

office and favor."

So far Mr. Gourlay was in the right but now his to him unfortunate facility of expression in attacking abuses gave a handle to his enemies. He wrote violent letters to the papers abusing Dr. Strachan and others in power and thus injured his cause. In a document published by him a petition to the Prince Regent which was a true picture of the land question, a passage was fastened on by the Executive as libellous and a criminal prosecution was set on foot against the writer. He was arrested and thrown into jail at Kingston in August, 1818, but was acquitted. A few days after he was again arrested and tried at Brockville for another alleged libel in the petition, but was again acquitted. It was now resolved to drive him out of the country and to do so to fall back on an Act passed in 1804, the Alien Act aimed at seditious or disloyal persons who had not lived six months in the country and who were not British subjects or had not taken the oath of allegiance. Not one of these applied to Gourlay who was a loyal British subject and had lived in Canada a year and a half. A charge was made and he was arrested by the sheriff of the Niagara District and brought before the Hon. Wm. Dickson and the Hon Wm. Claus an oath having been taken by Isaac Swayzie that he "verily believed that Robert Gourlay was an evil minded and seditious person and that he had not been an inhabitant of the province for six months." He was ordered to leave the country in ten days. This he did not do and on the 4th January, 1819 was arrested and lodged in jail where he languished till the 20th August, almost eight months. Although he procured a writ of Habeas Corpus to appear before Chief Justice Powell at York and had the evidence of Hon. R. Hamilton and Geo. Hamilton that the charges were false he was remanded to prison although the highest legal authorities pronounced his imprisonment illegal and indeed the Alien Act to be unconstitutional, he remained in close confinement in a close cell only allowed to speak to friends through a hole in the door in the presence of the jailer. While in prison he wrote a letter which appeared in the Niagara Spectator. The editor Bartemus Ferguson was absent and knew nothing of its contents but for this he was arrested, confined in Niagara jail for sedition his sentence being to pay a fine of £50, be imprisoned for eighteen months, stand in the public pillory for one hour, find security for £1000 and remain in jail till fine be paid and security given. Such were the glories of the free press of ninety years ago, such were the good old ways that we sometimes hear spoken of.

But to return to Gourlay. He himself gives an account of his sufferings and on the day of trial his appearance was pitiable. He had prepared a defence in writing but when called on his memory