

... belonged to Mr. Bethrong and what quantity to Mr. Whitney. Witness—No. I do not. I was then told that a quantity of staves had been proved by this witness to have been delivered sufficient for the fulfilment of Mr. B's contract to me. But it appeared also by the same witness that a part of these staves had been my own, and therefore it became necessary for me to shew the quantity delivered by myself, in order to shew that Mr. B had been deficient in the fulfilment of his engagement to me. I then whispered my Counsel and requested he would urge on the part of the Plaintiff, the production of his Cullers receipts (which I was well aware he had in his pocket,) of all the staves he had delivered me on account of his contract; but when I found my request would not be attended to by my counsel and I was asked again if I had any witnesses to call, I arose myself and requested that the Referees would call upon Bethrong to produce the receipts of his Culler which would determine at once the quantity of Staves he had delivered me; that quantity said I, compared with the contract will determine at once who in this case has been the delinquent party. During my short harangue, I was ordered again and again to sit down and be silent, and when I had finished I was told that nothing I had said could in the slightest degree be attended to, that whilst I had Counsel, I could not be heard except through him. I then said—Gentlemen, since you insist upon my proving a negative, I believe it will be in my power to do so, and pulled from my pocket the receipt of the Staves I had delivered and threw them upon the table, when Mr. Sherwood proceeded to add together the several amounts and after subtracting the several sums added together, from the amount sworn to by Bristol, he observed to the Plaintiffs Counsel as follows. "Mr. Bowen do you see this? deducting the amount of Staves which appears to have been delivered by Mr. Whitney himself, from the whole amount which appears to have been delivered by them both it leaves Mr. B. far in the back ground. It would appear from this, that Mr. Bethrong instead of Mr. Whitney is the deficient party. Yes, said Mr. Bowen. But we shall call upon Mr. Whitney to prove the handwriting to those receipts before we shall admit them, and I was accordingly ordered to produce my witnesses to prove the signatures; when I was advised to send for a Mr. Arnold. Mr. A. when produced said he had a few times seen the handwriting in question, and had an impression that it was such as it purported to be; he was then asked whether upon the oath he had taken, he could say, this was the handwriting whose signatures they purported to be. He said no, he could not. My Counsel then moved, in form, for a continuance, that I might send express to Montreal, to procure the necessary testimony; but, after an argument, between the learned Counsel, of almost two hours, and many precedents and much legal authority produced on both sides, it was at length decided by the Referees, that they had it not in their power to grant a continuance.—I was then addressed by Mr. Sherwood, in substance as follows: "Mr. Whitney, you may observe by the laws of the country where we are, which by our oaths, we are bound to respect, that we have it not in our power to grant your request (and which to me appears a reasonable one) of a short continuance, to procure your witnesses. This may be an unfortunate, and a hard case for you,—we do not believe you have forged these papers; and those papers, substantiated, would, no doubt, give a different turn altogether to our award. As it now stands, we shall find ourselves under the necessity of placing all the staves mentioned in your receipts, and which we have little doubt might have been delivered by yourself, to the credit of Mr. Bethrong." We were then ordered to withdraw, and the next intelligence I received was that an award had been found against me for between 11 and 1200 dollars, on a judgment from the State of New York. Predicated upon this unrighteous award, I have been prosecuted at Kingston; which suit stands for trial at the next Assizes at this place. I have been informed by my Counsel, that interrogations, embracing all the facts above stated, have been forwarded to David Ford and Samuel Sherwood, Esquires, the former of whom replied to each and every question, except one "I do not recollect"—and that one was a question whether a continuance was not proposed, and by the Referees rejected; to which he replied, that he did remember that they did continue from day to day to hear testimony. The latter gentleman, I was informed, wrote a letter to the Commissioner stating upon his honor that every circumstance was obliterated from his memory, and therefore was not put upon his oath. Bethrong has told me frequently, since, that he had in his pocket at the

trial, all the receipts for the Staves delivered me, and which he a short time since repeated in presence of a witness, and added, they were still in his possession; and when I proposed to him to produce his receipts and let us settle our difference without any further lawsuit, he declined, and said he chose it should be settled by law, or words to that purport. B. WHITNEY.  
Sworn before me at Kingston, this 8th day of July, 1818.  
P. SMITH, J. P.  
FOR THE KINGSTON GAZETTE.  
THE CATECHIST CATECHISED.  
Mr. Observer's political Catechism published in the Gazette of the 7th instant, contains these questions and answers.  
Ques. "What is the Government of Upper Canada?"  
Ans. "Of that description denominated Provincial."  
Q. "From what source does the government receive its power?"  
A. "From two sources. The King of the united Kingdom of Great Britain is the first and principal source, and the people resident inhabitants of the country, are the second source."  
Let me ask Mr. Observer, in my turn: Have you yet to learn, that our Provincial constitution of government, differs from that of the British Colonies in general, has not emanated from the King, as its source, in the form of a Royal Charter; but is founded on an act of Parliament, by which the King himself is bound, and which he cannot repeal or suspend?  
Ques. "Are we, in any part of our government, independently distinct?"  
Ans. "Yes, in the Representative department."  
Q. "How far does that power extend?"  
A. "To the framing and repealing local laws."  
Really, Mr. Observer! Do you, then, suppose that the representative department of our government, have power to enact or repeal a law?—Please to read the constitutional act, and you will find, that legislation requires the concurrent agency of the three branches of our Provincial Parliament. To say, the House of Representatives have power to legislate, is absurd.  
Ques. "If Royal power is present in this Province, in the King's Representative, and our Commons have power to legislate, is it necessary to address the Prince Regent, for a redress of grievances?"  
Ans. "It is not, and in the first instance, I doubt the legality of such proceedings."  
Fray, Mr. Observer, do you think that because the King's Provincial Representative has some portion of Royal power delegated to him, he therefore is vested with the full powers of Royalty, as it respects the Province? Take an example or two. Has he any power over the Post-office department in this Province? Suppose a Post-master should abuse his trust; for instance, that, instead of transmitting letters and packets to the persons to whom they are directed, he should suffer them to be taken out of the Post-Office by other persons, in violation of the Post-office law, and of his own oath prescribed by that law, thereby incurring a penalty of twenty Pounds, and a forfeiture of his official situation; could the administrator or Lieutenant Governor, or your "independently distinct Representative department," correct such abuses? No, Sir, it would be beyond their reach. One part of the remedy might be administered by the Judiciary. An action for the penalty would perhaps be within the jurisdiction of the Court of King's Bench. But the removal from office, and the restoration of the Post-Office to its regular legal course would require the interposition of the Royal prerogative, through some other channel. In such a case application might properly be made to the Prince Regent. So also for reformation of abuses in the Land granting department, which is a branch of the Royal Prerogative. And, as to the legality of Petitioning the Crown, which you have the hardihood to doubt, that is secured by the memorable act of Parliament, called the Bill of Rights, which is the law of this Province, as well as of the mother country. The inhabitants individually, or either branch of the Provincial Legislature, may, at their discretion, exercise this constitutional right of petitioning the throne; and may transmit their Petitions through such organs of communication as they judge most proper.  
Upon the whole, Mr. Printer, your Catechist's apparent ignorance of the constitution and the relative powers of the different branches of government, has led him into a confusion of ideas and erroneous conclusions, and justifies the application of that proverbial

caution, "No sutor ultra crepidam;" which may be translated, for the present occasion, Let the Observer turn his wheels and spindles, instead of turning his brains with political dialogues. PATRICK.  
FOR THE KINGSTON GAZETTE.  
To the Inhabitants of Upper Canada.  
GENTLEMEN,  
At a time when political influences are circulated with so much industry and inveteracy as we find them to be at the present day, and when those influences so evidently tend to corrupt the best affections of a people whose principles have, hitherto, been so pure, but whose taste for novelty is so great, and above all, whose industry and ability to distinguish between the novelties that tend merely to gratify our passions, and those that lead to the general good and prosperity of the country, are so limited as we must acknowledge they are in this Province; when those principles and influences are circulated by a man of talent, industry and ambition, and when that man receives the countenance and support of a party who actively engage in promoting his views, and by whose example it may be feared the unwary and uninformed may be led astray: when such attempts, I say, are made in so new a colony as Upper Canada, they unquestionably have a dangerous tendency, and it therefore becomes the duty of every man who has a regard for the welfare of the country, who respects and who would wish to support order and peace in public society, to use his influence in checking principles and pursuits so dangerous in their tendency and often so ruinous in their consequences.—When a political incendiary labours to excite the flame of party spirit, and to raise discontent in the mind of a people so enlightened, so loyal and patriotic, and so devoted in the love of their country, as of those of England, 'tis not a matter of so much consequence, for there they have examples of the failure and disgrace of such attempts, and they are upon their guard.—But notwithstanding this, it is a lamentable fact that even these such attempts are sometimes countenanced, the unwary are drawn into a snare which entangles their country in factions and disorders, and then, it closes upon themselves, exposing them as they are—the deluded and unhappy victims of political seduction.—If this seduction lead to such unhappy results in a country so strongly guarded by the arm of a patriotic people, having such advantages, examples and general acquisitions, how much more are the consequences to be dreaded in so new a country as this, where our information is so limited, where happily, the attempts at seductions, and their attendant disorders and disgraces, have been so few, and where, in consequence, the field of political speculation is so extensive and so unguarded!—Inhabitants of Upper Canada, let us stand upon our guard, let us watch with an attentive and a jealous eye the pursuits of all who would labour in this field, let us carefully examine and deliberately weigh the innovations they would introduce; and if we find them defective, let us find them tending to subvert those rules and principles by which we have attained our present elevation, our happiness and prosperity, let us check them in the bud, and let us discard them as selfish, impolitic and dangerous. Let us enquire, Inhabitants of Upper Canada, whether there is not at this moment a person or persons among us, who, under the mask of philanthropic feelings and views, would eagerly introduce "a radical change of that system of government" which has hitherto been pursued so much to our advantage, and of which we may certainly boast with a just pride? Let us enquire whether there is not a person amongst us who would willingly lead us to the adoption of a speculative system, invented in the ravings of an enthusiastic brain, or perhaps by what is worse—the interested designs of a deceitful heart? And in making this enquiry, if such a person should be found amongst us, let us root him out, let us tear the mask from his heart, and let us expose him as he should be—a public example to the country. To do this is a duty we owe not only to that country which supports and cherishes us, but we owe it to ourselves, to our children and to our God.—Under these impressions, Gentlemen, as an individual, I feel myself called upon to enquire into the views and principles of a man who has for some months past been labouring to engage us in political broils, and who, it is to be feared, may have been in some measure successful in seducing a party into the adoption of his principles. It is proper that this enquiry should be made with openness, with coolness and candour: it should be done in manliness and without prejudice; and it is with this view and such a desire that the author of these remarks now undertakes to make the enquiry; if he fail in his object, the loss is his own, for no harm can be done by the attempt; if he succeed the gain is his country's, and consequently the highest compensation he can himself receive.  
(To be Continued.)  
Meeting of the Upper Canadian Convention, of Friends to Enquiry.  
YORK, Monday, July 6, 1818.  
This day a Convention, consisting of persons chosen according to the rules prescribed in the pamphlet, entitled, "Principles and Proceedings of the Inhabitants of the District of Niagara for addressing His Royal Highness the Prince Regent, &c." met here.  
PRESENT,  
For the District of Niagara,  
ROBERT HAMILTON, Esq.  
JOHN CLARK, Esq. J. P.  
DR. CYRUS SUMNER,  
(Major WILLIAM ROBERTSON, reported absent, from sickness.)  
For the District of Gore,  
RICHARD BEASLEY, Esq. J. P.  
MR. WILLIAM CHISHOLM.  
For the London District,  
MR. CALVIN MARTIN.  
For the Western District,  
MR. RODERICK DRAKE.  
For the Midland District,  
DANIEL WASHBURN, Esq.  
MR. DANIEL HAWLEY,  
MR. PAUL PETERSON,  
MR. JACOB W. MYLES,

THOMAS COLEMAN, Esq.  
For the District of Newcastle,  
MR. ROBERT J. KERR.  
For the Johnstown District,  
MR. NATHAN HICKOK.  
For the Ottawa District,  
.....  
For the Home District,  
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It being proposed, that these Gentlemen should, each, give satisfactory evidence, by reference to printed and written documents, or on their word of honor, that they had been duly appointed to represent people of the respective Districts (and the same being complied with) the meeting was regularly constituted by calling RICHARD BEASLEY, Esq. J. P. to the Chair.  
Mr. Beasley opened the business in a neat speech, wherein he deprecated the false and malicious insinuations and assertions thrown out before the public, as to the views and intentions of those who joined in the present business. It was only necessary, he said, to look to the faces now present, to have refuted every possible thought of evil intention.  
William J. Kerr, Esq. J. P. was named, and chosen, Secretary for this Convention, and Daniel Washburn, Esq. Assistant Secretary.  
It was then moved and carried, that Mr. Gourlay be admitted to assist in the deliberations of the present occasion—to speak, but not to vote. Mr. Gourlay, hereupon, came forward, and addressing himself to the chair, expressed his great satisfaction at seeing the measures which he had had the happiness to suggest to the public of Upper Canada, so far matured, in the meeting of this convention:—He said that these measures would have had the most complete success, but for unforeseen and unexpected influences:—that it was obvious, from the beginning, that many men, accustomed to draw profit from corruption, or enjoyment from the exercise of arbitrary power, would oppose measures tending to refresh the body politic and restrain the licentiousness of ill-regulated authority; but, it could not have been supposed that there would have appeared men so base, as to injure a good and great public cause, from mere wanton malevolence, or, to gratify private pique and revenge; far less, that any of those men who represented the people in Parliament, would take arms against measures, not only pure, but having in view the very ends which the Assembly had repeatedly strove to attain.—That such had been the case, was however, unfortunately too true: and the machinations of such parties had held back that frank & confident support to the cause, which certainly would have prevailed throughout, from the unbiassed feelings of the people. Mr. G. said, that, from his knowledge of the public mind, there was only required a little time to get over every difficulty raised by lying reports and evil influences,—that he had positive information, that even already, many people, who had been at first staggered under ignorance of the truth, and the novelty of proposed measures, were fast adopting more liberal sentiments, and heartily wishing us well, though they had lost the opportunity of choosing Representatives to speak for them on this occasion:—that it would be of infinite consequence to give time for reflection; and, as there was but one great interest in the country, so there might be the most harmonious effort possible made to promote it. Under circumstances, then, he would propose a change of measures:—he would propose, instead of sending home a Commission, directly, to His Royal Highness the Prince Regent, that a Deputation should wait on the Governor, as soon as arrived, or, should proceed to meet him at Quebec:—that this Deputation should present two petitions,—one to the Prince, with a request, that he (the Governor) should immediately send home the same to be presented at the first levee:—that another petition should be presented to himself, praying, that he would immediately dissolve the present Parliament, and issue writs for a new election:—that he would meet the new Parliament with all possible dispatch, and recommend as its first great object, (after getting the annual supply voted,) to proceed to an enquiry into the state of the Province, and have a Commission appointed to go home with the result, in time to have the same laid before the Imperial Parliament, in the early part of next session:—Mr. G. said, that in his address of the 2d of April, he had asserted that there was little to be expected from change of Representatives or Governors.  
He would now qualify that assertion. The appointment of the Duke of Richmond to be Governor-in-chief of the Canada, was an auspicious event. The Duke of Richmond was a rare character,—one who had proved that Royalty it-

self could not make him stoop to indignity, and one who had nobly supported the rights of the people of England.—He had long ago maintained, that every man who paid taxes should have a vote in Parliamentary election, and his opinion had been proudly quoted by the lovers of rational reform, upon every occasion since. In this country we had the fullest privileges as to the choice of Representatives—the fullest security that taxation never could be made oppressive to the community. We had nothing to expect from the Duke of Richmond as to this; but his former conduct and declared opinions, were quite cheering to our hopes, of his heartily joining in every effort for the public good; and, Sir Peregrine Maitland, with such an example and with such an adviser, we might be well assured, will be forward in performing honorably and well, the high and important duties entrusted to him. As to a change of Representatives there was, at this time, considerable hope.—Men's minds were now roused to the full importance of having respectable characters in assembly: they had seen the evil consequences from too much indifference as to this; and, in fact, the Parliamentary character had fallen so low, that respectable men had for years, declined coming forward, as candidates.—Now, he was convinced that men of solid worth and judgment would offer themselves; and that while all were alive to public interests, every voter would seriously think of the character he supported. There were now in assembly several men quite a disgrace to their situation. These men, he thought, would certainly not now be returned; and such as were still in favour with their constituents from uprightness of intention (and there was a considerable proportion that he believed to be worthy honest men such as perhaps could not be excelled)—that he was sure these men would resume their duties with increased energy and determination, to recover to the country that character and credit which their remissness had unhappily tended to degrade and dissipate.  
These measures requiring time for reflection, it was moved by Mr. Washburn, and carried, that this meeting do adjourn till to-morrow at 9 o'clock.  
York, Tuesday, 7th July, 1818.  
This day the Convention being met, and Richard Beasley, Esq. in the chair, Mr. Washburn rose, and after making some remarks on the proposals yesterday brought forward, submitted the following Resolutions for consideration:—viz.  
Resolved 1st. That whilst this Convention holds it one of the most sacred rights of British subjects, at all times, directly, to petition the Throne of their Sovereign, relative to their grievances, yet, nevertheless, under the present peculiar existing circumstances of this country, the members of this convention, as well out of respect to that honorable body, the Commons House of Assembly of Upper Canada, as for other causes, deem it their most indispensable duty, on this important occasion to recommend in the strongest terms, to their fellow subject resident in this Province, a spirited, formal, and respectful application to that Honorable House, for an inquiry into the state of the Province.  
2d. That John Clark, Cyrus Sumner and Roderick Drake, Esquires, be a permanent committee, for the management of the affairs of this convention, and that they, as soon as may be practicable, prepare a respectful Petition, praying for enquiry and expressive of grievances, (for the immediate sanction of this Convention) to be by them circulated for subscribers, and presented at the bar of the House of Assembly, at their next ensuing session.  
3d. That the said committee be further authorized to frame an address to His Royal Highness the Prince Regent on the subject of grievances believed to exist in Upper Canada, which when approved of by this Convention, shall be submitted by the Committee, together with the Petition above mentioned to the honorable the House of Assembly, at their next meeting for their alteration and amendment.  
(Signed) D. WASHBURN.  
The following Resolutions, founded upon the proposals of Mr. Gourlay, were then submitted, viz:  
1st. Resolved, That this Convention, assembled for the declared specific purpose of sending home a Commission to England, with an address to His Royal Highness, the Prince Regent, on the state of public affairs in this Province, sees good reasons for departing from the prescribed course of proceeding; or, at least, for delaying the execution of the plan of procedure first intended.  
2d. Because, various unfair advantages have been unexpectedly taken, by weak, wicked, and self-h men, to deceive the public as to the true and legitimate objects in view, as well as to stir up doubts with regard to the propriety and legality of the measures proposed; thereby distracting the public mind, and creating false fears and alarms.  
3d. Because, by a little delay, and with further means being used to dissipate alarms, and convince the people of the deceptions practised towards them, a more universal