

# PETITION.

*To the Honourable the Legislative Assembly of the Province of Canada.*

THE PETITION OF ROBERT FLEMING GOURLAY:

HUMBLY SHEWETH:

That, Your Petitioner has been before the Legislatures of Upper Canada, and Canada, these last ten years, defending his rights, as a British subject, and keeping in view his landed property in the Province.

That, being in the State of Ohio, in the year 1836, he had a Memorial presented to the House of Assembly, Upper Canada, reciting facts, and suggesting measures, but with no special prayer.

That, being in the Township of Niagara, in Upper Canada, in the year 1839, he had a Memorial, presented to the Assembly, continuing the recital of facts, and praying for a commission to investigate, on the spot, all the circumstances as to his imprisonment, in Niagara Jail, in the year 1819.

That, had this simple prayer been acted on, Your Petitioner would immediately have gone to England, there to lay evidence, obtained, before the Imperial Parliament: but, instead of this, an Address was carried to the Lieutenant Governor highly injurious to Your Petitioner; in so much, that he was thereby obliged to remain in Upper Canada, under most distressing circumstances.

That, in the year 1841, Your Petitioner had a Petition presented to Your Honourable House, including copies of the above mentioned Memorials, with other Documents; and praying that all should be seriously considered.

That, this Petition was referred to a select Committee, and reported on, to the entire satisfaction of Your Petitioner.

That, a Petition was presented to Your Honourable House, this present Session, including the Report of 1841, and having, annexed, a Report of the Executive Council;—all of which has been printed.

That, Your Petitioner, from respect to Your Honourable House, attached to this Petition no special prayer,—believing that Your Honourable House would, on sight of the Report of Council, repel the assaults thereof, and sustain its own positions; but, after debate, nothing was concluded; and, it is now the duty of Your Petitioner to speak for himself, which he proceeds to do:—

The Report of Council is cunningly devised. In its assertions, it is bold and deceptive; and,—in its arguments, fallacious;—sometimes begging the question, when that is inadmissible; and, often insinuating, purposely to mislead. In one place, it takes for certain, what, in another, it gives up to doubt. It does not state, fairly, under what circumstances the Act of 1804 was framed; and, makes question as to its application, while none can be entertained.

In the year 1802, there remained, under sentence of death for rebellion in Ireland, many persons whom the Government was loth to execute, after the general peace. An offer was therefore made, that they should go free, on condition of expatriating themselves, and leaving the kingdom for ever,—which offer, they gladly accepted. Some of them went to the United States, where they found many rebel friends, who had escaped from Ireland; and, were soon after joined by others, who fled from justice, after the insurrection in Dublin, in the year 1803.

It was to protect Upper Canada against these desperate men that the Act of 1804 was passed; and, towards them or aliens, there was nothing in it to be complained of, however barbarous; for, they lay under no necessity of going into the Province; and, if there, could suffer no damage, by an order to depart. How very different was the case of Your Petitioner! He was an unattainted British subject: had right to land, in Upper Canada, ten years before he set foot in it:—and, moreover, after two honourable acquittals on jury trial, had, in confidence of security, sent to England a Power of Attorney for settlement of his affairs in Great Britain, in order that he might, untrammelled, establish a Colonial Land Agency. Would any man, so circumstanced, obey an order to leave the Province? Certainly not.

The Report of Council says, that: "*Being a native born subject of the Crown does not enter into the question.*" Monstrous effrontery! Did the writer of that Report not know the distinction between *natural* and *local* allegiance? or, did he mean to sink the condition of an unattainted