

I enclose a Petition for my brother which I shall thank you to present to the Council, first opportunity. Should this occur, while Mr. Street is in York, he will pay any fees required: if not, he will have an order for doing so.

I am yours, &c.

ROBERT GOURLAY.

No. 11.

To Robert Gourlay, Esquire,
Executive Council Office, York,
6th January, 1818.

Sir—I am commanded by His Honor, the Administrator, to inform you: that your memorial received the 4th of November last was read in Council on the 12th of that month, and again this day. And that when you arrive in this Province, with design to establish yourself in it, as a settler, a Location will be made in proportion to the opinion then formed of your means to become a useful settler.

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

(Signed) JOHN SMALL.

No. 12.

To John Small, Esquire, Secretary to
the Executive Council, York,
Queenston, January 21, 1818.

Sir—Your letter of the 6th instant reached me on the 17th. You say that when I arrive in this Province, with design to establish myself in it, as a settler, a location will be made in proportion to the opinion then formed of my means to become a useful settler.

If you will take the trouble to re-peruse my letter of the 30th October and 2d November last, together with my Petition, you will perceive that the above reply, to say the least of it, is not satisfactory. It gives me to understand, however, that there are certain rules which guide His Honor the Administrator, in Council, in the disposal of Crown Lands; and with an explanation of these rules I may yet return to England able to form calculations there as to the propriety of emigrating to Canada.

The location is to be made "in proportion to the opinion then formed of my means." This language makes the rule appear vague and arbitrary. At no time is it easy to set bounds to opinion; and opinion, "then," may be very different from an opinion now. Throwing out five words, a more definite rule will be expressed, "in proportion to my means;" but even this requires a little explanation. At first sight I only thought of money being the means alluded to; and that a certain proportion of land would be granted, for each hundred or thousand pounds I should prove myself to be possessed of: but a friend has suggested that the word means may regard the number of my children, or, the number & strength of my servants and cattle.

You will, I trust, lose no time in showing this letter to Colonel Smith; and when he considers that I have already waited long, and am now detained here, solely that I may obtain explanation as to this business I think he may deem it of such importance as to require a special meeting of the Council. It is important, not only to me individually, but to thousands of people in Britain, who may be influenced by my communications on the subject.

As soon as the matter is resolved you will have the goodness to write to me at Queenston.

I am &c.

ROBERT GOURLAY.

Elucidation and Remarks.

It will be observed, that, in the above correspondence, there is no personal reflection or uncivil language, and that the requests are perfectly reasonable.

The objects are, to obtain land.—to obtain the perusal of a Report on the state of the Province,—to obtain a list of Deserters,—to obtain a Map of the Province, and copies of papers which have been published.

The first concerns private interest, the prime object for leaving my dear family and travelling so far from home: the others grew out of circumstances, and had in view, chiefly, the public good.

Before I petitioned for land I had written Sir John Sherbrooke, and offered to contract for the settlement of part of Canada, with British subjects, at much less expence than it had hitherto cost Government: but I was told in reply, that my proposal would not answer. As to a grant of land, my friends advised me not to petition here, but to apply at home for an order.—Two Gentlemen, however, who had accompanied me in Canada from England, one an officer of the navy, another a Clergyman, had petitioned and without delay obtained land: the first, 1200 acres, the second, 600 acres: and it appeared foolish in me,

coming as a farmer, to whom land was more directly an object, to lose any opportunity of doing for myself; especially as my success might encourage other farmers to migrate here.

Being at York, therefore, and introduced to your Honor, I took the steps recorded in Nos. 1 & 2. Your Honor, as well as Chief Justice Powell, approved of my address to the Resident Land Owners of Upper Canada, in so much, that I had reason to expect to have access to public offices for papers to assist me. The day after this address was published in York, I saw and had a very pleasant interview with Mr. Ridout, the Surveyor General. He agreed with me in thinking there was great room for improvement in the Province, but said that nothing was listened to at home: that some years ago he himself had written out a Report of the Province, suggesting improvements, and sent it home, but it was never looked at; and in a most liberal manner he offered to shew me this, if you would give me an order. This conversation I communicated to your Honor, who seemed most willing to give the order, but said you would first consult the Council, and immediately made a memorandum with your pencil for doing so.

As to the list of Deserters, it was asked by me in conversation with Colonel Cameron: and he did not seem only willing to oblige me with it, but anxious that I should have it to publish; for, said he, "I wish very much you would expose the damned rascals."—Now, my object had no view whatever to personal exposure: it was simply to ascertain a most important fact as to the exclusion of Americans from Upper Canada: viz: whether a greater proportion of them had deserted during the war, than people from other parts of the world.

With regard to the Map of the Province, I had also, at this early period, thought of it; and had gone with a friend to Mr. Chewitt to speak with him on the subject, but unluckily he was from home.

My journey to the west was to have commenced from York; but the arrival of my brother from Scotland changed my plan, and made me return to this place, and thence proceed by the Head of the Lake. At York I had been told by Mr. Small, that no grant of land could be made out to any person without his being personally present during the sitting of Council; but on my way to the Head of the Lake, I learned from my friend the Clergyman above-mentioned, that this was not the case, for after he had taken the Oaths he had got his grant without any personal appearance, and was now, by the agency of a friend, in the course of having it located. This information, suggested to me the propriety of sending my brother to take the Oaths at York, while he was yet unsettled in business, and had time to spare; and his going there was also of consequence to me, in order to hurry matters, as I was soon to set off to England, and had actually written to my family that I would sail about Christmas. At this time too I pushed on the Statistical enquiry more keenly, as the Magistrates of Niagara had volunteered their support, and I had resigned to them the charge in consequence of the fault-finding of one of your Councillors.

As I prosecuted my journey westward, I was delighted with the zeal which appeared, in every quarter, towards what I had proposed, and in several places I found, as I passed along, respectable meetings gathered together, and actually at work on the business. Seeing things in such a train, I could not resist an inclination to do my utmost for people so willing to help themselves. I ventured to the very extremities of the Western District, and wrote to Queenston to have intelligence despatched to my friends at home, that I should not sail so soon as I had before resolved. One thing I expected to ensure by this delay, was, that, when I returned to Queenston, answers to my Petition and other requests, would be lying for me. In this I was not only disappointed, but, from the miserable way in which the posts are conducted in Canada, found that my despatch, to relieve the anxieties of my family from the change in my plans, was not arrived five minutes before myself; and that it was now nearly two months, owing to one delay and another since I had been able to communicate with home.

I bring nothing in here without a witness; and on the score of anxiety, occasioned by accidents and ill regulated posts. I annex below, an extract out of a letter received three days ago from my wife; and that this bane may not be without its antidote I place by the side of it, another extract, from the same letter, written a week afterwards upon the receipt of several of my letters together.

Up to this hour, I have no answer

to my petition,—no answer to my requests for Mr. Ridout's Report,—Colonel Cameron's list of Deserters,—Mr. Chewitt's Plan: nor the published papers of the Province. One decisive answer, only, have I received—a verbal one, concerning my Brother's Petition. Mr. Street, who carried No. 10 to York, brought back word that the Council sat while he was there,—that my letter was delivered in time to Mr. Small; and, that one of the Clerks told him, that my brother should have no other answer to his Petition: than what I had received to mine.

Now, my dear sir, you see I have been very circumstantial; but the record is one designed to grace the Statistics of Upper Canada: and before I leave the Country I challenge all concerned to find in it any thing incorrect. One thing, only, I have forgotten, in its proper place. When my brother returned from carrying my letters to York, he brought not a single line in reply, to any of them; but he told me that you informed him, you could hold a council at any time, and that I had done wrong in writing my Petition, on half a sheet of paper, a misdemeanor, which however flagrant, seems to have been got over by the 6th January 1818.

To give full scope to reflection on all this would be wasting much paper, and exhausting a land of speculation most fitting the ingenious, at idle hours. For my own part I cannot even guess as to what has given offence, or upon what principle of good breeding, Gentlemen should refuse civil answers to civil questions. Refusals would have done very well, but evasion is always despicable.

In the speech read from the Throne, it is said "His Majesty's Government having countenanced a migration from the united Kingdom to the Provinces of Lower and Upper Canada it is expected that great benefit will result to this Colony from the accession of an industrious and loyal population."—and I recommend to your consideration how far it may be expedient to assist the emigrants by providing the means to defray the expence of the location and grant of land bestowed upon them by His Royal Highness the Prince Regent in His Majesty's name.

I have migrated from the United Kingdom: has His Majesty's Provincial Government countenanced me? Neither I nor the people to be brought by my scheme, would require to be provided out of the taxation of the Province with means to defray the expence of the location and grant of land; far less would we throw ourselves before the stranger's friend society, or the compassionate society, to swell the vain glory of little men, whose charity sounds a trumpet before it: but look, above, and see how I am treated:—look below, and see the anxieties that are created at home by delays; and then think, that I am still waiting for an honest answer to my humble Petition. O fy! shame upon it, and fy! sure, you have altogether lost yourselves in some horrid stygian shade, where the souls of you have been sucked out by the thirsty vampire:—Or, does the Council labour under a nightmare?—Has it devoured too much land, and gone to sleep while the crude mass is yet undigested? How is it, that loving its friends, it shrinks from their embrace; and, hating its enemies, rushes to their snare? How is it, that it has duties to perform, and cannot perform them?

Think not, my dear sir, that, for any consideration, I would wound your feelings as a private Gentleman. Every body says you are a good man, and what every body says must be true. Behind my back you have spoken well of me; and surely I ought not, for slight matters expose you to pain. I address you in your public capacity and my most rigid duty calls for my reprehension of practices derogatory to the dignity you represent and ruinous to every substantial object for which such dignity is set up. I cannot think you wrote the speech which was delivered. I cannot think it was written by any one who cares or feels for Canada. At all events it must have been penned without thought and certainly could not be meant as an insult to the Province.

It reached me as I had nearly finished my last address to the Resident Land owners of Upper Canada. It instantly chilled my blood: it checked the flow of my spirits: it altered my style of expression and sunk me from the lofty to the low. I am ashamed of such style: I am ashamed of resorting to verbiage for a comparison; but na-

ture has made nothing in vain; and the filthy things we abhor have been called into existence to give us suitable notions of the conduct of the public affairs at little York,—dull, dirty and disgusting.

Awake my dear sir! Awaken all your councillors! tell my friend, the fault-finding Honorable and Reverend Doctor, that if he will do justice to his higher duties, he will lecture for him on natural philosophy and get the school house painted. I was a favorite student in this very branch at St. Andrew University, and afterwards studied at Edinburgh, under the profound Mr. Robinson. This is more than twenty years ago; but with a little brushing up and a due assortment of pigs and whistles, I could soon shew off as a respectable mountebank. I will even do more than this for the subscriber. I will teach political economy at York, which has been my favourite pursuit for many years. By this, I doubt not that I could make out profits, not only get the Church painted outside, but clear of cobwebs within: perhaps I might fit it with a steeple and a bell, and make it look decent beside the pulpit of its pastor.

Colonel Smith! let us be serious.—You are at present at the head of this Provincial Government. All your interests and affections rest in Upper Canada. Do justice to your country and honor to yourself, while God has given opportunity. Put down every little consideration: calm every personal animosity: extinguish party rancour; unite all the members of the legislature; and proceed to business. In two or three weeks order may be brought out of confusion; and several acts passed of utmost consequence to the peace and prosperity of this delightful land. It can be taking no unfair advantage of the Supreme Government. The constitution of this Province provides a veto to the Royal authority against all your acts: but if a commission went home to obtain a hearing and give explanation nothing reasonable would be refused.

The most weighty measure regards a general taxation of wild lands. Heretofore the Assembly has injured this cause by stiling their bill the Absentee Bill. The Bill had altogether a different view from what these words import in England; and the title of your act for the rank of a Bill, has done it no advantage. It will require nothing but calm explanation to render this act popular in England: it will require no such delay as that of two years, proposed in the former bill. The people of England, who own land here will press its instant operation, for they will see, at once, the rise which it will effect in the value of their property.

The next urgent consideration is to correct the serious mistakes as to paying the claims of sufferers in war, out of the forfeited estates. You know these will yield but a trifle, after deducting charges: but this is not all. The holding of such lands by individuals, as property, would breed most unpleasant heart burnings now, and at a future period, perhaps boils of the bitterest kind.—The giving away, of the forfeited estates of Catholics in Ireland, to Protestants, although many generations have past since, keeps open, many an evil eye, at the present hour. In Scotland, confiscated estates were much better managed. They were put under the charge of Trustees, and the Rents were applied, annually, to public works and the improvement of arts. From time to time, some of the estates were restored to the descendants of the ancient holders; and, in every way admirable effects arose out of a policy so judicious and liberal.

There is no want of land in Canada, on which money could be raised immediately to pay every claim that is due: even the Indian reserves, fairly purchased and put under proper management, would go far towards this. The value of property depends altogether on management; and, hitherto there has been no management in Canada.

One great object more I shall notice, the improvement of the St. Lawrence navigation. Why has this grand object been dropped out of the Speech this year, after having been puffed off in that of Governor Gore? Its accomplishment would be nothing to the British nation. In a single week the means could be raised for it at Lloyd's, were matters managed as they might be. Capital is much a thing of idea, and rests on confidence in the future proceeds of skill and industry. It is now a hundred years since my countryman Law, created an immense ideal capital in Paris, merely upon a fanciful scheme of finding gold on the banks of the Mississippi. To raise it by means of well directed industry on the banks of the St. Lawrence, and round the shores of our Lakes, is no fanciful project: it may be calculated on with

nicety, and accomplished with ease.

I am, Dear Sir,
With due respect,

Your's, &c.
ROBERT GOURLAY.

Extra d. 1st.

"Where are you, my dear Gourlay? my heart has failed me at last, and I dread the worst that can befall me. I look upon my children, as if they were already fatherless—and pity myself as the most forlorn of widows. They tell me of lost letters—and letters detained—and of husbands who have been years without writing, and yet come home safe and kind at last; but nothing of all this seems to apply to my case—for I am sure you will write, as long as you are alive, and think me so—and so often, that it is not at all likely that all my letters can be lost or detained. What do I write for then? Partly because I can find no other employment in the least interesting, and partly, I suppose, because I still do hope, in spite of all my heaviness."

Nov. 16th, 1817.

Extra d. 2d.

"The people in the Parish with very much for you back again, and a party of them were telling John, that they should set the bells a ringing, if they had you but home;—not for what they would get, for they did not think you would pay them for that, but for real joy that you were amongst them again."

The above I have extracted, at Mr. Gourlay's desire, out of a letter addressed to him from England, given to him out of this Post-Office, the 13th inst. (Signed) THOS. McCORMICK.
Queenston, Feb. 16, 1818.

Atrocious Revenge.

The Examination at Union-Hall, London, of David Owen, for attempting to Murder John Jones, (his Brother-in-Law,) Margaret Jones, (his Sister) and Mary Barry, their Servant.

Friday, at one o'clock, Mr. Jones and Mary Barry arrived in a hackney-coach from St. Thomas's Hospital, under the care of a surgeon and two nurses: they were so weak as scarcely to be able to stand. At two the prisoner was brought into the room, and confronted with Jones and the servant; and it was with difficulty that Mr. Jones was roused to sensibility. When he recovered, he exclaimed, "O God! I thought I saw him with a knife in his hand!" The Magistrates ordered the prisoner to be taken out of the room, as his presence so much agitated the prosecutor. About two Mrs. Jones arrived in a hackney-coach, also extremely weak, and the Magistrate proceeded to hear evidence.

Mary Barry, the servant, stated, "On the 26th of September last, a little after one o'clock in the afternoon, I was at home with my master and mistress, and heard a knock at the door; I opened it, and saw the prisoner: without saying a word he forced himself in; my master was in the back room; I called out, 'Mr. Owen is here!' and my master then came out of the back room into the passage, where he met the prisoner. The prisoner immediately took from under his coat a large pointed carving knife, and without speaking, made a blow at my master, who lifted his hand to defend himself, and prisoner cut and struck him dreadfully on the hand. My mistress then came out, and she and I attempted to save my master, and take away the knife. I got hold of it, and he drew it through my hand, and cut me very much, and then he began cutting and flinging away at random, and cut us all three; he cut me on the arm, stabbed me in the neck, and wounded me in the forehead. I then ran and called for assistance, and came back again, and found my master lying on the floor in the back room, bleeding very much, and the prisoner lying over him, with a knife under my master's cloth, and apparently sticking in his leg when I returned to the house, a young man returned with me, and he assisted and we held Owen's arm and got the knife from him. I was then taken to some persons to the hospital.

Mr. Jones deposed to the same effect, and added, that the cut he received across the hand in the passage disabled him from offering much defence; when he soon became insensible; when he recovered he found himself dead, cut in the neck, and part of his left eye off. He formerly had a law suit with prisoner, but had not spoken to him since August 1816.

Mrs. Jones stated, that during the struggle between them all in the passage, she heard prisoner say, "Ye wretches, I'll kill you all!" She received several cuts about the head and face, and a stab in the side; saw the prisoner attempt to stab her husband in the side then became senseless, having bled