

Honors, is most fruitless. The acknowledgment that all I have said is true, is not sufficient proof of a felonious intention. They have even a personal regard for me: they admit that the situation of public affairs is disgraceful and ruinous: they say that something ought immediately to be done: they see as clearly as the Traveller that petitioning "can at least do no harm"—that "it must do good"; but, notwithstanding all this, they hesitate and object from mere trifles. Their objections are not half so rational as those the Traveller formerly recorded "why was not all this found out before?" and "it is astonishing that this was not found out before." No: they are still more foolish and perverse. They say "why is this man appointed to act in the committee?" "why is this other in the committee styled Esquire?" and "we would subscribe if some other person would subscribe." I say, that all this proceeds from the perverseness of human nature. Their consciences tell them what is right: they know that it is their duty to come forward, yet still they lag behind. They have nothing to say against the cause of truth, and therefore their spleen has vent against personal character or rank in life, as was the case, of old, when those who would not follow Jesus Christ, said "is not this the son of the Carpenter?" If such persons did not attend the meeting it is most wanton perverseness to be gossiping about and finding fault with any man appointed by the meeting, or, with any honorary title conferred. There is only one man in the committee that I ever knew before the meeting, and I have only once been in his company. All the men, for anything I know, are good enough men; but, in fact, the committee has nothing to do in the business but mere trifles, such as reporting the names of those willing to subscribe, and so forth. The Representative and Clerk I am better acquainted with, and more fit men for their situations could not have been selected, both as regards honor and activity. The *fee* which I shall now impose on the Traveller is not heavy; but, if he agrees to it and discharges the debt, it will be a real proof of his sincerity in the cause. I say then, he must not only attend his own Township Meeting and do his best there, but he must afterwards come to Niagara and go from house to house: he must invite every one to set aside trifling and all uncharitableness: and he must endeavor to get every one, who has not already subscribed, to give their name and dollar to the good cause, especially magistrates, and all who lay claim to the character of gentlemen.

The Traveller must no longer hesitate from want of "hope," as to the good he may do as "a single individual." If every one forbears to petition or aid the cause, from misgivings of this kind, nothing will be done. If every individual had come forward at my call, two months ago, to hold members of Parliament to their duty by petitioning, I am quite assured, they would have done their duty: the unity and force of the popular voice would have "compelled them." He speaks of the men in parliament "forgetting their duty to the people." I say the people have neglected their own duty, and, if they neglect it still, they will suffer and be insulted still. The men in Parliament are like other men, doing "evil continually": all men are apt to pursue "a line of conduct which their God, their country and their consciences most equally condemn." All men are sprung from Adam, and have a relish for Apples. Members of parliament when they get into York, are in the Garden of Eden, and cannot forbear munching the forbidden fruit. We must shut the gate of Eden, or lock up the apples: we must no longer expose our men of assembly to temptation: we must hold over them, forever, the flaming sword of justice and the law.

I have hitherto excused the Traveller for withholding his real name, on the score of "timidity." He must now lay aside timidity, and "false pride." Example is better than precept, and the Canadians will soon get over the sin which most easily besets them, when they see the Traveller walking before them, a real man, and rid of all maiden bashfulness. To prove to the Traveller, that "false pride" is not a failing of mine any more than insincerity I beg leave to say that I shall be ready, at James Roger's Coffee-House, next Wednesday the 22d inst. by 12 o'clock noon, to accompany my fellow Traveller, in his round, over the village of Niagara after subscribers: and if it is agreeable to him I shall call aloud at every door, "here are two poor Travellers come begging for your name and a dollar, in aid of the great public cause." Every man will then be liberal: every woman will smile on us for love of the

Traveller. The Devil is fast retreating from this sacred capital: the leaves of the pharisees will no longer be seen in it: the very fist which was once clenched against me, has at last opened wide to friendship and forgiveness:—indeed it is now doubtful if there is more than one villain in the whole District of Niagara.

Before I wrote the letter which the Traveller calls an "attack," I mean my last letter regarding the Traveller, for now that I recollect, all my letters, to Major Leonard and others, were designated *attacks*;—before I last wrote of the Traveller, it was matter of consideration with me, what style it would be most proper to assume in answering him, best to serve the public cause—whether the severe, the ludicrous or the confessional. As the *confessional style* may not be comprehended, I must first confess, that I am privately well acquainted with the Traveller—have the highest regard, not only for his literary talents, but for his goodness of heart, and, bating safe conduct over the asses bridge in mathematics, there is no man in whose hands I would rather trust my life. Now, before writing my last letter, I had a wish to see him, and consult whether it would not suit best to tell the public, that his second letter was intended as a mere burlesque, and that the words, "quibbles," "perverts," "unfair" and "conceals," were used only to try, for a week, what would be thought of them—whether the "false pride," or better sort of pride, of the Canadians, would be offended with them.—As it so happened I missed seeing my friend, to shake hands as usual between heats, and behold the lightning of my wrath set fire to my good man of straw. It is all for the best perhaps: my good effigy, when burning, shews off to perfection. The traveller improves under the lash: he is now actually to petition: his doubts, his delays, his heats, have all given place to good resolutions, and right feelings. We have met, shook hands, and before several witnesses, he has acknowledged, that the words above quoted, were very improper.—He will not even have a "headache" now, though I should oblige him to read half a dozen columns: I shall, however, neither put him to this test, nor proceed further than seems necessary to some explanation, which may be generally beneficial, for there are Canadians, not a few, whose reasoning powers are not above par, any more than those of my fellow Traveller from Britain; and, I should be sorry if any ill befel the public cause through mistakes, in argument, or personal dislikes to me, founded on error.

The Traveller says, I tell him, that he "was induced to interfere in my cause by a feeling of vanity," and repeats this word three times: but I cannot, upon search, find the word any where in my letter. He then thinks it *inconsistent* in me to accuse him of vanity, after giving him credit for sincerity and good intention. Now there might be no inconsistency in this, even though correctly stated. It often happens that people are moved by vanity, yet mean to do good, and, in the main, are sincere. After all that I have said of Dr. Strachan, I may now acknowledge it possible that perhaps he was sincere and meant to do good. The same Legislative Councillor who called him "arrogant," told me also, that "he was a good-hearted little fellow. Being good-hearted, sincere, or having no bad intention, is not enough to excuse a man from committing offences: many have been not only accessory to murders, but actually have committed murders from errors of judgment. To plead error of judgment, would not save such men from the gallows; and, should Lord Selkirk prosecute Dr. Strachan for libel, as I have heard it whispered he may yet do, the utmost proof of sincerity of disposition or good intention, ought not to stand in the way of justice. Thus even with correct statement, there is no inconsistency in giving a person credit for sincerity, while moved by vanity or worse passions; but, the Traveller forgets that the credit he had from me for sincerity was given in my first letter in answer to his first, and anterior to the appearance of his second letter, to which my second was a reply. His second letter may have at once, changed my opinion as to his sincerity, and exhibited signs of vanity; but, in fact, as to vanity, I returned to him, in my second letter, nothing but joke for joke, and only a sting of "false ambition" being the death of his aim. My worthy friend, getting so far confused in his notions, goes on confounding and confusing, and asks me my treatment "of my guests" is similar to what we may suppose the scripture Lord "would have done for a wretched man, who had been so far from the Traveller's language. "The scripture

Lord" is generally understood to mean Jesus Christ himself: any comparison with him would be profane; but these words are improperly introduced by the Traveller. The scripture informs us only that "a certain man made a feast" a mere man, and, in comparing with this mere man, I feel easy in saying, that my invitation to petition is equally sincere and pure, as to its end, as was the invitation to the feast, in the parable. I shall be sorry indeed, if any fault of mine, and not a few faults I have, should militate against my sincere efforts for good in this cause. The Traveller will I hope, in future, do every thing for the cause, and rather throw a veil over my faults as an individual, than create jealousies which may obstruct its progress. Neither I nor the Traveller are any thing to the public as individuals.—The moment we think only of ourselves, we are triling with the public cause; and following this rule, neither his second letter, nor the greater part of his third is "unoffending." Even the question as to my being "liable to none of the errors of humanity" and those that follow, are all *offending*, as neither I nor any one would answer otherwise than in the negative. It may not be "criminal to be under the fascinations of personal feeling" but why speak of it at all, unless there is *proof* of the existence of such feeling? Why put a question, merely to start a surmise? Surmises concerning my character have come from little to great, and the most desperate measures have been taken to blast the good cause, through the false sander of my character. Only two days ago I was attacked on the street of Niagara by member of Parliament. I was called a traitor, and the leader of a seditious meeting. The only object which I could discover was to provoke me into a brawl, and by this means to throw odium on the patriotic views of petitioners; but the intention was completely frustrated. I stood the fire of scandal and blackguardism, with the greatest coolness of temper: I was reviled, but reviled not again: the meeting was held in peace and quietness; and, I trust, it is only the first of many virtuous and patriotic steps towards getting payment of the just claims of sufferers by war, as well as towards establishing an entire new system of management in Upper Canada. The cause, I trust, will now prosper the better for its persecutions, and I shall take care of the Member of Parliament. I shall make him over to the law; and, try if Members of Parliament are to be allowed to disgrace themselves as private men, as much as they did at York, as public characters. I am neither subject to fear nor to passion; and I trust that God will protect me from murder and all harm. I shall calmly pursue the path of my duty, and I shall try whether personal security is to be held as light in Upper Canada as security in property. I have lived long in Scotland, and long in England: in both countries I have freely published my sentiments of public men and measures: but, till I came here, no one ever dared to threaten to shoot me, or to strike me: nor was I ever before slandered as a seditious character. If a jury of Upper Canada cannot put a stop to such horrible language and conduct, I should be loth indeed, to bring a single man to this country as a settler. If I had been supported in Upper Canada, frankly from the beginning, and in no degree above the deserts of my first Address, ship freighted with men and money might by this time, in consequence, have been weighing anchor on the shores of Europe, for the St. Lawrence instead of taking their departure for the States of America. By the very last post, I have accounts from England, that a friend of mine, who left home only a fortnight before me, and who is now settled in Indiana, has published an account of that country in England, to draw emigrants thither. His talents are such, that I know his work will take effect. Three years ago, he published a tour in France, which in less than five months run through as many editions. My friend and the American government will, I believe, have much to thank the council at York, the Legislators and certain Magistrates, not far from Niagara, for the dastardly, and identical conduct by which they have rendered the most extraordinary effort that ever was made for the public good of this Province, so far impotent, as to lose its effects for a whole season, and perhaps for ever for the stream, when once diverted to Indiana, may not easily be brought into its more natural channel. My personal efforts have now prevailed so far in opposition to the infamous influences against the cause, as to have got the business on the shoulders of a constitutional meeting, and if the people are true to themselves in holding orderly and peacea-

ble meetings all over the Province, as I have pointed out, the cause will even yet have a glorious triumph. In this case I repeat my own words, "not only every just claim may be paid by next Christmas, but a foundation may be laid for this Province becoming speedily the most flourishing and secure spot on the habitable globe."

ROBERT GOURLAY.

P. S. Since the meeting of the Niagara Township, I have been invited to attend the meetings of several other townships; but I can only be at one, and, there, I should be sorry to dictate. The meetings were directed to be held all on the same day, that individuals might not be going from one to another, and interrupting or voting out of their own Township. All may be sure, I wish them well. The main consideration is to have honest and independent men chosen as Representatives, to attend at St. Catharines, on Monday, the 27th of this month, to deliberate quietly, as to the best steps towards getting the claims of sufferers by war paid, and public abuses corrected. I trust, that beside him who tried to disturb the peace of the Niagara meeting, there is not another man so base as to scandalize constitutional meetings or breed in them confusion. It would be well, however, for the people to be on their guard against all who are in the habit of going to York, for land, and office favours, for none of these will like to see honest men petitioning for *fair* claims, or the correction of abuses, by which villains, "live, move, and have their being."

R. G.

From the Canadian Courant.

Mr. Mower.

SOME of the proceedings at the late criminal term of the Court of King's Bench, have excited a good deal of surprise in the public.

It is well known that at the term in September last two of the Judges declined to sit on any trial in which the North West Company were interested, on account of their near connexion with the heads of that concern; and as this had led to the appointment of a Commission of Oyer and Terminer for the trial of offences committed in the Indian territories, it was naturally and universally believed that no business of that description would come before the Court. But, to the astonishment of the whole city, the North West Company finding several of their partners and other persons connected with them in pecuniary interest, on the list of the Grand Jury, took the opportunity of presenting a number of Bills of Indictment against the servants of the Hudson's Bay Company and persons connected with the settlement on Red River. The first that was presented was against Mr. P. C. Pambrun, for robbery, on which a motion was made to quash the indictment on the ground that it had been found by a Grand Jury composed in part of partners of the North West Company who were directly interested in the question. From the pressure of other business, this motion was not fully argued or decided upon; but it was supposed that after so public a statement of the objection no other matters in which the same parties were concerned would have been brought forward or acted upon. Nevertheless, six Bills of Indictment were found under the same auspices, against the opponents of the North West Company for simple or compound Larceny; and three others for assault and battery, &c. Among these were several which had been thrown out by the Grand Jury in the Court of Oyer and Terminer; a Grand Jury among whom there were no partners of the North West Company, but which was composed of Gentlemen who had no interest in the questions brought before them. Several of the bills were also concerning the very same matters upon which the Judges of the Court of King's Bench had already refused to sit in September last, when Mr. Robertson, Mr. Spencer and others desired to be put upon their trials.

Notwithstanding the influence of the Grand Jurors interested in the North West Company, several bills of Indictment preferred against Captain D'Orfonens and other gentlemen connected with the settlement on Red River, were thrown out, and particularly one for murder (which had also been thrown out in the Court of Oyer and Terminer) against John Pritchard and the other survivors of the party that were butchered with Governor Semple on the 19th of June, 1816.

Among the bills found are two for grand larceny against John Spencer, for the seizure of Primeau made in 1814, in his capacity of Sheriff and by virtue of a warrant from Miles McDonell, Esq. This is very singular as the North West Company themselves, have stated both to the secretary of State and to the public, that the criminal proceedings on this subject in the courts of Canada had been

dropped, as upon the advice of the most eminent council in England there was not sufficient proof of a felonious intention.

Another proceeding which has given rise to a good deal of animadversion, relates to the Bail which had been required by Mr. Colman from the Earl of Selkirk, Captains Matthey and D'Orfonens, and Mr. Allan, to appear at Montreal, to answer charges brought forward by the North West Company, relative to proceedings at Fort William. It was shewn that this Bail had been improperly taken, the alleged offences being cognizable in the western District of Upper Canada.—It was however ordered by the court, that the parties should enter into new recognizances for their appearance in that Province. Against this it was first argued that the Court had no authority to take such a recognizance for the appearance of parties at a place not within their own jurisdiction. It was next shewn to be unnecessary and oppressive, as these gentlemen had recently taken a journey to Upper Canada for the express purpose of meeting any charge which might be preferred against them, and had there appeared before the Magistrate of the Western District, who, on a full consideration of each charge separately, and the examination of several witnesses on behalf of the prosecutors, were satisfied with recognizances to the total amount of £ 350 from the Earl of Selkirk, and proportional sums from the other gentlemen: Yet the Court of King's Bench thought it reasonable, upon the same charges for acts alleged to have been committed in a country over which it could exercise no jurisdiction, to hold the Earl to Bail in the sums required by Mr. Colman, viz: £ 6000 himself, and two sureties in £ 3000 each, a greater sum for an alleged misdemeanor, than the total amount of recognizances taken by the justices of the same court from all the partners and servants of the North West Company who were sent down eighteen months ago, against whom charges exist for the murder of half a hundred of their fellow subjects, and against whom Bills of Indictment have now been found for various murders, assaults, and burglaries, of the two Judges who sit on this occasion, Mr. Justice Reid, brother-in-law to Mr. McGillivray is one of the two who in September last declared it *imprudent* to sit on the trial of Mr. Robertson, or Mr. Spencer.

By the order given in these cases of Bail, it will appear that the court of King's Bench for Montreal arrogates to itself the power, even in cases of no greater criminality than alleged misdemeanors or of binding parties in recognizance to appear before the courts of Upper Canada.

This assumption of authority is a matter which calls for immediate investigation, and which most seriously affects the liberality of every subject of His Majesty in this Province.—If the Court bind parties from this District accused of a misdemeanor to appear at a court in the Western District of Upper Canada, the same principle must apply to any other British Colony, and the Court could equally well bind them for a misdemeanor to appear in Jamaica.

The verdict of a Jury need no longer be required to inflict banishment, it may be as effectually done by a recognizance.—In like manner might the Court of King's Bench for this District bind over parties accused of assault and battery to take their trial in New Holland.

A SUBSCRIBER.
From the National Intelligencer of April 30.
By the President of the United States of America.

A Proclamation.

Whereas an arrangement was entered into at the City of Washington, in the month of April, in the year of our Lord one thousand eight hundred and seventy seven, between Richard Rush, Esquire, at that time acting as Secretary for the Department of State of the United States, for and in behalf of the government of the United States; and the Right Honorable Charles Bagot, his Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, for and in behalf of his Britannic Majesty, which arrangement is in the words following to wit:

- "The naval force to be maintained upon the America lakes, by his Majesty and the Government of the United States, shall henceforth be confined to the following vessels on each side; that is—
- "On Lake Ontario, to one vessel not exceeding one hundred tons burthen, and armed with one eighteen pound cannon.
- "On the Upper Lakes, to two vessels not exceeding like burden each, and armed with like force.
- "On the waters of Lake Champlain, to one vessel not exceeding like burthen, and armed with like force.