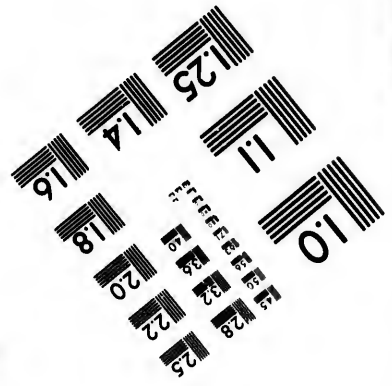
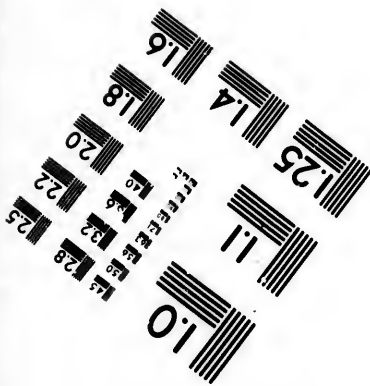
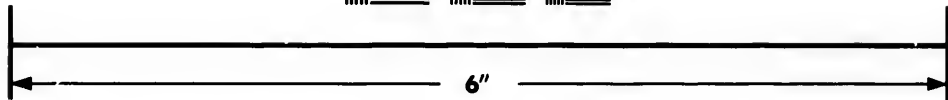
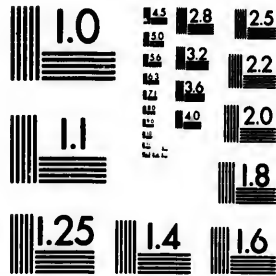


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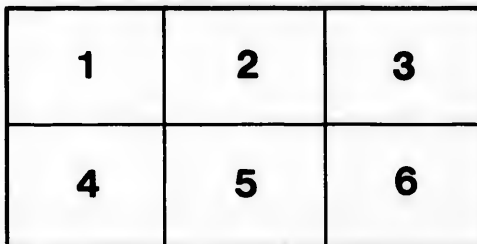
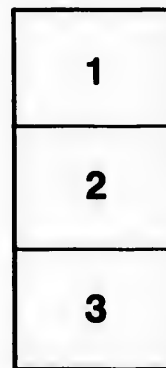
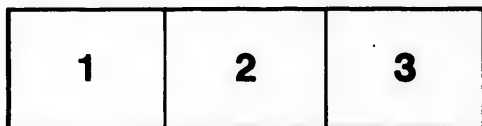
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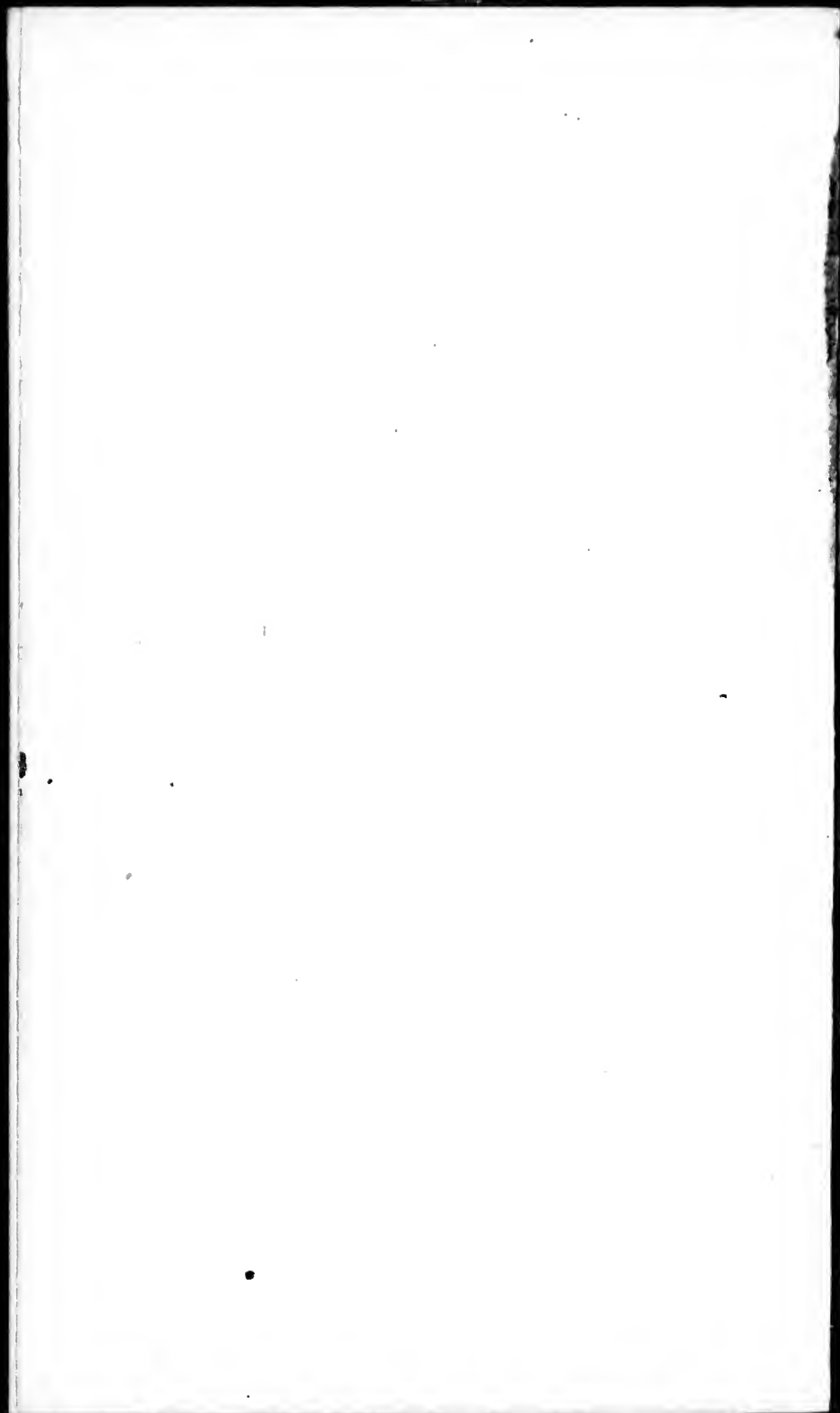
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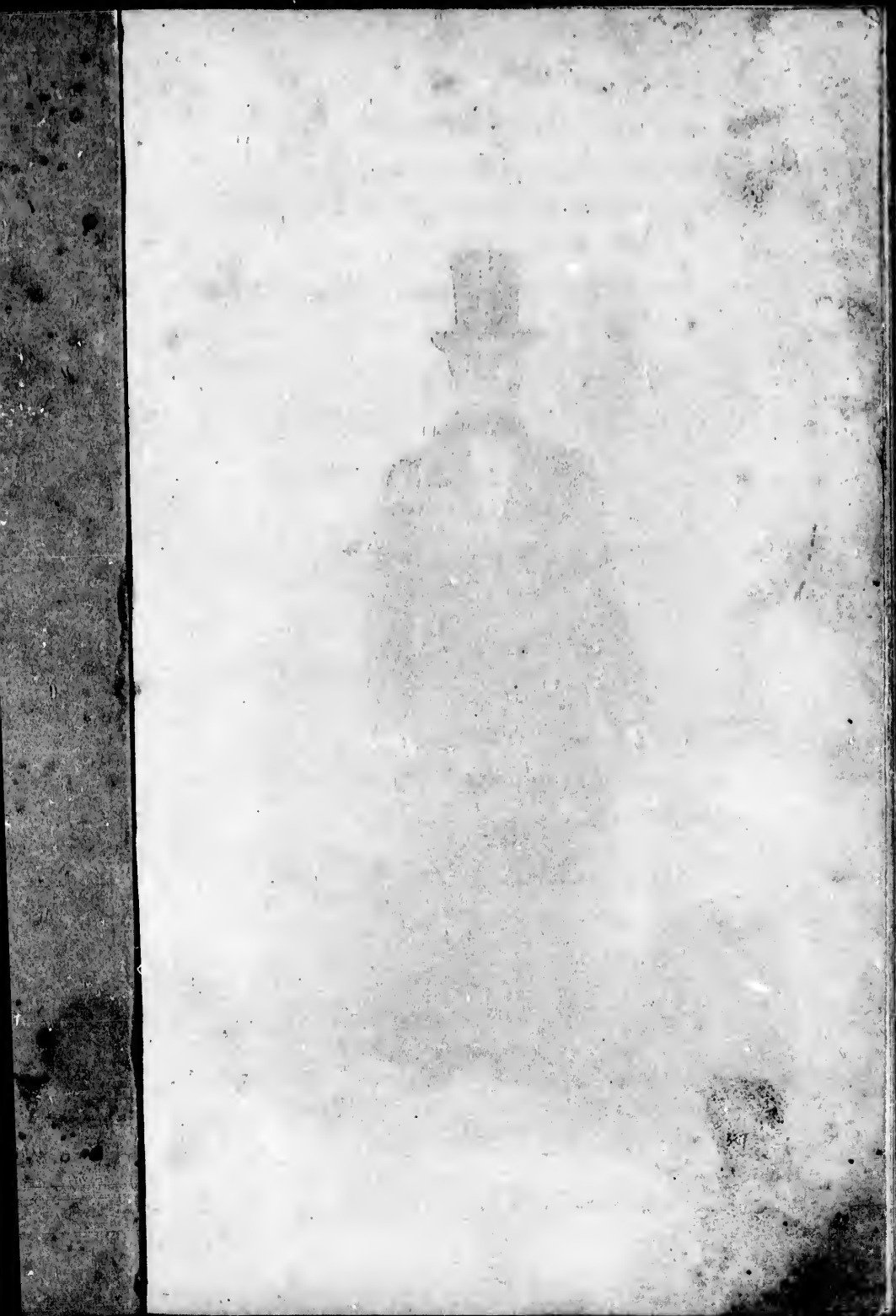
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Sylvester Brown, lumberman, Rochester, N. Y.—Frontispiece.

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**AN APPEAL**  
TO THE  
**INHABITANTS OF HER MAJESTY'S CANADIAN PROVINCES**  
AGAINST THE LAW AUTHORIZING  
**IMPRISONMENT FOR DEBT IN CANADA WEST;**

IN WHICH IS EMBODIED  
A HISTORY OF THE  
SUFFERINGS AND WRONGS OF MR. SYLVESTER BROWN,

A PRISONER FOR EIGHTEEN MONTHS IN THE JAIL AT CHATHAM;

TOGETHER WITH A FULL EXPOSITION OF  
THE RASCALITY PRACTISED BY SOULLESS CREDITORS, CRAFTY LAWYERS,  
PLUNDERING SHERIFFS, HEARTLESS BAILIFFS, BRUTAL JAILORS  
AND TURNKEYS, AND GOUTY JUDGES;

TO WHICH ARE ADDED  
FULL AND COMPLETE DETAILS OF OTHER CASES

IN WHICH  
POOR, BUT HONEST AND INDUSTRIOUS PEOPLE, HAVE BEEN STRIPPED OF  
THEIR ALL BY THE OPERATION OF AN INQUITOUS LAW;

AND ALSO  
COPIOUS QUOTATIONS FROM THE ACT FALSELY ENTITLED, "THE ACT FOR  
THE ABOLITION OF IMPRISONMENT FOR DEBT."

BY  
**SYLVESTER BROWN,**  
ROCHESTER, N. Y.,  
A LUMBERMAN FOR THIRTY-THREE YEARS.

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ILLUSTRATED WITH TWENTY-FIVE BEAUTIFUL ENGRAVINGS.

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PUBLISHED BY THE AUTHOR.

1859.

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AT NEW YORK, THIS 10TH DAY OF JULY 1850

CLERK OF COURT

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## PREFACE.

IMPRISONMENT for debt has been abolished in nearly every State of the Union; and where the law still remains upon the statute-books of any, it is practically a dead letter—public opinion having decided that it was ever a measure of questionable utility, and susceptible, in the majority of cases, of being perverted into a most atrocious tyranny, totally at variance with the spirit and intention of free, liberal, and enlightened institutions. In the Canadas, however, a people almost identical in habits, manners, language, and lineage with the population of the United States, still remain burdened with a system which has no affinity with the progressive spirit of the present century—a system alike degrading to humanity and revolting to the feelings of every high-minded and upright individual in the community—a system which, unjust, illiberal, and inhuman in its very inception, cannot furnish a single plea to be urged for its longer continuance.

The object of the author of this pamphlet (Mr. Sylvester Brown, a native of Blandford, Massachusetts, and late of Ro-

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chester, New York) is to furnish the citizens of the United States, and of Canada West, with a brief account of his unjust and malicious imprisonment for debt in a Canada jail; and, likewise, to warn the business public against the dangers which surround them while transacting business in Canada West, where deception and intrigue are practised continually, not only upon non-residents, but also by the residents upon each other. Having been extensively engaged for many years in the United States, and during the last ten years principally in Canada West, in the sale of lumber and goods, and as it has become generally known that I was confined for nearly eighteen months in a noisome Canadian prison, I purpose to relate all the facts of the case for the information of my numerous friends and acquaintance—more especially of those with whom I formerly dealt. In so doing, I shall expose and refute many slanderous tales which have been circulated concerning me, much to the detriment of my character and the annoyance of my friends.

Urged to make this exposition by my business friends, and by many citizens of Canada West, who have suffered under the operation of this brutal system, I will endeavor, to the best of my ability, to exhibit the injustice of the law; the way in which it is used by selfish men as a scourge to torture all who are so unfortunate as to fall under its ban; the manner in which the lawyers prey upon those in confinement; and, in general, the character, customs, and practices of the people of Canada. Where words fail to express my purpose, life-like illustrations will portray the true state of affairs in these loyal provinces of her most gracious Majesty, "Victoria, Queen of Great Britain."

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The hope is cherished that, when the facts here set forth become generally known, by the liberal circulation of this pamphlet, the eyes of the people may be opened, and they may be incited to require from candidates for election to the Lower House of Parliament a pledge to procure the repeal of this law, which now operates so much to their oppression. Mere promises should not be considered sufficient—a pledge of the most binding character should be required; and even then, only those should receive the popular suffrage whose previous lives are guaranties that they will faithfully perform every part of their engagement. By this course, peace, comfort, and a feeling of security will again be restored to many a homestead, and enterprising citizens of the Union, whom the Canadians are desirous of having among them, will feel that, in crossing the boundary, they do not risk their liberty—mayhap their lives. At present, no man is assured of safety for his person, while dealing with a people whose laws hold out every inducement for a vicious, intolerant, and grasping creditor to persecute those who, by the chances of trade, may become his debtors in the sum of a few dollars, which they require only time and liberty to enable them to repay. Has one individual an antipathy against another, for any cause whatever—this infamous law furnishes him with the means of gratifying his malice, and of punishing his real or supposed enemy; for, admitting that he owes him nothing in a pecuniary way, yet he may be the debtor of others, from whom the debt may be purchased, and the means of exercising a tyrannical power thus secured.

Embodied in this pamphlet will be found accounts of long imprisonments for debt, and the causes thereof; statements of the sufferings of women and children at home while the husbands and fathers lay in prison; of the incarceration of mothers who had young children, which they were compelled to take with them into their confinement, or leave without protection outside the walls; and of the sharp practice upon the colored population (called by the Canadians the Queen's pets). In addition, there will be found many interesting and humorous illustrations of the "codfish" aristocracy of the provinces.

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# AN APPEAL

AGAINST THE LAW AUTHORIZING

## IMPRISONMENT FOR DEBT

IN CANADA WEST.

---

IMPRISONMENT for debt is an institution belonging to a past age, and a less civilized period, when whipping-posts, stocks, pillories, and thumb-screws were deemed humane modes of punishment, and the burning of men at the stake for opinion's sake, the most approved method of evincing love, veneration, and respect for the Christian religion. Before the advance of knowledge, however, most of these barbarous practices have fallen into disuse, with the single exception of imprisonment for debt; which still lingers, like a smouldering ember—the lurid and fitful flame of which is indicative of an ability to work injury, lacking only the opportunity for development. While this odious law remains upon the statute-books of the Canadas, no person is safe from its operation who is either a resident or a sojourner within the bounds of these provinces; and it is with the view of procuring its repeal that the author of this little pamphlet presents himself before the public, with an exposition of his wrongs and sufferings, and those of many other individuals, who have been so unfortunate as to become subject to its penalties, and to fall into the hands of its merciless administrators. As graphic details of the working of the law are the very best evi-

dence which can be presented against the criminality of its perpetuation, the author will commence with his own case, prefacing it with a

#### SHORT AUTOBIOGRAPHY.

Born May 20, 1805, in the town of Blandford, Hampshire County, Massachusetts, when only five years of age, I removed with my parents to Albany, New York, where my father pursued his trade as an employing house-joiner, until the close of the war of 1812-'15. In October, 1815, my father having determined to remove to Ashtabula County, Ohio, took up his line of march thitherward, with a wagon and a pair of horses, and arrived at his destination the following spring, having stopped in Batavia, Genesee County, New York, from the beginning of December until the following February. I remained with my parents until I was nearly twenty-one years of age, when I left them, and journeying eastward, entered Rochester, April 5, 1826, where I found employment in the business of lumbering, which I have since continued to follow in that place. As timber began to diminish in quantity in the vicinity of Rochester, we were compelled to seek a supply on Chippewa Creek, in Canada, above the Falls of Niagara; and when the supply there also failed, I moved to Vienna, Elgin County, Canada West, 150 miles from the Falls, and northward of Lake Erie, where I commenced selling goods, and buying pine lumber, which I shipped to Eastern merchants. I also conducted a manufactory of various descriptions of pine lumber. After laboring for four or five years at Vienna, I committed my business to the care of agents, and proceeded to Chatham, Kent County, 150 miles farther west, where there was an inexhaustible supply of black walnut, white wood, white ash, and other valuable descriptions of timber, much in demand among Eastern lumber dealers, for conversion into household furniture. In Feb. 1857, I commenced business in the latter place, which is situated on the river Thames, in the county-

seat of Kent County, and has a population of 6000 souls, of whom somewhat over 2000 are colored emigrants from the Southern States of the Union — Chatham being the terminus of the great underground railroad from the South to Canada West.

## OPERATION OF THE LAW.

My narrative has now brought me to the place where I was unjustly and maliciously imprisoned about eighteen months in one of those filthy and loathsome Canadian jails, which have for some years past been so justly the subject of animadversion among the natives of Canada as well as those of the United states. In this jail I was placed by the false oath of a scoundrel, who was instigated to this course by others, whose names I will give in the subsequent pages. By the laws of Canada, the debtor is, in every case, entirely in the power and at the mercy of his creditor; and any person who owes another (with the exception of privileged parties, such as members of Parliament during their term of office, civil and military officers, etc.) is liable to have a *capias* sworn out against him or her, by his or her creditor, or the creditor's agent, and to be cast into prison, whether the claim is just, or only fabricated for the occasion. The creditor goes to a lawyer, hands him a fee of \$10, states the amount of his claim, which is inserted in the *capias*, and then, armed with this writ, presents himself before a magistrate, who, for twenty-five cents, administers the oath — which recites that A. B. owes his creditor, C. D., \$40, and that C. D. has reason to believe that said A. B. is about to leave the province of Canada West with intent to defraud his creditors generally, and C. D. in particular. The creditor, having taken this oath, hands the *capias* to the sheriff, together with a fee of \$10, and the poor debtor is seized as soon as possible thereafter, whether in bed or out of it, sick or well, at night or in broad daylight, and cast into prison; where, according to my experience, he may lay eighteen months.

## USUAL MODE OF ARRESTING DEBTORS.

The great mass of debtors are brought into the prisons at night; for the sheriff or his deputy generally lurks about the tavern nearest to the residence of the debtor, until the poor man is seen wending his way homeward after the toil of the day is over, when he is seized and hurried off to a cell. In this way a large majority of the debtors are taken, after the perjured creditor swears against them — the former rarely having even the most remote idea of flying the country, and being peaceably engaged in their ordinary avocations when arrested. Although the lawyers themselves say that seven-eighths of all those imprisoned for debt are falsely sworn against, yet they will, in every case, make out the papers for the \$10, and say nothing; even if they know the man about to be arrested to be perfectly responsible, and to harbor no intention of crossing into the United States. This is what the Canadian terms a short way of collecting, by playing off a Canada drive on his debtor. Once in jail, the debtor must pay all the costs, together with the amount the creditor has sworn he owes him, whether rightful or otherwise, or else lay in prison from one session of court to another, before he will be permitted to produce testimony in diminution of the amount of the claim, provided he is not satisfied with it. The Courts of Quarter Sessions are held every three months, and the Court of Queen's Bench sits twice each year, in November and April.

## COURTS OF JUDICATURE — PRACTICES OF CREDITORS.

A debt of \$200 and upward can be sued out in the Court of Queen's Bench; and if the party be incarcerated immediately after the adjournment of the November session, he must either pay all that is claimed of him, or remain in his seven-by-nine cell until the following April, unless bail can be procured in

double the amount of the debt and costs. But when one man procures a *capias* against a debtor, all his other creditors, if any, will do the same thing; for the several creditors are entitled to the payment of their claims in the order in which they arrest their debtor. There is no alternative left for the man who owes others, if one of his creditors commence proceedings against him; he must inevitably be ruined by the costs, and the opprobrium of being imprisoned; which latter is a verdict of condemnation against any man in Canada — he can no longer prosecute business there after receiving that badge, notwithstanding he may honestly pay every dollar he owes.

The only way for a debtor to procure his release is to make an assignment of his property after all his creditors have obtained *capiases* against him, and then make application to the court for his discharge. Even then, if a creditor chooses to object, and aver that he thinks his debtor still holds property, and that he wishes to examine him further in relation thereto, the judges will refuse the application. By these false pretences the creditor will hold his debtor for twelve or eighteen months, torturing both himself and his family, with the hope that some friend or relative will voluntarily pay that portion of the debt and costs which the assigned property has failed to cover. In most cases, one-half of the debtor's property is swallowed up by costs and expenses, and effects nothing toward diminishing his debt. Thus are men robbed and ruined, their families agonized and famished, and their domestic happiness forever destroyed, by the operation of an unjust and iniquitous law, which offers a premium upon perjury, places virtue at a discount, and is administered by scoundrels, who necessarily are made such by the law which they are called upon to see executed. Could the people of Canada see in one view the wretchedness and crime which are the results of this law; the tyranny and oppression practised by those who use it to serve their own base ends; and the inhumanity of its



soulless administrators; they would rise up in the majesty of their might, expunge it from their statutes, and consign to oblivion all who have hitherto upheld and sanctioned it.

#### THE LAW AN INCENTIVE TO THE COMMISSION OF CRIME.

The law incites a creditor to the imprisonment of his debtor, because, if the latter is worth the amount, the former will be sure of his money, whether the debtor does or does not make an assignment. Lawyers will generally advise a creditor to take out a *capias*, in order that they may pocket their fee of \$10; and frequently, when one neighbor owes another, the creditor will instigate some person to originate a report that the debtor is about to run away, when the former will have a good plea for taking out a *capias* against him. In this manner a man's time is lost, his money frittered away, his farm or business ruined by forced neglect, and in many instances, himself and his cherished wife and innocent children reduced to absolute and grinding poverty, followed by degradation, starvation, and untimely death.

#### WHY CANADA DOES NOT THRIVE.

The Canadians themselves allege that the provinces are fifty years behind the United States in agriculture, manufactures, and the arts and sciences; and this is mainly occasioned by the laws of the country allowing one or more evil-disposed persons to tyrannize over another, by unjust persecutions, until the debtor, and in some cases the creditor also, succumbs under the accumulated burden of costs. Can it be wondered that a country is poor, when it is literally swarming with legalized banditti, who plunder the producer of his all, and leave him no capital upon which to operate? — when its laws are apparently framed with a view to the oppression of the people, and not to the maintenance of their rights and liberties? and when we learn that the costs

annually paid to, and collected by lawyers, who produce nothing, and, like vampyres, suck the life-blood from the body politic, would pay for the education of all the children in Canada under sixteen years of age?

#### BLACKGUARD LAWYERS AND CRAFTY MERCHANTS.

Although the lawyers charge and collect the most extravagant sums from the people for whom they do business, which were better undone, yet the money does but few of them any good; for they generally eat, drink, and carouse, until a premature death, caused by gout or delirium tremens, makes an end of their drunken orgies and villanous oppression of worthy and deserving men. The farmers and mechanics of the country are harassed and kept in a continual state of alarm by law, whenever a hold can be got upon them, either justly or unjustly; and too many of the merchants and shopkeepers get them into their debt by false pretences; when, between the law and the jail, they become possessed of all their debtors own in the world. Under such circumstances, no sympathy, no mercy, can be obtained by either sex from their remorseless creditors; and "diamond cut diamond" is the character of too many of the inhabitants of the cities and villages of Canada West.

#### CONDUCT OF CANADIANS TOWARD CITIZENS OF THE STATES.

These people are very courteous and affable toward citizens of the States (Yankees, as they are called by the Canadians) when they come into Canada with plenty of money; but there are very few of them who ever think they get compensating remuneration for their labor, or a sufficient price for any articles they have for sale. A Canadian will watch very closely any citizen of the United States with whom he does business; and if he is not likely to make much of a speculation out of him, he will, if there is a balance due him, throw the unwary debtor into jail, and

there keep him until all his ends are answered, let them be what they may. Many business men from the United States visited me in prison, and, after learning the facts of my case, promptly said they would never venture one dollar in Canada in any trade, nor sleep a night on its soil if they owed a cent. No opportunity is afforded for the exhibition of enterprise in business pursuits, wherein a necessity exists for the use of credit to any extent. If a contract is made with a Canadian, and money advanced to him, he does not care whether he fulfils his part of the agreement or not; as long as he can procure money, he will be lavish with promises; but when the other party seeks redress for the faithlessness of the Canadian, by some mode or other, the latter manages to elude the grasp of the law, and the baffled foreign creditor has the mortification of defeat to add to his pecuniary losses. A citizen of the United States has no chance in a legal controversy with a Canadian. The very best security is required for the costs, which are enormous; and then the counsel of his opponent denounces him as a d——d Yankee, while the judge, as well as the jury, are, to a man, prepossessed against him.

#### ADVICE TO CITIZENS OF THE STATES.

I would advise the citizens of the Union not to transact any business in the Canadas, or with Canadians, which they can avoid; until such time as the laws are so altered or amended as to enable them to do so with safety, and when they can be certain of their ability to return to their families after they have accomplished the purpose which called them from their homes. The laws of Canada should be so framed as to induce immigration from the United States, instead of, as at present, actually forcing emigration thitherward. Population is necessary to the prosperity of every country; but population will not tend toward a land in which unjust laws and corrupt officials work together in rearing an insurmountable barrier to material, social, and in-

tellectual advancement. Hundreds of good men, whose services are actually needed in the country, are annually driven from it by the rigid and tyrannical law authorizing imprisonment for debt — which it is impossible for men to avoid contracting in times of monetary and commercial depression.

#### REPRESENTATIVES OF THE RIGHT STAMP.

There are many warm-hearted and sound-thinking people in the Canadas, who would, if they had the power, so modify the law that a flood of immigrants would pour into the country, purchase lands, become farmers, and engage in many other useful productive occupations, the walks of which are now comparatively deserted. Every new settler is of use, either directly or indirectly, to those already established in any country; for, while he sells his own labor, he also purchases that of others, and thus contributes his share to the general stock of wealth and comfort. The business men of both the Canadas and the Union are greatly indebted to two talented and noble members of the Provincial Parliament, who have labored assiduously during the last two years to procure the repeal of all laws sanctioning the imprisonment of debtors by their creditors. These gentlemen, the Hon. George Brown, of Toronto, and the Hon. George McMicken, of Clifton, have not only given their time, but have also spent much money, in furtherance of their efforts to have the laws of Canada modelled after those of the States, as far as it is possible so to do. Although natives of Scotland, they are generally called "Native Americans" by the Yankees doing business in Canada — probably because of their predilection for the customs and usages of the people of the Union.

#### THE CANADAS A FERTILE REGION.

Canada West is a beautiful country; the land is remarkably fertile, and produces large crops of all kinds of grain, as well as

grass of excellent quality in great abundance. Where attention has been given to breeding, every description of stock is of a fair character, and is susceptible of still greater improvement, with proper management. For quality or variety, the timber cannot be exceeded by any grown in the United States; and comprises white oak, black walnut, white wood, white ash, white pine, cherry, and many other kinds of less value. The white oak, of which there is a great abundance, is generally used for staves and ship-timber, and much of it is squared up roughly and shipped to Liverpool, England. The other woods mentioned above are also much sought for shipment to the United States and to Europe, where they are largely used in the manufacture of furniture. In fact, nothing is lacking in Canada but new laws, so drawn up as to allow the producer to retain and enjoy the legitimate fruits of his own industry, economy, and prudence.

NON-INTERCOURSE WITH CANADA UNTIL THE LAWS ARE  
CHANGED.

It is my settled purpose never again to transact any business in Canada until all the obnoxious laws are repealed, and a complete change has been inaugurated, looking to the protection of both property and person. Furthermore, I will, as far as within my power, warn others of the danger they incur by doing business in that country, and deter them from making settlement there. In this resolve I am not by any means alone.

THE IMPRISONMENT OF THE AUTHOR.

Returning to the subject of my imprisonment in the jail of Chatham, Canada West, I will endeavor to give a faithful narrative of the facts as they occurred; and I trust that, wherever I am known and have transacted business, it may meet the approval of my numerous friends and acquaintances, who have long desired such a statement. After the perusal of these pages, I will

leave it to them to determine whether or not I deserved the punishment I received at the hands of the merciless administrators of the tyrannical and unjust laws of Canada West.

The first man with whom I entered into a contract for lumber was

ROBERT J. M'INTYRE,

an illiterate Nova Scotian, whose narrow mind mirrored itself in his acts, and whose selfish heart never beat responsive to a pleasurable or a charitable emotion — like Shylock, he yearned only for his “pound of flesh.” As is usual in that locality, he wanted advances in cash on account of lumber to be delivered at future stated periods, and represented himself to be worth \$20,000, the owner of a fine farm, saw-mill, etc., etc. I advanced him the cash agreed upon, and in due time he commenced operations; but during that season he got out somewhat less than one-fourth of the quantity he had contracted to deliver—pleading as an excuse that he could not well deliver it because of a rise in the prices of freight; but that he would get out the balance during the next season. Mark the selfish character of the man. If he fulfilled his contract, he might suffer a small pecuniary loss, and therefore he failed to do so; but no consideration was given to the injury he was inflicting upon me, by preventing me from sending the lumber to market as I had promised — for which I was responsible in damages to the parties with whom I had contracted.

Finding that I was so situated that I could not well help myself, I concluded to make the best of it, and to take his lumber during the following season—that of 1857; and during the winter and spring of the latter year, I continued to make him advances of money, with which to purchase his stock—in all, amounting to about \$2600. Our contract called for my acceptance of drafts on me at two and four months, payable in Albany, for the value of each cargo of lumber, minus the cash already

advanced thereon; but Mr. M'Intyre did not furnish sufficient lumber to cover the money advanced him until after the 5th of August, 1857. It was not my intention to let him, or any other person, hold my paper; and, although the contract was so worded as to require the transference of my acceptances to my creditor, yet this clause was only introduced to provide against the contingency of the commission merchants in Albany, to whom my consignments were made, not being able to realize from sales, and remit by draft, in time to suit my purposes. On receipt of such drafts, I converted them into cash, and paid the money to those parties with whom I had contracts. My usual practice was to ascertain the value of a cargo by measurement and inspection, draw for the amount upon my consignees in Albany, and accompany the draft with a duplicate bill of lading, signed by the captain of the vessel. The proceeds were generally received in from eight to twelve days, and the claims of my creditors immediately satisfied.

I found that Mr. Robert J. M'Intyre was hunted and dunned by almost every person in the town of Chatham; and he gave me no peace until I consented to accept his drafts, on which he could procure money at the Commercial Bank, in Chatham—frequently not being willing to wait until the value of the load was ascertained. In the autumn of that year, I learned that he had slandered me in many instances, by telling his creditors that I was indebted to him, and that as soon as he could procure his money from me he would pay them. M'Intyre's drafts, which I accepted in August, September, and October, of 1857, were made at ninety days each, and, consequently, matured late in the autumn and winter; at which time, owing to the great monetary convulsion, sales of every kind of products were made with extreme difficulty, if effected at all. My consignees in Albany were not willing to accept any more drafts against the lumber they still had on hand unsold, as prices of all kinds of produce were rapidly falling, and it was even difficult to make sales at

any price. Commission merchants who held lumber, or any other description of property, valued, at the time of making advances upon it, at double the amount of those advances, were in dread of not being able to realize their own — so rapid was the depreciation of property, and so utterly prostrate was the entire business world. As a matter of course, when I could get no returns for my shipments, I was compelled to cease making payments also; but, for anything that I know to the contrary, Robert J. M'Intyre had offered my acceptances for discount at the bank, and at this very time had the money in his pocket, amounting to something like \$4600. I would not have been his debtor to this amount, had he have given me a few days time after his cargoes were shipped; when he would have received his money in the same manner as when I was making him advances.

## D. R. VAN ALLEN.

A part of this paper matured before the first day of December, 1857; and in addition to this, there were a few small claims against me in the hands of other parties, for balances due on lumber furnished by contract. No one of these individuals, however, fulfilled the letter of his contract any better than Mr. M'Intyre. A Mr. D. R. Van Allen contracted to deliver me a large lot of lumber, on which I advanced him \$1500; but before I received from him the amount of my advance, he pressed me for more money, or paper upon which he could realize. I loaned him my acceptance for \$500; a short time thereafter, a second acceptance, for \$400, and still later, another, for \$300 — in all, \$1200. This paper he promised faithfully to redeem at maturity; but as all the drafts fell due at a time when the panic was at its height, he could not meet them; nor could I, although he had by that time delivered sufficient lumber to cover the advances made; he also this amount of \$1200. If I had not given my



acceptances until such time as the contract specified, they would not have matured before I was able to take them up.

The second delivery which Mr. Van Allen made under his contract fell greatly short of his estimate, and was a cause of detention to a large vessel lying in the port of Chatham. Instead of a full cargo, what he had furnished made but about half a load, and he could not haul any more from his mill to the river on account of the condition of the roads. To complete his cargo, I was obliged to pick up what I could at other points in Chatham; for which detention he charged a demurrage amounting to \$300. This was really due from, and should have been paid by, Mr. Van Allen; but he objected to doing so, on some miserable plea. As the captain of the vessel had my lumber in his possession, and could hold it, or sell enough to cancel his claim, I paid the money; but after I was thrown into prison, Mr. Van Allen came to the magnanimous determination to allow me \$100 on account.

HENRY M. MARSH.

The next gentleman with whom I contracted was Mr. Henry M. Marsh, a native-born Canadian, who had built the frame of a mill, and got ready the wooden part of the machinery. The steam machinery was completed in Detroit, about the 1st of April, 1857; but as the makers would not deliver it until a certain sum in cash was paid, he came to me, and offered to contract to deliver on board vessels, during the summer of 1857, 500,000 feet of lumber, provided I would advance him \$1500. I acceded to his terms, and this money started him in business in a satisfactory manner; but he still required advances, which I continued to make, to help him along; until he had received \$1982; at which time he had not delivered to me one foot of lumber on account of his contract—beside which, he eventually failed to supply one half the number of feet he had contracted to furnish. The se-

cond and last cargo he delivered brought me into his debt about \$350, which I could not pay at the maturity of the note.

## M'KELLER AND DOLSON.

The Hon. A. M'Keller, and his partner, John L. Dolson, doing business under the firm of M'Keller and Dolson, are the next parties of whom I shall speak. I had no contract with them, as I never could realize a much greater sum for their lumber in Eastern markets than they would charge me at their mills; and after it arrived in market, the measurement, on inspection, would never hold out the number of feet charged. I therefore only bought of them as necessity compelled me, and sometimes I would take a full load, while at others I would only purchase sufficient to finish out a cargo bought at other places. I dealt with this firm, more or less, for three years; and the last small lot which I purchased of them, late in the autumn of 1857, brought me in their debt \$218; but they sent me a bill for \$315 or \$320, which I very properly refused to pay.

## HYPOCRITICAL PROFESSIONS.

The Hon. A. M'Keller, senior member of the firm of which I have just spoken above, is the gentleman who procured his election to Parliament upon the platform of opposition to imprisonment for debt. He traversed the entire country, making speeches against the brutality of the system, by which business men were locked up in prison because they could not pay their debts—which God, and himself, and the whole country, knew they would never be able to pay while incarcerated. These speeches were not at all necessary; for all that was required to ensure his election was the assurance that he was opposed to the law which sanctioned imprisonment for debt, as the people of the Canadas are almost universally in favor of its repeal—the ex-

ceptions being wholesale dealers, whose peculiar character of business compels them to give time, lawyers, who thrive by drawing up the writs, and the sheriffs, whose duty it is to serve them. These are the people who favor imprisonment, and who will keep a debtor confined as long as the lamp of his life holds out. Imprisonment is the scourge which, held over a poor debtor, compels him to surrender the last bed in his house, or the remnant of carpet on his floor.

#### OTHER CREDITORS.

My principal persecutors were the four men above spoken of; though there were two or three others who assisted, but only in a minor degree. The conduct of some of my creditors, to whom I owed small amounts, was very honorable and gentlemanly; and among these I take pleasure in naming Messrs. Gardiner & Gibb, D. Sicklested, Craig & Howard, and J. Bradshaw. These gentlemen were willing to settle with me, give the necessary time, and receive their money as it could be collected, during such seasons as those of the latter part of 1857 and all of 1858. The larger part of these debts have been paid, and the balance will be liquidated at the earliest possible period.

#### THE COMMERCIAL BANK OF CANADA.

Having thus made an exhibit of my indebtedness in Canada, and of the manner in which it was incurred, I will now proceed to state some of the circumstances more immediately connected with my seizure and imprisonment. No pine lumber being procurable in the county of Kent, and a considerable quantity being demanded for use in the town and surrounding country, I shipped from Elgin County, in the pine regions, about 300,000 feet of the descriptions used by the trade in Chatham. I opened a lumber-yard in the town, and was doing a very fair retail busi-

ness, when Mr. Stephen Boushey, a resident trader, and a responsible man, proposed to buy out my yard, and carry on the business himself. At this time, the Commercial Bank of Canada held the acceptances which, as stated above, I had given to different parties, and the officers of the bank had notified me that they were aware of the inability of any of their customers in the lumber trade to meet their liabilities during that season, but offered to take sufficient security for the amount, and carry the paper over until such time as the lumber would find sale in Albany—or, until the spring of 1858. Under these circumstances, I sold out to Mr. Boushey, for the sum of \$3462, and agreed to receive in payment notes payable at the Commercial Bank—the institution which held my paper. Before the notes were placed in my hands by Mr. Boushey, I was under the necessity of visiting Montreal and New York, for the purpose of purchasing goods for my store; but, as I designed stopping at London, Canada West, to see Mr. John G. Harper, the presiding officer of a more important branch of the Commercial Bank of Canada, I carried with me letters from the attorney of the bank at Chatham, stating that I had offered to place the bank in possession of Mr. Boushey's notes, as collateral security for my own acceptances, which had been discounted by the branch at Chatham. During an interview with Mr. Harper, on the 12th or 14th of November, he intimated that he would rather have possession of the lumber-yard, and take the receipts; but, as I wished to sell out, he said he would accept the notes instead; and furthermore, told me that if, on my return from the East, I would put the officer of the bank at Chatham in possession of the notes, the arrangement would be perfectly satisfactory.

#### THE MANNER OF MY ARREST.

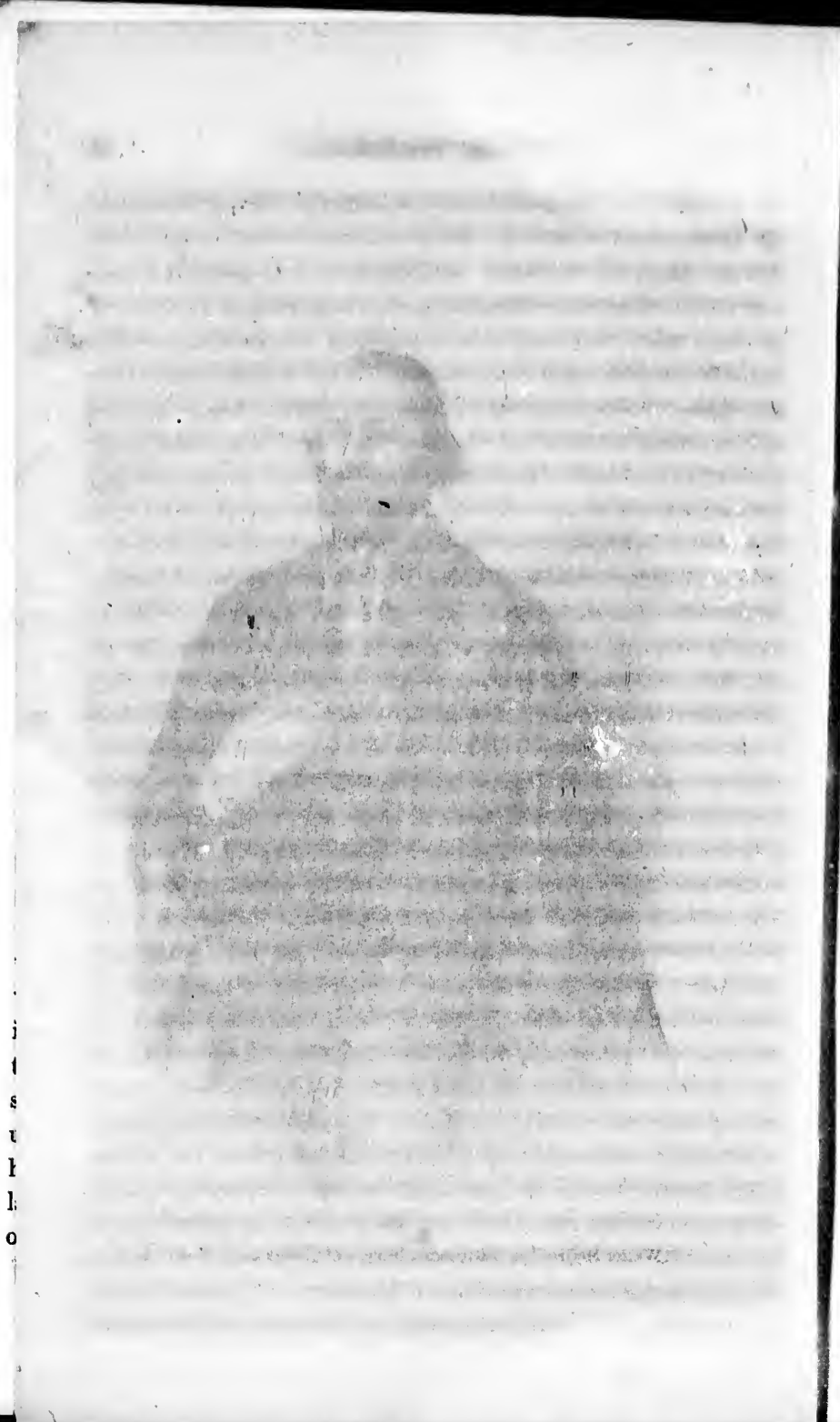
After transacting my business in Montreal, New York, and other places, I returned to Chatham on the first day of Decem-

ber, about 9½ o'clock, P. M.; and the goods I had purchased were then en route for Vienna, Canada West, my place of business, as was also a vessel-load of salt, purchased in Buffalo, New York. The following day, I had an interview with Mr. R. J. M'Intyre, who spoke of his desire to have a settlement of my account with him: At 12 o'clock M., he took the train for London, sixty miles distant, where he held a consultation with Mr. Harper, and subsequently telegraphed to Walter M'Crea, Esq., a petifogging lawyer of Chatham, directing him to fill up a capias, and notify the sheriff to hold himself in readiness, as it was the intention to imprison Brown. M'Intyre returned the same evening, on the 9·30 train, and all the arrangements were made for my arrest when I went to my lodgings at the Royal Exchange Hotel. During the evening, I had been in company with Mr. Boushey, talking over our business matters; and it had been arranged that, on the following day, I should receive his notes in payment for my lumber-yard, and transfer them to the bank, in conformity with the agreement entered into with Mr. Harper. I left Mr. Boushey about 10½ o'clock, P. M., went to my hotel, and was in my room, making preparations to retire for the night, when a messenger informed me that a gentleman wished to see me in an adjoining apartment. Immediately putting on my vest and coat, I went to the room indicated, where, to my unfeigned astonishment, I met the sheriff and his officers, who arrested me at the suit of R. J. M'Intyre—the villain having sworn that I was about leaving the province with the intention of defrauding himself and others. About 12 o'clock the same night, I was securely locked up in jail, and left to meditate upon the instability of everything mundane, the injustice of human laws, the heartlessness of officials, the craft of sneaking lawyers, and the mendacity, dishonesty, and cowardly attributes of the business men of Canada.

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"Walter McCrea," a pettifogging lawyer of Chatham, C. W.—P. 23.



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## A CANADIAN JAIL.

I will leave the reader to imagine my feelings, and whether or not I slept during the latter part of that night. On a white oak floor, well lined with iron, was placed a straw bed, six feet long by two feet wide, and about six inches thick, covered with two Indian blankets; and at one end of it was a pillow, composed of hen's feathers (or rather quills; for everything in the shape of feathers had long since effected their escape between the gaping seams of the tick). The miserable pallet, had it been clean, presented but a slim prospect of a good night's rest; but even this poor comfort was denied me; for, on examining my couch, in order to ascertain the chance of being marched off before morning into another corner of the cell by a more numerous escort than had brought me to the jail, I discovered that the bag of ticking which held the quills had apparently been, at various times, a pillow of ease for the heads of a hundred or more dirty, drunken, spewing vagrants. By the feeble light of my candle, it fairly glistened with the filth which had been deposited upon it, and rubbed down to a fine polish by the friction of successive uneasy and liquor-loaded craniums. A hasty glance at the blankets led me to suppose they were made of the old down-cast, or Massachusetts pepper-and-salt cloth—such as, fifty years ago, my mother used to manufacture into pantaloons for myself and brothers; but, after going to bed, I found that the peppery appearance of the blankets was a living reality; and well peppered was I before morning. In all my previous life, I never experienced such misery and torture as were inflicted upon me by the crawling and nimble-footed vermin during that long and dreary night—rendered more tedious and annoying because my cell was not unlocked until between 8 and 9 o'clock in the morning. I then asked John Hillman, the turnkey, if they had fleas in the jail; whereupon he laughed quite heartily, as if it were a good joke, and replied, "Yes, bushels; and in the summer they



would eat you up." I was, however, of a different opinion; for I had made a calculation, that if for the next thirty days they worked as smartly as they had done during the previous night, there would be nothing left for their summer provender but my bones — if they could eat them.

The furniture of the cell (which in dimensions was but three steps by four) consisted of two old wooden chairs, a washstand, and a little stand of about the same size, which served for a table, and from which the son of a poor widowed woman, the occupant of an adjoining cell, also ate his meals — he being brought into my cell for that purpose, and afterwards returned to his own apartment. In one corner of the room stood a large tin tank, which had once been used as a bathing apparatus, for the cleansing and scrubbing of dirty and lousy prisoners; but, as it was an unpleasant job, it was not attempted any more, — the prisoners being turned into the cells in the same condition as when they entered the prison. The bath-tub had degenerated into a receptacle for ancient and filthy rag carpets, and other savory trash, gathered up around the prison—forming an excellent harbor for all descriptions of jail vermin, with which it was literally swarming. A potato-hamper, half full of rotten vegetables, a broom, worn down to the stump, and a small box-stove, completed the fixtures of my cell. The walls had been whitewashed in times gone by, but were then not only dingy, but horribly dirty, while the floor had very much the appearance of that of a lager-beer saloon in the month of November.

#### A CANADA JAILOR.

Payne, the man who had charge of the Canada jail in which I was incarcerated, was well fitted for his occupation by Nature; which, apparently by accident, made him a biped instead of a quadruped; for, with the body of a man he united the characteristics of a brute. He had such a devouring look,

and his actions were so indicative of a ravenous disposition, that the prisoners named him "Grampus;" and when, in years past, he was a deputy sheriff, so wide-spread was his reputation as a cruel and bestial man, that his approach in any locality was sufficient to thrill with terror the hearts of men, women, and children resident there. He was an uncultivated and untaught Englishman; and, carrying with him into his family circle the animal nature which governed all his actions in public life, he maltreated his wife and abused his children. When Kent County was formed out of part of Essex, and the jail built, he secured the appointment of jailor — which, as he is now old, he will probably retain during life.

#### CANADIAN TRUTHFULNESS AND HONOR.

Thus was I rewarded for the many favors I had conferred upon my arresting creditors; and I now propose to give the reader a more full conception of their outrageous deception and inhumanity. After I had been in prison a long time, and my creditors had become pretty well satisfied that they could not obtain from me in cash the excessive amounts they had sworn to, Mr. M'Intyre informed me that he would not have acted as he had done, were it not for Mr. Harper; who, when he went to London to see him, threatened that, if M'Intyre did not have me arrested, he (Harper) would immediately sue M'Intyre on the paper which he had endorsed, and which was then past due. M'Intyre further said that Walter M'Crea, the lawyer who drew up nearly all the capiases issued in that county, also advised him to capias the Yankee; or told him that he (M'Crea) would, if he was in his place; thus indirectly urging one man to imprison his fellow. Other gentlemen, of undoubted veracity, informed me that M'Crea had advised them to the same course. Thus, for the petty fee of \$10, this rascal incited former friends to engage in litigation, which he full well knew would end, as all such

cases usually do in Canada, by the lawyers, officers, and courts absorbing every penny of the debtor's property, and much of the creditor's means; to say nothing of the time lost by both parties to such a contest, and which can never be reimbursed.

Reverting back to the assurances given me by Mr. John G. Harper, on the 12th or 14th of November, the reader will see that, according to the statement of Robert J. M'Intyre, the word of a high official connected with the Commercial Bank of Canada was not of as much value as that of a common pickpocket, burgler, or gambler; for it has grown into a proverb that "there is honor among thieves;" but this man and his fellow-persecutors scorned the possession of any moral qualification in common with the vulgar herd, and flouted at the idea of any restraint when *dollars* were to be gained. In less than three weeks after this immoral bank official had entered into an arrangement with me, which any man possessing a single particle of manly honor or upright feeling would have considered binding upon his future actions, he told M'Intyre to prosecute and imprison me, or he would do the same thing by M'Intyre. And this abortion has the impudence to claim kindred with *men*, and thrust his vile presence among virtuous people! because, forsooth, he has been gifted by a prodigal Nature with talents, endowed by an indulgent parent with education, and placed by *chance* in a high position — though he has utterly disregarded the warning of the Omnipotent One, that "from those to whom much has been given, much will be required," and alike prostituted talents, education, and position to the most base uses.

What can be said in extenuation of the conduct of Robert J. M'Intyre, who did the bidding of his base master, and foreswore himself? Endeavoring to shift the odium from himself to the other parties, he pleads that what he did was under compulsion from Harper, and at the instigation of the lawyer, M'Crea, who urged him on by saying, "I would do so, if I were in your place." But, were his other acts entirely unobjectionable, which

they were far from being, such a plea would not be admitted by any rational being; for no man has a right to attribute to others the moral turpitude of his own actions; as God has endowed each of his creatures with a free will, for the exercise of which he holds him accountable, and man cannot establish a law conflicting with that set up by the Deity. But let us see how his deeds square with his assertions. It is usually the practice, in Canada and elsewhere, under the operation of laws authorizing imprisonment for debt, for the creditor to swear to all his conscience (if he has one) will allow him; because, in most cases, the debtor will endeavor to procure the amount, no matter how large, in order to escape from the horrible cells of a prison; and if he pays before the next session of the court, the creditor's conduct escapes scrutiny, as he will not then be required to prove the amount of his claim. In order to make a good operation, and obtain a pocketful, M'Intyre swore that I owed him the round sum of \$6000, though, in the following April, he got judgment for but \$4187. Being in his own mind fully assured that I would pay the amount claimed in preference to remaining in prison, he made up a very plausible statement, by including together past due drafts, endorsed by himself, drafts not yet due, also endorsed with his name, and book accounts; although he had no means of knowing whether I was or was not able to meet at maturity the paper not yet due. He discovered, however, before he got through with me, that honesty would have been the better policy, and that it takes two parties to make a contract, as well as two parties to adjust mutual differences. At the time that M'Intyre represented himself to me as being worth \$20,000, he was actually a bankrupt, as I have since ascertained, and did not even own the farm which he claimed to possess. After events proved that all my creditors were in the like predicament, as every one of them failed in 1858, when their assets were found to fall far short of their liabilities.

## PERJURY MOST FOUL.

Daniel R. Van Allen, of Chatham, Canada West, and most probably a native, is under the medium height, with a dark complexion, black, straight, and rather coarse hair, and a face which is the index of a low and grovelling mind. For a long period he was engaged in the business of selling goods, but lately he has abandoned it; or, rather, his business forsook him. For a year previous to his withdrawal from active business life he connected the lumber business with his store; and through this my intercourse with him commenced. On the whole, he is a pretty smart man, and, as the sequel will show, the keenest of my persecuting creditors; who, though all possessed of very accommodating consciences, cannot compare with this gentleman in the elastic qualities of a faculty which some folks are wont to think should be so governed as to suit every emergency. After I was securely caged between impenetrable stone walls, ribbed with iron, and with no power left me to pursue the bent of my own inclinations, this Mr. Van Allen went before a magistrate, and swore, by the name of the Almighty Father of all, that he had good and sufficient reasons for believing that I was about to run away, and quit the Province of Canada West, with the intention of defrauding my creditors in general, and himself in particular. Furthermore, he swore that I owed him the sum of \$400 in excess of a true statement of my indebtedness to him. When convenient to the honorable sheriff of the county, he came to the jail, unlocked my cell door, and arrested me—that is, he handed me the writ which commanded him to do so; after which, he walked out and locked the door securely, leaving me as free to fly the country as I was before his visit. All this was done for a fee of \$10; the law, as has been previously stated, prompting an arrest of the debtor, even under circumstances when flight must be clearly impracticable. The creditor who first issues a *capias* against his debtor is the first to get his money, and the

others follow in the order in which the capias are taken out; while he who would resort to the honest method of a suit at law, after obtaining judgment, could not touch a dollar's worth of his debtor's property until the claims of those who had consciences sufficiently elastic to swear through everything were fully satisfied. In Canada, creditors are more concerned about procuring the money than they are about the mode adopted for the purpose; and they scruple not to swear false oaths, provided they can thereby secure the coveted prize. They are good and creditable pupils of Iago; whose instruction, "Put money in thy purse — honestly if thou canst — but, put money in thy purse," they follow out with commendable fidelity.

A PARADOX — AN HONORABLE WHO IS DISHONORABLE, AS IS  
ALSO HIS PARTNER.

The Hon. A. M'Keller, of the firm of M'Keller & Dolson, Chatham, Canada West, was, at the time of his election to Parliament, in December, 1857, proprietor of a saw-mill in Kent County, and owed his success in the canvass to liberal promises, made to electors of all classes and shades of color, that, in the event of his election, he would use every endeavor to procure the repeal of the law authorizing imprisonment for debt. As, during that fall and winter, none could pay their debts, and the people of the county generally (with the exception of those who were at large under bail) feared that imprisonment might be their lot, Mr. M'Keller was elected by a very large vote. He is tall, stout, has a long and sharp nose, and a fine set of teeth, which he loves to display, especially when driving a tight bargain. Of Scotch descent, it is probable he was born in Canada, as he so well understands the system of sharp practice pursued there. He considers himself very smart; but he is not quite as shrewd as Van Allen, who received from me \$500 for withdrawing his capias; though he makes speeches in the Lower House

which by some are considered passable. He will tell his hearers all about the Chatham River, from its mouth to the highest point to which it is navigable; relate to them how the money was expended which the Government appropriated to clearing snags out of the river; detail the experience of Jonah, whose net caught on the snags, but failed to catch any of the money; beside many other interesting matters connected with that highly important river, which space will not allow of being introduced here.

Mr. John L. Dolson is a very fair-looking specimen of human manufacture, and by birth a full-blooded Canadian; but from whom his pedigree is derived I cannot say, though I am inclined to suppose he was sired by his Satanic majesty, as deception is a leading feature in his character. Notwithstanding the sulphurous nature of his supposed connexions, he is a strong pillar of the church, though slightly inclined to be avaricious; and if there be any truth in the revelations of phrenology, there is no doubt of his inclination to covetousness — the round face and heavy bull-dog features being indicative of a propensity to devour. It is related of him that, when he sells half-inch boards, he measures them on both sides, whereby he gets paid for double the number of feet; but in buying he counts two half-inch as one one-inch board, and thus pays for but one-half the amount he really buys. He is a Christian — he twice visited me in prison, and both times reprimanded me for not summoning a meeting of my arresting creditors in my cell, and surrendering to them everything I owned.

Now, these two men, who were themselves bankrupt, and had signed a cognovit for \$40,000, put their heads together to concoct a scheme by which they could secure the trifling amount that I owed them, and intimated that I was devoid of any honorable principles; though, in all my dealings with them during three seasons previous, I had never failed to pay cash, as I agreed. As the man who claimed the title of Honorable (a misnomer)

was considered the most shrewd, because he had succeeded in securing a seat as a member of the Provincial Parliament, he was deputed by his partner to work out the plot; and after I had lain in jail about one month, the Hon. (!) gentleman visited me in prison, "merely out of pity." He gazed around my room, glanced at the hog's nest, called a bed, which occupied the floor, and took a mental inventory of the few other articles which went to make up the furniture; after which, he remarked that it was a hard-looking place in which to confine a business man like myself, who had always been used to good accommodations, and the comforts of a home, with liberty to go when and where I pleased. He expressed great sorrow for my existing condition, but declared that he could do nothing for me, as the law was very harsh as well as unjust; though he promised its abolition during the approaching session of Parliament, as he was then a member, and had much influence. In the same breath, however, he consoled me with the assurance that I would probably be kept in jail until I paid off my arresting creditors, but disclaimed any intention of doing what he said he had never yet stooped to,—viz.: *capias* a debtor,—because he considered it a poor way to collect a debt. Alluding to the condition of my cell, he said it was very dirty, and that, if the county must have laws for the imprisonment of debtors, the authorities should furnish better rooms for the parties so confined. From this subject he passed to that of food, and propounded various questions relative to my daily bill of fare, and other matters, which I surmised were all intended to sound me as to the time when I would pay the creditors who then had me under arrest—thus deliberately calculating the period when he would have the supreme pleasure of again placing me in the *delightful* accommodations I then enjoyed. To satisfy his inquiring mind, and furnish him with fresh arguments against the law of imprisonment for debt when a second time a candidate for the suffrages of the dear people, I told this Honorable that my dinner generally consisted of a piece



of the leg of an old ox, cut off just above the gambrel joint, and which had been whipped, or pounded with the butt end of a gad, until it was as hard and tough as a sinner (sinew). This piece of leg was usually heated cleverly through in a stove-oven, and then served up with a few potatoes, a little gutta-percha bread, and occasionally a trifle of good butter, though more frequently bad supplied its place. The bread was made by contract, and the meat, vegetables, etc., furnished in the same way; but, as the lowest bidder always secures the job, it is very evident that the fare must necessarily be of a miserable character; for no one will give more than an equivalent for the money he receives. In order to make a large-looking loaf, the bread was made so light and porous that it really had not substance enough in it to cast a shadow in the noon-day sun, and dried up like a cinder in half a day's time. When it was fresh, I could put my foot on one end of the loaf, and with my hand stretch it out like an India-rubber belt. The meat, beef especially, was so tough that I could put it through the same process—that is, for the first few months after I was in prison—subsequently, I became so weak for lack of proper food that I could stretch neither meat nor bread. For supper, we had a compound which was dignified by the name of tea, sweetened with wet, black sugar, gutta-percha bread, and butter. Breakfast was a counterpart of the supper—butter and gutta percha—no vegetables, not even a cold potato. Our steak was a little of the meat left from the previous day's dinner, served up with a saw with which to cut it. Occasionally we had a piece of sheep meat for dinner, and the following morning some of it cold for breakfast. We sometimes thought that if we could only get a piece of the beef just after it had been pounded with the gad, and have it broiled nicely and served up with butter over it, if it were poor, it would be something of a rarity, and an agreeable change. But, although compelled to pay \$3 in cash per week for our board, yet we were obliged to take just what was given us, or go unfed, as we could

not very easily change our place of boarding. All this I told the Honorable gentleman; and, although it may sound improbable to those who have had no experience of prison fare in Canada, yet it is every word true. After he had learned all he possibly could, he left my cell.

Some time in February, 1858, before he went to Toronto to take his seat in the Parliament, himself and his partner resolved to capias me, in order to make sure of receiving their money. I am told that M'Keller done the swearing for the firm, as Dolson was a member of church; and after all his loudly-vaunted sympathy with suffering debtors, and his wordy arguments against imprisonment for debt, this hypocritical honorable (?) had the audacity to make oath to a statement which had no foundation in truth, in order to avail himself of the preference given under the law to all who took out a capias. Armed with this document, the sheriff was again sent to arrest me, although I was then, and for a long time thereafter, securely locked up in jail; but in Canada this is considered a matter of little consequence, and the administrators of the law shut their eyes to a manifest violation of its spirit and intention, while, at the same time, they extend their itching palms to receive the coveted ill-gotten fee. The reader may readily see how much security there is in Canada for the personal liberty of any man who is, by the chance of trade or other causes, rendered the debtor of a soulless Canadian trader.

The Hon. (dishonorable) M'Keller swore I owed him about \$320; and when the case came before the court, at its session in April, 1858, as I made no defence (how could I, when under bodily constraint?), he obtained a judgment for over \$400, including costs. Herein consists the peculiar merit of this law, concocted by lawyers for their own advantage — when a man is in jail, and cannot look after his business, they take just what they please; and if he has any property which they can get at, the creditors and lawyers will legally steal it from the helpless

debtor, and then kick him out of the country. Any attempt to obtain redress by an action against the principals, for perjury or false imprisonment, would only result in a combination of all the the parties to swear the debtor into jail again.

A MR. M'LEAN,

Who held a claim against me for about \$160, acting under the advice of two men in whose power he was, and who absolutely ruled him, swore out a *capias* for a sum exceeding \$200. Having no opposition, he readily obtained a judgment for the amount he swore to. In a case like this, nothing can be saved by making a defence; for, if the sum in suit does not exceed \$200, the costs of trial will be more than \$100.

MR. GEORGE RAYMOND,

Another zealous, "Praise-God Barebones" style of Christian, procured me to endorse the note of a third party, drawn to Raymond's order, and by him endorsed; after which he had it discounted. This note, for which I received nothing, was not paid at maturity, and the holder sued it out, and collected the amount from Raymond. I have been informed that Raymond sent the money, some \$1600 or \$1700, with an attorney, to the holder of the execution (though distant over one hundred miles), for the purpose of obtaining an assignment of the execution when the latter was satisfied — intending to use it in collecting the amount from me. It so happened that the document was not assigned, but cancelled, and thus rendered useless. Now, observe a sharp piece of financiering on the part of a devoted Canadian Christian, whose guide is the Bible, and who is supposed to have at least heard of the precept given to mankind by the meek and lowly Saviour: to "do unto others as we would that others should do unto us." This very Raymond, in the month of February,

1858, swore out a capias against me for the amount of this note, and the costs of suit and execution; but, as he could not produce any account in his books as evidence of my indebtedness to him, when his case came before the court, in the spring of 1858, he suffered a nonsuit. I was, however, imprisoned under his capias for months, without even the shadow of a cause, before I was discharged from the tenure of his claim.

FURTHER ABOUT MR. HENRY M. MARSH,

Who has been alluded to before, but whom I now purpose to speak of in a more particular manner, as he is the man to whom I advanced \$1982. to help him out of his difficulties. He called to see me every few weeks in prison, simulated a great deal of sorrow for one who had aided him so effectually, and frequently said that no other man had ever done so much for him as myself. He remarked that it was very wrong to imprison men who brought so much money into the country, and who extended so much assistance to the people of Canada, and that he would never be guilty of doing such a thing; while, sometimes, he would say, "Anything that I can do for you I will perform with the greatest pleasure." As the amount I owed him was small, I really thought he was sincere in his professions and offers; and this deception he continued until May, 1858; at which time I had been in jail nearly six months.

About this time he called on me, and said that if I would give him a due-bill for \$500 to square our account, he would go to Mr. Evans, who held some notes received by me from Mr. S. Boushey (and which he had been directed to apply to the payment of such parties as I designated), obtain \$200 of those notes, and credit that amount on the due-bill; but on the balance he assured me that I might have two years' time. In order to close my account with him, I did as he desired; when, instead of going to Mr. Evans, he proceeded directly to the office of a lawyer,

had a *capias* drawn up for the full amount of the due-bill, took the necessary oath, and the following day the sheriff served the writ on me in prison. I put in no defence, and, as a matter of course, Marsh procured a judgment for \$650 — the face of the due-bill, with costs.

This is another specimen of Canadian honor and Canadian reliability. What safety or security is there for either person or property in Canada, when matters are conducted in this infamous manner?—when sneaking, hypocritical scoundrels, like the scamp just mentioned, are allowed to imprison honest men from one session of court to another, unless they pay what these extortioners choose to demand, and when villanous lawyers, like M'Crea and many others, can be found, to aid and abet a set of swindling vagabonds in their operations?

After Mr. Marsh procured his judgment, as his *capias* was no longer a detainer upon me, he obtained a writ of *capias ad satisfaciendum*, which empowered him to keep me in jail for three months longer; and in order to do this, the creditor is obliged to swear that his debtor is about to secrete his property, with the view of defrauding his creditors generally, and himself in particular — which I had not the power to do if I wished; for I was locked up in so secure a manner that any such act on my part would have been an impossibility. Twice did this villain perjure himself in furtherance of his efforts to persecute his former benefactor, besides expending his money for that purpose — for a *ca. sa.* costs five per cent. on the face of the debt, with the costs of previous suit added. The *ca. sa.* which R. J. M'Intyre served on me cost him a trifle over \$200.

#### OFFERS MADE TO MY CREDITORS — HOW RECEIVED.

When first cast into prison by M'Intyre, Harper, M'Crea, & Co., — for the latter were accessories both before and after the fact, — I was content to sit in my cell, and gaze out of my one win-

dow, covered with iron bars, at a high stone wall, which darkened my room very much, except when the sun shone brightly. After a couple of weeks had elapsed, my persecutor came to see me, supposing that he would then have no difficulty in procuring his \$6000; and he brought with him a witness, as did all the others, to watch for and catch any words that might give them a chance of still further torturing me. M'Intyre inquired what I had made up my mind to do. I replied that I would carry out my agreement with the holder of the notes — John G. Harper, agent of a Canada bank. He answered that neither the bank nor its agents would receive Mr. Boushey's notes as security for the value of a York shilling on the dollar; but that I must pay him \$6000 in cash. I denied owing him the amount named, and said that I would not pay it to him if I had the money then in hand; whereupon, by way of retort, he threatened me with being compelled to remain in jail until I did pay, and took his leave of me with that comforting assurance.

It was supposed that, when Mr. Van Allen served his capias on me, I would become so much alarmed that I would make strenuous efforts to raise the means necessary to liquidate the claims against me which they had respectively sworn to. I have been informed that some of my creditors, who were anxiously waiting until I had settled with the two who had first issued capiases against me, met nightly at a certain drinking-saloon, together with M'Intyre (though he lived four miles out from Chatham) and Walter M'Crea (the scheming lawyer), and, over their cups, exulted at their success in cooping up the Yankee, as well as the prospect of soon fingering a large amount of cash. This mutual congratulation society kept up its meetings for about two weeks; when, the individual and collective credit of the members becoming exhausted, the association was dissolved, in accordance with the suggestion of the landlord. At this time they supposed, and ventured to assert, that the Yankee (myself) could not hold out another night, and that the battle would be speedily termi-

nated as to the largest amounts in controversy. Their plan of operations was, to serve a *capias* every second or third week, to frighten me, and lead me to suppose it was their intention to hold me in jail for years; though they were careful to keep a reserve in readiness to arrest and re-imprison me, in case I settled with those who had *capiased* me previously. Had the lawyer, M'Crea, been as shrewd as he claimed to be, he would have advised his clients to commence with small amounts, which were within the scope of my ability to pay, and reserve the heavy sums for a final attack; when they could have held me until I, or my friends, were compelled to buy them off.

Finding that the money was not forthcoming, they held a grand *pow-wow*, which resulted in sending a deputation to the jail to sound me as to my intentions; but I told these people very plainly that I had not the money with which to settle the amounts I owed them, and that I had determined not to procure it. "If you have not the cash," said they, "and cannot procure it, you have got friends in Albany, who can assist you to raise the requisite amount." To which I replied, that, if I had friends able and willing to help me, I would reserve them for a better cause than that of procuring money for men whose conduct to me had been marked by the most shameless duplicity and heartless villany. They then accused me of a design not to pay them their just due; but I promptly met this charge by telling them that I had in my store at Vienna, Elgin County, \$8000 worth of saleable goods, which, with \$2000 of good debts, and the notes received from Stephen Boushey, in amount \$3462, I would make over to them as collateral security for the sums for which they should obtain judgment against me on trial in the proper court, provided they did not settle with me, and ascertain the true state of our accounts; and that they might, under this arrangement, put a receiver in my store, to take charge of the daily receipts from sales, as well as the collections on notes and book accounts. At the same time, I gave them to understand

that such of my creditors as would be likely to make costs and imprison me must become parties to the arrangement, when I should be set at liberty, and allowed to attend to my business as usual.

This proposition was canvassed by my creditors and the celebrated lawyer of Chatham, Walter M'Crea; who, being as rough in speech as he was seared in conscience, advised them not to trouble themselves with either debts, notes, or goods, and continued, "Damn him, hold on; he is a man of too much business to lay in jail for \$6000 or \$8000. You hold on to the Yankee, and the money will come from friends of his, if he has not got it."

For more than one month I did all I could to persuade them to take a course which would have been to their advantage; but, finding that all my efforts to get them to take security, and restore to me that liberty which is the right of every true and just "Native American;" and finding, also, that I could not procure from any of them a statement of my existing account, by which I could ascertain what I really did owe them on the summer's work, I made up my mind that, from the commencement, it had been, and still was, their intention to make me the victim of a foul Canadian plot. With this view of the case in my mind, I wrote to my creditors in the United States, and those of them in Canada who had used me fairly, stated to them candidly my real situation, and presented an exhibit of my available means, at the same time informing them that I could sell property and take notes as long as my creditors held my body without having taken out an execution against the former—there being no law to prevent my so doing. I offered to divide my property among them, and to take my chance of life or death in a Canada jail; but many of my creditors in the States wrote me to transfer my property to my creditors in Canada, if I could thereby secure my liberty; saying that they would wait for their money until such time as I would be able to cancel their claims. My Canadian



creditors had, however, in addition to arresting and swearing falsely against me, conducted themselves in such a very contemptible manner, that I would not again renew my offer, so frequently refused, but decided in my own mind that they were not entitled to, and should not receive, one dollar of what they claimed. So I sold my property through agents, and paid the proceeds over to my fair-dealing and merciful creditors.

#### M'INTYRE'S FOLLY.

Daniel R. Van Allen received \$500 on account of his claim, while my other arresting creditors preferred to keep me in jail, and torture me, as if I were a felon, rather than accept a pro rata per centage in common with others, after they had refused full security for the indebtedness they could establish by proper testimony in a court of justice. Of my creditors in Canada, Gardiner & Gibb, Sieklested, Martin, and others, who kept quiet, received the larger part of their due, though for nearly eight months I kept \$1900 for M'Intyre; but, as he refused to accept it on account of his claim, I divided the amount among those of my creditors who would receive it, and thus closed out all my available means. M'Intyre had friends (not lawyers) who advised him to take the money, and told him that he could do no better; but he averred that he would either have all or nothing, and protested that he would keep me in jail from July until the end of time.

#### M'INTYRE'S CONSULTATION WITH A GIPSY.

In Canada, as in many other countries of the world, may be found, during the summer, a wandering class of people, called gipsies, who travel from place to place; each family generally comprising a man, a woman, and a number of children. Their conveyance is generally an old wagon, drawn by a very ancient

horse; and this wagon not only serves as an eating-room during the day, but at night it is the dormitory for the entire party, who stow themselves promiscuously away, either in or under it. The men are mostly tinkers, who mend old and make some new tin-ware, which the children sell in the neighborhoods where they stop; while the women tell fortunes, procure the fuel, cook the victuals, etc. M'Intyre travelled six miles to consult one of these wise women as to the probability of obtaining the amount of his claim from me. It is alleged that she told him to take what I was willing to give him, or he would never obtain anything; but he rejected her counsel, though it cost him one dollar, which I suppose he charged to the debtor side of the profit and loss account. After this statement, the reader will not wonder at the description I gave of Mr. M'Intyre in the introductory notice of that highly intelligent and honorable (?) individual.

FALSITY OF THE REPORTED ABOLITION OF IMPRISONMENT  
FOR DEBT.

Before the adjournment of Parliament, in the spring or summer of 1858, two or three amendments were made to the law authorizing imprisonment for debt, with the view of quieting the public clamor against it at home, and removing an impression which had gained ground in the States—and with good reason—that the laws of the Canadas were directed solely to the oppression and persecution of those who produced the wealth of the country. These amendments went into effect on the 1st of September, 1858, and the lawyers, traders, etc., immediately interested, published false statements through the newspapers, to the effect that imprisonment for debt had been abolished; which were believed throughout the United States, and are still credited by many persons in the Canadas. In this report there was not a shadow of truth, as I know from my own observation; having seen men brought into jail at midnight, who were arrested under

that law, eight months after it was said to have been abolished. One of these men was placed in the same cell with myself, in April or May of 1859, in obedience to an order of Judge Wells, the judicial officer for the county of Kent. The manner in which it was effected I will explain in another place.

#### THE NEW LAW COMPARED WITH THE OLD.

Having before spoken of the manner in which proceedings were conducted under the old law, I will not again go over the same ground, but proceed at once to quote from the Act passed and approved August 16, 1858, the 24th Section of which says, "In citing this Act in any instrument, document, or proceeding, it shall be sufficient to use the expression, 'The Act for the abolition of imprisonment for debt.'" A few extracts from the law, as published by authority of Parliament, and printed by the public printer, will exhibit it in its true light. The 2d Section is thus worded :

"If any party or plaintiff, being a creditor of or having a cause of action against any person now liable to arrest, whether upon the order of a judge or without such order, shall, by the affidavit of himself or of some other individual, show to the satisfaction of a judge of either of the Superior Courts of Common Law at Toronto, that such party or plaintiff has a *cause of action* against such person to the amount of *twenty-five pounds or upwards*, or has sustained damage to that amount, and shall also by affidavit show such facts and circumstances as shall satisfy the said judge that there is good and probable cause for believing that such person, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally, or the said party or plaintiff in particular, it shall be lawful for any such judge, by a special order, to direct that the person against whom such application shall be made, so about to quit Canada with intent as aforesaid, shall be held to bail for

such sum as such judge shall think fit, and thereupon it shall be lawful for such party or plaintiff, within the time which shall be expressed in such order, but not afterwards, *to sue out a writ of capias and one or more concurrent writs of capias*, in either of the said Superior Courts, against the person so directed to be held to bail."

From this, it will seem that, in order to imprison a man under this double-headed law, it is only necessary to make oath before a judge of any County Court, or either of the Superior Courts at Toronto. This can be done by either the principal or his agent, or he may make a sham sale of the debt to some worthless individual, who, for a consideration, will make the required oath, and thus screen the principal from an action for damages. If the judge is satisfied with the oath of the party who applies for the *capias*, he will issue the document upon the payment of \$10; but if the fee is laid down by the party on entering the office of the judge, he will meet with but little difficulty in procuring what he desires. In Canada, a fee of \$10 will convince any lawyer or judge that the debtor is about to abscond.

Under the old law, after a debtor had lain in jail until the creditor obtained a judgment, and an execution was issued, the debtor was then released if any goods were found to seize; but if no goods were obtainable, the creditor then procured a *ca. sa.*, by swearing that his debtor was secreting his property with a view to defraud. Armed with this writ, the sheriff arrested the debtor while yet in custody, and, as a punishment for the alleged attempt to defraud his creditors, placed him in close confinement for a period of three months. This course stopped the debtor from making an assignment, and taking the preliminary steps necessary to procure his discharge; which could then only be obtained by paying the creditor the full amount of his claim, or alleged claim, in cash, with all the costs of suit, etc.

Under the amended Act of 1858, a debtor may, after he is arrested under a *ca. sa.*, make an assignment at once, and apply

for his discharge; which will be given reluctantly, even after the necessary examination has been instituted, and judges as well as creditors thoroughly satisfied that the poor debtor has been stripped of everything, besides being nearly starved to death by his jailor. This process usually consumes from two to six months' time, varying with the amount of the debt, and the willingness of the judge to allow the creditor to hold his debtor for further and more searching examination. Another amendment places the sum for which arrest can be made at \$100, while under the old law it was \$40; but in this case there is very little chance left for the debtor, as, if a creditor wishes to vent his spleen on his debtor, he can readily purchase the claims of other parties, or have them transferred by a sham bill of sale, and thus acquire the power of gratifying his malignity.

Referring to the so-called "Act for abolishing arrest in civil actions in certain cases," I will quote extracts from different sections of the law, by which the reader will see that imprisonment for debt is still in full force in the Canadas, notwithstanding anything lawyers or journals may say to the contrary. Section 4th recites that

"It shall be lawful for the plaintiff, after the commencement of any action by writ of summons, *but before judgment, upon obtaining a judge's order for that purpose* in the manner provided for in the 2d Section of this Act, to sue out of the office whence such summons issued *a writ of capias, and one or more concurrent writs*, in manner directed by "the Common Law Procedure Act, 1856," which writ of capias, in every such case, shall be in the form contained in Schedule (A) to the said Act, annexed and marked No. 6, and may be directed to the sheriff of any county or union of counties in Upper Canada, and so many copies of such writ, with every memorandum or notice subscribed thereto, and all endorsements thereon, *as there may be persons intended to be arrested thereon*, shall be delivered with such writ to the sheriff or other officer who may have the execu-

tion or return thereof, and who shall, immediately upon or after the execution thereof, cause one such copy to be delivered to every person upon whom such process shall be executed by him, and shall endorse upon such writ the true day of the execution thereof, within three days at farthest after such execution; and the proceedings in any such action may be carried on to judgment without regard to the issuing of such *capias*, or to any proceedings in any way arising from or dependent thereon; and on entering judgment, the plaintiff shall be entitled to tax the costs of such writ or writs of *capias*, and the proceedings thereon, in like manner as if the suit had been originally commenced by *capias*, together with the other costs incurred and taxable in the cause."

Section 5 directs that the sheriff must arrest the defendant within two months from the date of writ.

Section 6 directs how a *ca. sa.* may be obtained. It reads thus:

"In cases in which the defendant has been held to special bail upon a writ of *capias* issued on a judge's order made under this Act, *it shall not be necessary, before suing out a writ of capi- as ad satisfaciendum, to obtain a judge's order for the issuing thereof, or to make or file any other or further affidavit than that upon which the order authorizing the defendant's arrest was obtained in the first instance;* but where the defendant has not been so held to special bail, if the plaintiff in the action shall, by the affidavit of himself or some other party, show to the satisfaction of a judge of either of the said Superior Courts of Common Law, that he has recovered judgment against the defendant for the sum of twenty-five pounds or upwards, exclusive of costs, and shall also by affidavit show such facts and circumstances as shall satisfy the said judge that there is good and probable cause for believing either that the defendant, unless he be forthwith apprehended, is about to quit Canada with intent to defraud his creditors generally or the said plaintiff in particular,

or that the defendant hath parted with his property, or made some secret or fraudulent conveyance thereof, in order to prevent its being taken in execution, it shall be lawful for any such judge, by a special order, to direct that a *capias ad satisfaciendum* may be issued, and a writ of *capias ad satisfaciendum* may thereupon be issued upon such judgment according to the practice now in force in the said Superior Courts."

Section 8 states the manner of procuring a discharge from custody by application to the proper court, which may, in its discretion, discharge or hold the defendant; "but," continues an appended proviso, "any such order made by a judge may be *discharged or varied* by the court, on application made thereto by either party dissatisfied with such order." It will readily be inferred that this proviso has been made with a view of benefiting the creditor, and to aid him in detaining his debtor in prison as long as he wishes, as will be seen in Section 9, which reads,

"Every prisoner who, *at the time appointed for the commencement of this Act, shall be in custody, or on bail upon mesne process*, for any debt or demand, shall be entitled to be discharged upon entering a common appearance to the action; provided, nevertheless, that every such prisoner shall be liable to be detained, or after such discharge *to be again arrested*, by virtue of any *such special order*, as aforesaid, *at the suit of the plaintiff* at whose suit he was previously arrested, or by any other plaintiff."

All the modes above detailed of obtaining process being somewhat tedious, a more expeditious method is marked out by Section 10, in the following words:

"In order to provide *an expeditious mode of obtaining process for the arrest of persons*, and for their discharge if unduly arrested, in cases where process is intended to be sued out, or an action has been commenced in either of the Superior Courts, it shall be lawful for the judge or the acting judge of any county court to make such order as is mentioned in the 2d and 4th Sec-

tions of this Act, on the application of any party, or on the application of any plaintiff in any cause in either of Her Majesty's Superior Courts of Common Law at Toronto, upon the same grounds and in the same manner as a judge of the said Superior Courts might: and such county judge or acting judge as aforesaid shall have all the powers given by this Act to a judge of the said Superior Court in respect to the making of such orders as aforesaid."

In case of application by the defendant for a discharge from custody, Section 11 provides that

"It shall be lawful for the plaintiff, at his option, to cause such debtor to be examined *vivâ voce*, upon oath, before the judge of the County Court in the county in which such debtor is confined, or before some one to be appointed in that behalf by such county judge, upon and touching all or any of the matters aforesaid; and such county judge may issue an order to the sheriff or jailor having the custody of such debtor, to bring such debtor before him, or before some person to be named in such order, for the purpose of being so examined; and it shall be lawful for such sheriff or jailor to take such debtor before such judge or person as aforesaid, for examination under the authority of this Act, in the same manner as if such sheriff or jailor were acting in obedience to a writ of *habeas corpus ad testificandum*."

Section 13 directs how a judgment creditor may make application to have his debtor examined as to his property, and thus continues:

"If it shall appear from such examination that such debtor has concealed or made away with his property in order to defeat or to defraud his creditors, or any of them, such court or judge may order such debtor *to be committed to the common jail of the county in which he resides, for any time not exceeding twelve months*, or it shall be lawful for any such court or judge, by rule or order, to direct that a writ of *capias ad satisfaciendum* may be issued against such debtor, and a writ of *capias ad satisfaciendum* may



thereupon be issued upon such judgment, according to the practice now in force in the said Superior Courts; or in case such debtor enjoys the benefit of the jail limits, such court or judge may make *a rule or order for such debtor's being committed to close custody*, under the 307th Section of the Common Law Procedure Act, 1856."

I think I have here given a sufficient number of extracts from the law, to show conclusively that the so-called "Act for abolishing arrest in civil actions" is a monstrous fraud, designed to deceive, and, by its title, impress citizens of the United States (and even the people of the Canadas) with the idea that all laws for the imprisonment of debtors have been repealed. That such an impression has gained ground, I am fully satisfied from observation, and by conversation with persons on both sides of the line; and to combat this erroneous view, as well as to place the law before the public in all its deformity, so that they may clearly understand that its title is a fraud, and its framers scoundrels of the blackest dye, is my fixed purpose, which I shall spare no effort to accomplish.

The several changes which have been made in the wording of the law, and in its caption, by successive Parliaments, with the view of rendering it less odious, are the best evidence which can be adduced of its unpopularity with the masses. But no one of these changes has reached the point at issue between the people and their rulers—all have been directed to a nominal palliation of the evil, not to its permanent cure—all have been originated with the purpose of hoodwinking honest but ignorant constituents, who, deceived by the publication of a high-sounding title, never examine the text, and, with the alteration in the name of a writ, innocently suppose that it differs also in its application. In the winter of 1859, Parliament again amended the law, so as to allow a debtor who had been bailed the range of the entire province of the Canadas, instead of, as formerly, confining him to the county in which he had first been impris-

soned. At the same session, the title of the writ upon which debtors are arrested and imprisoned was changed from "*capias*" to "*writ of attachment*" — a mere "tub to the whale;" the dear people, whose votes would be necessary to re-elect some of the members, having evinced symptoms of rebellion against the tyranny of their legislators. Debtors are now *attached*, and sent to prison; but, as improvement is the order of the day, it is more than probable that, at the coming session, Parliament will enact that in future prisons shall be styled "withdrawing rooms," and that the title of the "Act for the imprisonment of debtors" shall be so altered as to read, "An Act for the withdrawal of persons, under certain circumstances, from the dangers by which they are surrounded in civilized society, and for the improvement of their physical, moral, and intellectual condition, by solitary life."

## THOMAS WELCH, A ROOM-MATE IN JAIL.

In May, 1859, another debtor was placed in my cell. He was a native of Scotland, from which country he had emigrated but about two years previously, and, after arriving in the Canadas, had formed a partnership with another man, for the purpose of establishing an iron foundry. The business not realizing the expectations formed, the firm became involved in difficulties, when the other partner, taking advantage of the verdancy of our Scotch friend, collected all the debts he could which were owing to the firm, and absconded — well knowing that they could not meet all their liabilities, and dreading imprisonment. Thomas Welch, however, relying too much upon his native honesty of purpose, remained, and worked at his trade — that of a blacksmith — whenever he could obtain employment, until, on one occasion, being thrown out of a situation, he unfortunately remarked, in the presence of others, that he was going to look for a job. The wife of one of his creditors, being present, told her husband, who immediately proceeded with her to the residence

of the nearest judge, distant some twenty miles, where the husband made oath as required by law, and the wife swore to what she had overheard, as corroborative proof. A ten-dollar bill satisfied the judge that the parties before him testified to a statement of facts which warranted the arrest of the debtor; whereupon he issued a *capias*, and for the first time in his life, this poor, but really honest man, was arrested, about 11 o'clock the same night, and lodged in jail. The judge did not deem it necessary, under the amended law, that the creditor should swear that his debtor was about to quit the province, but thought it sufficient justification of his course that he had upon record the testimony of a woman, who had heard the man say he "was going to look for a job." Taking this case as a precedent, it is dangerous in the extreme for a man who is in debt to say that he is about to go to a neighbor's to do a day's work, as, upon the oath of a bystander, he may be committed to prison by order of one of the Dogberry judges who hammer out the law for the aid and comfort of brutes and tyrants. I was discharged from custody on the 27th of May, 1859; at which time the poor Scotchman was still in prison, under "the law for the abolishing of imprisonment for debt in the Canadas."

#### BOARD OF IMPRISONED DEBTORS—HOW PAID.

It is generally believed that either the creditor or the authorities of the county pay the expenses of the debtor's board while in jail; but this is an erroneous supposition. Until the debtor makes an assignment to his creditors of all he owns, over and above the little which the law allows him to retain, and has passed through all the required examinations, and other modes of detention resorted to by cunning, unprincipled lawyers, with the view of compelling friends to come forward and cancel claims which the debtor's assigned property will not cover, the law makes no provision for his support in prison—if he die of starva-

tion, what matter? it is legalized murder, and there is no one to blame. When it has been proved to the satisfaction of the judge that the debtor has been stripped of all his means, and is really a poor devil in every senso of the word, he directs that the creditor, if desirous of retaining his debtor in custody, shall from that time forth pay two dollars per week for his board. This is frequently done, and men retained in jail, merely for the purpose of harassing themselves and their families, when the creditors are satisfied that they no longer own a single dollar; but if the creditor fail to pay the two dollars before 9 A. M. on Monday, the jailor will liberate the debtor, and turn him into the street. No one can imagine the extreme suffering undergone by poor men who, incarcerated in the jails of Canada, and not having the means to pay their board, are almost starved to death before they reach that stage of the proceedings when the law compels the creditor to pay for his debtor's food.

#### JOHN HILDRETH—A CASE OF LEGALIZED STARVATION.

On the 14th of November, 1857, John Hildreth, a poor man, was arrested under a *capias*, dragged from his home, a distance of twelve miles, and placed in Chatham jail; leaving behind him a family illy supplied with the necessaries of life. His difficulties were occasioned by sickness, and the death of some of his family; and when the key was turned on him, he had in his possession but one dollar. Learning that he was expected to provide for his own maintenance, he handed his dollar to "Grampus" (Payne, the jailor), who, after one-third of the week had elapsed, informed him that he could have no more food unless it was paid for in advance. Having neither money nor friends, and the prison being too far from his home for his wife to bring him provisions,—even supposing she had any to give him,—this poor man was kept in a Christian (?) land, and between the cold walls of a Canadian jail (the superintendent of which prayed vo-

eiferously every night at 12 o'clock), for a period of seventy-six hours, without a morsel of food. Becoming alarmed lest he should starve, Hildreth told the turnkey (Hillman) that, if he was not speedily furnished with food, he would break the window or the table. This junior "John Bull," being a trained news-carrier, ran to "Grampus," and repeated the threats which the starving man had made; whereupon "Grampus," like a true Canada Christian, seized his five-barrelled moral persuader, and rushed into the cell, in one corner of which poor Hildreth was lying on a sack of dirty straw, weak and faint from want of food. The cell was occupied also by four other debtors, likewise half starved, and nearly scared to death at sight of the shooting-iron in the hands of the brutal jailor. Going up to Hildreth, and placing the revolver against his breast, the English brute said, "If you break, or threaten to break anything, I will give you the contents of this, and the law will bear me out in it." The very looks of this odious man were sufficient to frighten any of the prisoners; but when to these was added the fearful proximity of a five-barrelled pistol, it is no wonder that the poor unarmed, half-starved debtor wilted down, and uttered not a word by way of retort. Had the brute killed this man, there would not have been any punishment meted out to him; for if an officer kills a prisoner the law justifies him in so doing. Such is the position of debtor and creditor in the Canadas.

The sheriff, Mr. Mercer, who resided within three-fourths of a mile from the prison, being informed that Hildreth would starve unless something was done for him very shortly, came to the jail, and ordered that one loaf of the gutta-percha bread should be given him per diem — though any ordinary man could eat two loaves each day, together with the usual supply of other kinds of food. Hildreth was fed on gutta-percha bread, and water, from the 14th of November, 1857, until the 18th of January, 1858. In the mean time, a lawyer named M'Lean interested himself to obtain the release of Hildreth, who was clearly un-

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"Girampus" threatening to shoot John Hiltreth, an imprisoned debtor.—P. 55.





able to pay the debt for which he was imprisoned. The notorious Walter M'Crea, who drew up most of the capiasces which were issued in Canada West, was the attorney of the creditor who had imprisoned Hildreth. After the lapse of two months, when, by the usual course of proceedings in such cases, a considerable bill of costs had been made, M'Lean informed Hildreth that he would do nothing more in the matter unless he could induce some of his friends to guarantee the costs. This the poor fellow could not do, as the few friends he had in the world were with difficulty able to meet their own accruing obligations; and his wife was reduced to such extremity as to be compelled to abandon her own home, take lodgings with a neighbor, and labor for the support of herself and family. After the 18th day of January, 1858, the sheriff ordered Hildreth to be supplied daily with a pint of the ordinary soup—which was made of the meanest description of lean meat which the contractor for supplying the prison can procure. Sometimes this soup was made from the shanks of beef cattle, at other times from such "ancient" mutton as he could find no market for among the poorest class of the townspeople, and which was black with long exposure on the shambles. Potatoes and salt were the only additional ingredients used to make the meagre compound dignified with the name of soup, and which we were compelled to subsist upon, month after month. In the spring, I have seen potatoes served out to the prisoners, which, when brought out of the cellar, were so closely matted together by sprouts twelve to eighteen inches long, that the full of a bushel-basket could readily be raised from the ground with one hand by grasping the sprouts. The roots having also commenced to push forward, these potatoes consisted only of a watery insipid mass, not fit for the stomach of either man or beast. The daily ration of each prisoner was a pint of the soup (gravy-water, as it was called by an Irishman in the jail), in which there was a small piece of meat and one large



potato, or two small ones. This allowance was all poor Hildreth got beside his gutta-percha loaf,—the same that was given to the prisoners who were committed for larceny and other crimes, —and for months this meagre fare was his sole sustenance.

As the Canadian lawyers generally combine together to make the most they can out of the prisoners in the jails, I have been told that M'Crea and M'Lean agreed to hold Hildreth (as they do all who fall into their clutches) until his relatives came forward to pay the debt and costs of suit, but more especially the latter. There appearing, however, to be no prospect of any one interesting himself in behalf of the poor oppressed man, M'Lean became ashamed of his complicity in this indirect attempt at robbery, and wrote to the judge at Toronto, detailing the situation of the prisoner, and his sufferings; whereupon that functionary sent down an order for his immediate release, unless the retaining creditor paid two dollars per week for his board. Of course the creditor would not comply, as he saw but little prospect of ever recovering a single farthing.

The reader can, from the narrative of this case, form some idea of the motive which prompts a grasping creditor to falsely swear his debtor into jail. If the debtor has no means of his own, it is expected that his friends or relatives will aid in procuring his release; and therefore it is necessary that the poor unfortunate should suffer, in order to arouse the sympathy of others, and incite them to assist him in his distress. The misery thus heaped upon families—helpless wives and innocent children, aged fathers and decrepit mothers, dependent sisters and loving friends—is incalculable, beside what is suffered by the people of the entire country; for the honest, thrifty, and industrious farmers and mechanics, who produce all the wealth, are compelled to contribute in taxes toward the support of those imprisoned debtors who have nothing to live on, as well as toward the maintenance of the prisoners who are committed for theft, etc.

## MORE ABOUT CANADIAN JAILS.

It is impossible for any man immersed in business, who enjoys the comforts of a home, and full political and religious liberty, to imagine the wretchedness and misery of the poor devils who are confined for months, sometimes years, between the walls of a Canadian jail. The suspense and anxiety which constantly torture the mind of the incarcerated debtor, who knows not how long his imprisonment may last, are aggravated by the impositions practised upon him by the jailor and his understrappers, and by the false reports concerning him, set afloat by malignant creditors, who stop at no lie which will serve their purpose. In my case, M'Intyre reported that I was in full flight, when he fortunately seized me by the coat-tail, and thus secured my person. A single month of this kind of life is sufficient to disease the mental as well as physical organization of any man—much more will eighteen months' confinement, such as I suffered, break down the strongest mind and stoutest frame ever joined together in one being. However, I kept as quiet, and controlled my temper and feelings as much as possible; though my sudden withdrawal from active business life, and the repetition to me of the false reports which were circulated through the streets concerning me, together with the libellous charges against my character disseminated through the medium of the public press, were sufficient to have weighed down to earth the spirit of any man.

I purchased a large tin pan and some coarse towels, and, by means of frequent bathing, cooled my fevered system, averted much sickness, and kept the vermin from my person. By continually sprinkling and sweeping the floor, and frequently changing the straw in the beds, after the old rubbish was cleared out of the room, I succeeded in ridding my bed and covering of the fleas, which previously gave it a peppery appearance. There were a few wood-lice and earwigs, which occasionally annoyed us; but no care would banish them, as they harbored in the decaying

wainscot, where they were beyond reach. A young Englishman, who roomed with me about four months, used to say, when he arose in the morning, "See here, what bedfellows!" But my answer was, "I have enough on my own bed, without looking at those on yours." With warm weather came the bedbugs; but we succeeded in keeping the vermin from increasing.

I dreaded the lice which infested the persons of many of the vagrants who were brought into the prison, and which were sometimes carried into my cell on the clothes of John Hillman, the turnkey, who was constantly ranging through all parts of the jail. Instead of first cleansing a dirty man, and changing his clothes, they would thrust him in among others, and thus louse them, as well as the bedding, blankets, etc. The cells and furniture were cleansed only when they became so filthy as to exceed human endurance, and to excite loud and angry complaints. One individual was quartered in the criminal's apartment who was literally swarming with lice; so thickly did they cover him, that, when stripped and put into a tub of water, a negro in the same quarter, who acted as bather-general, was obliged to take a stiff, half-worn corn-broom, and scrub the lice from the back and other parts of the prisoner. The water was actually filled with the vermin. All kinds of filth must be brought into a Canadian jail, in order to annoy those who would keep clean if possible.

Except when I was allowed to go into the privy, which was but five feet distant from my cell, the heavy wooden door on the inside was kept locked for seven and a half months; and when allowed to obey the calls of nature, the prisoners were closely watched by Hillman. All the air I breathed was what I could get by lowering the upper casement of the window a distance of six inches, and that which passed between the crevices of the door which led toward the privy, from which a very noisome smell was constantly exhaling. In April, 1858, a merchant named John Winter, who could not pay his debts, was placed in

my cell, though he had been a resident of the village of Chatham for twenty years. When very warm weather set in, during the months of June and July, we procured a person to inform the sheriff of our sufferings, and several individuals who had visited us made public representations of our pitiable condition. About the middle of July, fifteen days after notice was given him, the sheriff ordered the upper casement of our window to be lowered eighteen inches, and there fastened. The lower sash was always screwed down on the outside, though there was a double set of iron bars let into the walls, and crossing the windows. The wooden door of my cell being also left unlocked by order of the sheriff, we could take the air in the little hall by the "chapel of ease," and also pass into the cell of another debtor; or, we might walk about ten feet, to a door made of iron bars, between which could be seen (through the vista of a long hall, having a plank and iron door at the terminus, which was left open in fine weather) a high stone wall. The family of the jailor lived in that portion of the building.

For want of my usual exercise and fresh air, my health commenced failing about the first of June, 1858, and I became so poor, thin, and weak, that in the mornings I could scarcely rise from my couch of straw. I was so sore all over my body, that I could neither sit nor lie down without experiencing great pain. I had frequently asked "Grampus" to let me have a rough bunk made, twelve or eighteen inches high, with a slat bottom, on which to lay my straw; but he invariably refused, alleging that it would be an infringement of the jail regulations; and, notwithstanding I offered to pay for it myself, yet the answer was always a surly "No." The rule of a jailor is to torment a debtor as much as possible; and the larger his debts, the greater annoyance will he be subjected to, in order to compel him to call upon his friends to aid him in his necessity. I have always thought, and still continue to think, that creditors fee the jailor for ill-using the debtors, with a view of compelling the latter to a set-

tlement as speedily as possible. After I had been ailing some time, I got the fever and ague, which so enfeebled me that I could with difficulty rise from the floor. The deputy sheriff coming in one day, and seeing my condition, said, "It is a d——d shame to abuse any human being that way. I have gone through the mill myself." He immediately went to the sheriff, and got from him an order, directing "Grampus" to let me have a bunk if I paid for it; whereupon Mr. Hoag, a carpenter in Chatham, measured my bed (?), and made one which cost me six shillings. I was able to get up some time in August, 1858; and thereafter I was more comfortable, but still very sick. Calomel, castor oil, and Osgood's Calagogue broke the fever; after which I commenced to recover, and would have convalesced rapidly, if I had received proper nourishment, and been allowed access to fresh air. I had so little appetite that I could scarcely eat anything; and, notwithstanding I paid \$3 per week, cash, for my board, I was furnished with nothing better than sheep-meat, and the other food, mentioned before—none of which was fit for the stomach of a person in my weak and delicate condition. I was even refused permission to go into the jail yard, which was surrounded with high stone walls, and where I could get a mouthful of fresh air, although I offered to let them attach a chain to my leg, to which was fastened a thirty-two pound ball. This would have been too great a privilege to allow a sick debtor, and likely, by the improvement of his health, to postpone the time of payment, by himself or his friends, of the debt which an infamous creditor had perjured himself in swearing that he was about to flee the country in order to avoid the payment of. A horse-thief or a highway robber is provided with food by the county, and with medical attendance when sick; but the man who, by the occurrence of events beyond his control, such as losses in business, sickness, or monetary convulsions, becomes unable to meet his liabilities, is not deemed worthy of any consideration, and no provision is made for his maintenance. Let it be known to all the world

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Sylvester Brown, on a couch in his prison cell, sick with fever and ague, turns with loathing from the unwholesome "Sheep-meat" offered him as food.—P. 64.





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that, in Canada, a horse-thief, a burglar, a highwayman, or a murderer is considered a more valuable member of society, and is better cared for, than an honest, industrious man, who has striven resolutely, but ineffectually, to discharge his obligations to individuals as well as to society. Spread abroad this intelligence, and who that values his liberty or his character will set foot in a land where vice is pampered and virtue discredited—where the laws promote the increase of crime instead of repressing it?

#### TANTALIZING ACTIONS OF THE JAILOR.

I recovered from my sickness as rapidly as could be expected, considering that I was without medical assistance, or food proper for a convalescent person; though, by purchase, and by express from my home, I was supplied with some articles which were palatable and nourishing. Before anything was allowed to be carried into my cell, however, it was examined by "Grampus," who emptied the baskets of their contents, and handled each article separately, lest it should conceal some instrument which would aid me in effecting my escape. The wax was melted off and the corks taken out of glass preserve-jars, the contents of which were stirred up with a stick, although so transparent they could be seen through. This was done to aggravate me; and it was commonly reported outside the jail that "Grampus" broke my eggs before they were sent in to me. My creditors made constant inquiries about the old Yankee's health, as they hoped my sickness would influence some of my friends to pay the amount of their claims.

#### SHERIFF MERCER'S UNGENTLEMANLY CONDUCT.

In January, 1858, seeing that I could not procure a settlement with my creditors, and a release from bondage, I sent to the Royal Exchange Hotel, J. Pritchard proprietor, for my trunk,



that I might take out of it such clothing as I needed through the winter, and replace them with my summer and fall stock. When my trunk arrived, "Grampus" would not permit it to be carried into my cell, but had it placed in the outer hall; though I told him that he was at perfect liberty to examine it beforehand. Feeling that this man's conduct was intended as an insult, I wrote to Sheriff Mercer, detailing the circumstances, and requested his interference in my behalf; but he was so ungentlemanly as not to answer my letter. Had he sent me a refusal couched in the fewest possible words, I should not have been so much annoyed as I was at his breach of courtesy and the usages of polite society. But I consoled myself with the reflection that nothing else could be expected from one of the English codfish aristocracy, holding a petty office, who is wont to play the bully when an unfortunate man's hands are tied, and he cannot retaliate. It was currently reported that Payne was Mercer's security; and hence, as Mercer was in the power of the brutal jailor, the latter could do as he saw fit. Payne was one of the old school of jailors—a very savage; inhuman, vindictive, and bloodthirsty, he vented his malicious disposition on every one who fell into his clutches, and even his own family did not escape.

#### "GRAMPUS" AND HIS TURNKEY.

The oldest settlers in Kent County were not exempt from the malice of the English bull-dog jailor, if by chance they got into the prison under his charge; as he would then impose upon them in different ways which no one but an unprincipled rascal like himself would ever think of. Many Canadians, whose names it is not necessary to mention here, will attest the reliability of this statement. Twenty years ago, or thereabouts, "Grampus" was appointed a bailiff for the county of Essex—since divided. At that time the law permitted the creditor to take all the furniture, etc., in the house of his debtor; and frequently did this Saxon

hound of the law strip families of their little all, leaving weeping women and frightened children with nothing around them but the bare walls. If a lady was sitting or lying on her bed, the law did not permit the use of harsh means to remove her from it; but some cunning trick would be resorted to for the purpose, and, if successful, the bed would be immediately seized. "Grampus" accumulated money in this position, as the costs then, as now, absorbed half the funds realized from the sale of a debtor's property. So well did he serve his country in the office of bailiff, that, when the county was divided, and a jail built at Chatham, his Excellency, the Governor of the Canadas, was pleased to appoint him governor of that exceedingly comfortable building. He was deemed the best fitted for the office, as he knew the speediest methods of extracting the cash from a debtor by vexing and torturing him beyond human endurance; and, therefore, in the eyes of an administrator of the laws, he was a most valuable assistant.

The turnkey (Hillman) imposed upon and annoyed me very much. All imprisoned debtors are called *cash articles* in Canada, particularly by the sheriff and the jailor; for if either of these functionaries allows a debtor to slip away, the creditor has a legal right to collect the debt from the negligent official. Therefore, debtors, when in prison, are suspected and watched both night and day, lest they may effect their escape, and those who have charge of them be compelled to pay their debts. I have frequently thought that these officers abused and starved the prisoners in order to make them pay as soon as possible, that they might get rid of them, for fear they should escape, and thus make them liable for the debt. Three-fourths of the time I was in the prison, the turnkey slept in my cell at night, to watch the slippery Yankee, as I was called, and prevent him from making his escape. To preserve my health, I was in the habit of stripping off all my clothes in the mornings, bathing myself all over with cold water, and rubbing my skin dry with coarse towels.

To prevent intrusion while so doing, I usually put a door-fastener in the space between the door and the jamb; yet, if this impudent English puppy wished to enter, he would not wait a minute for me to unfasten it, but run toward it, applying his shoulder with such force as to tear out the fastener. Then, bouncing into my cell, his manner was indicative of an apprehension that I was engaged in undermining the prison walls, although he invariably found me nude, and engaged in cleansing my person. It was always a gratification to these low-born Englishmen when they had an opportunity of displaying their brief authority over their superiors in birth and intellect, who, though natives of Canada, are never permitted to hold an office, no matter how petty, which a boorish Yorkshireman can be found to administer. This fellow, probably, never had charge of anything in England more valuable than a wheelbarrow; and the care of the keys of a filthy Canadian jail so enhanced his importance in his own estimation, that, like the frog in the fable, he swelled up until he was ready to burst. He became very pompous after he got the hob-nailed shoes off his feet.

Toward the close of my imprisonment, he gave me, as he supposed, a scathing reprimand, which I was under the impression he had been for some time trying to work off. During the three months previous to my discharge, as my funds had run low, and my friends had tired of furnishing me, I was not able to pay the usual \$3 per week; so I purchased a ham, some bread, butter, etc., and prepared my own food—cooking the meat over the flames in the stove by passing a wire through it, which served the purpose of a spit. My living in this way cost me but 16½ cents per day; and though but poor fare, yet it served to keep body and soul together. In that part of the prison assigned to criminals, a poor Irishman was lodged, who was charged with stealing a small sum of money, with which to buy whiskey; and, being half starved, he begged me to give him the skin and other parings from my ham. Between my cell and his was a communi-

cation, by means of the hole made for the reception of the stove-pipe; and through this I used to pass him the coveted food, together with a little of the meat; for which he was very grateful, as, being a large man, the bread and "gravy-water" he got daily was insufficient for his sustenance. Sometimes, when one of the iron doors was opened in the morning by the turnkey, I would, in his presence, carry a bit of ham and some of the skin to the door of the Irishman's cell, distant only three or four steps, and give them to him. After I had acted in this manner several times, "John Bull," thinking it afforded me some gratification, and was a favor to the half-starved "Micky," and it being likewise an infringement of the rules of a Canada jail to treat either man or beast in a decent manner, opened upon me one morning with a volley of invectives and abuse for making so free; desiring me to mind my own business, and stay where I belonged. All the time he was tongue-lashing me he did not look me in the face once; but sidled toward me, looking another way, as a dog does when about to pick a quarrel with a cat. I made no reply, however, seeing that he was as much ashamed of his conduct as his breeding would allow.

After I had written to the sheriff, asking him to come and see me, the jailor (Payne) one day entered my cell and abused me like a pickpocket for making known to that officer his brutal conduct; saying that I told lies, and using other offensive language, which was indicative of his natural talents, and the care he had used in cultivating them. He even denied me the use of a nail-rod, with which to stir the fire; which I was compelled to do with a stick of wood, or with my fingers. He was in the habit of coming into my room with the turnkey, during the winter of 1858, and making this man turn up my straw couch, to see if I was not burning a hole in the floor, through which to make my escape, as about that time a negro got out of Sandwich jail in that manner. On one occasion, I saw "Grampus" get up into my window on the outside of the jail, and examine the iron bars, for fear I had commenced sawing some of them out.



Payne examining the Bars.

At this time Payne was 66 years of age. He had a pipe in his mouth at all times; and when I saw him in the window, the volume of smoke issuing from his mouth, between myself and the sun, reminded me of a burning volcano. It occurred to me that he would have looked better in some other place, reading his Bible, while young "Bull" could have attended to the business of spy in daylight, as well as he did at night, between 9 and 11 o'clock, especially when I had a light in my cell, and he was sent to look in and see what the Yankee was about.

It outraged my feelings to be locked up in a jail, without cause, and gazed at by twenty-four jurors every term of the court; but I do not wish to be understood as attaching any censure to the jurymen, who were usually from the country, and respectable, well-meaning business men, farmers, and mechanics. They visited me in the performance of the duties of their office; but many of the low class of people who attended the courts as wit-

nesses would rap at my window, and call for the "caged Yankee" to show himself to the curious mob. This, when I could not, on account of the iron bars which crossed the window both ways, see more than half the man, was, in my estimation, too much for human nature to bear. But I was compelled to put up with all the insults which were heaped upon me in conformity with Canadian laws, and Canadian modes of reciprocating a kindness. The more valuable the favors conferred on some of them, the greater will be the insults they will heap upon their benefactors when they can get nothing more from them. Many years ago, I heard a Mr. Kent, of Niagara Co., N. Y., say that he would not go to Canada that winter, lest they should make him *play at checkers with his nose*. I never understood the meaning of the expression until these out-door rowdies summoned me to the window, and I got up on the ledge to see who it was called me. Looking through the crossed iron bars, I at once discovered what Kent's checker-board was; and I now caution all who may read these pages to look out, as Kent did, for the checker-board.

When friends called to see me, if they were not old acquaintances of the jailor, he would not admit them to my cell, but keep them out in the hall, close to the first iron door, and call me out into the little entry-way to talk with them. In the majority of instances, the turnkey was so placed as to hear every word that was said; and if it was not convenient for the turnkey to play the eavesdropper, "Grampus" would officiate in his stead. The messenger who done my errands, and went back and forth to the post-office for me, was refused admittance to my room, and I had always to go to the iron door to see him. On one occasion something irritated the English bull-dog, and, to annoy me still more, he would not let me see my messenger. He placed him in the family room, and made the turnkey the medium of communication between us; which was far from being pleasant, besides being a very tedious mode of doing business.

Before the opening of the April session, I was looked upon



Mr. Brown conversing with a Visitor through the Iron Door.

as worse than a highway robber, owing to the falsehoods circulated by my arresting creditors, which I could not refute, because ignorant of their promulgation, and which tended very much to direct public opinion against me. If I stated truly the amount I owed, and that I had no idea of not paying my debts, or of leaving the country, not a soul, either in or out of the jail, would believe a word I said, and I was treated as a robber.

#### NUISANCES CONNECTED WITH THE CHATHAM JAIL, AND CONSEQUENT SICKNESS OF THE PRISONERS, ETC.

In the Kent County Jail, at Chatham, sickness prevailed to a great extent among the prisoners, as well as in the family of the jailor. There were but two divisions in which criminals were kept [see cut of ground-plan]; one of these was allotted to un-

tried prisoners, and the other was for criminals who had been sentenced to hard labor for a certain period. These divisions each contained a room sixty feet long by fourteen wide, into which opened eight cells or dormitories. In each of these long apartments was a pump, communicating with a well sunk immediately below; and a privy, which emptied into a sewer about ten feet distant from the pump well. The water was not only hard and unwholesome, but was sometimes rendered entirely unfit for use by the breaking of the sewer, or by rats cutting a passage through into the wells from the privy vaults. I did not consider it fit for use at any time, as the prison stood on made ground on the banks of the Thames; and, secure the privy vaults as much as possible, the contents would leak into the well notwithstanding. When the water got so bad that it could not be pumped up, "Mickey" remarked that the soup was a little too thick. Under the jail was not the place to sink wells, as rats were not only constantly cutting through the floors, but also burrowing through the earth in every direction, and connecting the wells and privy vaults with each other. Many times at night rats over twelve inches long have entered my cell, and been there killed by my guard, as they were entirely too free in coming into our beds.

The privy situated about five feet from my cell door was used by a great many persons, and was very offensive to the nostrils of all who had not become, by long residence, insensible to the smell. One of my friends who resided in Chatham visited me in prison in the beginning of May, 1859, bringing with him a young gentleman from Montreal, Canada East, who was very desirous to see the man who had been imprisoned so long, and about whom so much had been said. Not long after he came into my room, I perceived that he was quite uneasy, and he soon inquired what it was that made such a nauseous smell, at the same time making a survey of the room, in which there was no dirt worth mentioning, and of the walls, which were very dingy



—not having been whitewashed for more than two years. He made a few remarks about it—in substance, that such a prison smell must be very unwholesome—and then dropped the subject; but I did not feel at liberty to tell him he was in a place not much better than a privy, and that the offensive smell was continually finding its way into the room through the crevices under and around the door. In hot weather this effluvia would scent all that portion of the prison; and many gentlemen have told me that they perceived it even in Payne's parlor, where they were obliged to sit some time before they could enter my apartment; but we, who were inhaling this smell constantly, did not notice it as much as occasional visitors. A large sewer ran under the jail, and emptied its contents into the river above high-water mark; and at the northeast side of the jail, close to the door which opened into the apartments occupied by the family of the jailor, there was an opening, through which the offal and slops from that part of the house were emptied into the sewer. As a strong current of air was constantly coming from the river through the sewer, and discharging at this opening, it may readily be imagined how much bad air was continually circulating in the hall and in other parts of the prison. Much of the sickness with which I was affected during the summer of 1858 was attributable to this foul and pestilential atmosphere, which all lodged in the prison were compelled to inhale.

During the summer of 1858—the precise date I do not recollect—Payne was attacked with a violent fever, which prostrated him so much that at one time his recovery was considered impossible. He got over it, however, and, after he was able to walk about, reflection upon his past conduct seemed to have somewhat modified his disposition, as he treated those around him much better than formerly. All noticed the change, and hopes were indulged that the punishment he had received would be productive of permanent benefit. Indeed, many of the prisoners expressed themselves to that effect, and one said he trusted that

“God, in his mercy to all mankind, would shake him by the collar once in every ninety days, if as much good would result from it as from the scourging he had just undergone.”

About the time of Payne's recovery, his wife took sick, owing to the fatigue she had passed through, and from breathing the impure air; but, after a tedious illness, she partially recovered from the fever, when mental trouble, bodily weakness, and want of a pure atmosphere, produced a relapse, which brought her to the verge of the grave. The prison physician gave her up; but he knew but little about his profession; or, if he ever did, an excessive use of strong water (rum) had caused him to forget what he had learned. This gentleman was known among his brother Englishmen as one of the codfish aristocracy. His practice in the country villages having been lost through his own inattention to business, consequent upon excessive spiritual indulgence, he was, through the influence of the sheriff, appointed prison physician, with a liberal salary, in conformity with the practice in Canada, to take good care of all the old soldiers. It made but little difference to the authorities whether he killed or cured his patients, as the lives of prisoners were not deemed of any consequence. Unfortunately for herself, this man attended Mrs. Payne during her illness, I suppose because his services cost nothing; though, in the main, they were very expensive.

The criminals in the prison were frequently sick; though not with fevers, as they were rarely long enough within the walls for the poisonous atmosphere to produce an effect. They were greatly troubled with indigestion and costiveness, caused by being constantly supplied with the same description of food, and by its inferior quality; “gutta-percha” bread and water being served up for breakfast and supper, and “gravy-water,” with miserably lean meat and unsound potatoes, forming the stereotyped dinner. The dry, tough bread, and hard water, so affected the bowels of some of the prisoners, that they could not procure a stool without the use of a large syringe, which was kept in the

prison for emergencies. Large quantities of salts, castor-oil, and other medicines were used for the purpose, without producing any appreciable effect. In fact, the provincial Board of Physicians have admitted that even mercury will not force a passage through a man's bowels when they are filled with "gutta-percha" bread and water.

Nearly all of the debtors brought into the jail would, after being in confinement a few weeks, become sick from inhaling the foul atmosphere which surrounded them, and of which they complained from the hour of their entrance. Some were affected with a weakness of the joints, and general prostration, while others were troubled with vertigo to such an extent as to stagger when they walked. English barbarity does not think mere imprisonment a sufficient torture for men whose only crime is the misfortune of being poor, but adds thereto a refinement of cruelty which far exceeds any invented by savage ingenuity—the red savage tortures only the sense of feeling, while the white savage puts all the other senses upon the rack, not merely for a few hours, but for days and months—sometimes for years. The sense of sight is outraged by the surrounding filth; the sense of taste by the nauseating and unwholesome food; the sense of smell by the fetid odors with which the air is always filled; the sense of hearing by the coarse and abusive language used by the officials to the prisoners under their charge, and the sense of feeling by the beastly beds on which prisoners are said—ironically, of course—to repose their aching limbs.

#### FIRST IMPRESSIONS OF PRISON FARE.

When first imprisoned, many debtors would declare they could not live on the food served to those who were able to pay \$3 per week for their board. Some have sat at the same table with myself, and refused to eat the stinking meat which was occasionally put before us; but all such I gave to understand that a few

months' incarceration, and consequent starvation, would bring them to eat many articles which their stomachs had previously rebelled against. One person told me that, in a country where butter was sold for double the amount it brought in the Canadas, he had made soap with butter which was far superior to that frequently placed upon the table for our use. I say frequently, because sometimes the market could not furnish an article as bad as the standard quality.

## OFFICIAL IMPOSITION.

Complaining of my board on one occasion, I was told that if I did not like it I need not accept of it; for I was at liberty to send to the hotel for my meals. All this was very true; but, at the same time, old "Grampus" knew that if I did so I would be charged treble for everything I ordered, as such is the custom in Canada when dealing with an imprisoned debtor. If a doctor is summoned to a prisoner's bedside, he charges \$5 for a single visit; and the same rule is observed by all whose services are required by a poor, helpless debtor. The law allows a jailor to charge \$3 a week for board, and no more; but, at the same time, it does not prohibit his feeding the prisoners with such provisions as he sees fit to purchase, provided he does not attempt to starve them. The debtor is obliged to put up with what is given him; as the jailor well knows he cannot better his condition short of having his meals sent from hotels, which the reason above stated prevents him from doing. It is the object of the jailor to make as much money as possible out of the debtors under his charge, and he considers them legitimate objects for plunder. The provisions with which, toward the last of my imprisonment, I furnished myself at a cost of 16 $\frac{2}{3}$  cents per day, were very superior in quality to what I had been getting while boarded by the jailor, when, also, I had been compelled to pur-

chase cheese, codfish, a piece of bacon occasionally, cakes of various kinds, apples, etc., to make amends for my scanty allowance.

#### ENGLISH BRUTES AND FRENCH GENTLEMEN

A gentleman who was confined in the same cell with me for a short time told me there was a great difference between the English of Canada West and the French of Canada East, so far as the treatment of prisoners and the conduct of jailors were concerned. This man had once been in jail in Quebec sixteen days, before imprisonment for debt was totally abolished in Canada East; and he said that every respectable and well-behaved man was taken into the jailor's private apartments, and boarded with the family, beside being allowed the range of the yard for several hours each day, to exercise and breathe the fresh air. Criminals were likewise allowed to go into the yard every day. The difference between an English brute and a French gentleman can here very readily be seen. Men imprisoned for debt under the proud flag of Britain, no matter how wrongfully, must be treated by the jailor as a sharpër, or his duty to the prisoner, who has been made such by the oath of a perjured knave, will not be fulfilled. The people of the country, or their representatives, did not certainly intend that their fellow-men should be abused; but from two to eight persons are sometimes thrust into one small apartment, with each a straw bed, a straw pillow, and two blankets, all spread on the floor. All perform their ablutions in a single old tin pan, alongside of which is placed a piece of soap and a ragged towel. Some who are imprisoned have families in the country, and have been used to living in a decent and cleanly manner; while others belong to that class who live in the midst of filth, and bring with them into the prison swarms of the vermin common to their reeking haunts. Clean and dirty people are all crowded into the same cell, there to sleep, eat, and live together. Complaint only elicits the impudent retort that such

accommodations are good enough for those who do not pay their debts; and that if the prisoner paid what he owed like an honest man, he would be set at liberty. Nothing is said about the dishonest and perjured creditor, but all the abuse is heaped upon the poor defenceless debtor.

#### WHAT CONSTITUTES DISHONESTY?

One of my creditors, to whom I owed a small sum, and who had not arrested me, wrote me to the effect that he did not believe I had acted honestly, or I would not be detained in jail; and that no man who could prove himself to be honest would be held a single day in prison for debt. Another Christian creditor, who took a false oath, and procured my arrest, visited me after the lapse of some months, and told me that there was no need at all of my being kept in jail; that I should have called a meeting of my arresting creditors, and given up to them all my property, when they would have discharged me at once. This exceedingly honest and enlightened pillar of the Christian church (John L. Dolson) would have been very much pleased if he **could** have induced me to place myself in that position. It was their design when they arrested me to get possession of all I was worth, when they would have released me, only to be again imprisoned by other and dissatisfied creditors like the one above mentioned. Had I made an assignment of my property for the benefit of all, and any of my creditors elected not to accept under the assignment, they were not barred by this action from arresting and imprisoning me for the amount of their claims. It will be seen from this statement how easy it is to misjudge others, and to consider those dishonest, who, in reality, are only shielding themselves from tricks and deception. The creditors who receive all their due will call their debtor an honest man, while those who receive little or nothing will report him to be a rogue.' I consider the arresting creditors to be really the dishonest parties,

because they are the reason of many creditors losing the amount due them, by breaking down business men, and scattering their substance, which would otherwise have gone to pay their debts. I still think I pursued an honest course (though a hard one for myself), with a set of thoroughly dishonest, hypocritical scoundrels.

#### GENERAL CHARACTER OF IMPRISONED DEBTORS.

My own observation, while confined in the jail at Chatham, together with the information I collected from various parties, led me to believe that the majority of those who are imprisoned for debt are honest, upright men, who will always meet their liabilities as long as they can procure the means of so doing. Such men are useful in society, and valuable to the country. The knavish portion of the community, which it was contemplated the law would reach, always manage, some way or other, to escape from its clutches; as they usually so arrange their business as to be able to leave the province unmolested, and well supplied with means abstracted from the pockets of others. This being the state of affairs, it will be seen that injustice, and not justice, is done by the continuance of the imprisonment law.

#### DISHONESTY VERSUS HONESTY.

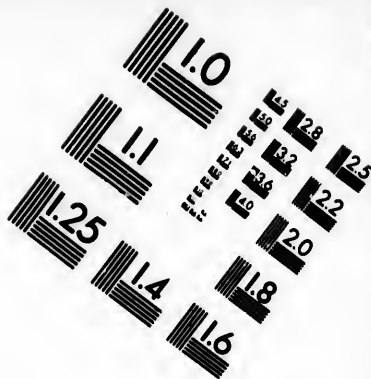
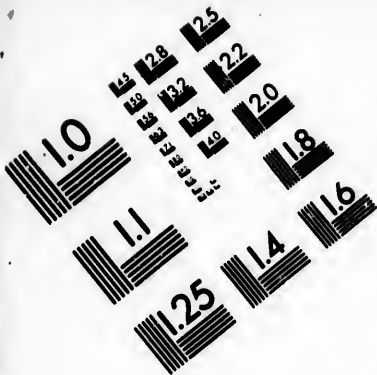
Elonzo Mitton, of Kent County, a hard-working, industrious young Canadian, born of English parents, commenced active life as a farmer, and, having a young family to support, contracted a debt of \$65 or \$70, at the store of Henry M. & Richard Marsh. When the time for payment arrived, Mr. Mitton could not raise the amount in cash, but offered to pay the debt in young cattle, or to secure it by the pledge of stock worth double the sum. Marsh offered to receive and sell the cattle, crediting Mitton with the gross amount of sales; but Mitton, having some know-



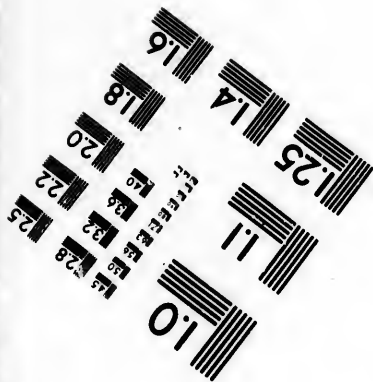
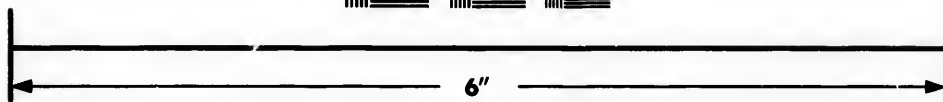
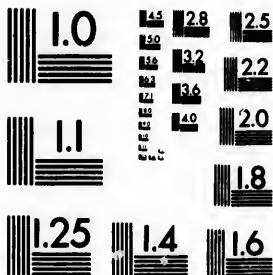
The Chatham Jailor, Payne, alias "Grampus."—P. 80.







**IMAGE EVALUATION  
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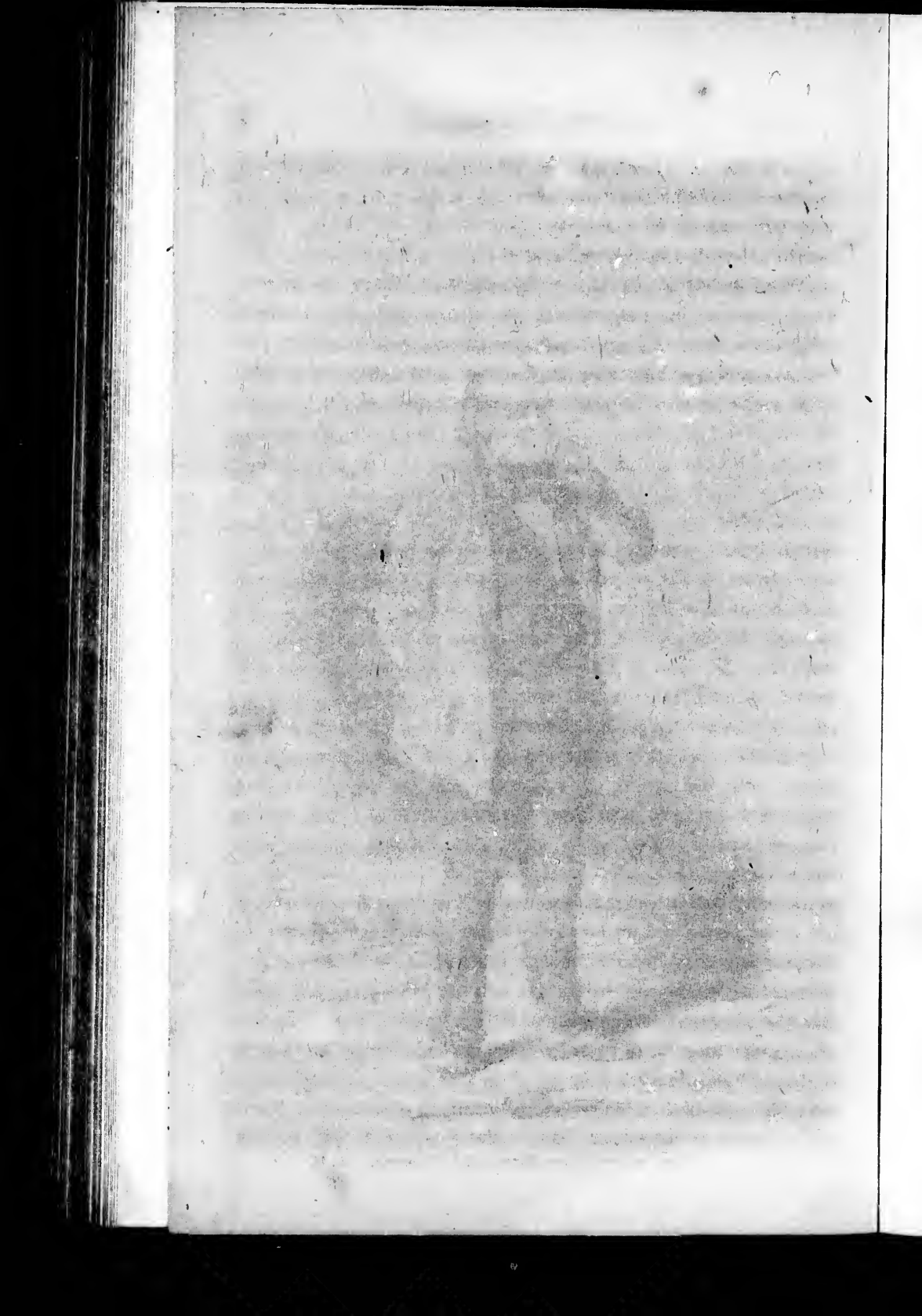


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ledge of Marsh, feared that he would sell the whole for the amount of the debt alone, and therefore refused his assent to the proposal. Marsh, who cared nothing for an oath, and had been heard to remark that he would at any time swear falsely for money, immediately swore out a *capias*, and cast Mitton into prison; where, however, he was confined but a short time, as, the debt being small, he was immediately bailed out on the limits. The law gives a wrongfully imprisoned debtor his remedy in an action for damages against the perjured creditor; and accordingly, Mr. Mitton sued Marsh for damages and false imprisonment. A long trial in the Court of Queen's Bench resulted in the jury finding a verdict for the plaintiff, assessing \$10 damages, and the costs of suit, \$200, upon the defendant. Here is a fair sample of Canadian justice — a man is dragged from his home and family to a jail, twenty miles distant, on the oath of a villain, and his appeal to the law for redress is answered by an award of \$10 damages for his loss of time, loss of character, worryment, and vexation. His loss of time was valued at \$50, and he was subjected to being called a jail-bird all his life — for all which he received the munificent compensation of \$10. The lawyers realized all the profit, the honest but wronged client got next to nothing. Mr. Mitton was confined within the jail limits about two years; and in April, 1859, in conformity with the law, he was obliged to re-enter the jail, in order to relieve his bail, and then make application to the court for his discharge; which he obtained after being confined four weeks. Lawyers were employed by both parties. Interrogatories were served on Mitton by Marsh's attorney, and several days were taken by the former and his attorney in so answering them as to satisfy the county judge that the prisoner had surrendered all his property to his creditor. During the time Mr. Mitton occupied my cell, if my information is correct, his other creditors behaved themselves toward him in a highly honorable manner, and so managed matters that Marsh did not obtain one dollar. When these men were young, their

parents resided on opposite sides of a road which passed through Ridgetown, Canada West, and they were there brought up together. Neither of them had any intention of leaving the province, yet one used the legal scourge against the playmate of his youth in the same manner as it is wielded by grasping creditors against seven-eighths of all who are imprisoned for debt. And yet this law is upheld, and remains upon the statute-book, because it furnishes jobs for lawyers, who care not how much it helps to ruin the business of the country, so that it fills their pockets with the coveted gold.

BOORS ALWAYS REPAY KINDNESS WITH ABUSE.

When, in former years, Payne was a constable, and travelled the country collecting from — or, rather, legally robbing — the people, he always made it a point, when anywhere in the vicinity of Ridgetown, to stop over night at the residence of old Mr. Mitton, who was also originally from England. In every instance he was furnished with the best of everything the house contained, and his horse was carefully stabled, groomed, and fed; all were anxious to maintain amicable relations with the much-dreaded bailiff. Elonzo, then a boy, always attended to the bailiff's horse, of which he took good care, and in the morning he always brought him out to the stepping-block, held the stirrup for the mighty dispenser of law, handed him the whip, and then politely bowed to him as he rode away without bestowing even a single copper on the faithful and attentive lad.

After the lapse of some years, and the boy had grown to man's estate, he was placed in the jail under the charge of the very individual to whose wants he had been so attentive when a youth. How did Payne return the favors received in former years? He would not supply the young man with a single article of food until he had received the cash therefor; and when some relations of Mr. Mitton, who were about journeying to the far West,

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with the intention of there settling permanently, called at the prison to bid him farewell, the brutish jailor refused them admission into his cell, even for a few minutes. They were obliged to content themselves with holding a conversation through the iron bars, because it pleased an ungrateful Englishman thus to exhibit his appreciation of past kindnesses.

#### BRUTAL TREATMENT OF AN INSANE WOMAN.

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A lady named Cobbet, in Kent County, had a drunken brute for a husband, who, when in liquor, was so cross and quarrelsome that, if everything about the house did not exactly please him, he would beat his poor wife about the head and body in a most shameful manner. This treatment was continued until the poor woman became insane. Fear of her husband's brutality made her desert her home, and wander through the fields and roads, all the time talking to herself in a loud voice. The husband, like all other drunkards, was in due time burned out with liquor, and died of delirium tremens. The children grew up, but done nothing for their mother, alleging that they could not keep her at home ; though it was whispered about that they really did not want her, as she was so noisy that she disturbed them. So the old crazy woman was left to herself, and continued to wander about, lodging and eating when and where she could. Occasionally some one of the codfish aristocracy would complain to a magistrate that he was disturbed by the ravings of this poor demented female, whereupon she would be arrested, and lodged in jail for two, three, or four months. When confined, her brain became more than usually excited, and she frequently disturbed the inmates of the prison by her loud talk, and by singing in a high key. During my stay in the jail she served two long terms ; and when I was discharged she had not finished her second period of probation. Notwithstanding her insanity, she read her

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Bible daily, noted the passage of time by her almanac, and done her own washing, sewing, etc.

Ill-treatment would at times greatly excite her, and make her very noisy for a few hours. In the early part of her first imprisonment, she was allowed the range of the long hall during the day, as there were then no prisoners in that part of the building. During the sitting of the court, she was annoyed by men looking in through the grated windows at her; which she took as a great insult, and, catching up a broom, she drove the handle between the bars and through the glass, into the faces of the intruders. This was an offence which "Grampus" could not overlook; and accordingly, she was locked up in a cell by herself, where she raved in the most discordant manner.

The second time she was imprisoned, she was locked up in an inner cell, on the side of the jail where the untried criminals were placed. A negro and an Irishman, confined in the same part of the prison, were allowed to promenade every day through the long hall, with the exception of that on which Mrs. Cobbet was allowed access to it to do her washing; on which occasions these men were locked in their cells. Although the poor woman frequently begged for her share of exercise in the hall, yet she was always refused, and in quite a rough manner, when the blood would rush to her brain in such torrents as to suffuse her face and forehead with a purplish hue. I frequently told the turnkey that, with good usage, she might be kept sane nearly all the time, and recommended him to let her range through the yard a part of the day, or to put her upstairs in some large room, where she could see into the village; but such leniency was out of the question—she might damage something, break a glass, or destroy some article of equally trifling value. There was no feeling of sympathy for the poor creature—no humanity in the breast of any of the officials connected with the jail. She complained bitterly about her food, and her constant



ery was that she was hungry; and, indeed, that was the complaint of every one confined in the jail.

Mrs. Cobbet often asked for such medicine as would cool her blood when excited, and she knew what was necessary as well as the doctor—frequently better than he did. Sometimes the jailor would call in the prison physician as he was passing the jail on his way home; but that knowing functionary would only tell her she was crazy, and did not require any medicine; to which she would reply that he was drunk, and did not know what she wanted. It was admitted by those who knew, that Mrs. Cobbet more frequently told the truth than did the doctor.



Hillman, the Turnkey, striking an Insane Woman in the Jail.

Once, when this poor woman had been let out into the long hall to wash her clothes, she refused to return to her cell at the order of the imperious English turnkey, and resisted his efforts to force her in, claiming that she was entitled to exercise in the long room. A scuffle ensued between them; and the young English gentleman could not readily force Mrs. Cobbet into her

small cell, as she grasped tightly the iron door-frame. This monster in human semblance, finding that he could not master her in any other way, beat her on the head in a most brutal manner, as her husband had done fourteen years previously. The law being on his side, he pounded the skull of an insane woman, who was fifty-five or sixty years of age, and not a soul ventured to inquire why he did so.

Can this be a Christian land, where such deeds are committed! Can this be a Christian people, who permit them to be done in their midst! Savages abuse women, but civilized beings generally repudiate the idea of striking a defenceless female. What, then, shall be said of the brute who, setting at defiance public opinion, the usages of civilized society, the dictates of humanity, and the teachings of Christianity, wantonly and maliciously maltreats the mother of generations — insulting in her person the author of his own existence? No honest man will grasp that hand which dealt a blow on a female form; no approving nod will greet the appearance of a cowardly woman-whipper; no word of pleasant encouragement will cheer the heart of him who steeled it to pity for the sufferings of an imbecile of the weaker sex—the finger of scorn will be pointed at him on the high-roads and in the by-ways; he will be jeered by the youth and insulted by their seniors; he will feel in his own breast the gnawing of that canker-worm remorse, which, like a phosphorescent fire, ever burning, but never consuming, makes a man's life such a torment to himself, that, cursing the past, and despairing of the future, he rushes unbidden and unheralded into the presence of his Maker.

#### THE DIVISION COURT.

In Canada there is a court called the Division Court, which is held in each county as often as the county judge thinks proper, or when there is a sufficient number of cases on the docket to pay the expenses. Among the recent amendments to the Act

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The Sheriff driving a poor laborer, sixty years of age, to Toronto jail, a distance of thirty-five miles.—P. 37.

creating the court, is one directing that all debts under \$100 shall be sued out in it. From February 18, 1859, until March 18, 1859, eleven cases were tried in Toronto before this court; the sums in controversy being within the prescribed limits. A reference to the facts will exhibit the operation of the law under the supervision of those who were instrumental in making it, and who, doubtless, were careful to see that it was properly administered at the headquarters of the Government. I will select case No. 6, on the docket, as my first illustration, leaving the others to be discussed on subsequent pages; but premising it by stating that the judge of a Division Court has power to punish a debtor by imprisonment for a definite number of days, proportioned to the more or less aggravating circumstances of the case, as affecting the creditor.

A laborer, sixty years of age, who had a wife and thirteen children, purchased a stove, at the price of \$20·60, for which he gave his note. Not being able to meet the note at maturity, he was sued by his creditor, and the costs, \$12·81, added to the original debt, increased the sum to 32·91. This man was sentenced by the judge to penal servitude for thirty days in Toronto jail, as a punishment for not paying the claim. He resided at a distance of thirty-five miles from the prison, and himself and four of his children were sick, when the sheriff made his appearance on horseback, dragged the poor old fellow from his home, and drove him before him on foot; his wife, and as many of the children as could walk, following after for some distance, making the hills resound with their pitiable cries and lamentations. The distressed family, seeing the utter uselessness of accompanying their head to Toronto, returned to their miserable log hut, there to suffer mental as well as physical torture. Starvation they could not avoid, as the poor man had not been employed for some time previously, and, consequently, no store of provision was on hand for an emergency.

## MENDACITY OF THE LAWYERS.

When a man doing business in Canada goes to a lawyer for information and advice respecting the law for the imprisonment of debtors, he will be told, as I was, "They cannot capias you, although you be seen to pack up your valise and proceed toward the cars. It is indispensable to your business that you travel through the States and different parts of Canada. A creditor dare not swear against you; for by doing so he risks imprisonment in the penitentiary for perjury, in addition to the payment of heavy damages for stopping you in the prosecution of your lawful business. Oh, no! they cannot capias you." But the reader has already learned how my creditors did imprison me on my return from a business tour, and how they did swear that I was about to fly the country. Indeed, I was told by the Hon. (?) M'Keller that he had the sanction of the judge in saying that he could swear to such a state of facts against a man who was already in jail. I will never again believe any lawyer, or take his advice regarding any transaction which may be productive of future business for him. Had I not given credence to the words of a lawyer, I would have bound up the parties with whom I dealt, by written agreements, properly attested, not to issue a capias against me under any circumstances. Such a course I could readily have adopted in the outset, and it would have saved me from persecution and ruin, while my creditors would have received their money; for a Canadian will sign any agreement in order to obtain advances in cash. As the word of most of the Canadian business men is utterly worthless, and they are not reliable in any case, being devoid of integrity except where interest rules them in the adoption of an opposite course, I would advise all persons about to transact any business with them, not to neglect securing their personal safety by the execution of such bonds as I have alluded to in the preceding remarks.

"GRAMPUS" ROBS A LETTER BELONGING TO JOHN FINDLAY,  
A PRISONER IN THE JAIL.

The details of this transaction will prove to the reader how little confidence can be placed in the integrity of a Canadian. John Findlay was the son of a widow woman who emigrated from Pennsylvania at an early day, and settled in Lampton County, adjoining that of Kent, which was separated from it by the river Sydenham. When old Mr. Findlay died, he left behind him a family of young children, for their mother to bring up in a new and sickly country. When John, the eldest son, became of age, being in debt to one or two persons, he sold some property, intending to pay his debts with the proceeds of the notes he received therefor. In the mean time, one of his creditors sued him, and got judgment against him; which, as usual, carried with it an enormous bill of costs. As the suit was brought in Kent County, the sheriff, armed with the writ of *ca. sa.* falsely sworn to by the creditor, proceeded up the river some twenty miles, and procured a man to cross into Lampton County, and decoy Findlay over the river into Kent, where he could be arrested. The matter was easily managed, as the young man, having no intention of running away, harbored not a single suspicion of foul play; and, as soon as he set foot on the soil of Kent County, he was arrested and conveyed to Chatham jail. At the time of his seizure, Findlay had in his pocket the notes received from the purchaser of his property; and, deciding to send them home to his mother, he enclosed them in a letter, which he handed to "Grampus" for conveyance to the post-office, as was the usual practice. That worthy, however, finding the letter to be more than usually bulky, broke it open, and examined the contents; after which, calling Findlay into the room where he was, he showed him what he had done, handed the notes back to him, and at the same time counselled him to turn them over to his creditor, if he wished to regain his liberty. This was ex-

actly what the creditor desired. By taking a false oath, he procured the youth's imprisonment; thinking thereby to compel him to make an assignment of the promissory notes which he held, when the amount would be fully half covered by the costs. "Grampus," however, anticipated the assignment by breaking open the letter; and he so managed his cards as to obtain from Findlay one of the notes, in payment for four months' board, at \$3 per week, which time he was an inmate of the jail. The creditor endeavored to induce the youth to use his influence with his mother in the procurement of a lien on the homestead, as a condition precedent to his discharge; but the noble lad averred that he would rather die than do any such act, as he was not sure his creditor might not, before he had done with her, rob her of the little she owned. Here the reader has a beautiful specimen of the mode of administering justice in Canada West—first, the creditor obtains a process of arrest by means of a false oath; secondly, the sheriff executes the process by the aid of false representations; thirdly, the jailor robs his prisoner; and fourthly, the creditor seeks, by cunning arts, to place himself in such a position that he can rob the widowed mother of a poor, but honest youth.

#### ANOTHER ATTEMPT TO ROB A WIDOW'S SON.

The name of this young man has escaped my memory; but he lived with and supported his mother and sister by farming land on shares. Having labored very assiduously, he had the promise of reaping his reward in an abundant crop, when the landlord, envying the youth his prospective good fortune, concocted a plan for driving him away, and thereby obtaining possession of part, if not all, of his crop. To accomplish his purpose, he commenced by indirectly quarrelling with the youth; but, as the latter took no notice of this, the brutish landlord commenced direct operations by turning the youth's horse out of the stable in which he had a right to keep him. This procedure



so irritated the young man that he used strong language toward his oppressor; whereupon the latter nearly killed him by beating him with a stake three feet long, taken from a sleigh. The brutal and cowardly act excited, as it naturally would, the people of the entire neighborhood, who advised a suit for damages. After a protracted trial in the Court of Queen's Bench, the youth obtained a verdict for damages to the amount of \$200, together with the costs of suit, which were about as much more. The doctor who attended him after he was so cruelly beaten and bruised, brought in a bill for services rendered amounting to \$40, together with another for witness' fees, for three or four days' attendance at court, at \$4 per day, the prescribed legal charge. The youth settled the last bill, and paid about \$20 on account of the first. M'Crea was the attorney of the plaintiff, and after the suit was decided he tried to induce the youth to assign the judgment to him, in order that he might collect it, and secure his costs and fee. The young man, however, had learned something of M'Crea's disposition to rob every one who gave him the opportunity, and refused compliance, desiring M'Crea to furnish him a bill, when he would pay him his fee; but the cunning lawyer, for reasons best known to himself, declined doing as requested. Failing in this manœuvre, M'Crea induced the doctor, a drunken, worthless scamp, to swear out a *capias* against the youth, and put him in jail, as a means not only of forcing the judgment from him, but also of absorbing the entire amount in costs. The young man was locked up in a Canada jail, which is supposed to be a never-failing method of bringing people to terms; but, as he exhibited indisputable evidence that he had paid the doctor one-half the amount of his bill, and only desired an opportunity of proving that the amount sworn to was in excess of the real debt, in a few weeks he procured bail to stand his trial, under which he was confined within the jail limits. The result of the suit I did not learn; but enough has been stated to exhibit the manner in which the law is used by rascally law-

yers to wring from their clients and others the last cent they have in the world ; and for this purpose they scruple not to beggar families, and reduce them to the very verge of starvation. In extremely warm weather, the poor old widowed mother of this persecuted youth frequently walked six or eight miles to bring her son something to eat, although she had barely rags enough on her person to hide her nakedness. Overheated, tired, and covered with dust, when she arrived at the jail this poor lady was an object of commiseration to every charitable beholder, and would have excited pity in any breast less steeled to the finer feelings of humanity than are those of Canadian jailors and Canadian lawyers. Another debtor aided me in feeding and advising the youth how to manage his affairs, so as to prevent the robbery planned by the legal bandit who had been his counsel.

#### A SHERIFF SEIZING A LADY'S BED.

A poor man, being unable to pay a debt when required so to do, was sued by his creditor, who obtained a judgment, upon which an execution was issued, and placed in the hands of a sheriff, with directions to distrain the household goods of the debtor, unless the amount of the judgment and costs was paid in cash. The gallant officer made a descent upon the premises at a time when he knew the man was away from home, attending to his daily avocations ; and, notwithstanding he saw, immediately upon entering the house, that the wife of the tenant was likely soon to be taken sick, for which event all necessary preparation had been made, yet he did not hesitate a moment in telling her that he held an execution, and intended to seize all the goods in the house. To this vandalism the lady strongly objected ; but the sheriff flew into a passion, as all loyal officers do when interference is attempted with their duty to the laws of her Majesty's provinces, and, making a rush toward the lady's bed, he seized it, with the intention of carrying it out of the house.



Sheriff robbing a Lady of her Bed.

The lady, whose temper was roused by the brutality of such an act, at a period when even the brute creation seem to respect the comfort of femininity, grasped one end of the bed, and endeavored to wrest it from the possession of the officer. The struggle can better be imagined than described, and resulted, as all such contests usually do, in a complete sacking of the house; every dollar's worth of furniture, etc., being removed from the premises. As might be supposed, the excitement of the wife brought on a premature accouchement, and she was delivered of a child the same night. Her neighbors, with commendable charity, provided for her necessities, by the supply of bed, bed-clothes, and such furniture as was indispensable to her comfort, beside waiting upon her with untiring devotion until she regained her former health and strength. This narrative I have from the lips of a lady who was present at the accouchement, and whose veracity may be relied upon. The daughters of Brother Jonathan had better settle in the land where negro slavery is an institution, than trust themselves within the boundaries of a pro-

vince where laws are made for the benefit of rogues ; where lawyers are knaves, and judges their abettors ; where creditors are Shylocks in miniature, and sheriffs their brutal tools ; where jails are counterparts of the regions of Pluto, and jailors delight in inflicting torture upon unfortunate humanity.

**A SHERIFF SEIZING THE DISHES AND VICTUALS ON THE FAMILY TABLE.**

The details of the case here presented to the reader will exhibit in proper colors the heartlessness of executive officers in Canada, and their valiant conduct when backed by legal authority. An execution having been sued out against a poor man who barely maintained his family by incessant toil, at pitiful wages, was put into the hands of a sheriff, with instruction to distrain on his goods and chattels. This officer, who with the cunning of a fox united the cowardice of a cat, watched until the coast was clear, and the male head of the family away from home. Entering when the mother and her little ones were eating their scanty dinner, he seized and carried out the few things not in immediate use ; at the same time commanding the woman and her children to hurry and get out of the way, as he wanted the table at which they were seated, with what it contained. Naturally enough, the poor woman spoke her mind to him very freely ; whereupon, to vent his spleen, he threw the children hither and thither, scraped together the dishes and their contents, and putting the whole into the cupboard, carried it away. At the sale of the goods, the cupboard and its contents were auctioned off in one lot ; but the purchaser returned the whole to the former owner, with the exception of a tin bowl, which contained a very small quantity of sugar, and which was subsequently shown to me. In Canada West, no poor-houses are built for the shelter of the indigent ; but they are robbed of furniture and food, turned into the street or the road, and left to die like



Sheriff taking the Dishes and Victuals from the Family while at their Dinner.

dogs ; when it is a source of congratulation that the country is rid of such poor devils. Emigrants from Europe, let me advise you to set not your feet in this inhospitable region, where the current of human kindness seems to have frozen in the hearts of the English officials : better brave the Indian hatchet on the slopes of the Rocky Mountains, or the burning rays of a tropical sun, than expose yourselves to the tender mercies of a race which, like that of Ishmael, plunders the defenceless and crouches to the powerful.

#### ANOTHER CASE OF OFFICIAL VANDALISM.

This sheriff held an execution against a man whose wife had just been confined ; and, scorning to take the woman's bed from under her at such a time, he magnanimously waited a day or two, until death removed her from it. When the babe was but three days old, he stripped the house of everything it contained, notwithstanding there was in it a large family of very small chil-

dren. The friends of the father, resident in the United States, came over to Canada, and took the children to their own homes, where they were properly cared for, while their father commenced life again in Illinois, where he has since amassed a handsome property. Every year hundreds of Canadians immigrate to Illinois, and many more would follow their example if they had the necessary funds.

#### OFFICIAL SACRIFICE OF PROPERTY.

A man in Canada, with whom I was acquainted, owed a debt of \$14, for which his cooking-stove was seized by a bailiff, and sold for \$4. The bill of costs was as follows: For carting stove to place of sale, \$1.50; court charges, \$2.75; bailiff's fee for selling, \$3.75; total costs, \$7.50. The debt, originally \$14, was, by this operation, increased to \$17.50, while the poor debtor lost his stove, which probably cost him \$25 or \$30. This case is a fair specimen of the general operation of the law.

#### REVERENCE OF CANADIAN OFFICIALS FOR THE BIBLE.

A Mr. Dodge owed a debt of \$3, which the addition of costs of suit increased to probably double that sum. For this the bailiff seized books to the value of \$40; charitably inferring that Mr. Dodge would rather part with books than with beds. But when the latter saw among the number his family Bible, which had cost him \$10, he objected to letting it go, and exclaimed against such injustice. The *humane bailiff*, however, knowing where to pinch a poor debtor in order to squeeze the money out of his pocket, or that of some of his friends, sold the whole of the books, Bible included, for \$7.32½, and thus closed the account. This servant of the recognised head of the English Church, whose religion is based on the Bible, who took his oath of office on the Bible, and who professes to think the Bible



Bailiff seizing Dodge's Bible.

a necessary aid to the salvation of man, took from Mr. Dodge the only Bible in his possession, and which he was desirous to keep, and sold it for a pittance to some Gentile, or probably to a Jew dealer in old clothes, etc. "Oh, consistency, thou art a jewel!"

A few years subsequently, Mr. Dodge having in the mean time worked diligently, and accumulated some little of this world's goods, another seizure of his effects was made. This occurred in March, 1859. Furniture valued at \$300 was sold for \$104, from which, the costs of suit being deducted, only \$79.75 were left to pay the original debt. Desirable goods will sometimes yield fifty cents on the dollar, when the costs and expenses absorb twenty-five cents; leaving to the creditor but twenty-five cents on the dollar as applicable to the payment of his claim. The property disappears; the minions of the law swallow the oyster,

and the creditor is presented with the shell; while the poor debtor is nearly, if not quite, as much in debt as he was before the seizure

**A DEBTOR PREVENTED FROM SEEING THE BODY OF HIS OWN DAUGHTER, WHO WAS BURNED TO DEATH.**

Mr. Mason, a resident of Westmeath, Canada West, was arrested, and confined in jail by his creditors, but subsequently bailed out within the jail limits, which did not permit his rejoining his family, who resided beyond the prescribed boundary. While thus separated from them, the dwelling in which they resided took fire in the night, during the month of February, 1858, and Mr. Mason's daughter, nine years of age, together with his sister-in-law, perished — the latter in the burning building, the



House on Fire, and Family perishing in the Flames.

former in a few hours after she was removed from it. Mrs. Mason and her son, a young lad, with difficulty effected their escape, though both were very severely burned. The *Globe*, Ca-



nada West, in its issue of February 22, 1858, while detailing this sad occurrence, makes the subjoined comment on the inhumanity of Mr. Mason's creditors :

"What makes this case appear harder still, Mr. Mason himself, owing to the barbarous nature of the law of arrest, has been kept within the jail limits for these two years past; and, although his daughter's corpse and that of his sister-in-law lay in a neighbor's house, awaiting burial, and his wife was depending on the hospitality of a cold world for shelter from the winter frost, and was hardly expected to survive many days, Mr. Mason *dare not leave the limits prescribed by a tyrannical law*, to console or sympathize with the partner of his bosom in her sore bereavement."

I have been informed that, when he desired permission from his creditors to go to the place where lay the bodies of two of his family, and attend to their burial, they told him to first assemble his friends, and get from them the means to pay his debts; the cancellation of which must be a condition precedent to the grant of full liberty to go where he pleased. How barefacedly do these wretches violate the precept of the Saviour: "Do unto others as you would that others should do unto you."

A LADY AND HER THREE CHILDREN IMPRISONED FOR DEBT  
— CHARACTERISTIC INHUMANITY OF AN ENGLISHMAN.

A Mr. Hart, a prime specimen of Anglo-Saxon character, married a widow lady residing in the city of Hamilton, Canada West, who was established in the business of selling English manufactured goods on commission. The first husband of the lady had commenced the business, and after his death it was continued by his wife; who, like many others of her countrywomen, was well qualified to do so. As soon after his marriage as a favorable opportunity offered, Hart gathered together all the cash then on hand in the store and in bank, collected every dollar he could on

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book accounts and past due notes, and, with a very large purse, took his departure, no one knew whither, leaving his wife with one child, the offspring of her last marriage, and two girls, her children by the first husband. Despoiled of all her available resources, when the bills for goods purchased fell due, she could not meet them, and, consequently, some of her creditors procured a writ of *capias* to be served on her, under which she was imprisoned in the jail at Hamilton, while all the goods she had in her store were seized. This affair occurred in August, 1850; and, as might be expected of a mother, she took with her into the prison her three children, the youngest, a boy, being then at the breast. In January, 1858, she was discharged from jail, having been confined nearly seven years and five months because she was prevented from paying her debts by the inhumanity and rascality of an Englishman whom she was so foolish as to marry. The loss of most of her means by the act of the scoundrel whom she had loved "not wisely, but too well," was not deemed a sufficient punishment for a frail woman, but rascally lawyers, stony-hearted judges, and Shylock creditors must needs combine together for the purpose of torturing her still more; and—will it be credited!—the refinement of their cruelty far exceeded that of the brute who had sworn to love, cherish, and protect her. She might, by industry, economy, and steady perseverance, have recovered from the blow which he had aimed at her prosperity; but no act of hers, no effort of the will, no continuity of exertion, could save her from the ruin in which she was steeped by the savages to whom she owed a few atoms of metallic dross, for the possession of which avaricious men sell their souls into eternal bondage to the Prince of Hell. During her imprisonment, this unfortunate lady earned her maintenance by the use of her needle, being patronised by many of the ladies of Hamilton, who also gave her some little presents. Her daughters went to school; for which purpose they were liberated in the morning, returning to the jail regularly at night to lodge with their mo-

ther; and when the boy was old enough, he accompanied his sisters. When at length the mother was discharged, the girls whom she had taken with her into the prison were young ladies; having grown up and expanded into women while immured within the walls of a jail. The lady herself, during the entire period of her incarceration, never once breathed the air of liberty, how-much soever her soul yearned thereafter. Her principal creditor became wealthy, retired from business, and went to Europe, to spend the evening of his life in luxury; leaving the woman whom he had so foully wronged to rot in jail. I visited the prison in June, 1859, but could procure no information from the churlish John Bull who presides over the destinies of its inmates; he would not even tell me how she obtained her liberation. A gentleman conversant with all the details has since assured me that she was discharged under an Act of Parliament, specially passed for the purpose; as the county, sheriff, and jailor would be held liable to pay the debt were she otherwise liberated.

#### THE PROPRIETOR OF THE ROYAL EXCHANGE HOTEL, CHATHAM.

Joseph Pritchard, Esq., proprietor of the Royal Exchange Hotel, Chatham, Canada West, is a native of England, where he filled the position of butler to two different gentlemen during the terms of their natural lives, and was about consummating an agreement with a third, to fill the same high position in his household, when the gentleman, remarking the ex-butler's extreme corpulency, was impressed with the idea that it had been acquired at the expense of former employers, and, therefore, pointedly refused to entrust him with the keys of his wine-cellar and pantry. This *trivial* circumstance so much affected the spirits of Mr. P., that he resolved to shake off the dust of England from his shoes, and emigrate to a land where every man is his own butler; and on landing, he really looked as if he had, stowed in the immense receptacle which hung beneath his breast-bone,



Joseph Pritchard.

the contents of one-half the pantries and wine-cellars of England. As the high-toned Britisher could find nothing in the United States to equal what he had been used to in glorious England, he turned his back on the people, and settled in Chatham, Canada West; where he became one of the codfish aristocracy, and opened the Royal Exchange Hotel—an establishment which does a very meagre amount of business, of a very ordinary character, and the host of which charges exorbitant prices for extremely poor accommodations. When I first went to Chatham, I put up with him, and therefore feel competent to speak concerning himself and his house, from an experience of six months previous to my incarceration. I furnished my own room, an apartment six feet by eight, and paid him \$8 per week board. In the pursuit of my business, I brought him numerous customers, always treated him with marked respect, never laid a

straw in his way, and never once disagreed with him, as that was not my way of doing business. After I was cast into prison, I summoned him to my cell, and paid him his bill, which amounted to \$28. In order to repay me in his English way for all the good I had done him during the previous three years, whenever any of my friends, in passing through Canada on the G. W. R. R., stopped at Chatham to see me, and put up at his house, which was in the way of travellers, and the landlord of which could be seen as readily as the house, he would, in answer to inquiries respecting me, say everything possible to detract from my reputation — of which they invariably told me when they visited my cell. On one occasion, having some fifteen or twenty persons at dinner on each side of his table, he being seated on a high arm-chair at the head of the board, as was his usual practice, an Eastern gentleman, with whom I was intimate, but who was in no way acquainted with Pritchard, asked him how I (Mr. Brown) was getting along. He made answer, before the entire company, that I was nearly rotten, and that he hoped I would be kept in jail until the flesh fell from my bones; as should any man who did not pay his honest debts. Of course, my friend made no reply. This fellow (Pritchard), and, in fact, almost any person in Canada, will condemn a man who is imprisoned by his creditors, without knowing anything relating to the case, or whether the impression they are conveying to a stranger is true or false; and in this case my slanderer was not cognizant of the fact that I had offered to settle with my creditors.

Reader, you have here a fair specimen of the treatment which an Englishman of Pritchard's description will give the character of any person after their departure from his house, and he has ceased to realize anything from them. The slander, if only expressed before acquaintances, would not work much harm; but this does not satisfy the disseminator of evil reports and lies; he must needs poison the minds of strangers, and prepossess

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them against a man whom they have never seen, but whom they may know by reputation; thus disposing them to shun any contact in the future.

This ancient butler, now sixty-five years of age, has about him many of the traits of character so ably delineated by Shakspeare in the person of Falstaff, the valiant knight. One of his innocent peculiarities is, to request a customer to purchase a bottle of his London Porter at four shillings, suggesting that it will make a nice drink for both; and when a customer calls a friend up to the bar, if he lays down a quarter of a dollar to pay for two drinks, the bee-eating butler will say, "I will take a drink myself;" when, wishing the individual good health, long life, and a safe journey over Jordan, he will scrape the quarter into his till, with the remark, "This is just the change." This practice is well known among the travelling public who are in the habit of passing that way, and they, of course, will avoid the place; but those who are not acquainted with the locality are informed that Thomas Larke, of Chatham, and Thomas Mason, at the Station, keep very excellent houses, are extremely reasonable in their charges, and may always be found at home.

#### DIFFERENT CLASSES OF ENGLISH IN CANADA.

Among the English people of Canada there are different grades. The first comprises what are called gentlemen, and they are such in every sense of the word; being straightforward, reliable people, who are approachable in business relations or in the social circle, put on no assumed dignity, and treat with equal courtesy all with whom they come in contact, be they rich or be they poor. In a word, they are just such a people, gifted by nature with education, talents, enterprise, skill, and energy, as would, if exerting a preponderating influence, build up the political and social condition of any nation.

The second grade is composed of those who have been de-

graded from the ranks of the first class, or, mushroom-like, have, with a fungous growth, risen from the obscurity of—perhaps a Newgate ancestry, or the nobility of Botany Bay. These creatures will take advantage of their fellow-man whenever they find an opportunity of so doing, and in no case are they ever reliable. Their word, like the written contracts they execute, is not worth a straw; and so practised are they in all sorts of contemptible and base tricks, that those who deal with them must needs keep a strict watch over their movements if they wish to escape being plundered. This class is better known by the name of “codfish aristocracy;” and its members may generally be distinguished in any mixed society by the angle at which their nasal organs are elevated—as though they loathed the smell of the common beings with whom they were compelled by natural and irreversible laws to associate. Devoid of honor, ungifted with talents, either natural or acquired, proverbially mendacious, greedy, grasping, avaricious, cruel, and vindictive to the last degree, measuring everything and every one by the filthy standard of lucre, this class, though possessing an ample sufficiency of worldly substance, are yet poor indeed; because unendowed with a single share in that mine of wealth, whose treasures are lavished only on those true men who act justly, live uprightly, and practise all the cardinal virtues, among which charity shines as a conspicuous star. Instead of being rated as the second, the “codfish aristocracy should be considered—what in reality they are—the very lowest class.

Those composing the third class are the honest farmers, mechanics, and manufacturers; who, though mainly uneducated, are well deserving of, and really should have, a place in the first class. In Canada, it is this class that creates the wealth which the others spend, and none could be so illy spared from the community. Herein may be found centred all the virtue of the land, in many cases combined with natural talents of such a high order that, did but an opportunity offer, they would blaze forth with

such power as entirely to obscure the farthing rushlights of the second class, who arrogate to themselves the titles of orators and statesmen. These men are ever the pioneers of civilization, undergoing privation, facing danger, and incurring risks, before which those calling themselves their superiors would quail; and yet no other class is so much oppressed and degraded by the operation of infamous laws.

There is yet another subdivision, not properly a class, composed of pure English stock, but who marry females and convert them into slaves. Not regarding them as partners for life, entitled equally with themselves to a share of the comforts and pleasures of this world, they keep their poor unfortunate wives constantly immured between four walls, performing the most menial offices and the most wearying drudgery. I have heard a young Englishman ask if a marriageable lady was a good worker, just as if about to buy a horse or an ass; but not a word was said about her education, talents, refinement, virtues, etc., which, in the estimation of civilized men, are matters of great moment.

MEAN AND CONTEMPTIBLE ACTION OF A MEMBER OF THE  
ENGLISH "CODFISH ARISTOCRACY."

In the town of Orford, Canada West, were settled two or three families who had emigrated thither from Ireland, where they had been intimates and associates from early childhood. Being practical farmers, and in good circumstances when they arrived, they selected and settled on a large tract of land, located on a back road, in a new and uncleared part of the town, where they soon made a large opening into the woods, built fences, houses, and barns, and, in fact, laid out very comfortable farms. There is one trait in the Irish character, well known to all the world; and that is, they are generous to a fault: if one has but two potatoes, he will share them with a hungry traveller. A broken-down Englishman came into the neighborhood where



ney were located, and set himself up as one of the codfish aristocracy, taking up a lot 100 acres in extent, although he was comparatively poor. It is the custom in new countries for neighbors to assist each other, and for this purpose many persons will assemble on a farm, and participate in what is called a "bee:" viz., chopping logs, building fences, etc. Under this system, our aristocrat got more than half of his farm cleared and under fence in a few years, though he was very seldom an assistant at the "bees" got up for the benefit of others. The neighboring farmers joined in the purchase of a threshing machine; and, as it required the attention of several persons to work it, it was agreed that all should assist, going from the barn of one farmer to that of another, until the threshing was entirely completed. This Englishman, by pleading that he had a payment to make on his land, and needed his wheat threshed first, in order that he might by its sale procure the necessary funds, on several occasions succeeded in having his wants satisfied before those of any of his neighbors; when he would manage to evade assisting those who had helped him, by pleading sickness, a sore heel or shin, or some other equally trifling excuse. All this niggardly conduct was, however, overlooked by his kind-hearted Irish neighbors, whose charity was as enduring as their industry was untiring. One of the Englishman's horses died in the spring, just before the commencement of the usual busy season (most probably owing to bad food or an insufficient supply); whereupon one of the Irishmen, who had a spare horse, immediately placed it at his disposal for the spring, provided he would get the beast shod, as the Englishman had a journey of forty miles to perform, which he could not effect with an unshod animal. The latter promised to do as required, and even thought of returning thanks to the Irishman for his kindness, but concluded not to do so, as it would be too polite. He put the borrowed horse alongside of his own, and with the pair finished all his field-work; after which he got the beast shod, and drove him forty miles and back with a load.

Having then no urther use for the animal, he got up early the morning following his return, and pulled the shoes off the feet of the horse; when, leading him into the road, by shouting and whirling his hat, he so frightened him that he ran toward his owner's home.



An Englishman, after pulling the Shoes off the feet of a borrowed Horse, sends him back to his Owner.

This is a very fair specimen of the general character of the codfish English aristocracy of Canada, who will not hesitate to stoop to any dirty action by which they can realize a penny. Our Englishman wanted the shoes for his remaining horse, or for one he intended to purchase with the profits arising from the next "bee" held on his farm; and with this view he worked the poor beast barefoot the entire spring, and never had it shod until the last moment. Such a fellow as this should be treated to a prolonged experience of that instrument of torture which is peculiarly English, and known by the name of the

## "STOCKS."

The practice of putting men and women in the stocks for petty offences has been, in a great measure, abandoned, as many of the law-makers themselves were made practically acquainted with its odious features, during the periods of punishment allotted them for drunkenness, disorderly conduct, etc.



Englishman in the Stocks.

A smart but not overwise Englishman went to town one day where he heard a crowd of gentlemen discussing the prices of stocks, and speaking about investing their money in them. On his return home, he met another Englishman, named "Bill," a codfish aristocrat, whom he thus addressed :

"Ha, Bill! had you ever any money in stocks?"

"No," replied Bill; "but I have had my legs in them, very often."

Stocks are usually set up in some public place, as the open space in front of a county court-house, or church, or in some other place where there is frequently a large gathering of people,

so as to make the exposure of the culprit as public as possible. The lower plank of the stocks is twelve inches high; and, the culprit being seated on the ground, his feet are laid upon this plank, when another one, containing notches to fit the ankles, is fastened down over it. Whoever is thus punished, man or woman, is compelled to support the body in an upright position by placing the hands upon the ground in the rear; thus preventing the use of those important members in driving off annoying flies, or inquisitive dogs, which are prompted by natural instinct to smell every stationary object they pass.

The force of public opinion, and the advance of humanitarian principles, have influenced the Government to abolish the use of stocks; and in lieu thereof, men, women, and children are locked up in jails for all crimes, among which is included that of debt; for indebtedness is regarded as crime, and punished with greater severity than offences against the laws of God and the institutions of civilized society.

Reverting back to the cases tried before the Division Court, I will here detail a few more of them, merely to show the falsity of the report, so industriously disseminated by interested parties, that imprisonment for debt has been abolished in Canada West.

DIVISION COURT, CASE NO. 1. — 1859.

A shoemaker, forty-nine years of age, having a wife and seven children, was prosecuted by a grocer, to whom he owed \$28.20. The bill of costs amounted to \$12.86, making an aggregate of \$41.06; for the non-payment of which he was sentenced to an imprisonment of twenty days, although he had been unable to labor for some time previous. He was conveyed from his home to a jail eighteen miles distant. The sentence of the court was tempered with mercy, because it was not thought that the culprit could survive much longer than was necessary for the execution of the punishment assigned to his enormous offence.

## DIVISION COURT, CASE NO. 2.—1859.

A journeyman cooper, aged fifty-five years, was prosecuted for a grocery bill amounting to \$20, which was increased by the addition of costs, \$20·12, to the sum of \$40·12. This man has a wife and five children, was dragged eighteen miles to the jail, in which he was imprisoned, and has been twice confined for the same debt. His wife recently presented him with an addition to his family, and at the time of his last seizure he had neither fuel nor provisions in his house, while his wife was unable to rise from her bed. He was sentenced to forty days' imprisonment, under the law which has for its caption, "The Act to abolish imprisonment for debt," etc.

## DIVISION COURT, CASE NO. 3.—1859

The individual prosecuted in this case is a carpenter, thirty years of age, and a man of family, having a wife and three children. He was sued on an accommodation note for \$40, which sum the costs increased to \$65·32; and, if my information is correct, the note was loaned to one of the codfish aristocracy. At the time of his arrest, he was six miles from his residence, consulting a physician, and was hurried away to a jail twenty-six miles distant; permission to go home and apprise his family, or to procure a clean shirt, having been refused him. He was sentenced to an imprisonment of ten days for failing to pay the note, although he had not done a day's work in six months. Another instance of the heartlessness of all connected with the administration of the laws in Canada West.

## NOVEL MODE OF SEIZING A STOVE.

A poor man in Canada West, being in debt, and unable to pay, a lawyer advised the creditor to collect it by law, as delay might prove dangerous. Suit was commenced, and an execution issued,

which was put into the sheriff's hands for collection some time during the month of February. Knowing that the man was poor, and had but little in his house, the sheriff determined to sell all his goods, stove included, so as to make sure of having sufficient to cover the execution—the sale of household furniture usually yielding only about twenty-five per cent. of its value applicable to the payment of the debt. He waited until 11 o'clock at night, in order to give the family time to retire, and the stove an opportunity to cool; but, on entering the premises, he found the family all astir, and the stove red-hot—the poor people having been apprised of the intended official visit. The baffled officer was so enraged at his disappointment in not finding the stove in proper order for removal, that he picked up a pail of water, and threw the entire contents of it on the stove, which, as might have been expected, was broken into many pieces. When the fragments had cooled, he threw the whole of them outside of the house, at the same time saying, "There, God damn you, sit up and keep the stove hot, will you, so as to prevent my taking it to pay your debts with?"

A sheriff has been heard to say, "Give me a quart of brandy, and if a family gives me any insults, I will strip hell out of the house; but if they treat me decently, I will leave them something." According to this, if a man is in debt, it would be policy for him to keep in the house a quart of Otard; he may then have the straw left in his bed-ticks, for his family to keep on; though some amendments to the law require the seizing officer to leave to each family a stove and its utensils, a bed and bedding, necessary clothing for the person, and, if the head of the family is a mechanic, tools to the value of \$60. The law, however, does not allow a debtor either a potato or a codfish to cook in his stove, or a stick of firewood to generate heat in the coldest of weather; but if, with the tools left him, a mechanic earns sufficient to procure a cord of wood, or a bushel of potatoes, the sheriff may seize both, and then confine the poor man himself in



The Sheriff throwing water on a Stove which he is about to seize for Debt.

jail because he is not able to cancel the balance of the debt. A bedstead is not allowed a debtor; neither is he permitted to have knife or fork, plate or spoon, table or chair. Canada lawyers tell those who know not the contrary, that imprisonment for debt has been abolished, and that a sheriff cannot distress a family, but must leave them the goods necessary for housekeeping. They tell falsehoods. The sheriff may or may not leave any property in the hands of the debtor, as suits his own inclination; but, as he receives a per centage on all he sells, it is not likely he will leave much. These men sometimes favor the codfish aristocracy, but the poor man, never. One sheriff told me that when he had an execution on a stock of goods in store he could make money—and, in fact, on any other description of personal property—by having parties present to buy the goods for him at nominal prices. Thus, it will be seen, the official robs the creditor as well as the debtor; and, while the creditor does not obtain his

due, the debtor is not in any way relieved of his obligation, though deprived of his goods. Such is the operation of the laws for the collection of debts in Canada West.

#### HOW AGRICULTURE IS ENCOURAGED IN CANADA.



A Farmer arrested, and his Horses seized for Debt.

A farmer, owing to the failure of his crops the previous season, had become indebted to certain parties, one of whom sued him, and obtained a judgment, on which an execution was issued and put into the sheriff's hands for levy. This fact becoming known, another creditor immediately swore out a *capias*, and put it also into the hands of the sheriff, who, being well armed, went into the field where the farmer was ploughing (the best evidence of his intention to remain in the country), and first seized the horses to satisfy the execution, after which he arrested the farmer by authority of the *capias*, and marched him off to jail, to undergo purgation by means of a six months' course of law; for when lawyers get hold of a case of this kind, they pay no attention to



the misery and distress they cause in a family, but use every possible exertion to prolong the imprisonment of a man, in order thereby to increase their fees.

## SWINDLING OPERATION.

Mr. Campbell, a Scotchman, wishing to sell his farm and leave the country, was induced to make deeds of it to Richard Marsh, conveying also his wife's right of dower, in consideration of Marsh paying certain debts which Campbell owed, and giving his notes at short dates for the balance. The deeds were executed in Marsh's store, and were signed by Campbell without reading; he having been previously well plied with liquor by Marsh. When the notes fell due, Campbell demanded payment; but what was his surprise to learn that they were, by their wording, payable in goods, and not in cash; he, through ignorance or carelessness, never having examined them. Campbell, indignant at the trick which had been practised upon him, refused to surrender the farm; but Marsh went to the county-seat, sued out a writ of ejectment, and put it into the hands of the sheriff, who very soon dispossessed poor Campbell. The costs amounted to \$25, and Campbell being unable to pay them, the sheriff seized his span of horses and sold them for the amount of the bill of costs. Thus this much injured man, through his own imprudence, and the knavery of Marsh, lost a fine farm, and in lieu thereof got a valueless stock of store goods; beside which, the law robbed him of his horses.

## OUT OF JAIL AND IN JAIL.

In the summer of 1856, being in St. Thomas, Canada West, a young lawyer to whom I was introduced solicited me to put such business in that place (that being the capital of Elgin County) as I might have to transact in his hands. I replied that

I would bear him in mind, and so we parted. After being confined in jail some sixteen months, I wrote to him to examine the court records in the clerk's office, and to inform me whether a certain party had entered a judgment against me; requesting him to send his bill at the same time, which I would settle. I gave him to understand how I was situated, and paid the postage on the letter, though not required so to do by the postage law. The young lawyer, who had, only two years previously, been very anxious to attend to my business, now promptly replied, without prepaying his letter, that, to secure his services, I must first send him one pound (\$4).

Another lawyer, in the same county, bought goods on credit from me for two or three years, always selecting the best goods, as they were for the use of his family, and he had not to pay the money down. About four months after I was imprisoned, I wrote him, desiring him to call and see me, as I had some business for him to transact. A polite written request for me first to send him ten pounds (\$40) was the answer I received; to which I replied that I would pay him as soon as my business was finished; and that, even if I was in jail, I was just as responsible as when I was at liberty. He came, however, and done what I required; but, to my infinite surprise, he then presented me with a bill for \$100, as a retaining fee, and other charges in like proportion; which not only absorbed my entire claim, in amount \$200, but actually brought me in his debt \$125, including the ten pounds. This is the way Canada lawyers deal with their clients; and any citizen of the United States who has business with one of the tribe may make up his mind that he will be thoroughly swindled.

I once saw a prisoner enclose \$10 in a letter to a lawyer, with a request that he would answer a question propounded therein. The lawyer referred the man to his partner, who resided near the jail; but, the latter being unable to give the required answer, the querist again referred the matter to the attention of the first

lawyer, who had pocketed the \$10. The rascal, however, would not reply, because the letter did not contain another fee, notwithstanding he had rendered no service for the one he had received. One can scarcely imagine a more sham less robbery than this, perpetrated, as it was, on a defenceless individual.

## FEMALE PAUL PRYS.

I have a word of advice to convey to young ladies who form part of a jailor's household, and I hope they will accept it in the right spirit, as it is intended for their benefit. It is far from being becoming in the fair sex to cluster around a jailor, or a turnkey, while the pockets of male prisoners are searched, and their clothing rummaged and ripped open, as is that of thieves and burglars, both white and black, in order to display their nakedness to the best advantage, and to detect the presence of secreted tools, etc.

## AN IMPORTUNATE LADY COLLECTOR OF DEBTS.

As, while I was in prison, I never slept soundly at night, I was in the habit of taking a nap every day between one and two o'clock. A miss who had seen about twenty summers came to the jail one day to visit the family, and very soon asked where the Yankee's room was, alleging that I owed her father \$2, which she wished to procure from me. My apartment was pointed out to her, but at the same time she was told that it was more than probable I was then asleep. The young lady, however, being determined to dun me, came to the iron cross-barred door, which separated the jail from the dwelling, and, as my room was so situated that she could not look into it from that point, she grasped the bars with both hands, and, rattling the door with great violence, halloed for me until I awoke, when I ran around to where she was to learn the cause of the commotion. She was

rather pretty, stout-built, a fine figure, and handsomely dressed, and at once, without the slightest hesitation, she informed me that her father desired her to ask me for the sixteen shillings I owed him. I asked who her father was, when she gave me his name, and again told me that she wanted the money. I replied that I had no recollection of indebtedness to her father, though such might be the case; but that I was very short of funds, having barely sufficient to procure a meagre subsistence; and that I thought a prison the wrong place to dun a man for money. She persisted in her demand, however, notwithstanding I told her I could not pay; and I must say she rather annoyed me by her pertinacity. I formed the opinion that she had been promised this sum if she could collect it, which she wished to expend in the purchase of a bonnet; and sometime since I sent it to her, interest added. Any young gentleman about to open a retail store, and needing a partner who can attend to the collections, may find in this damsel a valuable assistant; for, with so thoroughbred a collector at his elbow, he need not be fearful about giving credit.

A CASE IN WHICH THE CANADIAN LAWS PROVED AN INCENTIVE TO THE COMMISSION OF CRIME.

Moses Stewart, a poor negro, who earned a subsistence for his family by boating lumber on Otter Creek during the summer season, found, by the latter part of February, 1858, that, the product of his summer's labor being entirely exhausted, his wife and four children were in danger of starvation; as there are no poor-houses in Canada for the protection of honest poverty from cold and hunger during the prevalence of severe winter weather. In this state of affairs, Moses, who was always a hard-working, honest man, and highly respected by all who knew him, so far lost sight of correct principles, under the pressure of his wife and children's sufferings for food, that he came to the determina-

tion of taking a sheep from one of his wealthy neighbors, in order to sustain his sable family until some lucky turn in Fortune's wheel should enable him to provide for them in an honorable manner. He would have begged, but he knew that it was useless, as the county was already overrun with such, and he would most probably have been kicked out of the houses at which he applied for relief, because he was a colored man. One dark night, Moses left his cabin, and, entering the sheepfold of a rich neighbor, selected a sheep, which he bled to death, and then carried home, where he skinned it, and carefully stowed away



Moses Stewart coming home with the stolen Sheep.

the meat and the hide, and then hid the shanks under the floor of his cabin. The following day, Moses thought it would be some reparation if he restored the hide and fleece, which he did that night, and thereby led to his own detection. He was at once arrested by the rich farmer, and cast into prison, where he lay until the following April; when he was tried, convicted, and sentenced to an imprisonment of two years in the Kingston peni-

tentiary. This is Canadian justice. No houses are erected for the shelter of the poor during the winter months, but there are plenty of prisons for their punishment; not one cent is expended in the prevention of crime, but immense sums are lavished on the erection of jails, in which people are punished for its commission. There are so many beggars in Canada, that it is much easier to break stone for a living, provided such work can be procured, than to obtain a livelihood by soliciting alms. A beggar is kicked and pounded with more force than he can pound stone. Formerly, beggars were licensed, and the letters "P. B" (poor beggar) put on their backs, when no one dare kick them out.

SHAMEFUL CONSPIRACY TO DEPRIVE A MAN OF HIS WIFE AND PROPERTY.

A young colored man, whose name is, I think, Johnson, bought a farm some six or eight miles out of Chatham, Canada West, and commenced business as a farmer. He built a house, barn, fences, etc., cleared some land, and collected quite a snug stock of cattle, sheep, etc. In his vicinity lived a white lady, then a widow, whose husband had been a mulatto, and the offspring of their union was a daughter, nearly white, a perfect beauty, and, at the period I am speaking of, about eighteen years of age. Johnson's industry, thrift, and comfortable position in life, together with his attentions to the young lady, so wrought upon the feelings of the mother and daughter, that his suit was accepted; he married the latter, and in three or four years two children were added to the family circle. About this time it was noticed that the number of white male visitors at Johnson's house was largely on the increase, and that two of the local magistrates were frequently seen there. The sequel proved that the new associations supplanted the old love in the breast of the wife, and that both herself and her mother were anxious to get rid of Johnson, as

then they would have no one to control them in their evil propensities. Most probably by the advice of the magistrates, the old lady feigned illness for some time, and at length intimated that some lamb's-tail soup or broth would, she did not doubt, greatly strengthen her, and lead to her recovery. Johnson proposed to kill a sheep, of which he had many; his wife and mother, however, both told him these were too lean; but that a neighbor had a few of the right kind, one of which he could readily appropriate without the knowledge of the owner, as he had no money to purchase one. Johnson loved his wife and mother-in-law so much, they being both white, and very pretty, that he would, if necessary, have laid down his life for their comfort; so, without further parley, he one night did as he was required, and wended his way homeward with a lamb on his back; but, when near his own fence, two white men who had been frequent



Johnson coming home with the Lamb on his Back.

visitors at his house, sprang out from their place of concealment, and arrested him, when he at once confessed the theft. After lying in jail for some time, he was finally tried, convicted, and

sentenced to two years' imprisonment in the Kingston penitentiary. The judge who presided said he clearly saw that the whole matter had been pre-arranged, with the view of depriving the poor fellow of his home and family; and, inasmuch as he had lain a considerable time in prison, he proposed to discharge him at once. This, however, the associate justices would not agree to; and they told the judge that, as stealing a sheep was a penitentiary offence, Johnson must be dealt with as the law prescribed. As the case was tried before the County Court, in which two or three of the local magistrates act as associate justices, the presiding judge was compelled to acquiesce, much against his will. Two of the associate judges in the trial of Johnson were constant visitors at his house, and thus assisted in the consummation of the nefarious plot which, there is not a doubt, they were instrumental in originating. There is abundance of law, but little justice, to be obtained in Canada West.

#### JUDICIAL INJUSTICE.

The colored people of Canada are very much oppressed by many of their white neighbors, who prefer against them various charges, in order to drive them out of the country. In this way, two colored men were arraigned before a court, and charged with stealing, which they denied. There being no very positive proof against them, they were advised to confess their guilt, and throw themselves on the mercy of the court; which one of them did, while the other persisted in asserting his innocence. It was generally believed that neither of them was guilty; but nevertheless, they were convicted on insufficient evidence, and the judge sentenced the one who plead guilty to an imprisonment of two years, while to the other he assigned four years; thus, practically rewarding the man who told a falsehood.



## EFFECT OF CANADIAN WHISKEY ON A CANADIAN JUDGE.

Before the sessions of the Court of Queen's Bench, it is the usual practice, in at least one of the counties in Canada, for the judge and lawyers to meet together at one of the hotels, and there discuss, not only the cases on the trial list, but also a goodly supply of fine old Otard, champagne, whiskey, coffee, crackers and cheese, etc. Meeting, on one of these occasions, at the Royal Exchange (a very popular name in Canada, where everything, from a palace to a pig-sty, is dubbed "Royal"), the imbibition of material spirits raised their mental spirits to such a height, that, invading the small cavity in the cranium where each one usually kept his meagre allotment of brains, the latter were speedily displaced, and folly reigned triumphant. In fact, they were all most gloriously drunk; and, among other fantastic tricks played off by these legal mountebanks, they put into the judge's pocket half a dozen silver spoons, which he carried with him when he went to his residence in the village, between 1 and 2 o'clock A. M. Sobered by his night's sleep, the judge arose the following morning, shaved, washed, breakfasted, and, assuming the proper judicial frown, was about to don his coat preparatory to setting forth, when, hearing a jingling sound in one of the pockets, a search revealed to his astonished vision the landlord's silver spoons. Having no knowledge of the manner in which they got there, he asked his wife if he was much in liquor when he came home the previous night; to which she answered that he was decidedly drunk. Thinking that he had picked up the spoons while intoxicated, he wended his way back to the hotel, where they had already been missed, and, returning them to the owner, he asked pardon for his trespass, and was freely forgiven. Proceeding thence to the court-house, he took his seat upon the bench, and, as none of the civil cases on the calendar were ready for trial, his lordship ordered an Irishman to be

arraigned who had stolen a horse, when the following colloquy took place between the judge and the prisoner :

*Judge.* Well, sir ; it appears you are charged with stealing a horse.

*Pat.* Yes, my lord.

*Judge.* How came you to do so ? Don't you know it is a seven years' penitentiary offence ?

*Pat.* Yes, my lord ; but, please your lordship, I was drunk.

*Judge.* Ah ! drunk. Where did you get the liquor that made you drunk ?

*Pat.* At the Royal Exchange, sir.

*Judge.* Indeed ! Well, sir, I will discharge you at once ; for I know, of a truth, that man's liquor will make any one steal.

Poor Pat humbly thanked his lordship, covered his crown with a something which he called a hat, and went on his way rejoicing.

#### A NEGRO, SEVENTY YEARS OF AGE, ROBBED OF HIS PROPERTY.

This poor fellow resided upon some land west of the village of Chatham, which he had taken possession of twenty-five years before, and, by great labor, cleared, fenced, stocked, and supplied with the necessary buildings. In the progress of time the land had become valuable, when suddenly General Williamson, as the negro was called, was notified that the farm upon which he had expended so much labor was the property of another. The claimant, finding that Williamson had been in possession over twenty years, and therefore had a good title, went to Chatham, and employed a lawyer to dispossess the General. This worthy offered to give the old man a farm near Chatham in exchange for the one he then held ; to which the latter agreed, as the majority of the colored people in the county resided there, beside which, he would be near his church. Instead of a deed, however, the lawyer only gave him a lease of the new farm, which

called for the annual payment of a certain sum as rent; and the poor old creature, not knowing any difference, gave up his old home and moved to his new location; where, much to his astonishment, when the year rolled around, a demand was made upon him for rent, which he refused to pay. Proceedings were immediately commenced against him, his crops, cattle, etc., seized and sold for rent, and, in a short time, he was stripped of \$3000—the amount he was worth when he moved to the vicinity of Chatham. Several times did he attempt to take possession of the farm which he formerly owned; but he was invariably prosecuted for trespass, and driven off; and, at last, being unable to pay a fine of \$15 for one of these trespasses, he was, in default of payment, sentenced to three months' imprisonment in Chatham jail. Directing his friends to sell his suit of Sunday clothes in order to pay the fine, the coat, which had cost him \$20, brought but \$7, while his pants were sold for \$3, and his vest for \$2. Not being able to raise the required sum, he was compelled to serve out his term, lost his Sunday clothes, and some extra expenses absorbed he \$12 received therefor; after which he was called, as are many others who are robbed in a similar way, "a poor old nigger."

#### HOW THE NEGROES ARE TREATED IN CHATHAM.

For legalized robbery, this town exceeds any other in Canada West; and the people do all in their power to worry the colored population out, and get rid of them, as they are opposed to having them in the place. There are 4000 whites and 2000 blacks in Chatham; and I really think there are far more honesty and honor among the latter than can be claimed for the former. If a poor negro is seen in liquor, he is at once thrown into prison; where, if there is any disagreeable work to be done, such as cleaning out the sewers, etc., he is compelled to do it; and I have been informed that, when such matters require attention, and there is not one negro in the prison, a constable or some

other rascal is employed to intoxicate a colored person, so that he may be brought into the jail, and made use of for the performance of the dirty job. White men are never so treated; although, during the past twenty years, the statistics of deaths in Chatham show that no less than sixteen landlords of "Royal" and other hotels have died from excessive indulgence in spirituous liquors. From this data, it may readily be inferred that the number of drunken whites is by no means small, notwithstanding their names rarely appear on the prison docket for this offence.

#### FEMALE INEBRIETY IN CANADA.

In Canada, it is not an unusual occurrence for a pair of ladies to walk into the sitting-room of a hotel and order a couple of glasses of grog, which they will sit and sip, while discussing some damsel's love-sick twaddle, or the infirmities of an old gray goose. I have seen, at a hotel, a lady with her child, six or eight years of age, on one side, and on the other a glass of brandy and water, of which both would partake; and frequently the child demanded more before the mother handed it the tumbler. This was considered a sign of smartness in the child, and always caused a laugh among the other parties seated around the table. On the roadside, half a mile from a Canadian village, I saw an old lady, about fifty years of age, lying on the ground in a state of intoxication. Occasionally she would make an effort to get up, but unsuccessfully; each attempt only resulting in further damage to a bonnet already greatly dilapidated. It was a sight shocking to the feelings of an American, though the natives think it a matter of no moment. Looking back toward the village, I could see neither church nor steeple; whereupon my imagination pictured to me — what is by no means uncommon — a drunken parson, and a people who know of no moral restraint whatever.

## PERSECUTION OF A METHODIST MINISTER.

A Methodist minister was once confined on the jail limits for twenty-two years, and was eventually discharged by the Almighty, who sent death to his relief. He had endorsed for friends to the amount of \$14,000, and his creditors so managed matters that he could not make an assignment, or in any other way extricate himself than by payment of the full amount in cash, interest added. The Methodist Conference once offered to pay the \$14,000, without interest; but the creditors would not accept the proposal, and it was never again repeated. In 1858, there was a man still confined on the jail limits who had passed sixteen years of his life in a state of bondage.

## CHANCERY COSTS.

Imprisonment for life, or until paid, is the usual penalty awarded for non-payment of the costs of suit in courts of chancery jurisdiction—the neglect being construed into a contempt of court. In England, very poor persons have languished in jail for twenty-eight years, with an allowance of but 2s 6d per week for their support; and in many instances, parties thus imprisoned have died before the expiration of their term. In Canada West, a young man with whom I was acquainted, neglecting to pay the costs of a suit in chancery, was imprisoned for four months; his lawyers, meanwhile, telling him that he could swear himself out, as he was not a man of property. Interrogatories were propounded and answered by correspondence over a route 200 miles long, and the matter thus delayed by the lawyers, in order to increase their costs, as they knew the prisoner had some friends who would pay to get him clear. It was finally ascertained that the prisoner's counsel, "WALTER M'CREA," had been practising a game of deception for four months, and had

never even made application for his discharge. The case was taken out of his hands, and the young man soon regained his liberty.

#### BASE DECEPTION PRACTISED BY LAWYERS.

A case which came under my cognizance, was that of a man who had been in prison about five months, when he was served with a writ of *capias*, and again arrested (theoretically). His trial was set for the month of November—two months and a half after the service of the writ; but, as the man wished to regain his liberty as speedily as possible, he sent for his attorney, M'Lean, of Chatham, and signed a *cognovit*, acknowledging the debt, preparatory to making an assignment, which would have secured his liberation. The lawyer, however, instead of delivering the *cognovit* to his client's creditors, kept it in his pocket, and entered an appearance against the counsel of the creditors, so as to keep his own client in custody until the court sat, and thus increase his own fees. At the same time, he was continually telling the poor man's wife that he was doing all he could for her husband's release, and sympathizing with her in condemnation of the brutality of the jailors, the cruelty of the laws, and the obduracy of creditors. This same M'Lean, by a course of deception, came very near persuading a widow, with six or eight children to support, to sign away her right of dower; but the advice of others who were in the jail with her caused her to see matters in a different light; and, declining to do as she was required by the crafty lawyer, she has still a house over her head.

#### MEDICAL INHUMANITY.

A good, industrious woman, who had around her a large family of children, was unfortunately cursed with a drunken husband, who at length was attacked with *delirium tremens*. The wife, alarmed, sent for a doctor, who resided eight miles distant. The

disciple of Galen came, and seeing at a glance what the disease was, directed the patient to be kept quiet, and to be deprived of liquor; when, re-mounting his horse, he rode homeward. In a few days, he sent in a bill of \$10 for services rendered; which not being paid, he entered suit against the husband, and this increased the burthen for the poor man. The latter owned three cows; two of which having been sold without satisfying the execution, the bailiff sold the remaining and only cow the poor people possessed. This one was, however, purchased by some of the spectators, and returned to the original owners; it being their only means of support. The doctor then rode home with a satisfied air.

THE HON. M'KELLER PROPOSES SELLING THE CHATHAM NEGROES.

During the first canvass of the Hon. M'Keller for election as representative of Kent County in Parliament, he proposed to get rid of the colored population of Canada West in a very novel manner. Public opinion throughout her Majesty's provinces was, at that time, very much opposed to the influx of runaway slaves from the Southern States of the Union; and the people of Kent County were particularly antagonistic to the further settlement of negroes in that locality, inasmuch as they had already more than they thought it beneficial to the interests of the county to have resident within its boundaries. The Honorable aspirant said to his future constituents that the Government officials had plundered the treasury to such an extent as to render necessary the imposition of additional taxes, to meet incidental expenses and pay off the national debt; and that, as the people were already groaning under an excessive burden, he thought it advisable to sell all the negroes in the county into bondage, as a measure of relief to the treasury and the pockets of the tax-payers. He further said that, as he was an old resident of Chatham, had

run a saw-mill there for many years, and had occupied an honorable place in the town council, etc., he had become a very influential person — in fact, so much so, that, in case of a failure to effect this object in the Provincial Parliament, he would arrange the matter with her Majesty, notwithstanding the possibly adverse decision of the legislative body. In order to prove to the multitude that it was perfectly right to sell negroes, he quoted a



Honorable M'Keller selling the Chatham Negroes, but her Majesty interferes, and stops his operations.

passage from the Bible, which I infer he discovered, as he did the stories about Jonah and the net, etc., which he embodied in his speeches delivered before the Lower House, by an indefatigable use of the midnight lamp, and great wear and tear of his valuable brains. The quotation was taken from Genesis, 25th chapter and 9th verse, and reads in this wise: "And he said, Cursed be Canaan, a servant of servants shall he be unto his brethren." The good people were vastly astonished at the research of the learned office-hunter, which had succeeded in unearthing this unanswerable sentence from among the hidden



treasures of biblical literature, but one old gentleman arose and begged permission to make a few remarks. This being granted, he commenced by saying that, in his opinion, if the prohibition against catching fish on the shores of the lakes on the northern border of Canada West were repealed, and the people allowed full liberty to reap the bountiful harvest there prepared for them by a beneficent Providence, the national indebtedness would be speedily cancelled. With respect to the negroes, however, he thought they might make themselves perfectly easy on that score, as they would, judging from the rapidity with which the black color was being changed to a pretty yellow, and thence to a dusky white, very soon disappear in a natural way, without the people committing the sin of trafficking in the flesh and blood of fellow-creatures, whom, for aught he knew to the contrary, might have in their veins a very large admixture of white patrician as well as plebeian blood. This very sensible and irrefutable speech settled the matter, and nothing more was said about selling the negroes.

The honorable gentleman then changed his tactics, and became an advocate of the abolition of imprisonment for debt; but, for fear my readers may be mistaken in the individual, I will state that he is the same man who swore that I was about to run away from Canada for the purpose of defrauding my creditors "generally," and himself "in particular," although I was then, and had been for two months previously, securely locked up in jail.

#### OCCUPATIONS AND GENERAL CHARACTER OF THE NEGROES IN CHATHAM, CANADA WEST.

These people, by the laws of Great Britain, are free as soon as they step on British soil. They are very industrious, and, in Chatham, publish and support a very handsome abolition newspaper, own two or three churches, have good schools for the edu-

cation of their children, and also very efficient Sunday-schools. They have among them goldsmiths, gunsmiths, blacksmiths, masons, carpenters, joiners, dealers in goods of various kinds, and also a goodly number of very thriving farmers. They have also several hotels, kept by colored men, a representative in the village council, who acquits himself fully as well as did the Honorable M'Keller, and one village constable, or detective. The crimes of which they are guilty are very few, and seldom amount to more than the larceny of a chicken, when compelled to do so by the imperative cravings of hunger. One poor colored woman, who had half a dozen children, was arrested and imprisoned at the instance of a white farmer, because, having raised corn on his farm on shares, she took a few ears to feed her children with before the crop had ripened. She lay in jail nearly all winter, and was discharged by Judge Wells at the next session of the court — there being no larceny in the case, and proof being produced that she had been falsely sworn against. The reader may judge what became of her children during a cold winter in Canada. One little boy came to see his mother in jail, but "Grampus" would not admit him; and he had to be satisfied with looking through two sets of iron bars and a glass sash, which was supposed to be screwed down, but the screws had been cut out. This was all the poor boy could see of his mother, although he had walked ten miles for the purpose, in the depth of winter. I am satisfied that the colored people of Chatham and its vicinity would be very happy if they were but let alone.

#### CRUELTY OF "GRAMPUS" TO A POOR FRENCHMAN.

A poor Frenchman, subject to fits, being sentenced for some offence to three months' imprisonment at hard labor in Chatham jail, was compelled to saw wood every day in the yard of the jail, and while performing his allotted task frequently fell on the ground in a fit. When about to be discharged, he requested per-

mission to ask me for fifty cents, to pay his passage on the boat to Detroit, where he had friends and countrymen (I having frequently aided persons in extreme distress), but was harshly refused. The jailor also refused to give the poor fellow a single cent, although he had labored assiduously for the county when sick and half starved; but finally, he was given half a loaf of the "gutta-percha" bread, and turned out of the prison, to walk along the railroad track to his friends in Detroit. He had not proceeded far, when, overcome by weakness and the change of air, he fell down on the track in a fit, and there lay until an express train relieved him of his misery in this world by giving him a passport to another, and, I hope, a much better one.

#### ENGLISH GRATITUDE.

A young Englishman, thirty years of age, was for seven or eight months an inmate of Chatham jail—a part of the time for a crime which had been falsely charged on him, and during four months for debt, because he lacked the possession of \$5, without which he could procure no application to be made to the judge for his discharge. When I learned that he had been so long in prison, and that his brother Englishmen would not lend him the money until such time as he could repay it from his earnings as a machinist, I at once handed him the \$5, mentally resolving to reduce my allowance from 16 $\frac{2}{3}$  cents per day down to 12 $\frac{1}{2}$  cents, rather than allow this poor man, who was a widower, with two or three children, one of them totally blind, to remain any longer in prison. In fourteen days after he received the money, he was set at liberty; whereupon he thanked me a thousand times for my kindness, said that he had heard much talk of Yankee charity, but had not experienced it before, as he had never been in the States, and told me that he would at once proceed to Detroit, get employment, and remit to me the first \$5 he earned. As yet I have not seen the money, although he wrote to me, describing

the joy evinced by his children on his restoration to them, more especially that of the blind one, and informing me that he had obtained a situation which paid him a salary of fourteen shillings per day. He has probably put out ~~the~~ \$5 at interest, and intends it to be of service to me when I grow old. It occurred to me that want of faith in the integrity of their countryman was the reason why his English friends did not assist him. I would, however, do the same thing again for another poor suffering wretch.

DIVISION COURT, CASE NO. 10. — 1859.

This is the last case I will here notice in my exposition of the iniquities of this tribunal; postponing the others to a future edition, which will probably be issued after the adjournment of Parliament this coming winter. Want of space precludes the publication of a large amount of matter which I had hoped to include in this work; but, as it has already greatly exceeded the limits first assigned it, the excluded matter must necessarily lie over to the next edition, in which full and complete details will be given of cases of imprisonment for debt, of the inhumanity of officials, the rascality of lawyers, and malpractices of judges, copiously illustrated with handsome engravings on wood. I shall be thankful to my numerous friends throughout Canada for all information necessary to further my purpose.

No. 10 was the case of a farmer who was prosecuted for a tavern bill amounting to £1 17s 6d, on which costs accrued to the enormous sum of £11 4s 4d — total, £13 1s 10d = \$52.36. The debtor had a wife and children, and was conveyed to a jail thirty-three miles distant from his home. The bill of costs was accumulated by repeated prosecutions, and finally, in this court, the poor man was sentenced to an imprisonment of ten days. As farmers rarely make a bill at a tavern, I think it more than probable that it was accumulated by the practice prevalent among landlords — viz., treating themselves at the customer's ex-

pense, not only before his face, but also behind his back; as did Joseph Pritchard, the proprietor of the Royal Exchange Hotel, Chatham.

PROPERTY EXEMPT FROM EXECUTION IN WISCONSIN.

According to promise, I here append a schedule of property exempt from execution in the State of Wisconsin. The lawyer to whom I wrote for it did not first require £10, but immediately forwarded it to my address, without a hint at payment; whereupon I promptly remitted him a sum sufficient to compensate him for the preparation of such a document.

"Section 23. — *Section 23 of the Statutes of 1858.* — A homestead, consisting of a quantity of land not exceeding forty acres, used for agricultural purposes, and the dwelling-house thereon and its appurtenances, to be selected by the owner thereof, and not included in any town plot, or city, or village; or instead thereof, at the option of the owner, a quantity of land, not exceeding in amount one-fourth of an acre, being within a recorded town plot, or city, or village, and the dwelling-house thereon, and its appurtenances, owned and occupied by any resident of the State, shall not be subject to forced sale on execution, or any other final process from a court, for any other debt or liability contracted after the first day of January, in the year one thousand eight hundred and forty-nine."

"Section 34. — 1st. The family Bible.

"2d. Family pictures or school-books.

"3d. The library of the debtor; but this provision shall not be deemed to extend to circulating libraries.

"4th. A seat or pew in any house or place of public worship.

"5th. The right of burial of the dead.

"6th. All wearing apparel of the debtor and his family; all beds, bedsteads, and bedding kept and used for the debtor and

his family; all stoves and appendages put up or kept for the use of the debtor and his family; all cooking utensils, and all other household furniture, not herein enumerated, not exceeding two hundred dollars in value.

"7th. Two cows, ten swine, one yoke of oxen, and one horse; or, in lieu of one yoke of oxen and a horse, a span of horses; ten sheep, and the wool from the same, either in the raw material, or manufactured into yarn or cloth; the necessary food for all the stock mentioned in this section for one year's support, either provided or growing, or both, as the debtor may choose; also one wagon, cart, or dray, one sleigh, one plough, one drag, and other farming utensils, including harness for teams, not exceeding fifty dollars in value.

"8th. The provisions for the debtor and his family necessary for one year's support, either provided or growing, or both, and fuel necessary for one year.

"9th. The tools and implements, or stock in trade, of any mechanic, miner, or other person, used and kept for the purpose of carrying on his trade or business, not exceeding two hundred dollars in value; the library and implements of any professional man, not exceeding two hundred dollars in value; all of which articles hereinbefore intended to be exempt shall be chosen by the debtor, his agent, servant, clerk, or legal representatives, as the case may be.

"10th. All moneys arising from insurance of any property exempted from sale on execution, when such property has been destroyed by fire."

#### CONCLUSION—HOW I OBTAINED MY DISCHARGE.

In September, 1858, when the amendments to the law for imprisoning debtors went into effect, I gave my persecutors the required ten days' notice of my intended application for a discharge. They decided upon verbal interrogatories (the law

leaving it optional with the creditors to interrogate the debtor verbally or by writing), and my examination lasted four days — the entire evidence being committed to paper, and forming a bulky volume, of somewhat biblical proportions. With the aid of a few memoranda, I clearly accounted for all the cash which passed through my hands during the summer of 1857 (some \$35,000 in amount), excepting \$180, which I fell short; explaining from whence I received the various sums, and the manner in which they were expended. This was rather a disappointment, as it was commonly reported that I had hidden a large amount of money, which my arresting creditors were very anxious to lay their hands on. I was then interrogated as to my property, its value at the time of my arrest, and the disposition I had made of it; I furnished the names of the parties, and their places of residence, to whom I had assigned it in discharge of indebtedness; but among the names of my arresting creditors were not included those having refused to make any accommodation with me. The attorney of my opposing creditors, on hearing my answers to these interrogatories, cast upon me one of his malicious and revengeful scowls, indicative of disappointment in being beaten at his own game, and of chagrin at his own obtuseness, which led him to counsel his clients not to accept my offers of security at a time when a settlement could readily have been arranged. M'Crea, being unwilling to give up the matter until he had discovered the hoard of money which his folly led him to suppose I possessed, plied me with innumerable questions, totally irrelevant to the case, and frequently repeated the same inquiry several different times; his anxiety being somewhat heightened by a desire to increase his own profits. After this pettifogging attorney had exhausted his limited knowledge and talent without effecting the object at which he aimed, supposing that I was likely to procure my discharge, he resorted to the lowest and most degrading means to defeat me: viz., swearing his own case through, as the lawyers term it; which no man

of any character, or who has the slightest respect for himself, will stoop to do. His evidence was, however, rebutted by that of the clerk of the court, the deputy sheriff, and the turnkey of the jail, who had been present at my examination, and heard all that passed; thus indirectly informing the public that M'Crea had sworn falsely — which I here do openly, and challenge contradiction from any quarter. Although M'Crea failed in his object, I was still detained in prison, and various objections were made to my liberation. The judge who first heard my case at Toronto was called elsewhere on business, and his place supplied by a stranger, before whom a new set of false affidavits was laid, representing me as a dishonest and unprincipled man, engaged in a high-handed attempt at robbery. I was ordered to hold me in durance until he learned all the facts of the case, and, as Toronto was about 200 miles from Cleveland, it may readily be imagined that information was but slowly acquired; more especially as the attention of the court was fully occupied at all times by a press of other business of the same character.

I have been informed that on one occasion the judge in Toronto, and M'Crea's agents there, gave M'Crea a severe reprimand for refusing to receive good security for the claims in his hands; saying that more could not be expected of a business man during such a season of depression as that which occurred in 1857-8. However, as I was an American, the judge delayed my discharge, with the expectation that some of my business connections would settle the dishonest claims against me, and the enormous bill of costs which had accrued thereon. But they did not succeed; as, acting upon the old maxim, that "Brag is a good dog, but Holdfast is a better one," I determined to die in prison rather than ask friends to aid me in paying unjust claims at this stage of the proceedings.

Early in February, 1859, my case came up before Judge Richards, who was then on the Western Spring Circuit, and he intimated that I might possibly obtain my discharge by assign-



ing certain old debts, and other valueless trash, which the attorney of my opponents thought might possibly be realized at some future period; but I was required to furnish names, amounts, and the probable residence of all the parties; my persecutors knowing full well that a month's time would be consumed in writing to others to furnish the information for me. On a preceding occasion, when I had made a similar statement occupied two months, and produced no other result than to keep me longer in prison. The judge's judgment cannot be questioned, and I should delay granting a discharge, until a full and complete set of unprincipled affidavits had been offered them. By the 15th of March, I had done all that was required of me, when the judge delayed my discharge until he arrived in Toronto, at the end of his circuit, and where he opened the court on the 14th of April. I was compelled, in much haste, to travel, and starved, and so weak from want of air and exercise, that I reeled and staggered as I walked, to await his pleasure, which I did without complaining, or allowing my troubles to be known. At the appointed time the judge opened his court, and on the second week of the session a hearing of my case was had — Charles R. Atkinson, my attorney, being opposed by the notorious M'Crea. Even at this late stage of the proceedings, false affidavits were offered, to defeat me, by the Marshes and others; but the judge decided that it was too late to notice any more affidavits, and intimated that he thought my imprisonment had become a persecution. Notwithstanding his expressed opinion, he refused to assume the responsibility of my discharge; remarking that, as mine was a case of some magnitude, which had given rise to considerable feeling, and as I had been so long in prison, he would, although he could see no reason for longer detaining me, defer a decision until the completion of his circuit, and his return to Toronto; when he would, with the assistance of an associate judge, give my case a calm consideration, and make a final decision.

The want of proper feeling for human suffering which this announcement evinced, the coolness with which this man consigned me back to my tormentors for another term, did not merely surprise, but really astounded me — I was totally unprepared for an act so heartless, emanating from a man occupying such a high position. Meek submission was my only alternative, and I yielded to my fate with the best grace I could command. After the judge left Chatham, he held five or six sittings of the court in different places, each occupying a week or more, and after he arrived in Toronto, Benhill continued the consideration of my case for two weeks. On the 15th of May, 1859, he granted my discharge, and I was allowed seven weeks from the time of my discharge to pay the costs of my case.

Toward the close of the month of May, 1859, I wrote me that he would accept of my offer to pay the balance of his claim, at a discount of ten per cent, if I would pay all the costs. To this I assented, because the bill of costs on all the suits against me amounted to between \$2500 and \$3000, and I had then no available means. The bill of my own attorney also amounted to \$364. I did not consider myself in any way bound to do anything for M'Intyre, because, by his refusal to take security he had driven me into paying the claims of those creditors who had not persecuted me, which absorbed all my property, and left nothing for the use of the parties who had been the originators of my ruin. While in durance, my postage bill amounted to \$114.01. I wrote 1128 letters, and received answers to more than three-fourths of that number. Many persons paid the postage of their letters to me; but in the majority of cases, the burden of the postage both ways fell on myself.

After my liberation from the filthy prison, on emerging into the open air, I reeled like a drunken man, and surrounding objects appeared to be completely changed. I determined not to do like the Frenchman, and travel on the railroad track, though

I had but little more money to bear my expenses—my funds, all told, amounting to but ten cents. A very worthy and kind man conveyed me four miles out into the country, among people who would not, like those of Chatham, turn a poor fellow-creature out of doors because he had not the wherewith to pay for his bed and board. I remained a little in the new region where I was, and two days after my discharge, my friend, I took passage in the *St. Lawrence* to Detroit, Michigan. My friend Brother Jonathan on my arrival in welcome me back to the States, by sending his private yacht, he conveyed me, leaning my weary head on his shoulder, I by my long confinement, and my anxiety for my future fate, which had been so cruelly blasted by the presence of a crew of fiends in human form. I was chained by the side of the post which had yielded me its friendly support, with the aid of my friend Jonathan, I took off from my feet the dust of an inhospitable land, and crossed the boundary into that country which is ever a refuge for the oppressed and a home for the wanderer, where I was heartily welcomed by many persons who had, in my dire necessity, been friends indeed. These dear and cherished friends supplied me with means at once, and I have never since been without money at command. In the United States it is not, as in Canada, "once down, always down;" but the men with whom I had formerly traded immediately informed me that my name and "valor" were ample security for any goods or accommodations which I needed whenever I again wished to resume my position in the business community. All my wants have been carefully supplied, and my demands promptly complied with, by these good Samaritans, to whom I here desire to tender my heartfelt thanks; hoping that, as they have dealt by

me, may not only others deal by them in this world, but also the Gracious Father of All in that other world, where "the wicked cease from troubling, and the weary are at rest."

Before finally taking leave of my readers, I desire to call attention to an extract from a letter written to the editor of the *Democrat and Amer. Rochester* by a gentleman, who was then making a tour of the Province, and speaking of many other matters, he thus alludes to the prospects of the people:

"The Provinces have suffered from a severe financial crisis. Business men have been driven to the wall. The panic has cost the lives of thousands. Topped men have been taken while contemplating the future of their business, and see no prospect for the future. The conditions in Canada differ more widely than in the States. There is very little generosity shown the broken-down man. "Once down, always down." The "powers that be" give no relief. Their austere demeanor to the "fallen" is a hint to the timid of the propriety of pulling up stakes and leaving the Queen's dominion between the light of two days. Shylocks have driven thousands of unfortunate Canadians from their native shores to seek new homes in the Eastern and Western States. Inhuman creditors have controlled the Legislature, and have prevented laws from being passed that would restrain bailiffs and sheriffs from taking the bed from under the poor debtor, and leaving his wife and children without chair or roof. Traders in Canada have been hounded by law to such an extent, that their families have suffered with hunger, their names have been blasted, and the future to them has been made a waste, merely because they had, through misfortune, lost their all. Canada, in short, is without a bankrupt law, and the industry and trade of that country must necessarily suffer in consequence."

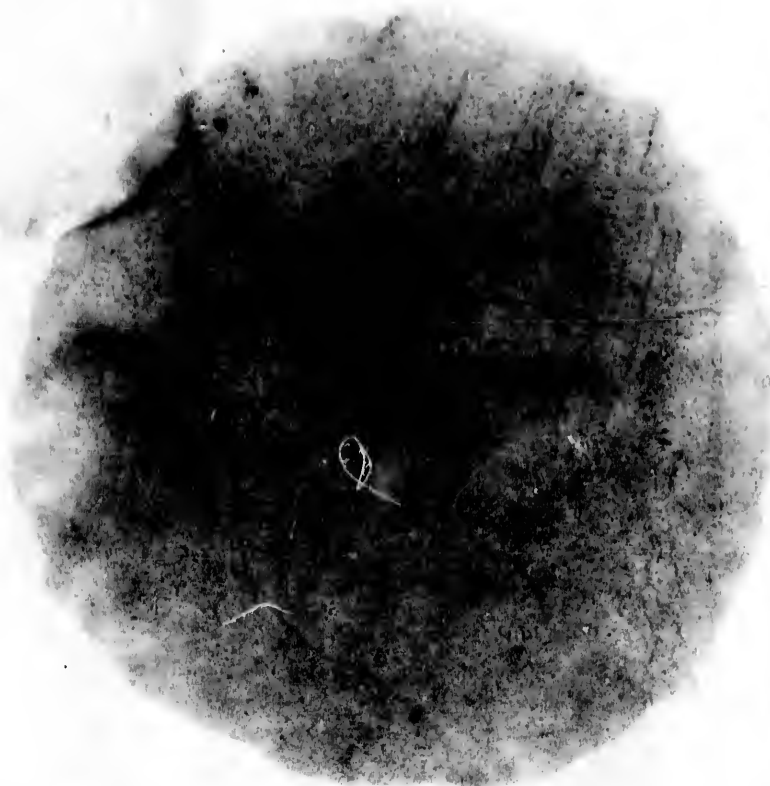
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Brother Jonathan standing upon the River for Sylvester Brown, after his Discharge.







GROUND-PLAN OF CHEATHAM JAIL.

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| <p>A A. Wards on either side of the cells.<br/>         B B. Halls of entrance.<br/>         C C. Cells for criminals.<br/>         D. Sylvester Brown's apartment.<br/>         E. "Grampus's" office.<br/>         F. Prison kitchen, where the "gravy-water" was prepared.<br/>         G. Privy, facing S. Brown's room.<br/>         H. Pantry belonging to the jailer's household.<br/>         I. Bed-rooms of jailer's family.</p> | <p>J. Apartment in which <i>Centors</i> are confined.<br/>         K. Parlor of jailer's family.<br/>         L. Jail windows.<br/>         M. Doors of entrance to building.<br/>         N. Doors of entrance to halls.<br/>         O. Doors opening into different rooms, etc.<br/>         The stairway running from G to M ascends to the court-room above.</p> |
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North  
 West

Inside Ground Plan of the Jail in Cheatham Co. W.







