

J. Davis Barnett.

The Books of the Political Prisoners and Exiles of 1838

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Part I—Introduction.

Earl Durham, when he came here in '38 as High Commissioner, thought—and we cannot but feel with him—that the Lower Canadian rebellion prisoners of '37 should have had their punishment settled upon and meted out before he came into his busy, brief lease of undefined colonial power.

However, they were easily persuaded to plead “guilty.” He was anxious, for humanitarian and political reasons, to avoid the death penalty; and believing he had the power, he exiled them (temporarily, he hoped) to “pleasant” Bermuda, a country over which he had no jurisdiction, nor even on his order could its governor legally detain them.

When Durham learned, as he did through New York newspapers, that the British Cabinet who had appointed him, giving him large powers and the promise of full support, did not legalize his humane action, they nervously paying too much attention to the pettifogging comments of Brougham and similar opposition party cavillers, he resigns and sails for home before the somewhat similar cases in Upper Canada have to be settled. It is some of the experiences and indignant feeling shown in the now scarce books of these prisoners that this paper attempts to group, the bibliography being its last part.

(1) The first author is Wm. Gates, “one of the Canadian Patriots.” As he tells his story, he is an American, 22 years of age, unmarried, and apparently a farmer. Says he actively sympathized with the Patriot Movement “which had for its object the liberation of the Canadas from British misrule and oppression.” . . .

Gates joins the “Hunters’ Lodge” at Lyne, Cape Vincent (south of Kingston), and in November, 1838, in a schooner, is with other members towed across and down the St. Lawrence to Prescott, and there takes part as a private in the battle of Windmill Point, of which he gives a clear description. The numbers in action are not given in Sir John Colborne’s report sent to England, but Gates says: “The 83rd Regiment, numbering one thousand veterans, supported by twelve hundred provincial soldiers, aided by an unknown number of militia, composed the force. We were a small band of about two hundred and fifty souls, with but four days’ provisions at the most, and a very scanty supply of ammunition.” Though beaten, he is proud of American fighting capacity, and says, “thus ended this brief, unequal struggle, which had resulted in a loss of near six hundred killed and wounded on the part of the British, while on that of the patriot side, if I remember aright, but fourteen were killed and twenty-seven wounded.”

In the endeavour to boat across to Ogdensburgh to get the doctor’s forgotten instruments and medicines, he is caught by the steamer *Cobourg*, and is eventually imprisoned at Fort Henry, Kingston, and with others is tried by court martial, about which he is sarcastic.

