

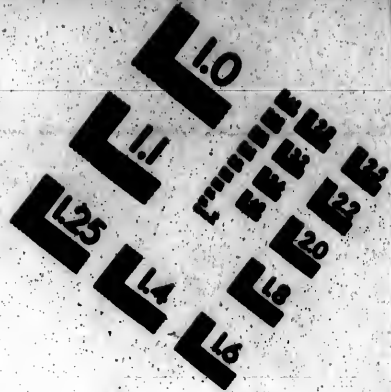
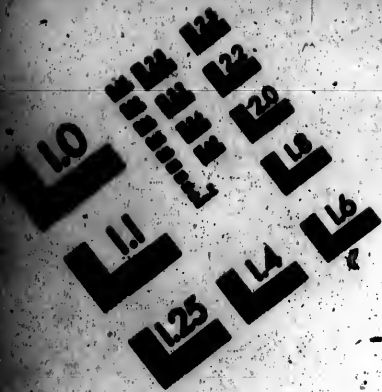


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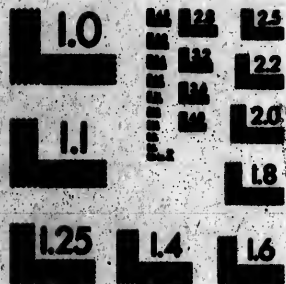
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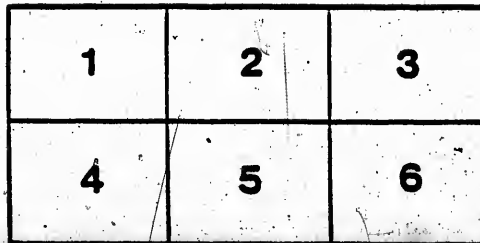
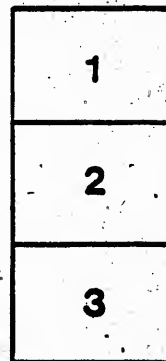
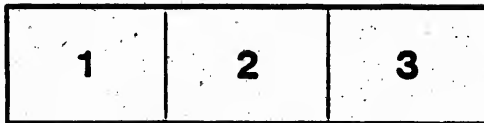
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THE LAND FRAUDS. SQUATTERS' COMMISSION. FACTS OF THE CASE.

TO OGLE R. GOWAN, ESQ.,

Sir,

It is with feelings of the deepest reluctance that I enter on a subject which from its nature must compel me to rake up the ashes of the recently deceased; but your letter addressed to me in the Toronto Leader of the 25th December, leaves me no choice but either to discharge this disagreeable duty or suffer my character to be clothed with such infamy as your pen and influence are capable of doing to it. And, without further preambles or apology, I submit the following facts to your serious consideration:—

I never purchased a lot, or an acre, of land in any other of the Crown Townships of this County than the Township of Grey. I never used a fictitious name nor any name save those of myself and my own children, in connection with the purchase of lands, and I never purchased or held the full complement which the laws and regulations of the Crown Lands Department would authorise me to hold. I never in one instance, acted as a Clerk in Mr Clark's employ or made a single mark with either pen or pencil in any book belonging to the Crown Lands office. I never asked or received a favor from the late Agent in his official capacity, never purchased or attempted to purchase a lot of land from him in a secret or clandestine manner, or at any other time or place than on the first three days of the public sale, and at the same table where all lots were purchased—and now, for the particulars.

Some days previous to the commencement of the public sale of land, which took place on the 31st August 1854, the Agent desired I would spare a few days to assist him in looking over and regularly in the proceedings, as he knew there would be a great rush at the beginning, and a great many disputes to settle, and he felt he was able to encounter such difficulties as he had never been. I went with I was glad to give him my help, because I

wished to purchase lands for my family I would be present a day or two at the beginning of the sale, and if I could be of any service to him, I would willingly assist him. The day of August in 1854, was on Thursday, and I was present all that day and the following, and till a little past noon on Saturday, when I left for home, and had never anything further to do with the sale. Indeed, I was never back to Mr. Clark while the sale continued except once in passing, and that only a few minutes merely to see how things were getting on. Thus, all my knowledge of the sale and the manner in which it was conducted, is confined to those two and a half days. Beyond this time I know nothing of the proceedings save from hearsay. The only services I rendered during these two and a half days, were turning over the leaves of the "Squatters' Book" to find if the party applying for the lot were the right party, and occasionally to offer my opinion on conflicting claims.

On the second day of the sale, while talking with some of the crowd out of doors, I asked Donald Lindsay, whom I knew merely as a settler in the township of Grey, if he could tell me of any good, unoccupied lots in the locality where he resided, as I was anxious to secure a few for each of my family as now required homes for themselves. He, without any hesitation, mentioned lot 7 on the 8th Con., and lot 13 on the 7th Con., told me they had been "taken up" by two boys, nephews of his own, but that they were unable to pay for them, and as they would evidently be sold to somebody I might just as well have them as another. In reply to my inquiry he said, he doubted they were not small improvements on either of the lots. This, then, was the first time I had ever heard of these lots or of the parties who claimed them. Either on the 31st August or on the following day, I met Mr. Clark (who I learned was one of the agents of the Commission) and he

came forward and applied for several lots, I think two for his father and two for himself, on which he paid the first instalment, and one of which he resold before leaving Mr Clark's gate. While applying and paying for these lots I feel confident he never made a single allusion to lots 7 on the 8th Con. and 12 on the 7th Con., although he must have been aware that, from the way in which the sale was proceeding, they would be sold immediately to some one. When the proper time arrived I had an application filled up, and, in a voice loud enough to be heard by at least the fifty persons nearest to the table and the window, I said, "I apply, in the name of Allan McQueen for lots 7 on the 8th Con. and 12 on the 7th Con; and if any one has a better claim, speak now." No one objected and the two lots were then and there entered in the same book in which all other sales of that and the preceding day had been entered. They were entered in the same way and by the same Clerk as all others had been entered, openly and in the presence of a crowd of witnesses.—The parties at the window and around the table at the time, were of course, chiefly settlers in Grey. I cannot affirm that any of the Lamonts were present, because I would not have known them, but as many of their neighbors were present, I feel satisfied that Mr. Allan Lamont, in forty eight hours afterwards, must have been informed that the lots had been sold to me. And during the next four weeks, several of his neighbors were anxious to purchase them from me.

Hearing that the Lamonts were making considerable noise about losing their "improvements" on these lots, I sent, on the 27th of September, an intelligent and experienced friend to examine the lots and see what might be the value of the improvements, so that I might pay for them. His report was to the effect that, I need not give myself any uneasiness about the improvements, as he had traversed the two lots and could discover no other evidence of human labor than *part of a small shanty which had apparently been put together very recently, and perhaps subsequently to the sale.*

Sometimes, late in October or, perhaps early in November, Mr. Clark requested me to see him. I went to his office and he handed me a Petition or complaint of Mr. Allan Lamont, which had been sent to the Commissioner of Crown Lands and returned to the "Local Agent" for explanation. In addition to a great deal about *occupation and improvements, which I knew to*

be far from truth, it accused me of having bought the lots for speculation, which I also knew to be false, and then it contained a correspondence between Mr. Allan Lamont and the Agent, and of which I was entirely ignorant. Mr. Clark then told me of the mistake he had made in telling Mr. Lamont that the lots were not sold, a full month after they had been entered in the Sales-Book to my son. He explained to me the manner or cause of this mistake—expressed his sincere regret, pointed out the ugly difficulty in which the error had involved him, and all but asked me to give up the lots. I at once recalled to his memory the open, fair, loud manner in which the lots had been purchased, assured him that the story of occupation and improvements was false, and added that if Mr. Lamont's sons had a right to buy and *sell* the public lands, surely my sons had a right to buy them for their own use. I know nothing of Mr. Clark's explanation to the Department but I presume it did not differ materially from what I have stated. I wrote a very civil letter to Mr. Allan Lamont, in which I told him the way I had got the lots, told him that I could not recognize any right in the claim which he set up, as his boys had never acquired a "right of pre-emption" as intended by the Crown Lands Department—pointed to the fact that had I not purchased them they would, of course, have been sold to some other person in ten minutes after, and assured him that I had no intention of selling them. I informed him that they were bought for my eldest son who intended to make his home on them, but as he did not wish to live on bad terms with his neighbors, he was willing to submit to the following arrangement namely. If he, Mr. Lamont, or his boys, would clear ten acres for Allan McQueen, on one of the lots, they should have the other with an instalment paid on it, and also have the first crop off the ten acres which they were to clear for Allan. Considering the price of chopping at that time, I had offered the lot at less than *one-fourth* of what they could have got for it, presuming they intended to sell, and I never presumed otherwise.

To this letter I received no answer. The whole matter had been before the head of the Department for months, and no decision had been given. My son refused to go on the lots without a settlement, and after waiting till sometime in January 1854, I concluded to *sell* them and to purchase two others instead, in some other part of the township. Re-selling was, by this time, as common as the sale

of the "good-will" had public sale. But I did not even look for a pure first offer, and that was a tradesman in Harpur to him in the early part the other was sold two weeks after. Both of have made considerable never had any information part of the Lamonts, utterly astonished to learn had been before the Court. **plaint.**

I swear by Almighty God to the truth of the foregoing statements in the best of my knowledge
[Signed] THOMAS NI

Sworn before me in the County of Huron 1857.

THOMAS NI
A Commissioner for sale

Now, Mr. Gowan, you receive a most important picture and your of the 25th Dec.—Misstatement of facts. You opened in gross misrepresentation fabricated falsehoods plausibility that a pretentious is capable of spade a spade, and he led with my uncouth persuaded that even the justice of these facts you the "dam Number 8." My criterion at least as the "Commission" is concerning having unfairly purchased two young men had a character, sir, result actual occupation have good reason for try to prove it if I purchased the *Lamonts had over or spent ten hours on the lots.* The lot same tenure, as the the adjoining to be strict of a *drilling* a "drilling-

of the "good-will" had been, previous to the public sale. But I did not advertise. I did not even look for a purchaser. I accepted the first offer, and that was from John McLaughlin, a tradesman in Harpurhey. One lot was sold to him in the early part of January 1855, and the other was sold to John McIntosh some weeks after. Both of these men, I believe, have made considerable improvements; but I never had any information of interference on part of the Lamonts, till in June last, I was utterly astonished to learn that Mr. Allan Lamont had been before the Commissioners with a complaint.

I swear by Almighty God and as I shall answer to God at the great day of Judgment, that the foregoing statements are literally true, according to the best of my knowledge and belief.

[Signed] THOMAS MACQUEEN.

Sworn before me in the Town of Goderich, in the County of Huron the 12th January, A. D. 1857.

THOS. NICHOLLS
A Commissioner for taking affidavits
for said Co.

Now, Mr. Gowan, you cannot fail to perceive a most important difference between this picture and your "Number 8" in the *Leader* of the 25th Dec.—Mine is a plain unvarnished statement of facts. Yours is a few facts enveloped in gross misrepresentation and curiously fabricated falsehoods, varnished with all the plausibility that a prostituted, mercenary intellect is capable of bringing forth. I call a spade a spade, and hence, you must not be startled with my uncouth, vulgar epithets, as I am persuaded that even you, Sir, will acknowledge the justice of these epithets when I bring before you the "damning" features of your "Number 8." My criminality in this case, in so far at least as the "evidence taken before the Commission" is concerned, consists entirely in having unfairly purchased two lots on which two young men had resided and spent their labor for two full years. The black spot on my character, Sir, results from these two years of actual occupation and improvements. But I have good reason for believing, Sir, and I will try to prove it if required, that at the time I purchased the Lots, (1st or 2nd Sept. 1854) *no Lamont had ever resided twenty four hours or spent ten hours work of a man, on either of the lots.* The lots, Sir, were held on the same tenure, as thousand of acres in that and the adjoining townships were held, namely, *on order of a brush-heap, an hour's "dash" and a "dwelling-house" six feet by nine and*

six feet in height, or perhaps, merely, the initials of a name rudely etched on the bark of a tree. On this frail tenure, Sir, thousands of acres were "held"—"held from actual occupation by industrious settlers who really required homes for their families—"held" till some poor honest simpleton should come along to be duped out of twenty or thirty pounds for the "good will" of a single lot! Many an excellent hundred acres has been "held" from actual settlement in this way, and many a hundred dollars have been fished out of the simpleton in exchange for that very valuable commodity the "good-will." It is of no consequence to me whether these Lamonts held these lots with the prospect of finding a "good will" customer, or whether they intended to hold them in their unoccupied, unimproved state, for ten or twenty years longer, till the boys should grow old enough to need them; it is enough for me to know that they held them for nearly two full years, in a way altogether in opposition to the conditions on which the privilege of squatting on the public lands had been granted by the Government or the Legislature. Mr. Allan Lamont is, I presume, an aged man, but I am sorry that I cannot give him credit for either sagacity or sincerity, when, in his note to the Agent (25th Sept.) he pretends ignorance of the sale of the lots to me, and also pretends to have heard that I had been offering to sell them *previous to the public sale.*—This, Sir, is sad trash, to be sent forth in the name of an old man; and more especially when it is known that his brother, Donald Lamont, could easily have set him right on both these points, by simply telling him that I had never heard of either the lots or the lads that claimed them, till informed by him, not "previous" to the sale, but *during the sale*—and that on his information I had purchased them. But, now come the "damning" features of the picture—

"Strange as it may appear, at the very time this letter was written, and for some time previous to it, these lands had not only been sold to Mr. * * *, but resold by him at a large advance to McLaughlin and McIntosh, and the name of McLaughlin entered on the Agent's map of the Township, as the original purchaser from the Crown."

Now, Mr. Gowan, this is not "evidence taken before the Commission." This, Sir, is your own gratuitous evidence. It is, I presume, part of the price which you are to pay for your next Government appointment, or, as my *Grannie* would have said, *It's a big spoke in Mr. Copley's wheel at the next election.* I have sworn positively, Sir, that the two lots were regularly,

fairly and openly entered in Allan McQueen's name on the 1st or 2nd day of September, 1854, and in presence of a crowd of witnesses; and I have sworn positively that neither of the two was re-sold sooner than January of the following year. In other words, I have *virtually* sworn that both lots were entered in the sales-book in Allan McQueen's name, all the time from 2nd Sept 1854, till January 1855. Your gratuitous assertion that "all this time" (up to the 6th Oct. 1854.) "the lot had been re-sold to John McLaughlin," is therefore, what I call a *bold* falsehood, one that refuses to be limited by any possibilities or impossibilities, whether natural or moral. On the 6th October 1854, and for full *three months afterwards*, I had never, to my knowledge, seen or even heard of this John McLaughlin. Now, where, Sir, did you get this bold falsehood? I must find it out, for though I can make great allowance for the extravagant servilities of such needy political adventurers as yourself and Mr. Morgan Hamilton, though I am aware of the exigencies of your employer, (for I will not insult Mr. Cauchon by charging *him* with your appointment) though the enlightened condition of the Province renders the venom of the mercenary hireling comparatively innocuous, and though you come forth at present ruffled in the authority of the Executive, I cannot acknowledge your right to disseminate these bold falsehoods, throughout society. I cannot admit that the sanction of even an *honest* administration should protect from punishment and infamy, the man who, in his zeal to serve his employer, recklessly and at random, flings the firebrands of falsehood at the reputation of his master's opponent. This, Sir, is the most "damning" feature in your "Number 8." It is your own—it is *utterly false*, and I demand your authority. You say McLaughlin's name was entered as the "first purchaser." Of this, Sir, I have no personal knowledge, nor does it in any way concern me. I, of course, informed Mr. Clark that the lot was sold, why it was sold, and that the other would also be sold on the first opportunity. I know nothing further of the matter, but I do assert positively, that if the lot was returned in the name of John McLaughlin, as the first purchaser, the *public Sales of September 1854, cannot possibly have been returned to the department sooner than January of the following year*, and on this point Mr. Cauchon or any of his clerks can enlighten you.

I have now, Sir, disposed of your own gratuitous "damning" charge, and what do you

think of it! Will it tell against me or against you? I acknowledge and regret the error of selling the lots, because, in the first place, I suffered the fear of bad neighborhood to force me to an act which I had conscientiously condemned for years previously. In the second place, I actually needed the lots, and I should have kept them and got them improved, trusting to the law for protection; and, in the third place, I soon discovered that less than three times the price I had received would not purchase two lots equally good, in the same Township. You, are not satisfied, sir, with having flung the poisoned dart, but in order the better to secure your base purpose and more effectually serve your employer, you make a desperate effort to "rub it in," you say.

"In the explanation offered by the Agent, he thus accounts for the letter written by him to Lamont. "I gave this letter (Lamont's of the 28th Sept.) to the person (Mr * * *) whom I found it necessary to employ as an assistant." "during the hurry of the sales, and asked him to ascertain when and to whom, they had been sold. After looking over the sales book he said that he could not find that they had been sold to any one, but that they were marked on the printed lists as sold, which he believed was owing to my own order, that all the lots returned on the Surveyor's List as occupied, should be so marked off, to prevent their being sold to others."

And again ..

"Mr * * *, the temporary clerk of the Agent, of whom he speaks in a subsequent part of his explanation, "he had availed himself of his able assistance during the first few days of the sale," sold the lots to himself—re-sold them to others, pocketed the proceeds, entered the name of his son for one of the lots, and the name of one of the other parties to whom he sold for the other, as the original purchasers from the Crown, and when asked by the Agent to find out when and to whom they had been sold," said, "after looking over the sales book he could not find they had been sold to any one!!"

Now sir, I must assure you that had this picture been presented to me by any other man in Canada but Ogle R. Gowan, I would have sought redress otherwise than in the columns of a Newspaper, and yet I am no pistol man. But as no other redress is come-at-able, I content myself with simply declaring that the flag with which you greeted Her Majesty's Representative at Brockville, in 1849, was not blacker than the dark falsehoods you have here stuck together. And, alas! alas! these falsehoods are your own, and not pertaining to "evidence taken before the commission." The falsehoods of the second paragraph I have already refuted on

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I here again repeat that I never sold a lot of Land in the Crown Lands Office either to myself or to any other person, never in any one instance, wrote a name either in the sales book or in the Map, nor ever caused or requested such entry to be made, save in an open, public manner, at the open table, on the three first days of the sale, as I have already sworn to. But, sir, any man with a single particle of logical acumen, or a single atom of common-sense, could see, at the first glance, that I am not the person to whom Mr Clark refers as having been requested to "look over the Sales Book!" Why, man, either your seal to remove me out of Mr Cayley's way, before the next election, or your contact with Mr Morgan Hamilton, has entirely conglomerated your brain. Do you not see that by confounding two different individuals in this quotation, you are literally damning your own case! Just imagine Mr Clark telling Mr Cauchon that I had been requested to look over the sales book to "ascertain when and to whom the lots had been sold" and that after having searched gave my opinion that the lots had not been sold at all—imagine Mr Clark speaking to Mr Cauchon in terms of commendation, of the "able assistance" I had rendered him, and then imagine Mr Clark, in the very same communication representing me to Mr Cauchon as a most consummate scoundrel, the surreptitious purchaser of these same lots! Do you see the glaring absurdity of the picture!

If you have thus, Sir, knowingly, jumbled up my position in this transaction with the position and services of a very different individual, for the mere purpose of making out a damning case against me, you must be a more heartless and a more unmanly knave than I even suspected you to be, and I never thought you were an angel. You have given what you represent as a quotation from Mr Clark, "explanation" and I therefore, presume the document is in your possession. Now, Sir, I dare you to produce that document. I dare you to produce that or any other letter of the deceased John Clark, in which he represented me as an assistant Clerk in his office, or in which he says that I was requested to search the Sales-book, or any other book, for the name of a purchaser or the date of a sale. I never was requested to perform, and never did perform this service, and of the search referred to in your quotation, I never even heard till I read it in your letter in the *Standard*. You have, in the two paragraphs last quoted, caused me of conduct the most dishonourable and the most damning that could be shown

against a human being. I deny it absolutely and in toto, and I demand your proof instantly. No "heating about the bush." Come to the point manfully—either substantiate the accusations, retract the falsehoods, or suffer to be branded as the heartless hired traitor of private character. I pity you, Sir, from the bottom of my soul. I have a faint idea of the pressing nature of your necessities. I shudder at the contemplation of circumstances which would compel a man to live either by pandering to the prejudices of the lowest ignorance or by furthering the despicable intrigues of political gamblers. In fact, Sir, my worst wish towards you is an appointment out of *La-hive*, and one that will be more profitable and more permanent than your former supervision of Canada. But still, Sir, with all my charity, I cannot allow your damning falsehoods against me to pass with impunity, more especially as they have been presented to the public under the sanction of the Executive Government; so, prepare your proof.

THE EDITOR OF THE HUNTER SIGNAL.

The Facts of the Case.

LETTER SECOND.

TO OGLE R. GOWAN ESQ.

Sir:—I come now to your second picture of my "land grants" which you have marked "Number 15," and I beg your attention to the following facts:—

Before the commencement of the public sale on the 31st August, 1854, I mentioned to the late Agent, in presence of several gentlemen who were in the office at the time, that, if possible, I would like to get ten lots, and that as they were wanted for my own family, I would like to have them within a reasonable distance of each other. He said I would have to select them far back in the township, as the near side of it was chiefly occupied. I got the Map of Grey, and going back to the 2nd Concession, which is ten or eleven miles further from Godfrich and from an open country, than the 15th Concession, I selected the first five lots, merely because a stream of some size was represented on the map as running across them. I was reminded by some of those present that the southwest corner of the township was reputed to be swamp, and that possibly I might be selecting a block of land utterly useless for my purpose. Mr. Clark remarked that but few houses had been entered for the 1st or 2nd Concessions, and doubted the land could be

good. I then got the "Squatter's Book" and found the name of "David Brakenridge" entered for Lots Rand 2 on the 2nd Con. I asked Mr. Clark if he knew anything of this man, or if it was likely that he was living on these lots? He said he could not be expected to recollect the numerous parties whose names were entered in that book—they were all strangers to him, and many got their names entered there who never after made their appearance either on the lots or at the office. But at all events, every individual who got his name entered in that book was distinctly told that the entry of his name gave him no claim or right to the lot; but that if he went on the land and improved it, and resided on it till the day of sale, and then came forward at the proper time, he would be entitled to the first chance of purchasing.

With this understanding I concluded to apply for the lots; but in doing so on the second day of the sale, I was warmly opposed by Mr. Andrew McKearnan of the Township of Tuckerwith. He declared these were the two lots he had come to purchase—said he had "took them up" a long time ago, and had made certain improvements on them which he was prepared to certify. I had already heard and seen enough of the "taking up" process, and of the improvements and certificates to prevent me from attaching much value to such claims, and after a good deal of pretty pungent discussion, in which several of the settlers in the neighbourhood of the lots, had their say, I told Mr. McKearnan that one Brakenridge had his name entered for the lots and that if he came forward in due time I would withdraw my application in his favor, but in favor of no other. Mr. McKearnan spoke of seeking redress at law, and the lots were entered in name of my second son, Thomas McQueen. This was not done in a corner, but in a crowd.

Nearly a month after I had purchased, namely on the 27th September, I went to see these lots. The distance from Goderich is about forty-two miles, and the state of the roads, or bush, at that time, made it a two-days journey on horseback. I got Donald Forsythe on the 5th Concession of Grey, and Thomas and John Strachan on the 3rd Concession, to accompany me to the spot and show me Brakenridge's improvements. These were on Lot 1, and consisted of the smallest shanty or "dwelling house" I had ever seen in my life, and I think not more than half an acre of "slaking." The young man told me that Brakenridge had actually lived in the little shanty during a considerable time of

the preceding winter, (1868), that he had left, at the breaking up of the ice, about the beginning of April, and that they had not since heard of him. I asked what he had been doing all the time he had been staying in the little hut, as the whole visible labour could not exceed three or four days work of an ordinary axe man; but though the brothers Strachan resided on the adjoining lot, they did not seem to have had any acquaintance with him. I said to Thomas Strachan that should Brakenridge ever come to look after the lot, he might tell him that I would pay him for his improvements, as I did not wish to take any man's labour for nothing; and before leaving the township I gave out the chopping of four acres to be done either on lot 1 or lot 2, and on which I paid something over twenty dollars in advance.

I heard nothing further of the matter till on the 1st day of November, Brakenridge came to my house in the Township of Goderich.—He told me who he was, said I had been on the lot and had seen his little shanty and the beginning he had made, told me he had been living all summer in the Township of Walleley I think—apologised for not having been at the sale, and hoped I would let him have lot 1, and he would pay me whatever I thought it was worth. I said he certainly could not expect to get the lot now—that had I not purchased it at the sale there were others present who wanted it, and who would have got it.—I told him that had he been at the sale he would have got it and I would have suited myself with another, but as the sale was now long past, I had no chance of securing another lot, and I could not see that any of my sons should be thrown out of a farm merely on account of his negligence. I offered to pay him four times the value of his labor and to assist him in securing another lot in the same locality; but this offer was spurned, and after denouncing me as a Speculator, he threatened to appeal to the Government. I told him to do so, and that if the case was decided in his favor, I would have no hard feelings towards him, nor would I seek redress from him, but from a different quarter.

I afterwards saw the affidavits which he had lodged with the Agent. They were made by Thomas Strachan and Donald Forsythe and consisted of the same statements which these young men had made to me on the 27th September, with the addition of his return to the lot on the 30th October. Sometime during the following winter Mr. Clark showed me to

other affidavits and one by Forsythe forwarded Lands at (Agent) for just intended two and the cythe, and telling him two sets of the whole done so.

Mr. Clark the duplicitous about the year, when to me of I been "St give me be Brakenridge have con imagine w ed." I h interfering that had could refer to Mr. Cas chased the that my maturity work at though I vince, I h land for t rich, or, the Hon. Quebec o that the s ly throu satisfied t lot had b of the De

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other affidavits, one by Brakeuridge himself and one by a brother in Welleley. These, together with a heavy "Complaint," had been forwarded to the Commissioner of Crown Lands at Quebec, and returned to the "local Agent" for explanation. Mr. Clark said he just intended to enclose, in one envelope, these two and the former two by Strachan and Forsythe, and to send them to the Commissioner telling him that a comparative glance at the two sets of Affidavits would sufficiently explain the whole case; but I never enquired if he had done so.

Mr. Clark received, from the Department, the duplicate Returns of his September Sales, about the beginning of June, of the following year, when he sent to inform me that the sale to me of Lot 2, on the 2nd Concession, had been "Stayed" and that he was requested to give me back the instalment. Had it been Brakeuridge's lot or Lamoont's lots I could have conjectured the cause; but I could not imagine why the sale of lot 2, should be "stayed." I had up to this time, refrained from interfering in the complaints and affidavits that had been presented against me; but I could refrain no longer. I immediately wrote to Mr. Cauchon telling him why I had purchased those five lots on the 2nd Concession—that my family had grown up to the years of maturity without ever having been learned to work at anything save the farm, and that though I had been thirteen years in the Province, I had up till now, neglected to secure land for them. My letter was dated at Goderich, or, I think, the 11th or 13th of June and the Hon. Mr. Cousin's reply was dated at Quebec on the 16th. The substance of it was that the sale to me had been "Stayed" entirely through mistake, but that I might rest satisfied the error had been corrected and the lot had been entered in my name in the Books of the Department.

A short time after receiving this letter I took with me a gentleman of much experience in water-powers and mill machinery, and accompanied by four other men, we proceeded to the 2nd Con. of Grey and took the fall of the river on the breadth of my five lots. The fall is only about four feet and not available without drowning from fifty to one hundred acres of good land. On returning from the river Brakeuridge was sitting at the entrance of the little hut on Lot 1, and in presence of the men who were with me and also of his own comrade, James Anderson, I told him he had been committing a serious trespass on my property, but

that so far from punishing him according to law, I had called for the purpose of telling him that if he would leave the lot immediately, I was willing to pay for his whole labor according to the estimate of two honest men, and if this offer was refused, I would not incur the cost of ejecting him, but I would never again offer him one shilling for any work he had spent or might spend on the lot. He followed us through the bush for more than two miles and seemed anxious for a settlement. When we had reached the line between the 5th and 6th Concessions, I halted, and in presence of the witnesses submitted another proposal, namely two half-lots on the first Con. with an instalment paid, providing he would leave the lot he then occupied and give me no further annoyance. He asked a week to consider this offer and I granted it. Week after week passed away and the only intelligence I had of Brakeuridge was that, he had got up a third set of affidavits and a very false and abusive memorial against me, all which had been forwarded to the Commissioner of Crown Lands. A full year had now elapsed since I had purchased these lands. No improvements had been made on them in accordance with the conditions of sale, as my choppers had been prevented from beginning, by threats of annoyance. The sale of the lands to me had been fully confirmed by the head of the Department, and I was, therefore, aware that I must either assert and protect my own rights or suffer the consequences of my own negligence and good nature. On the 23rd of September, 1855, I again started for Grey, with a load of provisions, bedding, cooking utensils, &c., &c., and three men who were to commence operations. On the evening of the 27th, Brakeuridge and I had a meeting in the house of Thomas Strachan on the 3rd Concession. My men and a number of others were present, and after many proposals from both sides, I, with very great reluctance, consented to give him Lot five with the instalment paid, if he would quietly abandon Lot one. In this arrangement I was actually giving him at least, one hundred pounds more than the full value of his improvements.

On the following morning, he and his Comrade, James Anderson, started with me for Goderich; I reached home on Saturday evening and they staid with me over Sunday, and on Monday forenoon, 1st of October, 1855, we went together to the Crown Lands office, where my youngest son, Hugh, gave Brakeuridge an assignment of lot 5, and he gave me

in return, an assignment of his labor on lot 1. While in Goderich he asked me if I would not give him a little to assist in putting up a shanty on his new lot. I persuaded him that I had already made him a present of at least one hundred pounds, told him I had no money with me, but that if he behaved like a good boy, I would give him twenty dollars towards the raising of his shanty the next time I went into Grey; and this promise was faithfully fulfilled. He made a clearing of about four acres, put in a crop raised a shanty, brought in a wife and a yoke of oxen, and during the short time he resided on the lot he and those of my family who live in that neighborhood, were on the very best terms of neighborhood. And I cannot believe, and I do not believe, that David Brakenridge could be so treacherous and ungrateful as voluntarily to come before the Commissioners with a complaint against me.

I swear by almighty God and as I shall answer to God at the great day of Judgement, that the foregoing statements are literally true, according to the best of my knowledge and belief.

[Signed] THOMAS MACQUEEN.

Taken and Sworn before me in the Town of Goderich in the County of Huron, one of the United Counties of Huron and Bruce, this twentieth day of January, A. D. 1857.

[Signed] THOMAS NICHOLLS,
A Commissioner in Q. B. for taking Affidavits in and for said United Counties.

Now, Mr Gowan, these are the simple facts of your "Number 15," and I dare say, you will observe a very important difference between these and your false picture. I admit that my error in acknowledging Brakenridge's right to trespass, or at least my error in paying him for that trespass, was laying down a dangerous precedent, which if followed might lead to deplorable consequences. Still the failing, in this instance, is on the side of generosity, and I am far from being ashamed of it. Your "Number 15," Sir, does not appear to be "evidence taken before the Commission," or otherwise it is so artfully interlarded with your own gratuitous falsehoods that I cannot distinguish the one from the other. At all events, one-half of it is so wastefully false that I feel confident David Brakenridge would shudder at the idea of swearing to it. For instance you charge me with having purchased nine hundred acres in one Township—this I do not deny, and the reason I did not purchase twelve hundred was simply my inability to pay for it. You say they were "all picked lots" and this is

positively false. I had never seen one of the lots at the time I purchased them, nay, with the exception of the partial information I had from Donald Lamont, respecting the two lots on the 7th and 8th Concessions, I had never even seen a man who had, to my knowledge, seen any of the lots, or who could give me any information concerning them. And so far from being "picked lots" the two on the 14th Concession, purchased for Betsy McQueen and entered in her name, are not worth the taxes, for farming purposes. They do not contain twenty acres of workable land on the whole two hundred; and as she was needing a home, I gave her my lot 3 on the 2nd Con. The two half lots on the 1st Con., bought for Janet McQueen and entered in her own name, are of the same description, and as she also was needing a home I gave her my lot 4 on the 2nd Con. You say the nine lots had "extensive water powers on them," and to the extent of these water-powers I have already sworn; and lastly, you say that these nine lots had also "industrious settlers and their families to be turned out of their homes and improvements." This, at least Sir, is your own. It bears your mark visibly on its face. It is a bold falsehood, and you must have known it to be such. But it was needed to "cap the climax"—needed as a crown to all the other false features in the picture. Indeed, the picture would have been nothing at all without it. A man with a large, strong, family of farmers, purchasing nine hundred acres of wild land, nearly one half of it swamp, would have been a very tame picture and involving nothing of a remarkably culpable nature. But this tame picture is at once rendered peculiarly affecting and interesting, when the foreground gets studded with industrious settlers and their wives and little ones being driven forth from those nine lots, to homeless destitution in the desert, while many a longing lingering look is thrown back on the comfortable dwelling houses, fertile fields, and beautiful gardens which their sinewy arms and sweaty brows had forced into existence! Yes, sir, this is a picture to try the nerves of the idealist and the philanthropist! You know it, and alas! you also knew that, with the exception of the time spent by the lad Brakenridge on lot 1, no man, woman or child, (unless perhaps a camp of Indians,) had ever had a home for even a single night, on any one of the lots purchased by me. You must have been aware of this fact, sir, but it did not suit your purpose to acknowledge it.

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ber 15!" I have sworn that I do not believe David Brakenridge could be so treacherous as to come forward voluntarily with a complaint against me, and I am anxious to know if my belief in this matter is correct. Your first 70, or upwards of seventy, complaints were taken in the Exchange Hotel of Goderich.— The names of the Complainants were all numbered and written on a long slip of writing-paper, which was hung up in the Bar-Room. I read over the List oftener than once. Nay, one of the Complainants staid a whole week in my house writing his turn, and he copied the list and had it with him for his own guidance. But David Brakenridge was not "Number 15" nor any other number, on that long list. "Number 15" must have complained on the 10th or 11th of June, and those who live on the adjoining lots to Brakenridge and who were exchanging work with him at that busy season, feel confident that he was not in Goderich during any part of the month of June.— He left the township early in July, and the current opinion is, Sir, that you or your man Sanchez is your great zeal to serve your employer, by making out a strong case against me, had either hunted up the poor fellow in a distant part of the Province, or patched up the picture you have published, to suit your own taste. For my own part, I simply ask, *Where did you get your "Number 15!"*

THE EDITOR OF THE HURON SIGNAL.

The Squatters' Commission.

TO OGLE R. GOWAN ESQ.

Sir:—When I first saw the announcement that Ogle R. Gowan and Morgan Hamilton were the parties appointed to enquire into the numerous complaints arising out of the public sale of Lands in these United Counties, I at once concluded that the appointment was not only a political one but made for a political purpose. I of course knew nothing of your fitness or unfitness for conducting an enquiry such as had been proposed, but, knew that Morgan Hamilton was, of all men living, the least qualified, in point of prudence and judgment, for the efficient discharge of such a duty. I also knew that, previous to a general election which was then talked of, Mr. Cayley had a little work of a peculiar kind, in these counties, which behoved to be done, and that Messrs Gowan and Hamilton were supposed to be peculiarly qualified for the performance of this peculiar work. I had therefore, no difficulty what-

ever in believing that the Commission was of Mr. Cayley's selecting and that Mr. Cauchon was altogether innocent of the affair. You commenced operations on the 6th of June in the Exchange Hotel of Goderich, and on the third or fourth day after opening the Court, you left for Toronto and did not return till the beginning of August. Whether your ten dollars a-day was or was not running on during these seven weeks of absence is a matter of small moment; but it is not a matter of small moment to know that all this time, the enquiry was conducted by the solitary individual, Morgan Hamilton, who wrote down everything that was presented, and who 'tis said he often to be reproved for his readiness to assist the Complainants to make out a strong case against the accused. Three, or at most four cases a-day, were heard, while a crowd of perhaps thirty poor honest men were kept hanging about the bar-rooms of Goderich, for weeks, waiting the "Honor's" convenience and pleasure, when they should have been at home planting their potatoes or getting up their fences.

You came back on the 2nd of August, or at least you were present, on the evening of that day, at a political meeting in the Exchange Hotel, which Mr. Cayley had convened to hear his defence of the Ministerial policy. You sat in the body of the meeting like other decent listeners, but your colleague, Hamilton, with three others, the sturdy adherents of the speaker, was perched up at the end of the platform, for the purpose of doing the "Hear, Hear!" part of the performance. Mr. Cayley, in his rambles made some telling hits on the laudable exertions then being put forth by the Ministry to check and expose the nefarious jobbing of land speculators. "McQueen is one of them," said a voice in the crowd, "Hear! Hear!" from Commissioner Hamilton. Now, sir, it is true, you had at this time discovered that I had sold the two lots claimed by Lamont, but it is also true, that both Commissioner Hamilton and Commissioner Gowan, were aware that the gentleman then sitting at Mr. Hamilton's elbow, as one of Cayley's four friends, had eighty-three lots—had eight thousand three hundred and one acres of these lands, publicly advertised in the *Huron Signal* for sale! Yes, sir, you knew this, you could not help knowing it, for on the 6th of June when you commenced your Enquiry, these eight thousand three hundred and one acres were staring you boldly in the face as a public advertisement, with Charles Widder's name attached to it. And though the name of the Gode-

rich Auctioneer was substituted in the following insertions, this change could not remove the lands beyond the reach of your enquiry. Here, sir, was the very thing you had been sent to discover and expose! Here it was—a whole ponderous bunch of it, Sir, eat and dry, and ready to your hand. What did you make of it, Sir! *Not even an allusion!* but in the Toronto Leader you came forth with a significant and mysterious shake of the head, and an ambiguous insinuation about the mammoth speculations of a certain Clear Grit patriot; "the fearful magnitude of whose jobbings you had been unable to ascertain! Why man, why did you not honestly proclaim that I had speculated to the extent of—two lots!

It may, and I believe is, true that Mr. Widder was only Agent for this advertised lot, and so, I aver, was Colin Clark for the lot which you so carefully and so conspicuously exposed.—But you knew the owner of Mr. Widder's eight thousand three hundred and one acres, and why did you not gibbet him in proportion to his quantity the same as you gibbeted me for my two solitary lots! Tell us plainly, Sir, was it because he was not a "Clear grit patriot." Was it because he was a wealthy man! Or was it because he did not stand in Mr. Cayley's way for the next election! I know not how you felt Sir, or whether you can feel any way but one; but I assure you when I was told that this Solicitor Robinson of Toronto, was a Speculator to the extent of eighty three hundred acres, and that other Solicitor Robinson of Toronto, a speculator to the extent of twenty hundred acres, and this Judge H * * * * of Toronto, a Speculator to the extent of eleven hundred acres, and that Judge Mc * * * * 's son of Toronto, a speculator to the extent of eight hundred acres, I assure you, Sir, I felt that my two-lots speculation looked very small. I felt that the "Clear Grit patriot" of Goderich, dwindled into smallest nothingness in land jobbing, when compared with the speculations of the Family Compact of Toronto.—Did you not feel just so?—It may be true, sir, that these gentlemen did not purchase in the same fair, open public manner that I did, they purchased at second hand. But the old saying is, if there were no receivers there would be fewer thieves, and you know the law saith, that the "compounder of a felony" &c.. These gentlemen must be supposed to have known the law and the conditions on which these lands were sold, and to have understood the consequences of non-compliance with those requirements: much better than I could do; and when they ventured to violate

on the scale of thousands, surely my violation on the scale of units might have been overlooked. Two blacks do not make a white, and I do not refer to these mammoth speculations with a view to cloak or justify my own smaller error. Nor do I drag these gentlemen before the public from any bad feeling towards them; but merely to expose the one-sidedness, the utter worthlessness, the arrant sham-work of your enquiry and Report. Merely to show how willingly and wilfully you would "strain at the gnat and swallow the camel!"—Your's, sir, is indeed, the felicitous sleight that lets through the big lamps and keeps in the small!

The "Commission," that is, Mr. Morgan Hamilton, had conducted the enquiry only a very short time till I could perceive that the result of the sham would be an attempt to make a scape-goat of Thomas McQueen, and to allow the actual transgressors to go "scot free," and Mr. Cayley's meeting convinced me of the soundness of this conclusion. Mr. Cayley while cunningly trying to create a prejudice against me on account of land speculations, must have known all about these mammoth jobbings of his own immediate connections, if not personal relatives, in Toronto, and his duplicity was well rewarded. For after all his dodges and clip-trap, you were a witness of the fact that, *I divided his own meeting two to one against him.* And twelve months hence, I would be able to divide the four new townships against him in the same manner, for by that time the settlers will have discovered that I was the honest man, and you and your colleague—*just what you are.*

Did it never occur to you, Mr. Gowan, that it was neither fair nor manly to drag me before the public as a speculator or to connect my name with these lands at all? Mine are not straw children, nor children in their swaddling clothes. They are large, live, full-grown children. A majority of them are married and were actually needing homes; and you are aware that some of them have long since made their homes on these lands. The lands were bought for them and in their names, and in my opinion, Sir, they have just as good a right to hold them and own them as any other men in Canada. All the benefit I can ever derive from these lands is the pleasure of paying the instalments as they fall due, and the greater pleasure of knowing that I have secured homes for a number of my family. This is surely a very different position from that occupied by those who hold thousands or tens of thousands of acres without the intention of ever settling

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any of their children on them. Why then was I elamed with the speculators, or rather why was I singled out as a scape-goat for them? Simply because I stand in Mr. Cayley's way for the next election, and the principal object of your appointment was to prepare his way. But further, Sir, did it not occur to you that the method of conducting the enquiry, the manner in which the evidence was taken, the nature of the evidence, and the whole affair, constituted a most flagrant outrage on the principles of civil liberty, of justice, and of common sense? You will remember that on the second day of the enquiry, I pointed out to you, in the public room, the absurdity and injustice of allowing interested men to come forward and make the most damning charges against a man's character, without being laid under any obligation to tell the truth. You said you had no power to put them on oath, and you referred me to the case of Dr. McCaul. I told you there was no analogy in the two cases, and I tell you now that the case you were conducting, has not, in so far as I am aware, a single parallel in the whole history of Commissions of Enquiry.

I shall never forget the picture of the poor, old, lone and infirm Mr. Clark, physically and mentally bowed down with disease, pent up in a corner, and surrounded by a heat of impatient accusers, every one more anxious than another to bear witness against him. One of the first questions put to a witness in a Court of Justice, is, *have you any interest directly or indirectly in the result of this action?* Now, Sir, you are perfectly aware that every man who gave evidence against Mr. Clark, had been led to believe, and verily did believe, that he had at least one hundred pounds worth of interest involved in the success of the testimony or evidence he delivered. I am aware that in reality, these men had no interest whatever in the proceedings, but they had been led to believe otherwise, and that belief was just equivalent to the reality, in point of influence. They did believe that on the success of each of their stories depended an interest of at least one hundred pounds; and under the immediate influence of that belief their stories were related, merely related. No oath, no affirmation, no obligation of any kind was required. Each one told his own story in his own way, and in the way he supposed would be most damaging to Mr. Clark, and most favorable to the one hundred pounds interest, while, if the story seemed to lag, or if the man was at a loss

for words, the deficiency could be officiously and willingly supplied by the "Commission!"—Would such evidence have been tolerated in any Court of Justice? Would it have been deemed sufficient to convict a man, in Otaheite, even at the time of Captain Cook's first visit? And yet, Sir, upon this evidence, you, under the protection of the Executive Government, have thought proper to assail both public and private character in the most conspicuous and most damning manner imaginable.

Admitting, Sir, that the Complainant's made no statements but such as they would willingly have sworn to, yet it is obvious that, keeping in view the supposed *one hundred pounds interest*, they would not have been permitted either to swear or testify in any Court of Justice. It is this *one hundred pounds* motive that distinguishes the case of the late Mr. Clark from that of Dr. McCaul, from that of Mr. Smith of the Penitentiary, and from that of every other case which has been submitted to a Commission of Enquiry! Every man who gave evidence against Mr. Clark, virtually acknowledged that he was being actuated by a hope of being benefitted to the extent of, at least, one hundred pounds currency, and hence, the whole proceedings can only be regarded as a burlesque on the proceedings and requirements of an ordinary Court of Justice.

But further, Sir, your enquiry, altogether exclusive of the inadmissible character of the evidence, was utterly useless. You discovered nothing, enlightened nothing, and rectified nothing, if I am to judge by the representation you have given of my own case. The complaints of Lamont and Brackenridge against me, did not require to be discovered by you. These complaints and affidavits and all particulars therewith connected, were in the possession of the Commissioner of Crown Lands eighteen months before you were appointed. They had been considered by the Head of the Department, referred to the "local Agent" for explanation, explained and returned to the Department, and the sales of the Lands to me "confirmed," for at least twelve months previous to the commencement of your Enquiry. You threw no new light on the statements of Brackenridge and Lamont, but you garnished them with a few bold falsehoods, clothed them with a false coloring, and wickedly and unwarrantably threw them before the public, merely to serve a base political purpose. You commenced your investigations in utter ignorance of your duty, and you do not seem to have

learned as you proceeded. Had you been furnished with a copy of the Instructions by which Mr. Clark was guided in reference to the claims and rights of Squatters—had you been officially informed of the conditions on which Squatting had been permitted, of what was really meant by "Squatting," of how a right of pre-emption could be acquired, and of the nature and extent of that right, the "Commission" would have been a thing of short duration, its labors would have been limited and easy, more than two-thirds of the cases could have been settled at the table, and your lacrymose imitations of the Crocodile over Brackenridge's numerous and perilous Journeyings to Goderich, would have been rendered entirely superfluous, as a single glance at your "Instructions" would have shown whether the lad was Journeying for his own amusement or whether his Journeying actually resulted from injustice and oppression on the part of the Local Agent and the Department. But you did not wish to learn this common sense way of conducting the Enquiry. You were afraid of short methods. There was cash capital to be made out of the *ten dollars a-day*, and there was *political Capital* to be made out of the settlers in the new Townships. You make a wonderful bluster about having dragged to light "no fewer than eleven Lists" of Lands in the hands of Speculators, but, you made no such discovery. The lists needed no discovery, most of them I presume were like Mr. Widder's list, publicly advertised either in the columns of a newspaper or in printed hand bills. Not one of them, nor one lot contained in them, belonged to Thomas McQueen, but *one* of the eleven was, or had been, in the hands of Collin Clark, and the other ten in the hands of—come now, Mr. Gowan, out with it—not in the hands of "a certain Clear Grit Patriot," but, in the hands of the *Family Compact—the Solicitors, Ex-Mayors and Judges of the City of Toronto!*

The "Commission," sir, was very industrious in their efforts to prejudice me in the estimation of the settlers of the new townships, by representing me as the enemy of the actual settler—a speculator and the friend of speculators. This, sir, is very flimsy, to say the least of it. My efforts at actual settlement in the township of Grey, have already cost me a great deal of money. And my candid opinion is that it would be better for me and better for the country that every lot in the four townships was in the hands of industrious actual settlers, even if they were unable to pay the instalments,—

If they resided on the lot and cleared away a few acres of the forest and paid their taxes and wrought their statute labor, they would be aiding the progress of the settlement and spending their labor in a way that would be amply remunerated a very few years hence. But I do not think your proceedings were at all conducive to this end. I do not think your mode of effecting actual settlement would result in a peaceable, industrious community. In short, I believe the "Commission" has done more evil than good in the new townships, and I will show why I think so.

For three days previous to your lecture on Orangeism, in the hall of the Exchange Hotel, Goderich, you had been back in the new townships, and according to Sancho's report, you had had a "busy time of it" in making out Deeds or Assignments, of building sites for Orange Lodges. Now I see no reason why the *Goosevilles, Hogvilles* and other numerous villages in the wilderness, should be without their Orange Lodges, and it is quite possible that in making out these Deeds or Assignments at the public expense, you were fulfilling your mission and promoting Mr. Cayley's election interests, just as much as you could have done in any other way. But according to the following extract from one of a number of letters, on the subject, the "Commission" had been doing something worse than propagating Orangeism. The letter is dated "Howick Sept 4th 1856," only about twelve or fourteen days after your visit.

"Since the Commission was round we have had squatting on a large scale. Wallace is sending forth her legions and settling up every vacant lot—even lots purchased at high prices by poor men who intend to come upon them this winter, have been taken possession of by these worthless who with gun in hand, dispute the right of the real owners, one of these Wallace invaders,—by name, says that they will wade to the knees in blood rather than yield the lands. I fear, sir, we will have serious work before this is ended. *They say the great "Commission" gives them encouragement!*"

Now, Sir, I have no faith in this "brute force" method of encouraging actually settlement. I think it was adopted through sheer ignorance of your duty, and not from any intention to do wrong, and I was much pleased to see that either, you or the Head of the Crown Lands Department, had discovered the sad error, and promptly endeavored to correct it by the following notice in the *Huron Signal*, October 20th.—

Public Notice.

A NUMBER of persons having settled upon vacant Lands in the newly surveyed townships of the United Counties of Huron and Bruce since the 1st of September 1854.—The undersigned Commissioners are directed to warn all such persons having no other claim, that they will be treated as trespassers, and in no instance will any such squatters right be recognised as giving pre-emption to such Lots.

[Signed] OGLE R. GOWAN,
MORGAN J. HAMILTON.

Now, Sir, this was coming to the point in the right way; and, as I wrote at the time, had this little Notice been published at the commencement, instead of at the close, of your investigations, the labors of the Commission would have been wonderfully abridged, and much bad feeling, disappointment and threatened violence been prevented, for all was quiet when you were appointed.

I have now done, for the present. The electioneering adventures of the "Commission"—its political exhibitions of Paddy Walker and the "big Dhrum"—its land jobbings at the

sale of town lots in Penetanguishene, and its thousand-and-one other freaks, capers and Mad-dings, at ten dollars a-day, are all faithfully recorded, and will be forthcoming when required. Mr. Gowen, I have now replied to your letter of the 25th December. I have candidly stated the facts of my own land-dealing, and I have sworn to them. I have also freely expressed my opinions of the "Commission," and its proceedings. I have not the slightest intention to add one black spot to your character. I merely wish to show the kind of services you are willing to perform for those who pay you, and also to show that, with all her progress, the Government of Canada yet embraces some members who require your services. I again call on you to retract the falsehoods you have published against me and for which I hold your employers responsible.

THOMAS McQUEEN,
THE EDITOR OF THE HURON SIGNAL.



