

Unfortunatly it did not rest here. but under the law the exercise of public duty, and less the exertion of every thing which could at all render his endeavours, in any way, favorable I saw this, and the severity which I had to use, in duty to the cause gave me pain. My preference gives me pain still more bitter, and my first efforts were wholly in one way in the individual. Could it have occurred to the Traveller, that I addressed myself to individuals, and used personalities that each person attacked was at liberty, if he had any thing to deny—any thing of which to complain, to speak up for himself. Who made the Traveller a judge between me and individuals? Of all men Dr. Strachan is not the one who would remain silent, if he but dared to open his lips; and in justice to Mr. Clark, I have to inform the Traveller, that since I "rubbed his face with snow," he has written me several most friendly letters. What I exposed of Mr. Clark, proceeded from the very warmth of his heart, and I knew that the friendly lash, of unsophisticated good humour could not long offend him. "A hectic of a moment might pass over his cheek, but could not tarry."

Major Leonard, may not yet be left alone. We find from the London Courier that half pay Officers are to be the only favoured settlers in Canada; and if they comport themselves as Gentlemen I certainly shall not envy them any indulgence. Could the genuine spirit and good breeding of British officers be engrafted on the flock of sentiments and manners prevalent in this western world, fruit of a superior kind would certainly be produced. If half pay Officers, became themselves after the manner of Major Leonard, and go without public censure, favours will not only be thrown away upon them, but most grossly misapplied. It may be my duty when I arrive in London to report Major Leonard's conduct at the Horse Guards.

The Magistrates of Niagara, whom I lately addressed, owe to themselves, to me, and the cause in which I am engaged, an act of justice:—that satisfied, feelings will be set at liberty which are now very wrongfully "imprisoned."

ROBERT GOURLAY.

To the Editor of the Niagara Spectator.

Sir,  
The impression produced upon my mind by the perusal of Mr. Gourlay's last letter, was neither favourable to him nor pleasing to myself. The attack is illiberal and he has evidently tortured my words into a sense which I am confident no other person will ever suppose they intended to convey; and the style will show, that he does not so calmly bear "the friendly lash of unsophisticated good humour" as he professes to do.—Were I indeed guilty of all he accuses me of, I would consider myself unworthy to contend with him, but if I did not reply, his readers might imagine that I silently acknowledged the justice of censures so "discreditable to my character." Tho' Mr. Gourlay's feelings, when he dismissed my genius, might have been as quiet as those of Uncle Toby, they were certainly very different in their real nature. Uncle Toby's breathed the spirit of mildness, and forbearance. Mr. Gourlay's are so much the reverse, that one would suppose the fly had stung him.

He complains that I disturbed him by an attack while resting on his arms, (like the heroes of old,) after having routed the Major; but I am not aware that I attacked him. My first letter scarcely laid any thing to his charge, and I was rather surprised that he answered it. He in reality disturbed me, for he might naturally suppose, that I felt fatigued after "belabouring the false pride of the Canadians." Never was a letter written with a better intention, and the style was such, that I thought it could draw no reply, but I was mistaken, for Mr. Gourlay seems to consider every one who interferes in his cause, as a target set up for him to shoot at. He would wish his opponents to pass before him, as the defendants of Banco passed before Macbeth—that he might make his remarks upon each, and then see them annihilated.

Mr. Gourlay tells me that I was induced to interfere in his cause, by a feeling of vanity arising from the flattery administered by interested persons. He apparently forgets the declaration he once made, "that it is ungentlemanly to question motives," and what is still more extraordinary, he does not seem aware, that in his first attack upon me, he says, that I "mean to do good." How inconsistent it is in him, first to state his belief that I am sincere, and then to do good, and then to hint that I have done. But I would wish Mr. Gourlay to be aware, that although my

name is as duller than his, I can distinguish praise of real value, from that spurious kind, which might be bestowed by weak individuals, who would wish to make me their tool. In my opinion, flattery so unqualified, is as contemptible as the people who degrade themselves by offering it. Neither an I so ambitious of distinction, as to profess sentiments foreign to my heart, that I may secure the applause of beings so depicable in their character, nor is my "love of conquest" so great, as to make me utter accusations, alike repugnant to honor and conscience, merely that I may be complimented upon having "lashed" Mr. Gourlay. I have always expressed my conviction of the purity of his motives, and am happy to say I have not altered my opinion, although he is ungenerous enough to question mine, and attribute what I have written, to the most humiliating kind of vanity that can enter into the heart of man. This treatment certainly is not very encouraging, and might almost be offered as an apology for perseverence. He now alludes to the parable of the feast mentioned in scripture. But is his treatment of his guests similar to what we may suppose the scripture lord's would be? or is it such as can have any chance of alluring others to join the table. Yes, if his guests quietly petition as he directs them, and are silent, he will entertain them with politeness, but if they utter a breath against him or his measures, he turns them into ridicule—he "lashes" them—he "dismisses them forever." I will not acknowledge that I am perverse.—On the contrary, my mind is open to conviction of every kind, and always disposed to pursue a course which has been demonstrated to be right. I go still further, I confess that I think it was my duty, and the duty of every one to petition, but Mr. Gourlay would allow me to do nothing more. He calls me perverse, because I endeavor to defend myself from his attacks—because I find fault with his proceedings—and because I do not support him in every thing. He accuses me of "depreciating his efforts for the public good, by serious reflection with mere nonsense, and endeavoring to throw into ridicule, the most important duty incumbent on the people of this Province at the present moment;" and challenges me with uttering "scandalous misrepresentations," and "staining paper with impressions discreditable to his character and conduct." Let me tell Mr. Gourlay, that these are the impressions upon his own mind, not upon mine, or I believe upon that of the public. My last letter, to use his own words, was assuredly a most "unfolding production," and any evil which it now contains, is produced by the restless scrutiny of Mr. Gourlay's jealous spirit. The juices of the most healthy plants, can by misapplied art, and torturing analysis, be converted into a liquid of baleful and poisonous quality. Thus, the malignant effect of evil constructions, may alter the spirit of a sentiment, although the language remains the same. I wish Mr. Gourlay had considered the nature of these accusations more particularly, before he laid them against me, for he could scarcely have brought forward any, that I would more unwillingly admit, and which I can more conscientiously deny the justice of. To depreciate the efforts any one makes for the public good, however trifling they may be, is indeed a guilty attempt; but when the object of him who is depreciated, is national, and tends to promote the happiness of the people, and when his perseverance, and steadiness, prove the justice of his cause—the man who attempts to counteract such endeavors, must truly be actuated by a damnable spirit—a spirit similar to that of Lucifer, whose "only good is evil." Yet I am charged by Mr. Gourlay, with an attempt which even a traitor to his country would blush to acknowledge himself guilty of.

Let me now discover in what instance I have "stained paper with impressions discreditable to his character and conduct." I have hinted that he may be unconsciously excited by the fascinations of personal feeling. He takes the word unconsciously in a sense which seems to increase the injustice of my interrogatory, but he must surely be aware, that if he is unconsciously excited, he cannot be blamed; because the act, in that case, is neither deliberate, nor voluntary. But why say so much stress upon this? Is Mr. Gourlay liable to none of the errors of humanity? Is he proof against the deceptions of the heart, which betray the most noble, and most enlightened? Has he cast the beam out of his own eye, that he may see clearly to draw the mote out of his brother's? Is it criminal to be under the fascinations of personal feeling?

I am at a loss to conceive what could induce Mr. Gourlay, to style Dr. Strachan, my protegee. I never had

any idea of attempting to protect him. In a cause like the present, it is my opinion, that he who requires protection, does not deserve it, for I would wish every one to stand or fall by his own merits—I do not recollect that I have said any thing in favor of Dr. Strachan, and I believe even Mr. Gourlay would be inclined to accuse me of transgressing the limits of liberality and justice, if I ventured to attack every individual, who has malignantly opposed him. He may be assured, that if Dr. Strachan was my protegee, I would use more official means than I have hitherto employed, to rescue his character from the obloquy his accusations attach to it.

I have already mentioned that I think it was my duty to petition, and I can assure Mr. Gourlay, that I neither require him to haul in my ears, nor supplicate on his knees for such a favor. But tho' I had done so, what good could have resulted from it, while the Parliament is in its present situation? Mr. Gourlay's utmost hawling would not have made them attend to either his petition, or mine. What confidence can be placed in men, who, when assembled together for national purposes, and aware that the prosperity and salvation of the country depends upon their exertions waste their time in private quarrels, and idle wrangling about privileges, and petty distinctions, forgetting their duty to the people they represent, and pursuing a line of conduct, which their God, their country, and their consciences must equally condemn? What hopes of success can a single individual have, when he petitions upon a subject, the consideration of which is their interest to avoid? I am well aware how important it is, that an enquiry into the state of the Province should immediately be set on foot, for Canada evidently is not what it should be; and the more mismanaged, and in arrears its affairs become, its ministers will of course feel more unwilling to commence the enquiry, because the difficulty will be greater, and the result more discreditable to themselves. So far from realizing the detestable accusations Mr. Gourlay throws out against me, I would feel inclined to ridicule those people whose weakness of mind frightens them from urging the duty of petitioning. It can at least do no harm. It must do good—for even supposing it possible, that the conduct of public affairs was found to be immaculate, the inhabitants of Upper Canada, would feel the delightful assurance, that their rulers are not disposed to take advantage of the carelessness they manifest with regard to the state of the administration. Canada is at present in a situation which calls loudly for the attention, and interference of every one. The British government has refused encouragement to emigrants, and therefore depend upon itself for population, and means of defence, against that enemy whose preparations, warlike dispositions, and insupportable superiority may be viewed at one glance from our very frontiers. Canada from its intrinsic qualities is surely worthy of every exertion that can be made to promote its welfare. Where can there be greater room for improvement of every kind, or a finer prospect of future greatness, than in a country possessing some thousand miles inland navigation—a soil, from its variety and richness, adapted for every kind of agriculture—a climate, combining the mildness of Persia, with the salubrity of northern Europe—inexhaustible forests—splendid scenery, and boundless extent of country? The weakness and imperfection, visible in every part of Canada, are indeed rendered more apparent by the contrast and consideration, of these grand features. Yet such advantages will not of themselves make a great nation. They continue dormant, until brought into service, by the energies and enterprise of the people, and the liberal and extended views of their representatives. It is evident that something must be done for Canada immediately. Its inhabitants ought not to trust to the government in Britain. They should act for themselves, and press for enquiry and reform, with a union and firmness, which will beardown all the opposition raised by private interest, and petty ambition, as the mountain torrent sweeps away the withered leaves strewed on its bosom by the angry winds of autumn. There is neither rebellion, nor sedition, nor disaffection, manifested by the free exercise of petitioning. No subject, as Mr. Gourlay justly observes, can honestly rebel, while he is in possession of this privilege. Petitioning is merely a channel through which we express our opinion to our superiors in power. If Canada is treated as she deserves there is no pitch of perfection at which she may not arrive. Virtuous endeavors for her welfare, will alike introduce into her bosom,

national, and individual advantages—the fascinations of arts and accomplishments—the sublimity of science, and lustre of philosophy—the brilliancy of genius—the splendour of wealth, and rank, and the polish of society, and all those intellectual refinements, which "ameliorate our condition, and raise us to heaven."

That this may be the result of Mr. Gourlay's exertions is my fervent hope. If it is, it will extort acknowledgment from the most illiberal and narrow-minded of his opponents. I have all along been charmed with the persevering spirit he has evinced in his proceedings. I have been interested by the eloquence, and address, with which he defends himself from the attacks of slander and malignity.—My enthusiasm for the country has been augmented by observing his efforts for its welfare. My hopes have been brightened by the confidence he has in the final success of his cause—and I now bid him adieu, with a wish that his zeal may never again deceive him into a misconstruction of words, or induce him on slight grounds, to accuse an individual of what I am convinced from his own conduct, must appear to him the most unworthy, uncharitable, and damning charge that can be brought against humanity.

I am, &c.  
THE TRAVELLER.

From the Canadian Courier.

Mr. MOWER,  
IN pursuance of the promise made at the conclusion of the communication made which appeared in your last number, respecting the late criminal Courts, the following remarks occurred on the statement made in your paper of the 7th inst of the proceedings of the Court of Oyer and Terminer.

That Court is said to have been long expected, but on the contrary it was most unexpected, and it was only in an official letter from the attorney General, dated Quebec the 9th February, that it was first announced to the prosecutors in the cases of Miles Macdonell, Colin Robertson, and others, that their trials were intended to come on at a Court of Oyer and Terminer, to be opened on the 21st.

The Court of Oyer and Terminer, is one emanating from the King's prerogative alone. The commission issued on this occasion was not specially or exclusively appointed for the trial of offences committed in the Indian Territories, but was likewise one of general application. It so happened, however, that neither was there one trial brought forward, nor was there one prisoner condemned or released, notwithstanding the gaol was crowded, and the Court adjourned regularly from day to day for want of occupation.

The bill of indictment No. 1. was stated to have been against Paul Primeau, and eleven other persons, in the service of the North West Company, but we are informed that of the parties thereto, Francois Deschamps, sen. Francois Deschamps, jun. Joseph Deschamps dit Grosfete, Charles Hesse and John Early, were not.

It is remarkable that Jean Bapt. Desmarais, who is a party to this bill for arson in 1815, and who is likewise included as a principal in the bill for murder of Robert Semple, in 1816, and as accessory in that for murder of Owen Keveny, was, in the year 1817, in the service of Lord Selkirk, and a person particularly recommended by him to Mr. special Commissioner Colman, who directed Desmarais to come down as a witness. But Desmarais, having, in obedience to the Prince Regent's Proclamation returned to his duty as engaged with the Northwest Company, he is now prosecuted, at the instance of Lord Selkirk, for offences, which, supposing he had committed them, were well known to his Lordship when he engaged him in his service, and this is by no means a solitary instance of his Lordship taking into his employment, or soliciting to enter it those whom he knew were engaged in acts in which he tortures into murder, arson and robbery.

In enumerating the parties to the 10th bill of indictment, an inaccuracy, though of no great moment, occurs in calling Alexander Mackenzie and Hugh McGillis, Esquires, late Justices of the Peace for the Indian Territories, which those two gentlemen never were; and it is to be observed, that none of the other gentlemen stated to have held such commissions, ever qualified themselves or acted upon them, excepting Mr. A. N. M'Leod.

It was erroneously stated that seven bills of indictment were laid before the grand jury on the part of the Northwest Company. Of those that were thrown out, the one for false imprisonment, and the one for assault and battery against Miles Macdonell, were preferred by some of Lord Selkirk's followers whom Miles had maltreated, and that, against

the same person and Louis Nolin, for stealing in a dwelling house was preferred by Basil Belanger, a free Canadian of the Red River.

As most of the parties in whose behalf motions were made for admission to bail, are now on their way to take their trial in the Court of King's Bench at Quebec, and will therefore soon receive the benefit of a fair trial, that matter has lost much of its interest; but we must correct our statement that the motion was negatived by the Court. The Court considered the case of the long imprisonment of the parties as one of grievous import, but it being the rule that motions for the admission to bail of those who were not tried during the term, should only be made on the last day of the term, the Court held, that as they were to adjourn to the 4th day of May, it would only be on the last day of that adjourned sitting, that such motions could be entertained, whilst in the meantime the intervening term of the Court of King's Bench would give them an opportunity of being earlier liberated in due course of Law. Besides, if we called the sense of what fell from the French aright, the Court doubt their own competency to grant any writ of Habeas Corpus at all.

FOR THE KINGSTON GAZETTE.

The late Resolutions of the Legislative Council and Assembly, concerning their respective rights, on the subject of money Bills, have brought before the public the most important constitutional question ever agitated in this Province. The Assembly, in imitation of the House of Commons of Great Britain, claim the exclusive privilege of originating Bills for raising, levying, and appropriating money; and deny the right of the Council to alter such Bills. On the contrary, the Council assert their right to amend money Bills. They consider that the "origin of all supplies in either House, or exclusively in the House of Assembly, must be indifferent, so long as either House retains the power of rejection;" and declare, that the Council and Assembly are "co-ordinate branches of a limited Legislature." By "co-ordinate," I suppose, is intended, that they are of equal authority, and, consequently, have equal right to originate, as well as amend money bills. On this point, the two Houses are at issue. The Resolutions of the House of Representatives are stated to have been adopted unanimously. Whether the Council were unanimous or not, is not stated.

It appears, that the Council made an overture, "to restore the course and harmony of proceeding in the public business," by offering, without relinquishing their right, to forbear the exercise of it, so far as relates to "amendments to Bills for raising and levying money;" but the offer was not satisfactory to the Assembly, because it did not include bills for appropriating, as well as raising money; appropriation Bills being an essential class of money Bills, and the Assembly being of opinion, that they could not yield to the pretensions of the Council, without surrendering a great constitutional privilege, belonging to their House, as the Representatives of the people of the Province.

The Council having ordered the Resolutions to be printed, the subject is now fairly before the public, at whose tribunal any inhabitant of the Province is, of course, at liberty to discuss the constitutional question.

The act of the British Parliament, 31st Geo. 3d, constituting the government of this Province, provides for a Provincial Legislature, consisting of the King (by his Representative) the Legislative Council, and the Assembly. It authorises the King to appoint the members of the Council, for life, or with titles of dignity and hereditary descent. It grants to the people of the Province the privilege of electing the members of the Assembly, to represent them in the Legislature; and declares that acts passed by the Council and Assembly, so composed and constituted, when assented to by His Majesty, or, in his name, by the Governor, Lieutenant Governor, or person administering the Government, shall be valid and binding as laws of the Province. It does not, indeed, specify the forms of Legislation, nor define the relative powers and privileges of the two Houses. These, however, must be intended to be analogous to those of the British Parliament, for several reasons.

1st. The British Parliament itself, consisting of King, Lords and Commons, and that system of united Monarchy, Aristocracy and Democracy, being approved of, as "the best in the world," it is to be presumed, that a Parliament so composed would manifest that preference which they felt for their own form of government, by making it as the type of that, which they