

To the Editor of the Canadian Freeman.

York, June 1, 1837.

Sir,

In your paper of yesterday you make allusion to me and say that his Excellency's name was at the head of a list carried about by me in order to indemnify the rioters and pay the £225 awarded against them by the jury.

*My conduct upon that occasion was dictated by a sense of duty, and I have not a wish for the concealment of any single step I took in the accomplishment of the object I had in view, and which originated entirely and spontaneously with myself.*

*My only object in publicly noticing your assertion is to state that as respects his excellency the lieutenant governor there is no truth at all in it. I know that his excellency never contributed a shilling either directly or indirectly towards the fund you allude to, nor, have I a single reason to suppose that his excellency ever heard a syllable of such contribution.*

I do not make this declaration to defend the character of the lieutenant governor from the aspersions of a *public calumniator*, because as far as regards his excellency it would be superfluous for me to do so; but being alluded to by you, and best knowing the circumstances of the transaction you have misrepresented, I deem it my duty to give a public contradiction to your statement. For there are many honest well meaning persons, little acquainted with the hold confidence with which falsehood is now so frequently put forward as fact, who must naturally believe that such statements cannot be so much at variance with the truth as they actually are. Especially as the fabricators of those calumnies so ingeniously mix up fact and falsehood as easily to deceive the inexperienced reader. *Thus upon the well known fact that I interested myself to obtain assistance for individuals about to suffer for conduct which I considered as the inevitable result of the wickedness of others, is built up the falsehood I have now exposed.* I have no doubt in my own mind but that you fabricated this falsehood---it may be however that I am mistaken, and I shall readily admit that I am mistaken, if you will publish the name of any respectable person as your author.

I request you to let me know by the bearer if you will publish this letter in the next number of your paper. I am, Sir,

Your obedient servant,

JAMES FITZGIBBON.

When Colonel Fitzgibbon had thus confessed his partnership in guilt, he lay at the mercy of the editor he had insulted, who thus disposed of him—

“We ask the impartial reader, did ever an official man commit himself in such a way? did ever a loyal sycophant so incautiously betray his own secrets and expose his own depravity? Colonel Fitzgibbon, Deputy-Adjutant-General, one of his excellency's suite, a magistrate of the Home district, publicly asserts in the face of an insulted community---in the face of a verdict from an intelligent jury---in the face of law and justice---that his “conduct,” in privately sneaking about among the York officials with a subscription list to defray the expenses of a daring outrage---“*was dictated by a sense of duty!*” and that the illegal and infamous conduct of the destroyers of Mr Mackenzie's property was “*the inevitable result of the wickedness of others!!*”---Good and merciful heavens! was there ever such doctrine preached up by a British magistrate, the dispenser of law and sworn conservator of the public peace!---that because a little scurrility is published in a newspaper, “*the inevitable result*” is that the house must be illegally and forcibly entered and the property destroyed, no matter whether the owner or his creditors suffer by it!---and that it is the “*duty*” of a magistrate, instead of preventing the outrage, to counteract the intention of the law by “*spontaneously*” collecting money to keep the rioters indemnified.”

“And, we must say, that in the above letter he makes an avowal that will for ever damn him in the eyes of every honest man; for, either the highly res-