO SHOW ITSELF UNRESISTED FOR A SINGLE MOMENT".³²

Among the results of this affair—which was described by the

³¹*Ibid.*

³²*Ibid.*, July 10.

Toronto *Examiner* as a peaceful meeting "disturbed by a band of Orange ruffians", who "at the instigation of the Family Compact" committed "a most bloody outrage"³³—was the cancellation of the regular Orange parade in Cobourg. This was stated to be as a mark of appreciation of the Roman Catholics who joined in breaking up the Durham meeting,³⁴ though it was probably suggested by fear of retaliation on the part of the Reformers. But a plot was being hatched which, rightly or wrongly, was quickly connected with Durham meetings in general and the Cobourg riot in particular.

Samuel P. Hart, "the son of an old soldier"³⁵ in the British Army", and for many years a resident of Cobourg and Belleville, where he had been a printer, had fled to the United States during the rebellion, and resided for a time at Lewiston.³⁶ It appears that his printing-office in Belleville had been destroyed by loyalists, and in joining the Patriot organization he hoped to obtain both revenge and compensation for his losses. John Montgomery's tavern in Rochester³⁷ had become a Patriot rendezvous almost as well-known as his former hotel near Toronto, and there, about the middle of July, Hart had a talk with Henry J. Moon, another Patriot. Upon being asked if he "wished to go into a money-making business", Moon replied in the affirmative and was let in on the scheme, which was to get a schooner, put two pieces of cannon in it, and "go skulking".³⁸ Hart then proceeded to Oswego

³³So quoted in the *Star* of July 17. The original is not available. The *Toronto Mirror* observed that "the late scene at Cobourg shews the true spirit of Tory ruffianism", and stated that a large Durham meeting was held at Christopher C. Bullock's in Murray township, but the handbills advertising it were torn down and "many prevented from attending by the violent and unconstitutional conduct of the Tories at Cobourg". A lengthy account is given of the fifteen resolutions adopted by the meeting (*Mirror*, July 26, 1839). On August 2 the *Mirror* quotes the *Hamilton Journal* as commenting that the "ruffianly conduct" of Cobourg Orangemen shows that they are "resolved that public opinion shall not be expressed in a legal and constitutional manner".

³⁴*Cobourg Star*, July 10, 1839.

³⁵A fire at the home of George Hart is recorded in the *Cobourg Star* of Jan. 25, 1831. The house, which was of "dry cedar logs", was entirely destroyed, but a subscription among the villagers was expected to reach £150, the full amount of the loss. The name of George Hart as a contributor to the Newcastle district Emigrant Relief Society appears in the *Cobourg Star* of August 1, 1832; while a letter protesting against "strolling vagrants, alias Actors", was written jointly by Samuel P. Hart, John Beatty, and James A. Gilchrist, and appears in the *Star* of April 2, 1834.

³⁶The *Lewiston Telegraph* was a leading journal in support of the Patriot movement, and it is likely that Hart was proprietor and editor. A letter in the *Lindsey papers* states that "Mr. Hart is in my debt for the Telegraph Office" (Thomas P. Scovell, Lewiston, March 19, 1839, to William Lyon Mackenzie at Rochester).

³⁷John Montgomery had been sentenced to death, but while awaiting transportation to Van Diemen's land he and eleven others escaped from Fort Henry, Kingston, and reached the United States.

³⁸The source of the writer's narrative of the raid is based upon the depositions, evidence, and judicial comment at the subsequent trial of the conspirators, as reported

to arrange for a boat, while Moon went to Cobourg, presumably to further the plan there. Hart promised to write to him in care of Montgomery, but a message came to Moon while he was still in Cobourg, asking him to look Hart up in Rochester or Oswego.

Meanwhile, the arrangements for the enterprise were being completed by Hart. On Friday, July 26, he had a long talk with Captain Terry of the schooner *Guernsey*,³⁹ of Genesee, and later in the day nine more men came aboard, including Ben Lett. Most of the others were American Patriots or Hunters, among them being Peter Wilkins, "a most villainous-looking fellow", and William Baker, "a scoundrel who upon his own statement was concerned in the robbery of Mr. Taylor⁴⁰ on the Niagara frontier". There was also Edward Kennedy,⁴¹ "altogether a handsome-looking man", and Henry Wilson, described generally with the others as "strong, powerful-looking men".⁴²

In the early hours of Saturday the *Guernsey* set sail from Oswego with another schooner on which was a party "under command of one Anderson, who is gone on a similar expedition to the Niagara frontier".⁴³ The crew thought the head of the lake was the destination of the *Guernsey*, but her direction was shortly changed towards Cobourg, where the captain said passengers were to be landed. There was but little wind at the start of the voyage, and by daylight she was only four or five miles from port; but a good breeze rose during Saturday and the lake was crossed. Among the baggage was a trunkful of weapons, and the conspirators spent considerable time in practice with pistols and bowie knives, fitting on their military belts with evident satisfaction. The sailors also observed bundles of matches and bottles of turpentine, and by overhearing chance bits of conversation were able to gather that Cobourg was to be burned after the bank had been robbed and two or three individuals plundered or murdered. Sheppard McCormick,⁴⁴ who the conspirators thought was still

in the Cobourg *Star*, Sept. 18 and 25, 1839, together with comment in the same paper on these and other dates. Henry J. Moon was a resident of Ameliasburgh township prior to 1836, when he removed to Cobourg.

³⁹Mr. C. H. J. Snider, well-known authority on lake-shipping, informs the writer that the *Guernsey* is not listed in any of the available registers. There were, of course, many hundreds of schooners trading on Lake Ontario at that time.

⁴⁰See Cobourg *Star*, July 31, 1839 and Sept. 18, 1839.

⁴¹If this is the correct name of the man, he may have been the companion of Samuel Lount in the attempted escape across Lake Erie after the battle at Montgomery's tavern. He was later among those who escaped from Fort Henry with John Montgomery.

⁴²The difficulty of tracing other Patriot activities of these men is complicated by the uncertainty of their correct names.

⁴³This is quite probable, as there were many Patriot raids upon the district.

⁴⁴Lieutenant McCormick was severely wounded during the cutting-out of the *Carleton*. He was given a pension of £100 a year, which was continued to his widow.

customs' house official in the town, was to be murdered for his part in cutting-out the *Caroline*, the supply boat of the Navy island Patriots, in December, 1837. Hart was described as doing most of the talking and as apparently the leader of the party, one mariner hearing him say that "he had lost his house and property and had been driven from home, and that he was determined to have satisfaction".

It was after midnight when the *Guernsey* lay to off the north shore of the lake and landed six men from a small boat. They were Hart, Lett, Kennedy, Wilkins, Wilson, and Baker, and the party was put ashore near the Evans farm, some five miles east of Cobourg. The other four men were apparently not concerned in the enterprise, for they disembarked at Whitby the following night. The Cobourg conspirators wore belts loaded with arms when they landed, and a sailor observed them hiding other weapons on the shore. They then proceeded to the farm of Joseph Ash, about two miles east of the town, which was to be their rendezvous; and during Sunday Henry Moon rode to the "blue house", on Ash's invitation, to a meeting. Upon arrival he was taken to a neighbouring dwelling, occupied by Ash's son, Joseph, jr., to which they were admitted by the secret Patriot rap on the door. Wilkins, Baker, and Hart were there, and in conversation with them Moon learned that they planned to rob Maurice Jaynes, "a wealthy farmer" some two and a half miles to the north, after which they intended to plunder the private bank operated by "Squire" Henry opposite St. Peter's church, Cobourg.⁴⁵

A few minutes later Ben Lett came downstairs, telling Moon by way of introducing himself that he had already "cost the Province about £6000"; and he made Moon acquainted with Wilkins in similar fashion by describing him as a captain at the battle of Prescott, "and for whose head the government would give a great deal".⁴⁶ Lett strutted about in his belt, which contained "four pistols and a bowie knife", and the conversation turned upon the method of escape after their objects had been

A letter written apparently by a Cobourg participant, possibly Robert Armour, credits McCormick with splitting the skull of at least one Patriot, which may have been the reason for their antagonism towards him. It would seem, by the way, that Amos Durfee was not the only man who died on that occasion. The letter appears in the *Cobourg Star* of Jan. 3, 1838, and is signed "A Volunteer belonging to the Boats".

⁴⁵Robert Henry's bank was in the eastern end of the present Minaker home, at the south-east corner of Church and King streets.

⁴⁶This is mere braggadocio. No such name is found in Heustis's list (see n. 8, *supra*); nor is it likely that anyone except N. Williams escaped after the battle. His interesting narrative appeared in the Fort Ontario *Aurora*, from which it was reprinted in the *Toronto Mirror*, Feb. 8, 1839.

accomplished. Moon suggested that they "take to the bush", but this met with an angry response, for the rest desired a quick return to the United States. One Downer had a schooner in Cobourg harbour at the time, and it was the intention to seize his boat, Hart observing that certain persons would aid in this respect. There was some argument as to the most effective method of using the schooner, but the majority thought that the crew should not be put ashore at once, but sent in later by small boat.

There were many suggestions as to the best means of robbing Jaynes. Hart stated he had learned where his money was hidden by going there to get some notes changed, and that Jaynes "kept his money in a pail, in a churn, in the inner room, and that it could be easily got at". It was decided to commit the robbery in the evening so that an escape could be effected during the night. After leaving the Jaynes farm it was intended to rid Cobourg in particular, and Upper Canada in general, of two prominent members of the Boulton family, strong supporters of the "Family Compact". The Hon. George S. and D'Arcy Boulton⁴⁷ were not only objectionable to the conspirators as political enemies of the people, but Moon at least had some personal antipathies arising out of property. The dogs of the Boultons, it appeared later, had been poisoned to facilitate entry to their homes. Robert Henry's bank, it was anticipated, could hardly be plundered without breaking open the door and, if need be, "taking the old man's life", for he always kept the keys about his person. Lett and Hart made themselves busy in the kitchen at the hot work of "running bullets by the stove", while Moon rode to Cobourg, wearing Lett's coat and hat as a partial disguise. Walter Woolcott was apparently being counted upon to provide a waggon for some part of the enterprise, and his inability to do so until Monday night, together with a request by Moon to delay the affair twenty-four hours, led to a postponement on his return from Cobourg, when Foster Sprague, a sailor, was also present, with the apparent intention of joining the conspiracy.

Moon, however, had already made up his mind to inform the authorities. As he walked to Cobourg with Sprague (he had lent his horse to Kennedy) they talked the matter over, and apparently his intention was clearly enough expressed. "I am not going to

⁴⁷The Hon. George S. Boulton was a member of the legislative council. D'Arcy Boulton was prominent in breaking up the Cobourg Durham meeting, but was an outstanding Upper Canadian counsel and as such was subsequently retained by the very men who plotted against him. He was mayor of Cobourg in 1854, 1855, 1856, and 1857.

become a midnight assassin", said he, "if I am a Patriot". He admitted he was afraid of the consequences, and particularly he "did not like to be near Lett, who had fire in his eye"⁴⁸ and would as soon murder me as anyone else". His wife, on the other hand, urged him to go through with it, suggesting he would likely be murdered if he informed. Sprague was uncertain what he would do as the two men separated Sunday night.

Early Monday morning Moon sought an interview with D'Arcy Boulton, but others were in his office and he did not have an opportunity to speak to him until noon; meanwhile he tried to get Sprague to go to work, fearing he would inform the conspirators of their danger and prevent their apprehension. Upon learning his business, Boulton brought Benjamin Clark, a magistrate, into his office, and Moon gave a full account of the conspiracy, describing the men and taking an affidavit as to the truth of his deposition. It was decided to surround the houses of the two Ashes that evening, while Moon meanwhile kept up appearances with his former confederates. He had tea at Sprague's, Kennedy also being present; but it was apparent from their questions that they suspected Moon, though he tried to pass it off. Privately, however, he advised Sprague to stay away from the conspirators. After the meal he attempted to hasten the attack on the houses, and even as he was doing so he saw Kennedy running through "the fields by the Seminary",⁴⁹ presumably to escape from the district.

Early that evening "a body of trusty men" met at Captain J. C. Boswell's⁵⁰ home, mounted their horses, and proceeded eastward along the Kingston road. They included Messrs. Manners, Tremaine, Boswell, Charles Clark, Charles Ruttan, D'Arcy Boulton, Kenneth Mackenzie, and John Brady; while a few others, including R. D. Chatterton and Benjamin Clark, magistrates, arrived in time to take down the prisoners' depositions. Dividing into two groups, the posse quickly surrounded the houses of the Messrs. Ash.⁵¹ Captain Boswell "demanded entrance in the Queen's name" into the home of Joseph Ash, sr., and arrested

⁴⁸This is corroborated by the official description of Lett: "Eyes light blue, and remarkably penetrating" (Cobourg Star, July 31, 1839).

⁴⁹Upper Canada Academy, later Victoria College. The original building still stands at the head of College street, and the fields to the east of it remain as in 1839.

⁵⁰The Toronto Mirror of July 26, 1839, states that "G. G. Boswell" was wounded in the head during the suppression of the Durham meeting. The initials are presumably in error for "J. C."

⁵¹The family still occupy the same farm, near the "Kingston crossing", where the Canadian National and Canadian Pacific railways cross the Kingston road. Records in the Registry Office, Cobourg, indicate that the first patent for land in Hamilton township was that taken out by Joseph Ash in 1798.

Wilkins, Wilson, and Baker; while Captain Clark, after offering to blow the brains out of anyone who resisted entry, had similarly led the search of the house of Joseph Ash, jr., capturing Hart as he was attempting to climb out of a window. The elder Ash was found hiding in his pig-pen, and both father and son, after at first denying that any men were in their homes, later made superficial excuses for their presence.

In addition to powder-flasks and bullet-moulds, a formidable array of pistols and bowie-knives was found hidden under beds and elsewhere in the houses. A knife said to belong to Lett had a fine ivory handle, while there were others "of enormous length". The whole collection was described as "of very costly construction, . . . of the most deadly description possible, and sufficient in number to have armed near fifty persons"; and when shown in court they were said to have struck horror to the hearts of the spectators.⁵² Bullets were found in Baker's pockets, but Hart was unarmed when taken. The depositions of the prisoners were taken down, Baker explaining his presence in the district by an exceedingly improbable story, while Hart refused to sign his after it was written. The six prisoners were then tied up and conveyed to the Cobourg jail.

The conspirators were brought to trial on Friday, September 13, during the regular Newcastle district assizes,⁵³ though there were apparently some who hoped for a court-martial. Mr. Justice Jones presided, and he was assisted in his duties by the Hon. Messrs. Burnham and Boswell. The jurors were John Beaty, Thomas Webb, Edward C. Hull, Israel Humphries, Samuel Cooley, Joseph Swayne, Robert Bloomfield, William White, Peter Spiers, Francis Burnett, jr., Thomas Webster, and Alex Mellis.⁵⁴ The judge's charge consisted of a lengthy disquisition on the crime of treason, leading up to the case in point. It was stressed that British subjects only could be charged with treason, while Americans might be indicted for felony. The law on conspiracy was similarly explained, after which the prisoners were charged with "conspiring to murder Robert Henry, Esq.; to enter the dwelling-house of the said Robert Henry, and to induce one Henry J. Moon to aid and assist them to rob and murder". The indictment contained seven counts, and the prisoners pleaded not guilty.

⁵²The weapons were no doubt appropriated after the trial by those who were prominent in the capture of the conspirators.

⁵³A careful search in Osgoode Hall has revealed no trace of the trial record.

⁵⁴Consistency in the spelling of names was not one of the virtues of the times. At present "Beatty", "Spears", and "Burnet" is the spelling in Cobourg.

It was apparently felt from the start that the Messrs. Ash were not as deeply involved in the conspiracy as the other four prisoners; perhaps the use of their houses as a rendezvous was the extent of their complicity. In any case they were allowed to sit in front of the prisoners' box occupied by the others. The *Cobourg Star* set them down as "two reformers of the Durham school who figured at the late meeting in Cobourg". Hart, "long a resident of this village, . . . seemed unconscious of the situation in which he was placed, and behaved throughout with a great deal of levity"; while of the other three "strong, powerful looking men", Wilkins had "every appearance of a desperado, and the loss of the right eye gives his face a peculiarly sinister appearance".

The result of the trial was pretty much a foregone conclusion, for the circumstances under which the prisoners were taken admitted of but little defence; nor were the times such that any sympathy was wasted upon American Patriots—much less upon conspirators whose depredations could advance no cause but their own. The attorney-general⁴⁵ opened the case by an impassioned address on the heinous nature of the crime. Referring to Hart particularly he said, "it was horrible to think that he, the son of an old soldier, should conspire to imbrue his hands in the blood of innocent and inoffensive men and endeavour to subvert the government of this country". In fact he blamed the whole scheme upon the political controversy, "the demon of change and innovation" which had upset the province from end to end. Referring next to the informer Moon, the attorney-general gave him credit for exposing the conspiracy when he saw that murder was intended, and suggested that for this public service he should be honoured in the same measure as "the guilty sinner who repenteth deserves to be received into heaven".

The crown's case was, of course, largely built upon the evidence of the informer Moon, but it was strengthened and corroborated by the story of the trip across the lake in the *Guernsey*, as told by James Stewart and another sailor whose name is not recorded. Sheriff Ruttan made a determined effort to bring back Sprague, who had apparently gone to the United States when the conspiracy was uncovered; but although he was offered immunity from prosecution, and appears to have accompanied the sheriff from Rochester to Oswego in the steamer *Express*, he refused to return to Cobourg, and it was suggested in court that his fellow-Patriots

⁴⁵The attorney-general of Upper Canada in September, 1839, was William H. Draper, who had but recently succeeded C. A. Hagerman.

prevented him from doing so. Two letters⁵⁶ attributed to Hart⁵⁷ were produced to show that this particular conspiracy was not the first in which he had been engaged behind the Patriot cloak. Much contained in the letters was obscure, but they indicated that "the villains" (Tories) had destroyed his Belleville printing-office, and he was seeking compensation of £50 from the brother of the owner of the steamer *Traveller*; for Hart claimed that he had persuaded Bill Johnston to give up his plan to seize and burn this steamship as she lay at anchor at the mouth of the Genesee.⁵⁸ He indicated in the letter that if refused he would try to get the money from the Buffalo executive of the Patriot Hunters—a course of action which implied certain disadvantages that could be avoided by the immediate payment of £50. It is also stated that "some M.P.P.'s are to be assassinated in order to create disorder in Toronto at the opening of Parliament", the object being to cause a concentration of troops there while the Patriots effected a landing elsewhere. The second letter indicates a scheme to destroy all Canadian steamboats on Lake Ontario,⁵⁹ and says that "if the Canadian government wish my services they must forward me three hundred pounds before I leave here" (Lewiston). As the judge pointed out, Hart appeared in these communications both as a blackmailer and a traitor to the Patriot organization.

The evidence submitted in defence of the prisoners consisted almost entirely of an attempt to break down Moon's story. Their case was in charge of D'Arcy E. Boulton, who made a somewhat

⁵⁶Though one was somewhat disguised, the letters were definitely accepted by the judge as having been written by Hart.

⁵⁷Hart was apparently known to Mackenzie, for in March, 1839, he carried certain papers from Thomas P. Scovell, Lewiston, to Mackenzie in Rochester. This information is conveyed in a letter dated March 19, 1839, from Scovell to Mackenzie (*Lindsey papers*).

⁵⁸The Cobourg *Star* of May 1, 1839, reports the "most insulting ransack" of the *Traveller*. Someone having taken out an affidavit that two Patriots *en route* to Van Diemen's land were aboard, "The Sheriff, with M'Kenzie and a party of his fellow ruffians, all armed, posted down to the vessel to search it, in the hope, doubtless, that Captain Sutherland would be rash enough to resist them, and so give them a pretext for burning it". As a result, said the *Star*, communication with Rochester was interrupted, and the *Traveller* sold to the government.

⁵⁹It was suspected that Lett was implicated in an attempt in January, 1839, to fire "the whole British fleet, lying in Kingston harbour", and Pierce's letter so states (see n. 7, *supra*); while a few months later he was reported to have gone to Oswego to make plans to destroy the steamer *Great Britain* (Public Archives of Canada, Report of a spy, enclosed in a despatch of Sir George Arthur to the Marquis of Normandy, Oct. 15, 1839). Lett eventually served four years in prison for this attempt, and afterwards removed to Illinois, where he is said to have become a good citizen. His end, however, was characterized by tragic circumstances more in keeping with his earlier life. On October 15, 1858, he set out on a trading venture on Lake Michigan, was taken ill on board the bark *Morgan*, and died at Milwaukee on December 9, an autopsy showing he had been poisoned by strychnine. On a monument over his grave in La Salle county is the following peculiar inscription: "The records of American partnership in the case of Benjamin Lett. They are like a Christian hell without a Jesus Christ. No escape."

unnecessary apology for acting as defence counsel. Boulton's examination of Moon did not alter his evidence in any essential particular, but he elaborated somewhat his membership in the Patriot Hunters, indicating that this secret society had a peculiar method of knocking upon a door⁶⁰—which, however, he did not exemplify before the court. Robert H. Williams, a relative of Moon by marriage, for their wives were sisters, gave evidence of Moon's complicity in the plot, indicating that Moon had told him he was the captain. The purpose of the conspiracy, Williams had learned, was "to get all the money they could, and stir up an invasion of the province". On being questioned as to Moon's character he injected a little humour into the case by replying: "You may judge what it is: he was first a Methodist, then a Baptist, next an Infidel, and now a Traitor." He elaborated upon his remark by observing that Moon had said "he commanded a company of 80 near this place. . . . He has led men into difficulty and deserted them, and disclosed the cause of the men whom he had joined." Williams indicated that Moon also was a sworn Hunter. Several other witnesses were brought forward by the defence in an effort to discredit Moon's testimony. The *Cobourg Star* admitted that many of the townspeople were similarly inclined "to impugn his veracity", called him traitor, and "pointed and hooted" at him as he passed through the streets; some of the bolder, indeed, had "declared vengeance against him",⁶¹ and his position was obviously not an enviable one.

The depositions of the prisoners, however, largely bore out the general truth of Moon's story. The elder Ash's statement corroborated his evidence in many particulars, and Mr. Justice Jones considered there was no doubt that father and son were willing participants in the conspiracy, being both members of the Hunters' Lodge.⁶² As for Moon's story, the judge told the jury that in his opinion it bore "the air of truth".

A trial of seventeen hours' duration was concluded a few minutes later when the jury brought in a verdict of guilty. The following morning the judge addressed the prisoners and passed

⁶⁰A detailed description of Patriot oaths, degrees, signs, etc., is given in T. R. Preston, *Three years' residence in Canada from 1837 to 1839* (London, 1840), I, 155-66.

⁶¹*Cobourg Star*, Sept. 25, 1839.

⁶²There is no doubt that thousands of Reformers were members of this or a similar Patriot organization during the years when the movement was at its height. A letter in the *Lindsey papers* enumerates 482 pledged Patriots in Hastings county, its writer having previously sent Mackenzie all the names, but being "obliged to burn" his own list (C. H. McCollom, Johnstown, Montgomery county, N.Y., Jan. 30, 1838, to William Lyon Mackenzie). Hastings county was considered among the least disaffected during the rebellion.

sentence upon them as follows: Hart, seven years in the penitentiary;⁶³ Joseph Ash, sr., six months in jail and a fine of £100; Joseph Ash, jr., twelve months in jail and a fine of £50. It can hardly be said that the punishments were not fairly apportioned according to the guilt of the parties; nor, considering the times, were they as severe as might well have been expected. The Cobourg *Star* considered them "trivial in comparison with their crime".

So ended, in the words of the Cobourg *Star*, "another atrocious attempt of the American pirates to murder and pillage the inhabitants of this unfortunate country, under cloak of assisting us to obtain in a more summary manner the blessings of 'Responsible Government' recommended by Lord Durham". It was a far-fetched deduction, however, that such a criminal conspiracy must be closely related to Durham meetings and the Reform party in general, and the *Star* was denounced by the Reform press for its "wicked and infamous attempt" to identify them.⁶⁴ The escape of Lett and Kennedy through a thickly-settled territory was deprecated by the *Star* as indicating that they had plenty of sympathizers and protectors. "One man openly declared", says "Erinensis" in a bitter open letter to Sir George Arthur, "that if he knew where Lett was asleep he would not assist in his capture, or even give information." It would have been no more than justice, wrote the same correspondent with the *Star's* approval, "had every one of the villains been shot down, and the house which sheltered them burned to the ground".⁶⁵ Immediately after the flight of the two conspirators a detailed description of each was printed,⁶⁶ and £500 reward was offered for the apprehension of Lett, who had passed under the name of Walker. The Cobourg *Star* observed sarcastically that when a Rochester newspaper had but recently suggested that Lett was "on his way to

⁶³The writer has consulted the Hon. Mr. Justice W. R. Riddell and other former residents of Cobourg with relation to the later life of Samuel Hart, but no further information is available. His name does not appear under either Cobourg or Belleville in John Lovell's *Canada directory* (Montreal, 1851), nor in the issue of 1857.

⁶⁴The *Examiner*, *Mirror*, *Palladium*, and "other kindred prints" are so quoted in the Cobourg *Star* of Aug. 14. The *Star* also notes that "the *New York Commercial Advertiser* sneers at the account in the *Star* of the late intended murder, and insinuates we have designedly mis-named the pirates AMERICANS. We respectfully inform our contemporary that with the exception of Hart and, we believe, one other (the younger Ash) all concerned in the affair were Americans".

⁶⁵Open letter of "Erinensis" to Sir George Arthur (Cobourg *Star*, Aug. 7, 1839).

⁶⁶A comparison of this description of the fugitive with another issued by an American sheriff, when Lett escaped from a train while *en route* to Auburn prison to serve a sentence of seven years for attempting to blow up the *Great Britain*, leaves but little room for doubt as to his identity (see "A rogue abroad", *Auburn journal*, reprinted in the *Christian guardian*, July 8, 1840).

Texas", it had been acting "no doubt with the best possible intention".⁶⁷ Kennedy is a somewhat nebulous figure, for his real name is said to have been Owen Molson. The direction he was taking when last seen does not suggest that he went to Ash's to warn Lett before escaping. It is probable that Kennedy met Lett elsewhere, or that Lett became suspicious of Moon and departed Sunday night or early Monday; there is no indication whatever that either of them escaped when the houses were surrounded Monday night.

There remain to be considered a few results of the conspiracy. The schooner *Guernsey*, after a short stop at Whitby, continued to the river Credit, obtained a cargo of lumber, and returned to Oswego. But the American authorities had heard of the affair, and immediately seized the vessel, the Cobourg *Star* commenting that their action was taken "as usual, a day after the fair".⁶⁸ In Cobourg, meanwhile, there was the greatest apprehension that the conspiracy was but the forerunner of "open and secret violence, and of a renewal of American sympathy on a large scale". On August 1, three days after the arrest of the six men, the magistrates of the town addressed a letter to Sir George Arthur expressing their fears and requesting "immediate and effective protection". On the fifth, "finding their request unattended to", they wrote again in "still stronger language".⁶⁹ Finally, on August 11, "nearly a fortnight after the discovery of the plot", a company of militia, "consisting of 80 men, rank and file", reached Cobourg on the steamship *Commodore Barrie*.⁷⁰ They apparently remained until the trial was over, and their presence not only protected the peace of mind of the inhabitants but prevented the rescue of the prisoners — if any such attempt was contemplated. The *Star*, however, after describing the speed with which the Cobourg Rifles⁷¹ and other units from the district hastened over almost impassable roads to the aid of Toronto in December, 1837, made the comparison that "in August, 1839, it takes the Government at least one week to

⁶⁷Cobourg *Star*, July 31, 1839.

⁶⁸*Ibid.*, Aug. 7, 1839.

⁶⁹*Ibid.*, Aug. 14, 1839.

⁷⁰*Ibid.* The Toronto *Mirror* of Aug. 9 announced that Lett had not yet been arrested, "although a company of the 1st incorporated Battalion, under Sir Allan McNab, was in hot pursuit". MacNab, however, was not present, the company being in charge of Captain Ussher, brother of the man assassinated by Lett.

⁷¹In 1847 and 1848 the Cobourg *Star* carried a series of articles entitled "The adventures of the Cobourg Rifles, during the campaign of 1837", written by "One of themselves". The volume is at present in the possession of the author. A fragment of the diary of Lieutenant-Colonel Robert D. Rogers throws further light on the subject (CANADIAN HISTORICAL REVIEW, Dec., 1932, 429-30, ed. by F. M. de la Fosse, Peterborough Public Library).

dispatch a single Company of Militia by steam boat, after two pressing representations from the Magistrates. We leave these facts to speak for themselves."⁷² But that a force of armed men was sent at all was either an admission of the possibilities of the situation or a recognition that Cobourg was suffering from a severe state of nerves and would be immeasurably relieved by the presence of a detachment of militia; and, considering all the circumstances, the latter interpretation is the more probable.

The place of the Cobourg conspiracy in the Patriot war is plain enough. There is no likelihood that any of the leaders of the movement knew of the projected raid—much less that the Reform party in Upper Canada were cognizant of it. Like a number of other predatory attacks, it was merely an effort on the part of a few to take advantage of the excitement of the times and to rob and kill under the Patriot cloak. At least one leader, Daniel McLeod, "General, Commanding Western Division", issued a "Private Circular" to all Patriot officers, condemning such raids and promising the participants severe punishment.⁷³

Upon the other hand, however, there was a general plan to stir up warfare between Great Britain and the United States, and some of the attacks upon public works or at strategic points were undoubtedly part of the larger design. The infamous destruction of Brock's monument in April, 1840, and the attempt to blow up the Welland canal locks in September, 1841, would appear to have been part of well-organized activities along the Niagara frontier;⁷⁴ but the Patriot enthusiasm was gone, and after the acquittal of Alexander McLeod⁷⁵ the war fever quickly abated. There were

⁷²Cobourg Star, Aug. 14, 1839.

⁷³"Officers and non-commissioned officers and men engaged in Patriot service, detected crossing the lines to plunder, destroy monuments, public works or private property, shall be tried by a Court Martial, and punished accordingly" (Private circular issued to Patriot officers by D. McLeod, general, commanding western division, quoted in J. C. Dent, *The story of the Upper Canadian rebellion* (Toronto, 1885), II, 271-2 fn.).

⁷⁴Indicative of the type of attack on the Niagara frontier is the following: "It is beyond doubt that John H. De Witt, whose trial appears in to-day's impression, was a leading instrument in the execution, if not the actual planner, of most of the outrages which took place on this frontier a few years ago. From information the accuracy of which is not questioned it appears that in addition to the offence for which he has been sentenced to incarceration for life, he and a man named Wheeler were the parties by whom Brock's Monument was blown up; by the same men was Dr. Mewburn's barn burnt down; De Witt and a man named Caswell were the destroyers of Chippawa Church, and De Witt and Benjamin Lett were the persons who set fire to Mr. Henry Miller's Barn" (*Niagara Chronicle*, April 10, 1844, reprinted in the *Christian guardian*, April 24, 1844).

⁷⁵Among the best descriptions of the repercussions in the United States arising out of the trial and acquittal of McLeod is that of O. E. Tiffany, "The relations of the United States to the Canadian rebellion of 1837-1838" (Buffalo Historical Society, VIII, 37-40 and 107-12). McLeod's trial took place between October 4 and 12, 1841, and he was acquitted upon proving an alibi.

one or two expiring efforts, such as the attempt to trump up another McLeod trial, but the coming of Lord Ashburton in April, 1842, and the deliberations which resulted in the amicable settlement⁷⁶ of all difficulties between the United Kingdom and the United States, ended the movement. The Oregon dispute aroused a brief excitement a few years later, and the Hunters had some hopes of further employment; but not until the mid-sixties did their legitimate successors—the Fenian raiders—come into prominence.

EDWIN C. GUILLET

⁷⁶The Treaty of Washington was signed on August 9, 1842.