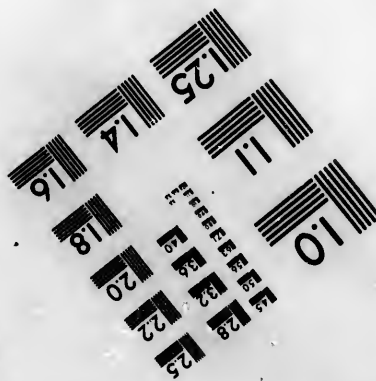
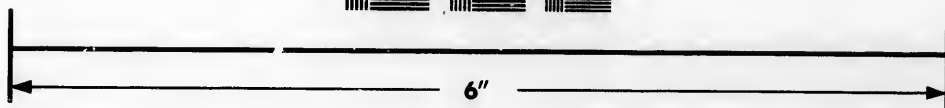
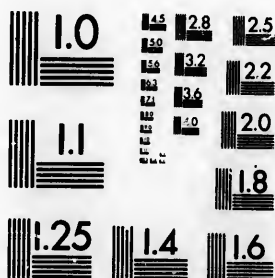


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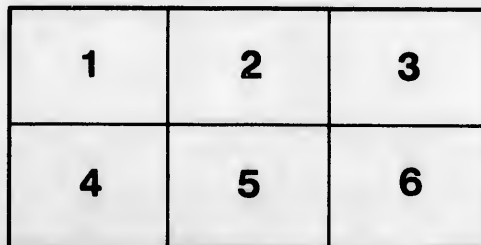
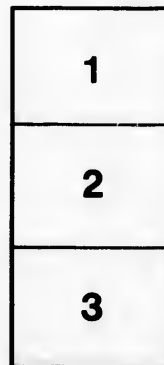
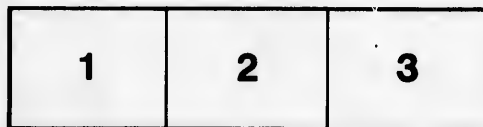
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# AN APPEAL,

Addressed to a candid Public;

AND TO THE FEELINGS OF THOSE

WHOSE UPRIGHT SENTIMENTS AND DISCERNING MINDS,

ENABLE THEM TO

“Weigh it in the balance of the Sanctuary”

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BY ELMER CUSHING, ESQUIRE.

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WHEREIN IS DISPLAYED THE SINGULAR  
HISTORY OF THE AUTHOR;

TOGETHER WITH THAT OF

*THE OTHER AMERICANS,*

SETTLED IN THE PROVINCE OF

**LOWER-CANADA.**

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“Then let me hope indulgence still to share;  
If less my merit, greater be my care;  
Tho' hard the task, that task you'll kindly feel,  
And, for desert, accept unweari'd zeal.”

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Yet prompt to stay his country's fall,  
The stormy city's war he'll join;  
When thou, and *truth*, and freedom call:  
For freedom's voice, and *truths*, are thine.”

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**Stanstead :**

PRINTED FOR THE AUTHOR,

BY S. H. DICKERSON.

1826.



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## INTRODUCTION.



TO a candid Public I address this "Appeal," not doubting but they will do me justice as soon as they possess *data* sufficient to form an opinion. I rest with confidence on the evidence, which I shall here exhibit, for a final decision concerning the rectitude of my moral conduct thro' life generally, and more particularly concerning my transactions as a witness in the cause of David M'Lane, in the year 1797, who was then tried for high treason, convicted and executed.

It is with no small degree of pain and mortification that I find myself driven to the alternative of making this appeal.—I thereby feel myself, in some measure, degraded from that proud station, to which innocence and unsullied conduct ever entitle us. We have a just claim, without question, to an untarnished reputation, until some *proof* or at least some *colour* of suspicion of improper conduct, should exist against us. I am forced to make my defence against the envenomed tongue of slander—against accusations which are unsupported by one suspicious event—one colour of evidence—Yet, no other resource presenting itself to my view, I here offer my unvarnished tale to the candid, the feeling and sensible part of my brethren of the human family; fully persuaded that they will do justice to the subject. Fully persuaded that they will try the various instances of my proceedings by the feelings of their own heart, and, by that criterion, determine whether I merit the approbation or frowns of the virtuous part of society.

By this mode of trial, I am willing to abide the final determination of my fellow citizens. That I have always adopted the wisest measures, under the various situations in which I have been placed, is a point to which I lay no claim. I well know that "'tis human to err"—This truth is forcibly impressed on my mind by long.



and repeated experience; and, as I am approximating to the end of my mortal course, I can now look back with wonder and pity on the weaknesses to which the human character is constantly subject.

I do not offer this appeal for the purpose of persuading mankind that my *political* wisdom has always been unimpeachable; but to shew them that the small abilities which the great author of nature saw fit to bestow on me, have ever been directed by the laws of moral rectitude, and of course, that I have suffered the same portion of injustice concerning the trial of M'Lane as my conduct, in that respect, has been represented immoral.

It requires but a slight knowledge of human nature to learn that an evil report is much more easily put into circulation and credited than a good one. This proceeds from the nature of the human heart. All men are anxious for distinction. This distinction consists in comparison.—the lower we depress others, the higher it exalts us in the comparative view of the subject. From this cause mankind are too ready to swallow down an evil report with avidity. However, the frequency of indulging this propensity does by no means justify it, or diminish its moral turpitude—The practice is base—it is unmanly—it is contrary to the laws of God and man, and I submit to the judgment of every discerning person whether it is not an invariable and certain evidence of a corrupt heart and debased mind to follow this practice?

For nearly thirty years, I have borne the evils resulting from this pestilential propensity. I have borne it in silence, under the expectation that time would effect the remedy to which I might justly look with confidence, as a righteous claim on the moral sense of man. Treachery and perjury have been floated upon a thousand babbling tongues against me. Such cruel, wicked malicious and nefarious representations have gained admittance into the various circles of society, at a time when the clearest and most authentic documents were before the public, giving the lie direct to them. Those representations have passed current notwithstanding these public documents; and when not a single circumstance ever existed to give cause for even a suspicion of such a crime on my part.

To run after such reports—to call on my brethren of the human

family to cease from their murderous proceeding—to implore them to restore me my fair fame, abstain from lacerating my character and blackening my reputation, was what I could not reconcile to my feelings. I could not but recollect that I, in common with the rest of mankind, ought to be *presumed* innocent, until *proved* guilty—that the want of this proof was of itself sufficient evidence, to the candid and intelligent part of the world, of my upright and unimpeachable conduct. The dignified stand to which innocence was ever entitled, ought not to be subjected to the degrading necessity of coaxing, flattering, and imploring the wicked and malicious slanderer to cease from troubling our repose. It is what we have a right to *demand*. It is our just due;—and when we do not receive it, we are treated with flagrant injustice—an injustice which violates, most glaringly, the laws of moral rectitude.

To suffer such unmerited reproach in a *christian* country, where people are full of profession of “doing by others as they would that others should do by them,” appears still more monstrous and detestable.

Still I feel an irresistible reluctance to move in my own vindication. I considered that enough, and more than enough of conclusive evidence was already before the public to set this cruel and malicious report at rest. The publication of the trial of M'Lane had been in general circulation since 1797.—In that publication there is not only *negative*, but likewise the most *positive* evidence which the nature of the case could admit, that my conduct, thro' that unhappy business, was entirely upright. This evidence consisted in the open and public declaration of M'Lane himself, the man against whom my testimony was directed—the man who was *interested* to invalidate and depreciate my evidence—the man who was vibrating between life and death, standing upon the awful and solemn brink of eternity.\*

It likewise was publicly known that I possessed the confidence of my own Government, by holding places of honorable, respectable and important trusts under it.—What more satisfactory evidence could mankind require? What stronger proof could the candid

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\*See M'Lanes Trial, Page 77.

and reflecting expect?—Yet under all these circumstances, with this cloud of evidence against them, have the busy, meddling, malicious and slanderous herd never ceased, one moment, to reiterate and propagate this vile report, until it became so serious as to injure me in pursuing my necessary and important avocations.

In this state of the business, and under such a view of the subject, I finally concluded to make my appeal to a candid public—To lay the whole state of the case before them, and rest my justification on their decision.

In pursuing the course of this appeal, however, I shall go more fully into the history of my performance on the broad theatre of life than what appertains merely to the business concerning M'Lane. I shall take the liberty of throwing into public view an eventful history of about 30 years past, combined with many things of an interesting nature both to individuals and to the public at large. In the course of this pursuit, I shall endeavor to confine myself principally to the relation of facts, and leave the inferences to be drawn therefrom to the good sense of the candid reader.

In this appeal it must not be expected that I shall be able to exhibit classic elegance;—fine, smooth and soft sounding language; rounded and swelling periods; or deep scientific lore—such paths have never been trodden by me. My life has been devoted to other pursuits.—All I can offer is a plain, simple, unvarnished tale of *real* facts—such, as I hope, will bear the stamp and test of *truth*. To such do I make this appeal as esteem truth, in her simple dress, more highly than falsehood adorned with every factitious ornament. If, by such, I am justified and supported, I am satisfied—I have obtained the object of my pursuit—I have reached the goal for which I started. I have then gained the reward which the immutable laws of moral rectitude adjudges to be my *just* right. To such who compose the general inquest of the world, I submit with pleasure; and will wait, patiently and submissively, for their Verdict.

## CHAPTER I.

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“Those principles, which on the heart engrav'd,  
“Have mad opinion's shifting tempest brav'd  
“Which, undefac'd by manners or by times,  
“By revolutions and their train of crimes,  
“Man, civiliz'd or savage, still has felt ;  
“And will retain, 'till nature's fabric melt.

IN the year 1792 I removed, with my family, from the State of Massachusetts, into the Province of Lower-Canada; and settled in the City of Montreal, as a place offering flattering prospects for the employment of active industry. Conceiving it the more sure calculation to circumscribe my business to very narrow limits, whilst I was yet a stranger in the country, and in a measure ignorant of the various prospects which might present, I commenced by opening a small house of entertainment. This I continued for the period of 5 years; and with greater success, in that line, than my most sanguine expectations had ever inspired. My unwearied and constant attention to the wants, comfort and safety of the weary traveller were abundantly rewarded by daily and accumulating profit. My customers I ever met, and received with pleasure. In fact, their wishes, when bounded by moral rectitude, were never treated with neglect. I lived in peace and friendship with the world—that same world were apparently at peace and friendship with me. I saw, with much pleasure, the means fast increasing, for making a sure and permanent establishment for the wants of a growing family.

It is an observation as old as the history of man

that human prosperity is unstable. By sad experience I found this verified in relation to my own affairs. After continuing this course of prosperous business for a number of years, my house, furniture and other moveable property was consumed by fire. The reward of several years of unabating industry, economy and severe labor, in one moment, fell a prey to this devouring element, and was lost in the gulph of everlasting ruin.

This reverse was severely felt; but it did not by any means, produce despondency. I reflected that I was established in business. I could make my calculations on future prospects with more accuracy than formerly. My name had become known far and wide as an attentive and accommodating Tavern-keeper. My old customers, I was sure of receiving again.—new ones, I was confident of obtaining. The business admitted a profit. My credit among the moneyed interest, in Montreal, was good. I could anticipate any means which my necessities required. Under such circumstances, altho' my losses were severe, yet I had no reason for despondency—on the contrary, I had the strongest grounds for confidence in my future prospects and pursuits.

I was determined to rebuild my house, with every degree of dispatch, upon a more enlarged scale than the former. However, during the time in which I was making calculations and arrangements for this purpose, a new scene opened to my view which materially changed my plans; and which, in its consequences and remote effects, produced a train of the most disagreeable events—events which have hung, with oppressive weight, for thirty years, over my head; and covered it with the premature blossoms of the grave.

There was no building at this time, in Montreal, which could be used by the citizens for public meetings on business and pleasure. I was strongly solicited, by the Gentlemen of this city, to enlarge my

plan in building to such a degree as to form a house sufficiently spacious for the accommodation of the inhabitants of Montreal, and the public at large; promising under such conditions, to give me such support as to render it highly profitable in the result.

In an evil hour I acceded to this proposal—I must here candidly confess my own weakness. By this pointed manifestation of public approbation in my line of business, my vanity was greatly flattered—so much so, as to prevent me from giving the subject its due consideration. But who so insensible as not to be gratified, by public approbation? I ever had an ambition to act upon a more enlarged theatre than my little tavern afforded. To this situation I was called by the united solicitations of the most respectable inhabitants of Montreal. They offered me wealth, combined with the proud consideration of being a useful and esteemed member of society.

It was urged by those Gentlemen, and believed by me, that the profits, which I should realize from the inhabitants of Montreal, would abundantly furnish the means of meeting all the expences of making and supporting such an establishment; and of course all the money derived from foreign custom would constitute a fund entirely unincumbered, and at my own disposal. I believed such representations to be made from fair and accurate calculations. I had heretofore succeeded *beyond* my expectations, in the *same* line of business, and in the *same* place; and that too, when I was wholly unknown. Why not now, after I had become known and approved, rationally look for success, at least, *equal* to my expectation, and likewise the expectation of all the *knowing ones*?

Under these impressions I commenced my arduous, expensive and fatal undertaking. I was determined to even outdo the most sanguine expectations of the Montreal gentry in preparing for their accommodation. in return for the general confidence which

they had manifested towards me. I was fully bent on their more than realizing all their anticipations in my favor. My credit was such as to enable me to obtain cash to meet the expence of any kind of building I chose to erect.

Immediately I commenced, and in a short time finished, a noble edifice; together with all the necessary out buildings and conveniences for a public establishment upon an extensive scale. This house likewise was supplied with furniture to answer every purpose, in equal proportion and stile. The whole expences attending this concern, I found, amounted to a great sum. Yet no gloomy feelings—no discouraging forebodings interrupted my repose. I had been flattered with a golden harvest, on opening my house. My friends of the city paid me many compliments, and bestowed many flattering encomiums on the elegant mansion which I had reared, and on the superb stile in which it was finished, so superior to what had been expected.

Such flattering observations had their effect. I felt every degree of confidence in the ultimate profit of my business, notwithstanding the heavy sums which this undertaking had cost me, and which were now due.

The day of opening my house was, to me, more than a day of Jubilee. It became immediately crowded, thro' all the various apartments. All was hilarity and happiness. Every appearance was now manifested, by the good people of Montreal to meet my wishes; and even exceed my most sanguine expectations. All, of every class, vied with each other in making me *feel* the profit of my business; and in participating in the general joy which now prevailed.

At midnight my house became empty. I had now a little leisure for reflection. The tumult and hurry of business had ceased—I could count the events of the day—the profits which this beginning of business, had produced. With what heartfelt satisfac-

tion did I calculate the income of this day; and by that criterion of estimation, foresee the speedy extinction of all the debts lying against me. Counting one half the profits realized this day, would more than suffice for meeting all my debts, in the course of one year. I lay down on my pillow with pleasure and self gratulation. Every appearance, exhibited to my view, was of the consoling kind. I was giving pleasure to the world. In return that same world gave pleasure to me! Who could suppose that scenes so bright, so pleasing, so alluring were all illusory? Yet such they afterwards proved to be.

However, my house again filled the next day—the former crowd of profitable business succeeded; and I had no reason yet to fear a reverse. This continued whilst the *novelty* of my establishment was strong on the minds of the populace. In time, this wore away. The gentry of Montreal, on whom my most sanguine calculations were formed, were chiefly of the mercantile class. They were quite in the habit of calculating *profit* and *loss* with much shrewdness. “To buy cheap and sell dear,” formed the pole star which governed all their calculations. They were very willing to enjoy pleasure, but it became their uniform study to purchase it at the cheapest possible rate. The enthusiasm which attended the opening of the “American Coffee house,” the name by which my house was known, in time subsided. The Gentry returned to their former habits of cool calculation. It was their *own* interest they had to consult, and not mine. If I had made great and extraordinary exertion for their pleasure and convenience, that became my affair and not theirs. If I had incurred heavy debts, it was my business to pay them. If I had rested too securely on their promises, it was a mark of my folly; and it might induce me to use more caution in future, by present disappointment.

The house once erected could not be removed, however much I might be dissatisfied. It was well



known that necessity would compel me to continue the business.—I was deeply in debt—I had no other means of extricating myself. There was no danger that the town would lose this place of resort and pleasure, let my feelings be what they might. Under this consideration the good citizens conceived it to be the *policy* to obtain their entertainment at the cheapest rate. Yet they were by no means inclined to relinquish any part of their usual attendance, or the luxuries which the house afforded. It was only the *price* which they were anxious to diminish.

I had furnished a stock of the best liquors and other delicacies which the markets of Europe afforded. Yet they insisted upon being furnished at the same prices as were demanded for the wretched beverage commonly sold in the grocery shops in town. I kept a retinue of 12 servants for the prompt attendance on my customers.—In fact, I neglected no resource to make all who visited my house happy.

In the higher ranks of society, I expected to meet that manly and rational liberality to which I considered myself justly entitled.—I did not look for any disposition, in this class, to speculate on my necessities, or to take advantage of my wants. When I laid before them my calculation—the fair and reasonable profit to which I was entitled, I fully expected that they would accede, with pleasure to my course of proceeding—but so far from that, one constant scene of chaffering and higgling succeeded.

In an unfortunate moment I gave way—anxious to give satisfaction, I agreed to a diminution in my prices, in some small degree. When this they had once effected, the demand, continued and increased. There now was no stopping place—no line of demarkation, until I found my expenditure, at every assembly, greater than my receipts. To this circumstance, I called the attention of the good people of this city; and insisted on returning to my original prices. However, I had once relinquished the

ground which I never was able to regain. New arguments were resorted to, attended with threats that my house would be forsaken by the first characters, both in point of rank and opulence, thro' the Province. I candidly confess that this threat had more than its due weight upon my mind.

Under such circumstances, I continued for six years ineffectually to struggle with my embarrassments; anxiously endeavoring to disencumber myself from debt; but, with all my endeavors, painfully found that I was daily plunged deeper into ruin. This view of the subject finally determined me to relinquish my business; resign my property into the hands of my creditors; and seek my fortune in another country.

After having been flattered with the animating expectation of accumulating an independence in Montreal, then to meet complete disappointment; and that disappointment proceeding from a quarter where I had not the least expectation, became a consideration of such deep mortification, as to induce me to reject the idea altogether of continuing in this place—I fully determined to leave it, and return to the U. States. I gave information of this to my Creditors; Advertised all my property for sale; and put my unsettled concerns into the hands of Mr. Sewell, for a speedy adjustment. I then hastened my preparations for a removal.

I had now a fair opportunity to view the operations of the human heart—to learn and read the history of man. I was now fully able to appreciate the value of entertaining the first characters in the Province, for six years, at losing prices. This was a subject on which I once had felt extremely delicate. The reputation of my house, I was very desirous to maintain, at every sacrifice. I did it, and now found those "high blown honors" evaporating in smoke, and treated with contempt. When, in apparent prosperity, the bow of respect, the smile of approba-

tion and the flattering encomiums of esteem were bestowed on me with much liberality. Yet, in my present situation, I appeared as a stranger—as a person wholly unknown in this *great city*. In addition to all this, I found those who had formerly so highly caressed and applauded my conduct, were now very ready to impute my failure to my own want of ability to calculate, and manage such an establishment.

That such accusations and insinuations were entirely false and unfounded, abundantly appears from after events. For every person who has occupied the American Coffee-House, since my leaving it, has experienced the like calamity with myself, which ever will continue to be the case whilst its support is conducted with so much illiberality.

One circumstance has ever struck my mind with surprise concerning the conduct of my creditors.—They consisted of some of the leading characters in Montreal, and were very liberal in calling my rules of calculation into question. They were ever forward in their endeavors to curtail my prices, and thereby reducing the profits of my business, which directly led to an inability to discharge my debts, which were due to them. I ever considered that their true interest would lead them to promote my prosperity, in order to enable me to pay them the money which was due. But, so far from pursuing this course, they were the foremost in reducing my profits; and, in order to save the pitiful sum five shillings for an evening's entertainment, drew down losses on themselves of considerable magnitude. I now submit it to the consideration of the candid who were the more faulty in calculation?

An event which gave, in its consequences, a new face to my affairs; a new turn to my business; and new data for calculation, now took place, which shall be my business to relate. In pursuing the objects, which these events presented, I used my ut-

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most endeavors to act in conformity to the nicest rules of moral rectitude, uninfluenced by every sinister consideration; the result of which was, the most unlimited approbation of my own heart; but, at the same time, the bitterest invectives from many of my brethren of the human family.

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## CHAPTER II.

“Let not pain or toil dismay thee;  
 “Fashion rule; or vice betray thee.  
 “Solid joys unmix’d with wo,  
 “Virtue only can bestow.

ON the 5th of November in the year 1796 David M’Lane, formerly a merchant of Providence in the State of Rhodeisland, came to, and put up at my house, in Montreal. I had formerly known him when carrying on his mercantile concerns in that town. There he bore a most excellent character, as an honest, fair, industrious and respectable dealer. It could not be a matter of surprise at my receiving him with pleasure, particularly, when it is taken into consideration that I had previously learned that he had met with considerable losses in his business; and the sympathy which my own situation would cause me to feel towards a man in his condition.

These circumstances produced, with the renewal of our old acquaintance, an increased intimacy,—This intimacy led him to unfold to me the secret of his journey into this country, and the objects which influenced his present calculations.

However, before he made a full disclosure, he required of me a solemn promise to keep the whole communication a profound secret. From knowing the man; and from the high confidence I had in his good intentions, I felt no hesitation in making the

promise which he required. However, I made it subject to the condition that keeping the secret should, in no way, tend to the damage of my person or property. He then proceeded—

“Mr. Cushing so far from proving detrimental to you in person or property, the business, in which I am now engaged, shall raise you from a state of embarrassment to affluence and splendor. I well know the ungenerous treatment you have received in this country;—you shall, ere long, find those very people, who now treat you with haughty neglect, prostrate at your feet, suing to you for friendship and assistance; and willing to descend to any degree of meanness to obtain your favor. For it is a universal truth that such as are haughty and unfeeling in prosperity are uniformly abject and base in adversity.”

“Know then that I am a general in the French service, and am here for the express purpose of devising ways and means for revolutionizing the Canadas; and, thereby uniting them again to their original country. Strange as it may seem to you, I possess the means, in abundance, to effect this important object. Yet it is my wish, as well as the wish of those under whom I act, to produce this revolution with as little expence of blood, on both sides, as is possible. However, the Canadas must fall. The haughty power of Great Britain must be annihilated on this Continent. As our means are adequate to such an undertaking, our determination is to make those means effectual.”

“You may wonder, Mr. Cushing, when you see me here, a solitary individual, what means are within my reach to effect such a great object. But you may rest assured that I boast of nothing which I cannot perform. Fifteen thousand men on the Line, Green Mountain boys, steel to the back bone, all ready to enter the Province at the first signal. However, this expedition must be procrastinated until

spring, when we shall have a fleet in the river to co-operate with our land army. Then you will see the tricoloured flag flying triumphant in every fort and garrison thro' the two Provinces. Then you will see all our friends lifted from their abject and grovelling condition, under the British Government, to places of honor and profit, as a reward for their generous exertions in the cause of humanity.

"The struggle, Mr. Cushing, will not be of long continuance. We shall fall on them like lightning. We shall take them unawares and unprepared. The country will be ours before they will have time to attempt resistance."

"I have now exhibited to your view some small specimens of the outlines of our plans. Before I can go more into detail, you must pledge yourself, in the most unequivocal manner, to lend us all your energies to co-operate in this object; after having done that, I will more perfectly open the system, and describe to you the part which you must perform in this business; and, as I conceive you well qualified to act a part in it, highly honorable and profitable, I will insure you any subordinate situation, either in the military or civil departments, as a reward.—I wait for your answer."

This declaration produced, in my mind a degree of surprise and astonishment which no words can represent. It was so unexpected—so far out of the line of any thing which I had anticipated, that I sat, some minutes, in dumb astonishment. However, I, at length, made the following reply.

"Mr. M'Lane, I must candidly confess that my mind is hardly made up for a reply. Your objects are so unexpected—so unlooked for—so foreign from any thing which I had anticipated, that I am at a loss how to view the subject. From your good character, I cannot believe you capable of deliberately entering into a business which you *supposed* to be wrong: neither do I believe you would wantonly wound my

feelings, by proposing to me to take part in a concern, which my conscience would condemn. Yet from the superficial view I have had time to take, I cannot but consider it wrong—and a wrong of the first magnitude, both in the political and moral sense of the word. I well know that every enthusiast, both in religion and politics, believes his own to be the best,—but shall he be indulged with the privilege, in consequence of this belief, to crowd his religion or his politics, by force, down the throats of others?—Common sense forbids it. This, once allowed, would reduce the order of society into its primitive chaos.

“In such points, every society has the undeniable right to act for itself. If you believe a pure democracy the best government, you have the unlimited privilege of enjoying that, in such a society—and I should act a very unjust part towards you, by attempting to deprive you of it, by force. If I believe a mixed government preferable, I have the *same* right to enjoy it; and any attempt in you to deprive me of it, would be *equally* unjust.

“Are the Canadians unhappy under their present political situation? I believe not. They certainly have no reason for discontent. Why then disturb them? Why *force* them to accept of a new order of political existence? If the Canadians are dissatisfied with this government—If they prefer one more democratical, they might easily gain their desired object, by emigrating to the U. States: they do not; the presumption then is that they are contented with their present situation; or, at least, that they do not wish for a greater extent of the republican principle.

“You alledge that there has been some difficulty among them about the road act. Do you find any government where no uneasiness exists? Certainly not in the one under whose authority you are now acting—neither do you find it in the U. States. Their constant political squabbles, and the terrible insurrection in Pennsylvania, concerning the whiskey laws, abundantly prove it.

“Would it have been just, in Great Britain, at that time, to interfere in your administration, and effect a revolution in *your* government? If not in yours, then why in ours? Moreover will you deluge the Canadians in blood and conflagration in order to make them happy? What an absurdity! But, my dear Sir, the great question “what is the best government” has long occupied the attention of the wisest part of mankind; and by what criterion will you now decide the question? By force, by brutal force? Force never enlightened the mind, or conveyed conviction, since time began. Then why adopt a principle which will not apply?

“My own mode of thinking has long been opposed, from moral principle, to revolutions, insurrections; or, in point of fact, to wars in almost any shape. I fully believe the sentiment of the Wise man to be just, when he says “A pot of herbs, in peace, is better than a stalled ox in strife.” Wars, in almost every instance, cost more than they come to—that is to say, subtract more from the great mass of human happiness, than they ever add to it. The sacrifice of blood, of treasure, and the various tender endearments which constitute our felicity, are never compensated by all the advantages which wars produce. I have had my serious doubts whether the popular revolution of the U. States has effected, or ever will effect, so great a share of happiness to the human family at large, as what was lost by the events of the revolutionary war. However, such has been the enthusiasm on that point, through that country, that I have found it necessary to express this sentiment with much caution, in order to preserve my own peace and safety, notwithstanding the great professions of *liberality*, which we daily hear them make. They certainly are, in common with others, exceedingly indulgent in hearing sentiments which are congenial to their own feelings.

“It will be impossible to effect a revolution in



Canada without much blood shed and destruction to the inhabitants, notwithstanding all your fond expectations to the contrary. And what will they gain as a counterbalance to this cruel sacrifice? Will they pay less taxes? That is impossible—for they at present pay not any. Will they more perfectly enjoy their religion—their customs—their rights and privileges as men? All these are fully secured to them. To say then, that this revolutionizing plan is formed for the good of mankind, and the happiness of the Canadians, is a perfect solecism.

“Look at that country in whose service you are engaged, and at the horrid consequences attending a revolution. Their fields have been fertilized with the blood of its citizens. Havoc and dismay are spread thro’ all its departments. Thousands of its inhabitants wandering in exile and poverty. All the tender endearments, which sweeten the course of life, destroyed; and the kingdom itself turned into a prison and slaughter-house.

“Under such circumstances do you come here to bring your happiness to us? You, who are completely miserable within yourselves, offering to make us happy!!! The absurdity is too ridiculous for a moments consideration. If you wish to induce the human family to receive your offers, convince them, in the first place, that you enjoy the happiness which you offer. Obtain tranquillity at home, before you distribute it abroad. Mankind *cannot* believe you are able to contribute to their felicity, until they see you in the enjoyment of it among yourselves.

“Another consideration forcibly crowds itself on my mind, as relating to my own conduct in this business. I am a British subject. I have sworn allegiance to this government. I am under stronger moral obligation to maintain my loyalty inviolate, than if I had been a native of the country. I came here after I was a man capable of acting a free and independent part. By my conduct I said to this govern-

ment "permit me to live among you, and under the protection of your laws; and in return, I will, to the utmost of my power, obey and support the laws." I ever have, and still receive that protection. You observe that I have met with much injustice here, yet I have no reason to blame the Administration.— In every country we shall find *individuals* who will do wrong. No government can prevent it. There are cases of injustice which no laws can reach.

"This, Mr. M'Lane, is my situation; and under such a situation, shall I violate the solemn obligations which I made to this country? Ought I so lightly to trifle with the great tie which binds man to man? If you believed me capable of such an abandonment of the moral sense, would you consider yourself safe in communicating your secret to me, and thereby placing your life and liberty at my disposal? If I were capable of violating the greater obligation, certainly I should be the less. In addition to this, my promise to you was conditional. I agreed to keep your secret providing it were compatible with the safety of my person and property. Do you conceive that I am so absolutely lost to all reflection as to believe that a revolution will not endanger the safety of myself, my family and property? Certainly you cannot.

"What may be my final determination, on mature reflection, concerning your information, I cannot now inform you. I wish to act towards you, towards this government, and towards all mankind, with strict moral integrity. I am undetermined what my real duty requires. I view myself as *virtually* belonging to another country. I continue here but a short time, merely to turn my property to the best advantage; that my creditors may suffer as little loss as the nature of things will admit. Were it not for this single consideration, I should consider my duty would imperiously compel me, painful as its discharge would prove, to arrest you instantly, and to deliver you, to-

gether with the information which you have communicated to me, over to the officers of government.

“I sensibly feel an interest for your happiness.—I wish to avoid disturbing it. I now think I shall do nothing in giving information. However, this I cannot promise. It will altogether depend on further reflection, and future circumstances;—at any rate I will conceal your name so long as I can with propriety. Yet I will take the liberty to advise you to leave the Province instantly; and to return to it no more, lest some unforeseen event may prove your ruin. For, give me leave to remark to you, that there is more vigilance and penetration in this government than what you believe.”

M’Lane heard me with attention, but with apparent surprise. When I had finished he made the following reply.

“Mr. Cushing, I respect your prejudices, because they appear conscientious; but forgive me if I observe that they appear to proceed from mental weakness, and from a want of due attention to the subject, more than from correct reasoning. The doctrine of “the divine right of Kings; of implicit obedience and non-resistance,” is long since exploded, even in your own country, in theory; altho’ not altogether in *practice*. As the dawn of reason increases, this doctrine will, more and more, appear in its own ridiculous and odious colors.

“What forms the connexion, pray let me ask you, between the Ruler and the ruled? Does not the Ruler bind himself by as solemn an obligation to the people, as the Oath of Allegiance binds the subject to him? This forms the mutual compact between the King and his subjects. The King takes a solemn oath to administer justice with impartiality. In consideration for this, the subject takes a solemn oath to obey and support him in this Administration. If this compact is broken by either party, it at once dissolves all obligation on the other. This is the ne-

cessary and unavoidable effect, because both promises are in their nature conditional, and binding no longer than the condition is fulfilled.

“This being the simple, natural, unvarnished state of the social compact, how do we find it carried into operation among you, and in your government?—This is the line of policy adopted to divert the mind from the object which ought to claim all observation. Sermons, Orations, Speeches and exhortations are constantly poured forth against disloyalty—against trifling with the oath of allegiance—against breathing the softest whispers, derogatory to the sacred name of Majesty, let him who wears that name, or his agents, violate the compact in ever so enormous a degree. This outcry is continued and reiterated so frequently that you finally become habituated to view one side of the question only.—that is to say, the obedience and loyalty of the subject. You are never allowed to go into the examination whether the compact has been broken by the Crown, and of course your allegiance dissolved,—this is too sacred a subject for vulgar inspection, or animadversion!

“The whole energy and strength of your government is pointed to one object—that is to say, to instil into the minds of the people at large an idea that the King inherits certain divine qualities, which raise him to an infinite remove above his subjects; and that all those who hold commissions under the crown receive an emanation from that fountain of divinity, which qualifies them to be approached with awe and reverence; to be indulged in ease, splendor and riches, and treated with adoration. The natural consequence is that a haughty, supercilious, overbearing conduct succeeds, together with inattention to official duties.

“This spirit prevails through your whole system; and I am bold to say that scarcely a day passes in which more or less injustice is not done by those in office, and they find themselves sheltered by the ri-

diculous idea that their character is too sacred to be called into question. How often have I seen those in office treat their fellow subjects, of the common class, with such insolent contempt as you would blush to offer to your dog!! And is this performing the conditions of the coronation oath towards the subject? The Crown is accountable for the conduct of its officers. Nothing is more generally known than that the principal is accountable for the conduct of its agent.

“You say that the Canadians are happy in their present situation. But give me leave to tell you, that their happiness consists only in insensibility—in ignorance—in stupidity. No doubt they possess something which we may call a degree removed from misery, by enjoying mere animal pleasure. So do the Hotentots—the Savages of various countries, and the African slaves. Does this imply that we should not use our best endeavors to increase their happiness—to raise them, from a state of brutal enjoyment, to the proud rank of men?

“I am aware that no country in the world carry their boasting to a greater pitch than the British nation. They tell much of their invariable and stern regard to justice. They will adduce as evidence, their conduct to Lord Melville—to the Duke of York, to General Whitlock, Warren Hastings, &c. &c.; but this is not the criterion by which their *love* of justice is to be determined. Do we ever find them hunting out the private, poor and unknown individual, who has been overborne by oppression, and reaching out the national arm for his support? This shows their *real* love of justice—the former shows only party intrigue, or love of eclat and fame.

“You observe Mr. Cushing that “there are cases of wrong which no laws can reach.” If this be the case, it shows a great defect in your jurisprudence. The great object of the social compact is to obtain impartial justice to every one, let it be covered with

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whatever veil or screen the ingenuity of man may invent. If, by delusive promises, you have been deprived of your property, it is as real a transgression of the rules of moral right, as though you had been deprived of it by the assault of the highway-man; and ought to be rectified as much. But can we expect, from your Government, any care for the good of the people at large? Is not the pretence, that the people are represented in the Parliament of Great Britain, an imposition which outrages the laws of common decency? The insult would not be so great, the satire would not be so biting, should the language from the throne be in conformity to the conduct. Should the Crown at once declare to the great body of society, that they were to be considered as Jross; as the refuse of nature; as automaton to be moved merely for the use and splendor of the Court; that any care or provision for them was entirely out of the question; that the Crown, and its various dependencies, were the only objects requiring legislative provision and care.

“In order more fully to prove the want of that love and care for the subject which pervades every part of your society, I will bring into view a name which has occupied much of the public attention. Mr. Wilberforce, Member of your Parliament for York, has obtained great celebrity for his humanity towards the African Slaves, in his exertions for their freedom. This class has become numerous and extensive,—by his appearing as an advocate in their behalf, he has spread his own fame thro’ the world for humanity, and all the amiable qualities of the human heart.—But let us examine his conduct in private and domestic scenes.—Let us look at his proceedings where he had no opportunity for public eclat—Let us view his treatment towards the *British Slaves*. We shall then learn whether his conduct has been the result of a native love of justice, or only a love to his own fame.

“No day passes but what some instances of op-

pression and violence take place around him—Has he been known as the active and spirited advocate for such oppressed subjects? By no means. Such instances of his exertion would give him much trouble, unaccompanied with a name sounding across the Atlantic. In order to make myself more fully understood, I will suppose that you should write to him; stating all the wrongs you have suffered under his Majesty's Government, nay, supposing your wrongs were ten fold more aggravated than they really are. Supposing you had suffered equal to the African slaves, would he raise his voice, and thunder in the Senate in your behalf? No such thing. You, being a solitary private individual, could not materially contribute to his great name.

My answer to the various observations of M'Lane was short. I barely observed that I had not penetration sufficient to discern the various abuses in our Government which he thought existed, that I thought myself as well acquainted with it, as well as with the real state of the Canadians, as an absent total stranger; and one who had gained all his information from the enemies of Great Britain.

This was not the whole conversation which passed between M'Lane and me; neither can it be expected that at this distant period, all the words, in the order in which they were spoken can now be distinctly remembered. Yet I believe that I have given a full and fair representation of the *substance* and complexion of our discourse.

M'Lane immediately left my house, and, I presume, returned into the U. States. His absence gave me opportunity for reflection. I improved it. In considering what I had done and said, I felt inward satisfaction, a conviction that I had done scrupulously right. However, the consideration of an expected invasion of this Province; of the horrors which would attend it, increased my desires to hasten my departure by closing my business here.



With such feelings, I waited on Mr. Sewell, and pressed him in the most earnest manner to expedite the final settlement of my concerns, that thereby I might be enabled to leave the country. Mr. Sewell, who was a man of most benevolent and humane feelings, had ever been opposed to my leaving the country. He had always deplored my want of success in business; and was most sensibly alive to the cause which produced it. He now observed my *increased* anxiety, and absolute determination on a removal with surprise. He could not readily understand why I should be more desirous *now* of hastening the close of my business, than formerly.

There had been, for some time past, suspicions afloat that mischief was determined against this country, from some quarter. Such suspicions had been made known to Mr. Sewell; and his penetrating mind immediately led him to suspect that I had a more ample knowledge on this subject than others; and that this knowledge created an increased anxiety for a speedy removal. He laid it to me in direct terms, but my mind was not made up for a communication—I was silent, and retired.

Mr. Sewell called on me, the day following, at my own house. He entered again with warmth on the subject. He observed, that my silence yesterday, confirmed his first suspicions that I had more knowledge on that subject, than I chose to communicate; that I was bound by every sentiment of moral rectitude, to withhold no such information. He abjured me by every thing solemn and sacred; by every thing near and dear; by every sentiment of honor and honesty, to unfold the mystery. He explained to me, in the most luminous manner, my duty to the Government under which I had, and yet continued to live; and, anticipating my own previous reflections on that point, clearly illustrated, by convincing arguments, that the obligation of my oath of allegiance remained in full force; and would so do, until



I had made an *actual* settlement in another country.

I heard Mr. Sewell with patience and attention. I wished for information. I wished to do my duty, uninfluenced by collateral considerations. I told him that I would take time for consideration; and would do what should appear to *me* to be right. With this, he left me.

My mind was much occupied thro' the day, and during the night, upon this important subject. A new train of reflections arose to my view, which had never occurred before. Should I make a discovery of the plot in contemplation, it would become publicly known that I was the informer. It would become known in that country, to which I was about removing. I well knew the enthusiasm which there prevailed in favor of the French interest. M'Lane had distinctly informed me that fifteen thousand of my countrymen were ready to enter the Province in a hostile manner. What then had I to expect from a country manifesting such a disposition, when it should become known that thro' me, all their fond expectations were defeated? My peace and safety would be endangered, and every prospect of success in business defeated.

Such were the considerations which presented themselves to my mind. Mr. Sewell called on me again; and I unfolded to him the serious impediments which stood in the way of a disclosure on my part. He appeared sensible of the weight of my remarks, and the justness of my objections to proceeding any further in this business. He again left me.

Again I was visited by Mr. Sewell. He observed that he had given the subject of our former conversation much consideration. He thought of but one way to obviate the difficulties which presented themselves to view—"the way which I have devised" continued Mr. Sewell "is to have a provision made for you in this country, equal to what you can fairly and reasonably expect, in the U. States. Then to relin-

quish your idea of a removal altogether." To this proposal I acceded with pleasure; and agreed, providing the contemplated provision should be made, to disclose what knowledge I possessed, concerning any plans in contemplation against the welfare of the Provinces.

In making this arrangement, I was fully persuaded, in my own mind, that my conduct and calculations were graduated upon the fairest scale of moral rectitude; that the most delicate mind could not be dissatisfied with such a mode of procedure. I had faithfully discharged every obligation, under which I was placed.—I had acted a more delicate part towards M'Lane than what he, or his friends, had any just reason to expect. I had likewise provided for my own safety, as well as the safety of the country, where I resided.

But a day or two had elapsed before Mr. Sewell, (still true to the cause of his country) called on me again, and said he would accompany me to *Quebec*, where he would use his influence, that such provision should be made for me to remain in the Province as would be satisfactory; which he did.—His brother, the present *Att'y. General*, communicated this to the Governor, and he directed him to assure me on the faith of Government, that the Township of Shipton should, as early as possible, be granted to me and my associates in lots of twelve hundred acres each, and that permission was at the same time given for me, with my associates to take possession of, and occupy the same as soon as I might see proper.—I shall here *note*, that I had often been importuned by people from the United States, who were making application for grants of Lands in this Province, to enter into the business with them, which I always declined, owing to the heavy expences attending such applications, and grants, of which I was well acquainted.

As I was determined to leave Montreal, I saw no

way more eligible for a comfortable livelihood than the one aforesaid; expecting at the same time that the grant would be attended with little delay and expence, but the sequel will show my mistake.

Every difficulty being now removed, I gave all the information I possessed on the subject, to the proper officers of Government, suppressing the name of M' Lane only; which I did not conceive of any import to communicate, at the present moment; and wishing to leave him on as eligible ground as the public safety would permit. In point of fact, wishing to extend every manifestation of friendship to him, which was any way compatible with public duty.

During the winter succeeding, I was busily employed in making arrangements for meeting the objects of my present attention, by forming a settlement on the land, to which I was now entitled. I neither saw, nor heard any thing more of M' Lane, or his expedition into Canada. I presumed it had died a natural death, in common with thousands of other schemes of wild and enthusiastic adventurers. However, in the month of May following, I received a summons to attend a Court of Oyer and Terminer, to be holden in Quebec, on the 12th of the June following,—I obeyed the summons; went to Quebec; found M' Lane in prison; and about to take his trial on a charge of high treason. This trial I attended, gave my testimony; and, so far was M' Lane himself from expressing any dissatisfaction at my conduct, or the nature of my evidence, that, in the course of his defence, he observed to the Court that “all the witnesses who have appeared against me may be honest men for aught I know; I have nothing in particular to object against them.”\*

\*See M' Lane's trial, page 77.

## CHAPTER III.

“ When raging winds the ruffled deep deform,  
 “ We look at distance and enjoy the storm;  
 “ Tost on the waves with pleasure others see,  
 “ Nor heed their danger while ourselves are free.

I have now gone thro' the relation of the connection which I had in the business with M'Lane. I have gone more minutely into the relation of particulars here, than what appeared in the publication of that trial. The relation of such facts only as went to substantiate the charges laid in the indictment, were the only requisitions then made on me. The publication has been before the world since the year 1797, and, I presume, will be found agreeing with this history of that affair. I therefore appeal, with confidence, to the good sense of every candid and intelligent reader respecting the rectitude of my conduct thro' the whole train of that unpleasant business.

Many causes existed, at this time, calculated to inflame the minds of people on the subject of Mr. M'Lane's death. The madness of revolutionary doctrines had spread far and wide, and infected people of every class and denomination. By such, whatever was connected with the French revolution—the French interest—the glorious cause of liberty! was viewed as sacred; and, whoever had the sacrilegious audacity to *speak* against it, much more to *act* against it, was beheld with horror and detestation; and deserving the execration of all mankind.

Many, who had flattered themselves with the accumulation of wealth, by the plunder of the Canadas, felt severe mortification, at being disappointed of their golden harvest, by the death of M'Lane; and of course, entertained keen resentment towards those who were instrumental in his detec-

tion and overthrow. In manifesting their resentment, they were restrained by no tender qualms of conscience—by no unprofitable regard to truth and justice. The French revolution, had introduced a new order of things. The musty ruins of ancient morality were exploded. The institutions, which, by the lapse and experience of many centuries, had acquired veneration from the wise, the good and the great, were scouted with contempt, from the stage of existence, as baubles too trifling for the amusement of children.

The great rule of faith, adopted by these new philosophers, was “liberty and equality;” this “liberty and equality,” consisted in forcing the new doctrines down the throats of others by fire and sword. Whatever promoted this glorious cause was virtue; whatever was opposed to it, or even partook of neutrality, was vice; and vice in her most horrid forms. Pious frauds, and the most barefaced violations of truth, when used to promote this divine object, were exhibitions of the most exalted and heroic virtue.

Such was the situation of the human family, at this eventful period; and such was the ardour with which they sought revenge against me, for the part which I performed in the M'Lane cause. I soon found myself subjected to the bitterest reproaches. I was held up to view as the murderer of M'Lane. On the other hand, and to make the contrast more striking, M'Lane was celebrated as the Martyr of Liberty; as the best among the virtuous sons of man; as giving his life a ransom for the happiness of the human family; as the very essence of goodness, innocence and virtue. The dark and insidious strokes of the assassin were continually made on my reputation. It was whispered among the multitude, that I had originally entered into the plans of M'Lane; that I had solemnly pledged myself to give all my exertions for its accomplishment; and that I had afterwards, in a most cruel and treacherous manner,

betrayed him for the reward of a township of land. That M'Lane, on his trial, and at the time of his execution, poured out the bitterest complaints against me, for my treachery. Ballads were composed, on this occasion, and sung in strains of mournful lamentation. Ghosts, hobgoblins, spectres and spirits, were introduced to garnish the scene.

Several Printers in the United States, entered spiritedly into this concern; and spread such reports far and wide. The coruscations of the "North Star," were particularly noticed on this occasion. This paper, (so far as it was known) had ever exhibited the outrageous goodness of the Editor. However, his scintillations were frequently of the sombre kind; and often made darkness visible. This being the case, children were frequently seen in groups, singing, weeping, and lamenting over poor M'Lane; and shuddering at the guilt of his vile betrayers.

This situation was very unpleasant; but, as the trial of M'Lane was printed, and in public circulation through the country, I was persuaded that the villainy of my traducers, would soon be unfolded, and the deception, under which the great mass of mankind labored, would be removed. In this pleasing anticipation, however, I found myself thrown out. It is true, this publication, was, on its first appearance, seized and read with avidity. But, when it was found to contain no trait of what was expected; no dying lamentations of poor M'Lane over my treachery; no ghosts, apparitions, hobgoblins or rawhead and bloody bones, it was thrown aside as totally unworthy of consideration. It did not contribute, in the least, to the amusements and pastimes of the multitude.

When M'Lane's trial appeared in print it contained nothing of the marvellous. It exhibited only a history of *old schools*. How then could such a book interest the feelings of those "new lights," who had

long since discovered its fallacy? This Book, in point of fact, was scarcely deemed worthy a place in the offices of Cloacina; it contained nothing to gratify the malignant; it was uninteresting to the credulous and superstitious. It was therefore neglected, and soon forgotten.

Yet, with the forgetfulness of the book, the slanderers of my character did not forget their malignity towards me. That was kept in full vigor of recollection: in unabated energy. Finding that they had no documents to support their scandalous representations, they continued and increased their former malevolence by dark and insidious declarations. They boldly asserted that the Government of this Province were fully aware of my treasonable practices with M'Lane, of my treachery towards him, and of my perjury on his trial; and consequently, that I was viewed with detestation, by those in administration.

Not long after this, I was appointed, by the Government of this Province, to the office of a Justice of Peace; and to the command of a Troop of Cavalry. This was a circumstance so directly falsifying the representations, which had previously been made, that, if the world would suffer themselves to be disabused, by any species of evidence which could be laid before them, they *now* certainly had the most conclusive testimony to produce that effect. It was adduced, by some of my friends, in answer to those who continued the roar of slander against me. My friends brought this subject into view, and not myself. I did not see fit to enter into any discussion with these great reformers of mankind. I maintained a total silence; resting upon the strong ground, that I was, in the eye of candor and justice, innocent, until I was *proved* guilty; or at least, until some *colour* of suspicion rested against me. So far from this, every evidence, which a reasonable man could desire, was pointedly in my favor.



To obviate the strong proofs which now appeared against my calumniators, they had recourse to villifying the Administration of this Province, which had conferred those offices of trust, honor and importance on me. These calumniators, in a great measure, were members of a neighboring country, which was convulsed, by political faction, to its very foundation, and was threatened with civil war; yet they had the hardihood and unfeeling effrontery to observe, "To one born and brought up in our *liberal and happy country*, where light and liberty have sought their last asylum; where merit and virtue are the *only* recommendations to office, it will appear strange that a man, covered with the foulest disgrace, should be promoted, by any Government. Yet, when we take a view of Great Britain, and all the ramifications of its Governmental departments, we shall see nothing but the vilest corruption and dereliction of virtue, in every vestige of her conduct; and, of course, no promotions which she can make; no countenance which she can shew; no approbation which she can bestow, can be considered as evidence in favor of any one."

Such representations were not only made at that period, but since have been repeated to me in person, by a man who very much wishes to be thought to possess both candor and information; who has frequently announced himself to the world as a man of uncommonly shrewd discernment. If the world has been so stupid as not to give him full credit for his declarations, it arises from no fault on his part—he has certainly *repeated* those declarations often enough.



## CHAPTER IV.

“Or with trembling hope she cast  
 “Her looks on hours of glory past;  
 “And burn again with virtuous fame,  
 “Her ancient honors to reclaim.

I must now call the attention of the reader back to the object which I have heretofore cursorily mentioned—that is to say, to the Township of land which was promised as a provision equal to what I could fairly expect, from my business and exertions in the U. States. This was one of the townships taken from the waste lands of the Crown in this Province; and finally granted, under the name of Ship-ton.

I was well aware of the hardships I had to encounter in this undertaking. To penetrate into a forest, the distance of fifty or sixty miles from any inhabitants, thro’ a pathless wilderness, where no roads, houses, mills, or other conveniences for the support of life exist; To transport provisions for subsistence, and the various implements of labor, is a task which those *cannot* fully realize, who are not individually and *practically* acquainted with it. However, I not only felt a willingness, but a pleasure in submitting to all those difficulties; because I did it under the full persuasion that it would, in a few years, enable me to meet all the pecuniary demands, lying against me; and, in addition to that, afford me and my family an ample support.

I made my calculations, and built my expectations upon what I had known, in many instances of a similar nature, in the U. States, where wild land, by settlement and cultivation was rendered more valuable, in a very rapid manner. I saw no reason why the same should not be the case here. I was not alone in this opinion. Many Americans, who were noted

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for good calculation and enterprize, had embarked in the same undertaking; and were impressed with the same expectations.

This township, which contained sixty four thousand acres, would yield me, after deducting the Reserves and the lots for settlers, thirty-eight thousand acres. The land was uncommonly fertile; and every way calculated, by its local situation, to increase in value, with more than usual rapidity, by settlement and cultivation. The settlement of these forests would be of national consequence. It would open resources to this country of great public utility; and afford articles of exportation heretofore unknown. It would facilitate internal intercourse and communication thro' all her different parts, by opening roads thro' her wilds.

Under these considerations, I fully believed that every exertion which I should make, in promoting this business, would meet the most cordial and decided approbation of this Government; and that they would gladly afford every needful encouragement, as the wants of the country should become developed by time and experience. Under this impression, I lost no time in arranging my surveying party; penetrating with them, into the wilderness, completing the survey; and making the return into the proper office, that the grant might issue of course.

I expected now to obtain the grant of my township without delay, or any further expence, of any considerable amount. Under this expectation, I took my family into the wilderness; and concentrated my whole force to this one object. I invited, and succeeded in obtaining, many settlers to co-operate with me in forwarding this new establishment; and in opening large extensive fields, smiling with luxuriant crops, thro' this gloomy forest. I had promised each settler a lot containing two hundred acres, as a compensation for his early beginning in the township.

The fame of this country, and the prolific nature of its soil, soon became spread abroad; and many people of property, of information, and of sound calculation came to explore and view the country, with the intention of purchasing and settling among us. However, at this critical period, a series of unfortunate events took place which ruined our fair prospects; and totally destroyed every hope that men of money; men who would be a blessing of an invaluable price to our country, would become our fellow subjects.

An unhappy dispute took place between the Governor and his Council, concerning the grants of land to be made to the various applicants, in the manner, and to the amount first in contemplation. This dispute was continued with warmth, for a considerable time in Quebec; and finally referred to England for a decision. This created delay for many years—much alarm attended this delay. The applicants were at the expense of sending an Agent to England to manage their concerns before the King and Council. During these years of painful suspense, suspicion, languor, and idleness succeeded. The emigration ceased; and the general aspect of the townships was covered with a gloomy despondency.

Those who had settled in Shipton, under my promise for land, became uneasy, as the delay of the grant was continued; and their own farms began to increase in value. They made loud and reiterated complaints. I was very desirous of quieting their feelings of alarm. It was just that I should. I made many journeys to Quebec—I spent much time there year after year, attended with heavy and destructive expense, both in money and time; to solicit the fulfilment of the promise made to me for my land, without success.

The cause was finally determined in England; and sent back to this country to be carried into effect. Some of the applicants received half, some a

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quarter and some the whole of their townships; however incumbered with conditions and expenses which were very heavy. When I had finally obtained my Grant, which was for the whole township; given the Deeds to my settlers; and counted the various expenses and drawbacks which had attended this unfortunate business, I found that the whole thirty eight thousand acres of land, which fell to my share, would not sell for money enough to cover my expenses.

In the room of realizing my fond and *reasonable* expectations of raising myself to that grateful situation, by my inexpressible hardships, and unceasing exertions, which I fondly hoped would enable me to meet the demands of my Creditors; the expenses attending this business; and a decent provision for my family, the unspeakable, mortifying consideration now presented itself of being more deeply involved than formerly. In point of fact, unless some extraordinary revolution, among the incidents of unstable fortune, should take place in my favor, my ruin must become inevitable.

The provision which had been intended for me, had in reality made me poorer than before. This misfortune, however, I seriously believe was never designed. I have every confidence in the original honest calculations of this Government towards me, when the promise was made: but the unfortunate course which this business had taken, entirely defeated the original object which was in contemplation.

It may be a matter of surprize to many who read this appeal, why I did not become entirely discouraged; and why I did not relinquish a pursuit which had been attended with such heavy losses and severe hardships. I will candidly declare that I have on a retrospective view of the subject, felt no little degree of wonder myself. Since the ardour of youthful enterprize has cooled; and the lapse of time has

mantled my head with the silver memorials of approaching dissolution, my faith in the delicate sense of justice, and the parental feelings of Government towards the subject, is greatly diminished; so much so as to be well aware that he who rests his hopes of support and protection upon simple merit alone, will ultimately find that he has built his hopes on a delusive foundation.

Many reasons had their effect on my mind, in my mode of calculating at that time, which will not readily appear to the reader; but which shall be my endeavor now to illustrate. When the Government of this Province had made me the promise of a reasonable provision, I sincerely believed they did it in good faith; and under those enlarged views of benevolence and justice as should really and effectually produce my final ease and comfort; not with the selfish design of the speculator, to make the best bargain that finesse and intrigue could effect. If this township, contrary to their and my expectation; and without any fault on my part, should prove unproductive, by unforeseen casualties, I fully believed that they would, in parental kindness, to a dutiful and faithful child, devise some ways and means to effect that in reality, which hitherto had been done only in name.

I had long become sensible that, under present prospects, the object of promoting my own individual interest was nearly or quite to an end: Yet by pushing the settlement of the new country; by ameliorating its situation concerning roads, mills, mechanics and every other public improvement, was promoting the general good of the Province; and greatly enhancing the value of the particular property belonging to the Crown. Such conduct, I did believe would not be forgotten, and ultimately rewarded. In fine, I was strongly infatuated with the idea that Government would do by me, as I had done by them.

That no blame could attach to my calculations or pursuits in the Township of Shipton is evident from the facts here stated; and likewise from the failure of every one, perhaps to the number of fifty, who had embarked in similar undertakings. That I had uniformly, and in every instance; been faithful to this Government, both in my public and private capacity, every day's experience made manifest.

As the Townships were settled altogether by emigrants from the U. States, it cannot be a matter of surprise, that this people retained many of their political prejudices, formed in early life, and become strong by long habit, in favor of the laws of the country from whence they came. This is the case with mankind universally. It must be the work of time to root out those prejudices; to disseminate information through the body of Society; and assimilate them to the *genius* of the Government under which they live.

Under this view of the subject, I neglected no means of gaining information of the laws of *this* country; particularly that part which related to the duties of a Magistrate. I uniformly endeavoured to discharge that duty uninfluenced by clamour; and regardless of personal consequences. I embraced every opportunity of spreading information among the people concerning the laws of the country; and inculcating the duties under which they lay, of relinquishing every idea of their former Government; and strictly adhering to that which they had chosen, and under which they now resided. My endeavors in this respect were crowned with a success beyond my most sanguine hopes; and were productive of the most salutary consequences. Moreover, I have the proud satisfaction to say, that in the whole performance of my official duty, even to the present moment, I have never met with a frown or censure from my superiors in office. Whether I have received a



corresponding attention from Government, the reader must judge from the sequel.

It may still be a matter of wonder to the greater part of mankind, why the Townships have so long languished in their population and improvements; when they, from nature, possess so many advantages, both of locality and of soil. What I have already said may be considered as some of the causes operating those effects; but by no means equal to produce all the calamities under which we labor. I cannot explain this case more justly and fully than by giving to the public a course of observations made to me, by a gentleman from the U. States, of extensive property, of great information and of the shrewdest discernment. This gentleman came to me with a wish and intention of purchasing nineteen thousand acres of my land; with the expectation of making a settlement on it, with his family.

He had ever preferred the British to the American Government; and had indulged the warm hope of enjoying this preference, by becoming an inhabitant of this Province. He explored and viewed my land with much attention. He likewise spent much time in making very minute inquiries into the nature of the country generally; and into the policy which the Government at home had adopted concerning the new Townships. After an investigation of many weeks, into these particulars, he finally relinquished the object of purchasing; and gave the following reasons for his final determination.

“Mr. Cushing, the price of four dollars per acre, which you set on your land, is small when compared with the real and natural value of it, both as it relates to its prolific quality, and to its local advantages. Had the future prospects of this country presented, in a political point of view, equally an agreeable aspect, I should not have hesitated to purchase, even had you demanded ten dollars the acre. I should have conceived my money well laid out at

that price. But, as the case now is, if you would make me a present of nineteen thousand acres of your land, on condition of occupying and improving it, I would not accept it. I should make a bad bargain and lose money by so doing."

"I have no doubt that those who have the management of this business, the political concerns of this country, wish to manage them to the best advantage,—but they are (however great in other respects) ignorant of the subject upon which they are called to act. In saying thus much, I, by no means, would be understood to represent those men as destitute of talent or good intentions. It is always the case that people are ignorant of a subject, where they have not the means of information. Those, who have the management of this country, have assumed an analogy between this and England, when, in fact, no such analogy exists; and, reasoning upon the presumption of that analogy, they will certainly make erroneous calculations; and such calculations as will prove ruinous to this country."

"In order to make myself more fully understood, I will point out to you some of the circumstances which will operate as a dead weight to this country in its progress to opulence and wealth, and which will defeat the very objects they were designed to effect."

"In the first place, I will notice the Crown and Clergy Reserves. These contain two-sevenths of all the land in the Townships; and these reserves are regularly intermixed with the other lots granted in free and common Soccage. You have been at the expence of surveying, not only your own lands, but likewise these reserved lands. You are also at the sole expence of making a first settlement, and doing all the public work necessary for the amelioration of the country. All the land is divided into seven parts, of which you hold five, and the Government retain two. Nothing can be more plain and obvi-



ously just, than that all the lands, which receive profit from labor and money, ought to bear an equal proportion of this expence. But supposing that five parts bear the whole burden, while two parts are wholly exempt from every kind of expence or trouble, and at the same time receive an equal profit. This is unjust; it is not only unjust, but it is impolitic—for injustice and *true* policy never were, and in the nature of things, never can be united."

"Let us place this business in another point of view. Let us suppose your Government had been at the *whole* expence of the survey of this land; of the Charter fees, &c., and then have said to you: "We will give you forty-five thousand acres of land, unattended with any expence to you, whatever, in a Township containing sixty-four thousand acres, on condition of your making a permanent settlement on each lot of two hundred acres: We will moreover contribute two-sevenths to the expences necessary for the general and public prosperity of the Township." Under this consideration, let us see whether Government would have made a good bargain. Her land, in a state of nature, was, at the utmost, worth five shillings the acre—altho' your vendues never have made it worth more than two shillings and six-pence. Her sixty-four thousand acres are worth sixty-four thousand dollars.—Her expenditures, for ten years, I will calculate at six thousand dollars more, so that she now has a property of seventy thousand dollars in the common concern; and ought to meet an ample return of profit. Your Government have retained nineteen thousand acres, in your Township: this land, at a moderate calculation, in the course of ten years, would have become worth ten dollars the acre, and consequently made the property, belonging to Government, worth one hundred and ninety thousand dollars."

"We should naturally suppose that people, exer-

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making fair calculation, would be satisfied with such an enormous profit upon their money; and would consider that they had *sold*, not *given*, you forty-five thousand acres, at a profit truly astonishing. By this arrangement the Government of your Province would enjoy a two-fold advantage. They would increase the general wealth and resources of the country; and greatly enhance the value of their own disposable property."

"But your Government have not made these calculations. Over greedy, they have "snatched at the shadow and lost the substance." They have made arrangements exactly the reverse of all this. They have thrown the *whole* burden, a burden under which you must inevitably sink, on you; and thereby sealed their own, and your ruin. I am bold to say that the country *cannot* prosper under this situation. How many countries in the world, which enjoy, from nature, the highest privileges, entirely sink in poverty and misery, by the nature of their political situation."

"It is an old and true saying that "trade will always seek its proper level." It is so in every other kind of business; and in none more prominently than that concerning land and agricultural concerns. The riches of this Province must always be derived from agriculture. Therefore a wise Government will always give every encouragement and countenance to this pursuit, well aware that every measure which has a tendency to cripple its interest will, in a direct manner, dry up the sources of her wealth and prosperity."

"The Townships, and other lands belonging to the Crown, offer a source of infinite wealth and strength to the public interest of the mother country, when duly and justly managed; when arranged and managed upon that fair and liberal plan, which is indispensably necessary for its prosperity;—but, upon the present system, all those benefits are lost—

may much worse than lost; because, after you have struggled with your difficulties many years, and ultimately sink under them, you will learn that your Government has dealt unfairly by you—that she has forgotten the kind care of a parent towards you, and endeavoured to take an ungenerous advantage of your confidence towards her, to load you with a burden which you cannot support. This will have a direct tendency to alienate your affections, and destroy that confidence which is ever the great strength of a Government.”

“I have now, Mr. Cushing, pointed out such difficulties as are enough to discourage me from purchasing and settling in your country, but I have not, by any means, yet brought the whole into view. An erroneous system, once adopted, produces a uniform train of evils which grow out of it, and are the natural products of the mother stock. This truth you will see abundantly verified in the plan adopted for leasing the reserved lots. In point of fact, you will see the original plan of injustice improved upon, and the same eager desire of wringing from the industrious labourer a large share of his hard earnings.”

“Calculating the Reserves to be worth one dollar per acre, the natural, plain and equitable method which presents itself for leasing those lands, is for a sum amounting yearly to the interest of the capital—that is to say twelve dollars on each lot forever.—The Government, in giving you a lot containing two hundred acres, give you two hundred dollars; and, of course, are justly entitled to an income from you amounting to the interest of their capital which they entrust in your hands; and you are as justly entitled to the use of the land, together with all the ameliorations and improvements which you make on it.”

“I am well aware that it is in the contemplation of your Government to have those lands, at a future period, increase in value, and consequently afford a much larger income. But, by whose labor and mon-

cy, does this increase in value take place? Not by theirs, for they pay no money whatever. It is by your means that their lands become more valuable; and let me ask you if it be just to appropriate your hard earnings, to their own individual use?"

"However, let us look, for a moment, at the plan which they have adopted, and see if it does not embrace a system of injustice perhaps never exceeded. They offer you a lot of land for twenty-one years only, at an average of about ten dollars yearly rent.—At the expiration of twenty-one years, the land, together with all the improvements which you have made on it, reverts back into the hands of the Lessor! Who is so ignorant as not to know that land, while in a state of wilderness, is of no use to the occupant whatever. Previously to his finding his land profitable, he must expend ten dollars, at the lowest calculation, on each acre, in removing the trees, and preparing his ground for the seed. Afterwards, it will cost ten dollars to the acre more to erect necessary buildings, making fences, planting orchards, &c. &c. so that, at the expiration of the lease, the tenant has twenty dollars, of *his own money*, on each acre, which your Government will take from him, and put in their own pocket! and one part of this money, obtained by such glaring injustice, is designed for the support of religion!!

"You may say, in reply to these remarks that the Government have a right to annex such conditions to their property, as they see fit—that they compel no one to accept their proposals, but leave every one to act a voluntary part. But let me call your attention again to the great importance, to every Government, to maintain the confidence of the subject in their paternal care; and let us see whether it be compatible with that confidence, even to make the *offer* of such a glaring piece of injustice. It shews to the subject, in the most unequivocal manner, their *willingness* to defraud him of his property."

“However, the idea is very erroneous, that the subject is left entirely to his own choice about taking these Reserves. There is a degree of necessity under which the settlers labour of having those lands occupied. They are so intermixed with the other lots as to become an incumbrance, while unoccupied. The means by which a new country is raised to prosperity is a rapid and general settlement. When the inhabitants form a compact society, they become mutually assisting to each other in forwarding the general and particular concerns of the society; and carrying many objects into effect, of indispensable necessity. It is impossible to form a compact settlement, when those Reserves are interspersed among the other inhabitants, and unsettled; so that two evils of a very serious nature present themselves, either to take those Reserves, incumbered with the unreasonable conditions, or live separated by eternal forests.”

“Thus you see, that in every point of view, such arrangements are not only impolitic to the highest degree, but are likewise glaringly unjust; they, in point of fact, are ridiculous; and will be attended with the most fatal consequences to the prosperity of this country. By such means, a class of inhabitants will be introduced, which ought to be kept out. Another class will be kept out, which ought to be introduced; and which is undoubtedly necessary to its prosperity.”

“The expenses in making a first settlement in a new country, are very considerable; and ought to be met by men possessing both means and calculation. People of property, are more generally people of sound calculation, of industry, and of regular habits: they are consequently capable of making such arrangements, in their first settling, as will facilitate, not only their own individual advantage, but likewise the general advantage and prosperity of the country at large. They become an example to

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their poorer neighbors, and by their example and council, inspire them with a spirit of emulation to industry, economy, harmony and peaceable practices. By such means the strength of society becomes increased and united to one point (viz.) the general and common prosperity. The energies of such a society are directed with wisdom, and thereby become capable of effecting objects of great magnitude and utility."

"Having now had a view of what *ought* to be the case with a new country, let us look, for a moment, on what *actually is* your situation. By the Reserves you are divided from each other by everlasting barriers. The poorest among the poor will be the only people who ever think of sitting down on them; and such as never dream of paying any rent; or expending much labor on the land. Such men are a dead weight on Society. If they possess such qualities from nature as to make them valuable members of the community, they will, in this situation, soon lose them. They cannot but reflect, that every day's work they do on their land is finally to result to the advantage of another and not to themselves. They have no object to stimulate their ambition to industry; they, of course, become idle, dissipated and worthless; totally regardless of private or public prosperity. Their example becomes contagious, and, by slow and imperceptible degrees, infects the whole body of your society."

"Under this situation you will find the enormous rents which have been expected from these Reserves, evaporate in smoke; the country will dwindle into insignificancy and poverty; and those fine tracts of land, which might be made of invaluable advantage, both to individuals and to the public at large, lost to itself, and to the Government."

"However, the embarrassments of a political nature, which I have already mentioned, do not, by any means, compose the whole catalogue which hangs



over this country; and which ever will prevent its growth. Your Townships are not incorporated, so as to enable you to make rules and regulations for the management of your own internal concerns.— Every Township has its separate and particular interest, which it ought to have the power to manage; such as opening roads, erecting Churches, establishing Schools, &c. &c. &c. Such concerns call for the united efforts of the Township; and none can estimate the wants; calculate the resources, and direct them with so much economy and wisdom as the Township itself. It feels its own wants, and from mutual consultation, can determine when, and how, they can be removed. If they must depend on foreign aid, direction or control, it is attended with expense, delay, and want of proper concert.”

“When you are thus united by incorporation, it concentrates, not only the energies, but likewise the *feelings* of the inhabitants. They are frequently called together on the business of the Township:— They feel a common interest; and, of course, insensibly contract an affection for each other, like members of one common family. In such social interviews they enjoy many opportunities of giving and receiving information; and of negotiating many concerns of their own private affairs, highly beneficial. They become habituated to do their Township business with order and regularity; and, from that consideration, are insensibly led into the practice of system in the management of their private concerns. It likewise creates a degree of emulation and of rivalry between the Townships, to out-do each other in their public works; hence excellent roads would be established in every direction. This “*esprit de corps*” would moreover excite the emulation of the inhabitants of one Township to out-do those of the others in their agricultural pursuits, both in quantity and the excellency of the quality. This would lead to improvements every day, of the high-

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est consequence, in a public point of view—all these advantages are lost to you in your present situation.”

“Another great inconvenience, which attends this country, is your road laws. In my last remarks I have incidentally noticed that subject already, but it requires a further illustration. According to your present system, you cannot get a road established without considerable expence, in the first instance, by procuring a Grand Voyer from a considerable distance to visit you; to view your country; and then to decide on the place for your road. Should your Grand Voyer happen to be acquainted with the interests of a new country (the greater probability is that he will not) and can make accurate calculations on every circumstance which has a bearing on his subject, he may, among the number of possibilities, establish his road correctly. However, in that case,

he cause is subject to litigation and much procrastination, whilst you are suffering for the want of your road. But, should your Grand Voyer be ignorant of his business among you, which I presume will happen nine times out of ten, the only recourse he can have, is consulting the inhabitants; and, being a stranger amongst them, knows not who possess the most accurate knowledge on this important subject: of course he is under the necessity of giving a preference to the plurality of voices and strength of clamour. In this case the “Proces Verbal” of the Grand Voyer will almost certainly be contested and set aside by the Court, which leaves you, after all your expence, trouble, and waiting with impatience, where you began!”

“The business of establishing roads, requires much sound calculation, combined with a local knowledge of the most critical kind. And who so well fitted for that business as those who reside on, and are constantly and practically acquainted with the land, with all its various bearings and future prospects? Good roads in *any* country, are of prime considera-



tion; and ought to be obtained with the least possible delay or difficulty."

"But after you finally get your road established, by due course of law, what means are at your command for making it? Can you compel the King and the Clergy to make two parts out of seven through your country? You know you cannot. For example, every man living in Shipton is required, by law, to make the road across his own land, but what advantage will your road be, when you find it immediately stopped by a Reserve?"

"I have not yet enumerated all the difficulties which await you on the subject of roads. Much of the land in the Townships is already owned by absentees—much more will probably fall into their hands hereafter. Will those absentees assist you in making roads, and other works necessary to the general interest of the country? You have no law, by which you can compel them. It is true, their own interest would induce them to do it, if it were well understood. The common dictates of justice likewise would have the same influence, if attended to: because nothing can be more plain than that a man ought to bear his equal proportion, in the expence of enhancing the value of his property, in common with others interested in the same property. Yet the true interests of a new country are so little understood in this Province generally, that those rich absentees will never contribute one farthing towards ameliorating the situation of the country, so long as they are persuaded their interest is increasing in value, by the means of your labor and money."

"Having said thus much on your road concerns, I will proceed to the consideration of another circumstance of great disadvantage to this country, viz. the mode of conveying landed titles. You have no offices, by which the accurate situation of landed property can be ascertained by the purchaser; and, of course, an opening for fraudulent transactions so fla-

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grant, that no man of money and prudence, will venture to risk his property upon so uncertain a foundation."

"Another disadvantage attending you is your laws. They are foreign to all the habits and feelings of the Americans; and published in a language which they do not understand. By that mean, they cannot inform themselves, when they have a wish so to do. That every opulent farmer should become a lawyer and practicing attorney, I, by no means, think necessary: Yet, that every person of that description, ought to have a sufficient knowledge of the law of the country, where he resides, to enable him to do common business with correctness; and to be a guide to his neighbors, is a truth beyond question. Every wealthy farmer ought to know enough to discharge the duties of a Justice of the Peace, a Grand Juror and a Coroner, with that degree of accuracy and despatch as to be an honor to himself, and to the government under which he acts. By such means men have the pleasing and laudable satisfaction of becoming useful and respectable members of society."

"Another, and if possible, more fatal consideration presents itself—which is a jealousy, on the part of your government, of the American character. In pursuing a line of policy dictated by that spirit of jealousy, they will adopt those contracted measures which will greatly injure you; and, ultimately, prove detrimental to themselves. Oppression never yet made a loyal subject. It has been tried, since the existence of society, and always failed.—Yet mankind—the great, the wise, the sagacious, will not learn from such abundant experience. They will believe it absolutely necessary to keep those subjects in a low, depressed situation, of whom they entertain fears and doubts. When the subject feels oppression, he will resist. It is the first principle of existence and self preservation. On the contrary,

when people *feel* the arm of protection, of encouragement, and of help, they will become affectionate and faithful: The human heart is formed of such materials as to produce such consequences from necessity."

"To illustrate this truth more clearly, look at the situation of England and Scotland until the year 1746. These two kingdoms were continually carrying on the most cruel wars against each other. The policy of England was to keep the Scotch in the most abject state of degradation. The Scotch felt it; resented it; and resisted it. However, the great Earl of Chatham, fortunately for the two kingdoms, fortunately for mankind and for the cause of humanity, viewed this subject extremely different from his predecessors. He adopted an entirely new system. He applied his measures to the *affections* of the Scotch, and was successful. He treated them as brethren, entitled to all the rights, privileges and considerations, equally with their southern fellow subjects. The consequences were most happy.—From a turbulent and factious people, they have become as loyal as any part of His Majesty's dominions."

"It has been the case, in a remarkable manner, with the governments of Europe to exercise such a line of policy in the management of their Colonial concerns as to destroy the connexion between the Colony and the Mother Country. France, Spain, Portugal and England have all suffered losses of the severest kind in consequence. Had the enlarged and manly policy of the Earl of Chatham prevailed in the British Cabinet, under the Administration of Lord North, I am bold to say that the happiest connexion between her and her Colonies (now the United States) would have continued undiminished to this very day. But unhappily the reverse was the case. Lord North had recourse to the stern mandates of authority, supported by fear. He never ad-

dressed himself to the nobler passions of the heart : and the colonists had drank too deeply of the spirit of the British Constitution, to bow to such a mode of government."

"Should this country ever become so populated as to require the establishment of new Districts among you for the administration of Justice, although the whole population should consist of Americans ; and the establishment made for the express purpose of their accommodation, yet you will find that not a single American will be promoted to any office of emolument and honor in the District ; particularly, if Europeans can be found who will condescend to fill them. In fact, every office worth attention, will be given, not to you, who have made the country what it is, but to strangers. What is the language spoken by such appointments ? They say to you, in the most unequivocal terms : ' You are all either rogues or fools ; and are unworthy of confidence or countenance.' I submit it to your good sense how such language would operate on your feelings ? Mankind will bear supercilious contempt with less patience than any other injury. If you complain, your complaints will be treated with silent contempt ; or bitter reproaches for your restless and turbulent conduct. Such difficulties will create a sore which will ultimately break—and woe to the country when that shall take place !!"

"Human nature is formed with such principles as unavoidably to produce such effects. Extend the liberal and manly token of confidence, and you thereby gain the affection and attachment of the subject. On the contrary, when you withhold that confidence unjustly : when you treat him as unworthy of honorable notice and attention, you alienate his affection, and destroy every laudable ambition to make himself an object of confidential regard."

"I have no idea that your Sovereign wishes unhappiness to one of his subjects. On the contrary,

there is no Monarch who ever possessed, in my opinion, a more paternal heart; or a more cordial desire to extend happiness to all his subjects, through his widely extended dominions. But it is impossible for him, personally and wisely, to superintend the interests of all his subjects; more particularly those who are at so great a distance as the inhabitants of this Province. This duty he must delegate to others, which is done to a Governor, who is sent to reside in, and superintend the concerns of the Province. This selection of a Governor is undoubtedly made of a man who is well acquainted with the various interests of an *old* country; but does that qualify him to understand the wants and interests of a *new* country? They are as dissimilar from each other as light to darkness. If this Governor should prove to be a great and good man, anxious to learn the true state of his government and the means requisite to promote its prosperity, when turning his attention to the Townships, will he take a back-load of Pork and bread, swing his pack, and penetrate into your forests, in order to make himself minutely acquainted with the nature of your country and the fostering plans which you require? You cannot expect it.”

“Inquiry then must be his only resource for due information. This must be made, of necessity, from those who surround him. You will find this class to consist of Military officers, Merchants, and those attached to the civil Departments. Can he gain correct information from them? As well may you expect a dissertation upon the art of skating from an inhabitant of Congo. The information, which the Governor will obtain from this quarter, will prove highly detrimental; for they will all unite in representing you as a grade below the savages; as little worthy of attention, or gubernatorial consideration. This will be very natural. It will serve to shut out the Americans from any part of the ‘loaves and fishes;’ and, thereby, leave a greater share for the other orders of society to enjoy.”

“Foreigners, totally unacquainted with your habits, manners and customs, will be sent into your country, to fill all the offices of *profit*. They will, as ever has been the case, consider themselves, as a superior order of beings, to the inhabitants of the country. They will claim this superiority in consequence of their *birth!* being natives of Europe!! This has uniformly been the case with the natives of *modern* Europe. We may rationally expect it will take place again in this country. They will likewise claim a superiority over you, in consequence of being thought worthy to superintend and govern a people, who were altogether incapable of managing their own public concerns. In this respect they will reason exactly as the government has done, which appointed them. They will conduct towards you accordingly. They will treat your manners, customs and habits with ridicule and contempt. They will require from you implicit obedience and submission to all their customs, however absurd they may appear to you. This will produce collision, altercation and discord between you and them. Both parties will complain. Government will always *lean* to the side of their own officers; and you will gain the name of a factious, uneasy and difficult people to manage; a people requiring the utmost severity to keep in a due state of subordination.”

“You may wonder at my pretending to predict the future events and political proceedings of your government towards you, so long before hand. I do it by calculating upon the system which is *already* adopted. That system will assuredly lead to the results, which I have described, but very imperfectly.”

“I have now Mr. Cushing lightly touched upon some of the most prominent difficulties to which you are subject; and which will retard the growth and prosperity of your country. Time and experience will inform you that other countries, no better situated than your own, both in point of local advantages



and soil, will rise to opulence, splendor and great strength, whilst yours will languish; and continue on the back ground, perhaps for centuries to come.— The inhabitants will grow poor, idle and shiftless. Twenty years hence, they will not be so well provided with the necessaries of life, as at the present moment; when they ought, and would, with due encouragement, make, from their surplusage, immense exportations. Such is the history, not only of the American character, but the character of *man*. Such consequences will follow irresistably their causes; and no human exertion can prevent it.”

“Justice and true policy are inseparably connected together. However much mankind may flatter themselves that they can devise ways and means more beneficial than those tempered by justice, they ever have, and they ever will fail in their expectations. It is so ordered by the high behests of heaven; in the very nature of things; and fixed by immutable laws, that injustice generates destruction. When that truth, which every day's experience demonstrates, becomes *practically* understood thro' the world, mankind will form a happy community; and the golden age of the poets will be realized.”

“You, Mr. Cushing, have penetrated into the forest; encountered the various difficulties and hardships which a first settlement presents; formed, as it were, a new creation of your own, out of this chaos; contributed highly to the general good of the Province, by enlarging its wealth and resources; and greatly enhancing, by your labor and money, the individual property of the Crown and Clergy; at least to as great a degree as man, unaided could do—then, after all your public merit, should you find yourself neglected, in the appointments to honor and *profit*; particularly in your own country, suffered to languish in poverty and obscurity in your old age, after your strength was spent in public service, and strangers, who had borne no part in the “heat and bur-

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den of the day" sent among you, to fill all your offices of *profit*, would you be satisfied? Could you believe that fair and impartial justice had been exercised towards you? You could not. Common sense would not allow it. You might be silent; and discover your dissatisfaction to no one; but would that prevent your *feeling* the wound? Would it not rankle in your heart, and greatly corrode your enjoyment? If you live to become an old man, all these things you probably will be called to see and experience."

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## CHAPTER V.

"And fail not as we pass thro' life's bad road,  
 "To wound the unguarded traveller! witness you  
 "Who groan distress'd beneath oppression's scourge;  
 "Ingratitude's sharp tooth; the canker'd tongue  
 "Of slauder; fortune's loss; or bitterer far, the loss of fame.

NOTWITHSTANDING the gloomy picture which this gentleman had drawn of the prospects before me, I did not *then* experience much despondency. I trusted much to my own exertions to promote the general good and rising fame of this new country. I well knew, however, that many of his remarks concerning our *present* situation, were well founded: yet I had the consoling consideration of believing that all these calculations would be altered for the better, as soon as the Government should gain information. I did not then think that much time would be requisite for this information. I was determined, at all events, to perform my own duty faithfully to that country in whose service I had embarked; and risk the consequences. I had not a doubt of meeting every degree of support and assistance which was just.

I had unlimited confidence, that those, who were



in administration, would duly appreciate and reward my public services; and that any embarrassments to which I might be exposed, in the discharge of my duty, would be humanely felt, and generously relieved. From a continuation of the relation of a train of facts, the reader will draw his own conclusion, whether I was an accurate calculator; and had a competent understanding of the history of man.

I now found that the Township of Sipton, together with the other Townships, labored under severe inconveniences from the want of roads to communicate with each other; and to form an outlet to our principal towns, from whence we might bring our necessaries. In order to effect this desirable object, I solicited a meeting of Agents from the several Townships, in order to enter into some measures to accomplish this purpose. A meeting finally was holden; and an agreement entered into to open a road from Sipton to the Canadian settlements near the village of St. Francois, a distance of forty-three miles from Sipton, thro' a perfect wilderness. Fourteen miles of this road fell to my share, which I opened, without delay, at the expence of fifty pounds, without any remuneration or compensation from any one whatever. The opening of this road greatly relieved the wants of the inhabitants; and seemed, for a time, to give new life and animation to the country.

Mills being wanted for the use of the inhabitants, I erected mills, both for the manufactory of flour and boards. The labors of the farmer were richly rewarded by abundant harvests of corn. Hay and grass yielded luxurious crops. Flocks and herds were uncommonly prolific. Animal strength, combined with that of man, facilitated our industrious exertions. The hum of business and labor was heard in every part of our forests. Man was united to man in the social ties of affection. There was a mutual dependance pervading all the members of our society, which endeared us to each other; and greatly

sweetened the toils to which we were subject, and the privations which we endured. Our tables were ever spread with alacrity, for the stranger and needy, if not with luxuries, yet with substantial food, the products of our own farms. If we could not accommodate our friends with a bed of ider down, yet we could, and did present them with a bed composed of hemlock boughs laid on the floor made clean and neat with the broom, where the balmy charms of sleep were not unsuccessfully courted.

The farmer, who had occupied his land for a few years, was able, from the surplusage of his crops, to sell provisions to the new comer, and receive his pay in labor. Mechanics, such as the blacksmith, carpenter, shoemaker and mason, were established in the country, by whom our wants were lessened; and our provisions, the current coin of our country, constituted a ready and convenient mode of payment. In fine, our whole concerns flowed in an easy smooth channel: and held out the most alluring prospects of future prosperity.

This was our happy and prosperous situation when events took place which covered our fond expectations—our fair prospects, with clouds of deep obscurity. The circumstance, which I have heretofore mentioned, of withholding the grants of the lands for many years, gave the first alarm. The various difficulties which the Reserves produced, began to be felt; and that subject, which before was very improperly understood, now open'd more fully its deleterious effects. Many considerations, before unthought of, were, by the more discerning, now taken into view; and produced unhappy effects to the growth of our country. Many left the country and returned into the U. States. This was the case with the whole of the inhabitants of the Township of Ely, after enduring incredible hardships, in making their farms.

It may appear, to such as are unacquainted with

the subject, that the difficulties and embarrassments, attending the first settlement of a new country, are not so great as here represented. In order to illustrate this point more fully, I will enter into a detail of the difficulties which a first settler has to encounter. He has a pathless wilderness to penetrate, and, of course, can receive no assistance from horse, ox or carriage. He must perform his tour on foot. In order to effect this, he must carry on his back a musket, ammunition, ax, blanket, fire works and provision for ten days. This, altogether, will form a load of about 80 lbs. With this load he will be able to travel twenty miles per day. He must halt before night, in order to build his camp, cut his wood and make his fire to cook his victuals. Then he will be three days reaching his place of destination; and this done with a degree of fatigue totally indiscrible. When he arrives, he finds provisions to support him only for seven days. One day is unavoidably spent in erecting a camp for his future shelter, and making some little preparations; of course he has four days which he can devote to labor on his land, in cutting down trees; at the expiration of which, he has only two day's provision left to carry him again back to the haunts of human beings; and is thereby compelled to re-trace his former steps thro' the wilderness, with his accustomed paraphernalia, in order to obtain a recruit of provision.

This obtained, he returns again to his lonely and excessive labour. During the summer, he finds he can clear and prepare for a future crop, about two acres, by thus alternately working and bringing his provisions. At the close of the season he returns again to the inhabited world, where he continues until the month of April succeeding. He then is necessitated to transport his wheat, four bushels, for the ground which he has prepared the preceding year. This will require, at least, eight journeys thro' the wilderness. After he has arrived with his last load

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of wheat, he must again traverse the forest in quest of more provision to support him, whilst he is committing his seed to the ground. Having the help neither of oxen or horses to harrow the wheat into the soil, he is compelled to substitute the hoe, and that used by his own hands, which requires ten times the labor.

After he has finally finished his laborious task, the same routine commences this, as did the year before, of alternately laboring on the land and transporting provisions, until the month of September arrives, when his wheat become prepared for the sickle.— After cutting his wheat, he must transport the sheaves on his shoulder to a place of security. At this moment he finds the great burden of his difficulty removed. Altho' there is no mill at hand to manufacture his wheat into flour, yet rather than submit to the fatigue and loss of time, in perambulating the wilderness, he chooses to subsist on boiled wheat.

Again, at the approach of winter, he returns to his family, and to the habitations of man. He hires, at the approach of spring, a number of men to assist him in transporting his family, on Indian sleighs, thro' the forest, to his hut in the wilderness. He takes with him a coffee mill, by which he can, now and then, make something like meal, in small quantities, which, when baked, forms a wretched substitute for bread. Yet their chief subsistence consists of boiled wheat. He now finds more time for working on his land. He is under no necessity of travelling after provisions, or seed for his ensuing crop. After committing his seed again to the ground, he finds himself able to prepare four acres for wheat for the year ensuing. In July he cuts the hay growing on the ground, he first cleared; and finds sufficient to support a cow thro' the approaching winter, which greatly promotes the means of sustenance for his family. Towards the close of winter, he procures himself a pair of oxen, with the appropriate para-

phernalia. With the help of his oxen, he finds himself disencumbered from many difficulties; he is able to perform much more business than before.— Yet with his cow and oxen he meets with inconveniences. After working his oxen thro' the day he must turn them loose, at night, to seek their food, in the forest. Frequently they wander far, and are not easily found. Another serious difficulty occurs. When he breaks his chains, ax, or any tool, he must again travel thro' the wilderness, to get them put into repair. He even has to go the distance of sixty miles to grind his ax.

Such are some few, out of the many hardships, which a first settler is called to encounter, in a new country. And when he has submitted to, and overcome them, I will refer it to any man's good sense, what must be his sensations at finding all his labors proving worse than abortive?

“The grateful hunter, when his horse is old,  
 “Wills not the useless favorite to be sold;  
 “He knows his former worth and gives him place  
 “In some fair pasture, till he's run his race:  
 “But has the laborer in the Townships done  
 “Less worthy service, tho' not dealt to one?  
 “Shall we not then contribute to his ease,  
 “In his old haunts, where ancient objects please?”

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## CHAPTER VI.

“It suits me well to mingle now  
 “With things that never pleas'd before;  
 “Tho' ev'ry joy is fled below,  
 “What future griefs can touch me more?”

Not many years elapsed before my creditors began to press me seriously for their money. My lands, I could dispose of, to settlers for provision, oxen, cows, sheep or horses; but this kind of pay-

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ment would not cancel my debts. Cash was the only medium which would cover those demands. Lot, after lot, was finally sold at Sheriff's sale, for the most trifling sums, until, at last, the whole of thirty-eight thousand acres was sunk in the gulph of ruin; and fell into the hands of people who did not reside on the lands, or in the townships. I found none but poor people would emigrate into our country. Men of property, who could command cash, would not venture their money in purchasing land where so many *future* disadvantages presented.

For the period of twenty years, I maintained the unavailing struggle. I ultimately sunk under the weight of the accumulating difficulties which environed me on every side; vainly flattering myself, and my friends, every year, that our embarrassments would be removed. Petitions, remonstrances and memorials were presented, without effect or attention. All my labors and indescribable efforts for the general good, were looked at with perfect apathy. All my earnest solicitations were answered with "you have already received your reward for your services; and a great reward too. Why will you trouble us everlastingly? If you have improvidently squandered the property we *gave* you, you must abide the consequences of your own misconduct."

It was not always the case that I was honored with this consoling answer. Silence, very frequently, was the only return I could obtain. One *Gentleman*, in a particular manner, who is universally noted for his *liberality*, his good sense, his suavity of manners and his *benevolence*, was constantly making such remarks, attended with sarcastic taunts upon the Yankee character. Silence or reproof was the only answer which he ever *advised* to be given to any of our applications. As this *Gentleman* was constantly whispering in the Governor's ear, it cannot be thought surprising that his remarks should have

some effect; particularly, when it is taken into consideration that we had no "cousin" about the court to disabuse the vice-royal ear. As this *Gentleman* "looked with abhorrence to old England's trusting to such a cursed and debased Government as that of the U. States," he wished, I presume, to exercise his spleen on all who had the misfortune of being born in that "accursed" country.

Notwithstanding all these discouraging, mortifying and gloomy considerations, I was determined to fulfil *my* duty, both of a public and private nature, under the *feeble* hope, that time and more correct information would finally produce the remedy to the many disappointments which I had demeritoriously experienced. At any rate, I consoled myself with *deserving* success, if I did not gain it.

One fact, I will take the liberty to relate, out of many which constantly occurred, in order to shew the unpleasant situation in which I was placed. My Troop of Cavalry, I had brought to a high state of discipline and military ardour. This cost me much time, labor and money, unattended with any remuneration. I had expended so much money in this pursuit, and I felt myself so seriously embarrassed from other disappointments, that I could not consistently proceed to further expenditures of a similar nature. A meeting of the Troop was warned. Some members of this body lived at the distance of fifteen miles from the place of meeting. It became indispensably necessary that some refreshments should be provided for the men, on the occasion. I ordered my son to make those provisions, and take a compensation from those who chose to partake. He accordingly purchased a small quantity of liquors and other provisions, which he dealt out to the Troop, and received from them the *same* sum of money which he had expended.

An envious and avaricious individual, chose to complain to the Court of Sessions, against my son,



for selling spiritous liquors without license. He was fined forty dollars, with costs of suit. I laid this case before the Governor, by petition, and prayed for a remission of the fine, on the ground that my son had thus done in obedience to my orders; that those orders were given to promote the public service; and not for private emolument; that, if the *letter* of the law condemned this act, yet the *spirit* of it entitled my son to a reward rather than to punishment. However, this petition met the common fate of others; and I obtained no relief.

Necessity finally compelled me to resign my commission. In pursuing the duties of a Justice of the Peace, I found innumerable difficulties to surmount. In the first place, these duties were very little known among us; and what was far worse, no code in print, or even in manuscript, by which those duties could be learned, as applicable to this Province. "Burns' Justice" was the only authority to guide us in our official duty. A great part of the doctrines and cases, laid down by Burns, were wholly irrelative to the laws of this country. There was no rule of discrimination between what was, and what was not the rule of practice. It took me much time, attended with considerable expence, to gain this very necessary information. I had no way to obtain this, but thro' official and professional characters.

In as much as I had received and accepted the appointment, I was resolved to gain such a degree of information, as requisite to give me a competent knowledge of the nature of my official duty; and then to pursue it without deviation: and I have the proud satisfaction of being able to say, at this day, after a discharge of that duty for more than twenty years, that never a frown or a censure, from the higher Courts, has ever been manifested, in one solitary instance, concerning my proceedings as a Magistrate.

However, if I met with no difficulties from the



Courts, and other high authorities, I encountered unspeakable perplexities from the common people. This took place generally thro' ignorance and prejudices; contracted by early habits. This was a source of more difficulty than a refractory disposition; and for several years, my exertions in doing away their prejudices; and directing them into the genius of our own laws, were attended with the happiest effects.

There ultimately moved into Shipton a man, who brought with him considerable property, by leaving heavy demands against him in the U. States. This man had held the situation of Colonel of Militia and high Bailiff in the country from whence he had fled. He possessed an unbounded ambition for popularity and riches; and left no means unattempted to gratify those favorite passions. He was restrained by no squeamish adherence to moral rectitude—the end always justified the means. Tho' very illiterate and uninformed, he had a wonderful facility of imposing on the multitude, by confidently pretending to extensive knowledge on subjects, of which he was totally ignorant. He particularly made great pretensions to extensive information in the science of law.

His bold and imposing conduct had but too much influence on the ignorant multitude. Whilst he continued in the country, he was the source of much perplexity to me, in the execution of my official duty. He kept the country in a continued tumult, turmoil and confusion, by party faction and cabal. However, the crimes of perjury and forgery being about to be brought home against him, he saw fit once more to abscond; and seek, in another country, a new theatre for the display of his talents.

During the time of his residing in Shipton, his great object was to draw the attention of the inhabitants to himself, as a guide, director and counsellor. As I possessed some influence among these people, he found it extremely convenient, in the furtherance

of his plans, to destroy that influence, in order to enable himself to act with unlimited controul among this people. To effect this, he left no means unattempted to embarrass my official proceedings. He was constantly representing my conduct as a Magistrate, unjust, oppressive, arbitrary and illegal. Two instances I will only relate, in order to shew the general nature of his conduct; and the consequences resulting from it.

In the year 1812 orders were issued from the executive part of our government, in consequence of the war between the U. States and Great Britain, to every Justice of the Peace thro'out the Province to call on the inhabitants to appear before them and take the oath of allegiance; or to leave the country: with the most positive directions to commit all to jail who should neglect or refuse to comply with these injunctions. In obedience to these orders, I immediately issued a notification to all those residing in Shipton, to appear, forthwith, and take the oath required; or else immediately leave the Province. On this occasion, our renowned Colonel exerted himself to dissuade the people from complying with the requisition; alledging that this was a new proof of my acting from my own arbitrary disposition, unauthorised by any adequate power.

In this instance his success was trifling. His remonstrances did not ultimately influence any, except one poor, harmless, simple old man, who obstinately refused to take the necessary oath. As he was a character by no means dangerous, and extremely ignorant, I considered myself justified in exercising some small delay, under the hope that reflection and information would bring him to a sense of his duty, without proceeding to extremities. I used many arguments to convince him of his error. But alas! his intellects were incapable of comprehending the force of an argument. His obstinacy was equal to his ignorance; and I was obliged, ultimately, to commit him to jail.

Had I been invested with discretionary powers, I should not have committed the old man; because, I knew, from a personal acquaintance, that he wished no harm to any cause; and could do none, if he had wished it; but my orders were imperative and absolute. I had no discretionary power entrusted to me; I must obey the orders, such as they were.

Immediately after, the worthy colonel, altho' he himself had been the sole cause of the unhappy event, and ought, in strict justice, to be the subject of imprisonment, raised a loud outcry against me, for such a barbarous and cruel piece of conduct: and, indeed, this outcry had no small effect upon the great mass of mankind; particularly among such as were acquainted with the old man. They knew him to be an inoffensive character. They knew that there was nothing to fear, either from his disposition, or his abilities. They were informed that I had committed him under the pretence of his being a dangerous person. They could see no propriety in such a transaction. I did not see fit to run about among the multitude, to explain the reason upon which I acted.

At the subsequent sitting of the Court of King's Bench for the District of Three-Rivers, this old man was brought before the Court, where much exertion was made by the *Colonel* and his partisans, to prove that I had, maliciously and unjustly, committed the prisoner without cause. The Court heard them with much attention and patience; and ultimately declared that, if my conduct was censurable in any point, it was on account of shewing too much lenity, by not committing him immediately and without delay.

This determination of the Court, it is true, destroyed all hopes of obtaining any legal crimination, in consequence of my barbarity towards the poor old man. But it did not prevent the popular clamor, which had before been raised; and which continued

and increased against me. This likewise was coupled with my treachery and cruelty to poor M'Lane, and made no inconsiderable disturbance thro' the Townships.

One more anecdote, I beg leave to relate concerning the difficulties I had to encounter and surmount in the execution of my duty as a Magistrate; and I will trouble the reader with no more: because these two will form a sufficient criterion for him to judge of the cloud of vexatious perplexities attending the duty of a Magistrate of the Province of Lower-Canada.

During the war between Great Britain and the U. States, orders were issued to the civil authorities, thro'out the Province, to inhibit and prevent all intercourse between the inhabitants of the two countries, except in certain specified cases; and that those cases of exception should be under the control, inspection and superintendance of the Magistrate. At a certain time our noted colonel fell in with a person at the Line, who was a subject of the U. States, and was desirous of coming into the Province in order, and for the sole purpose of receiving a certain sum of money, due to him from people in Shipton. The colonel directed him to come secretly to his house—to continue there unknown to me, until he could arrange his business and depart.

Having received information that a man from the U. States was secretly lurking about the place, I immediately sent for, and brought him before me. Upon a minute investigation of the matter, I was fully satisfied that he was a person clearly comprehended in the exceptions; and might be suffered to settle his affairs and depart. I gave him liberty, under necessary restrictions, so to do.

Not long after this, being at Three-Rivers, in attendance on the Court of King's Bench, I was arrested in open Court, for the crime of high treason, and committed to jail. The grounds of this accusation

were, that I was holding a criminal commerce with the enemies of the country; that I was giving them aid, information and assistance; and the circumstance just related, was brought in proof, by the colonel himself, who, with a number of his adherents, appeared to be the informants. My trunk was seized, and all my papers examined.

However, this examination falling into the hands of men who were well able to dive to the bottom of a dark intrigue, they soon became satisfied where the evil lay; made their report that I had acted an upright part in the faithful discharge of the duty of a Magistrate; and that the complaint was originated by a malicious conspiracy against me. Of course, after lying in jail one night, I was ordered into Court, there highly commended for my fidelity; and then discharged. Yet for reasons entirely unknown to me, the conspirators were suffered to depart with impunity.

I have related these two events, for the purpose of shewing how much trouble may befall a Magistrate, when his eye is fixed on, and his conduct solely governed by his duty, uninfluenced by the selfish views and malignant passions of individuals; and likewise how much serious damage may arise to the peace of society, from the factious and wicked conduct of a single individual.

What will more surprise the reader is, that this same renowned *colonel*, after his conduct had become obnoxious to the most public censure, had the address, thro' the intrigue and solicitations of some of his *connexions*, who partook largely of his own disposition and principles, to get himself appointed to the office of a Justice of the Peace. However, before he was gazetted, the storm which was gathering against him, for his flagrant transgressions, was too formidable to encounter; and happy for the country, he sought an asylum under another government; and still more happy would it be, if his *connexions* would follow his example, in that respect.

As I have now endeavored to give the reader a candid history of my conduct, as a public functionary, I will call his attention to that of a private man; and as connected with the history of the Townships.

Many years since, I found the Townships were in the wane, as to their settlement; and the general prosperity of those who were already placed on these lands. I continually experienced many evils, which had been predicted, and found that they had fallen upon us very heavily. Industry abated—idleness succeeded; and, with idleness, its twin sister, dissipation. Dissipation introduced contention and quarrels; these generated lawsuits, which were attended with heavy expence, both of time and money. By such means, harmony and fraternal affection were destroyed, which composed and strengthened happiness. Our country remained destitute, almost altogether, of roads and other public ameliorations.—Our applications for relief were treated with total neglect. In fine, the American character was held in the most sovereign contempt.

So little was the cause of the Americans attended to, or even understood, that, at the commencement of the war before mentioned, an enquiry was made, by one of the most intelligent and influential members of Administration, whether the Americans would prove faithful to this country, in the contest. The answer to this question was: "I know the Americans feel sore, under the neglects and wrongs which they have experienced here; yet, I think, as a people, they may be depended on." At this remark, the gentleman putting the question, appeared much astonished, that the American inhabitants of the Townships, should think they had *any* cause for complaint!!

I was of the opinion that the great weight of our political evils arose from fear, lest the American inhabitants would retain so strong a predilection in favor of the country of their nativity, as to prove unfaithful, should ever a collision happen between the

two countries. Yet I could not but view their line of policy with some surprise. Is it possible, said I, that they can expect to divert the evil by oppression? According to my humble mode of reasoning, the very method adopted to prevent this evil has the most direct tendency to produce it. When the subject finds himself placed in such a situation, as to render all his endeavours to increase his property ineffectual, all countries become alike to him. He feels no attachment to the country, because he realizes no benefit from it. He is ever ready for revolution and change. He says to himself "no change can alter my situation for the worse; it may for the better;" and, of course, is willing to try it.

Far from this is the case with the wealthy farmer. He finds, that by the fostering and parental hand of Government, his exertions of industry and economy are crowned with complete success. His property is increased; his means of subsistence greatly enlarged; and his own meritorious endeavors for general prosperity, duly appreciated. Under such a view of the subject, his heart warms with sensations of the most grateful kind, towards such a Government. He feels his own interest and happiness inseparably connected with theirs; and has too great a stake to risk on the chance of any revolution whatever. He not only is vitally attached to his country himself, but uses the whole scope of his influence with others, to ensure their fidelity. Let the most alluring temptations be held up to his view, to induce him to prove unfaithful, he is ready with this reply: "One thing I know, under this Government I am happy; I am prosperous. Shall I act so mad a part as to relinquish a certain happiness, for that which depends altogether on contingencies? This Government has shewn the kindness of a parent towards me, shall I now repay them with the blackest ingratitude?"—Such, I conceive to be, the simple, unadulterated language of the human heart.



I ever felt persuaded, in my own mind, that if ever an opportunity was offered the inhabitants of the Townships to efface, by the positive and active exertions of fidelity, the unfavorable impressions which existed against them, that this Government would awake from their dormant and inactive state concerning our welfare; and that they would then endeavor to remove the evils under which we groaned.

The opportunity finally presented itself, after a lapse of fifteen years. A war broke out between the U. States and Great Britain. These Provinces were the only vulnerable part of the Dominions of the Crown. They were almost wholly destitute of regular troops for their defence. The mother country was deeply involved in a war at home, which required all her resources. An overwhelming force from the U. States, threatened the two Provinces. There was nothing of consequence, to resist them, but the Militia. Under these gloomy prospects, this Government *felt* the want of our assistance. They no sooner made known their wants, than they were promptly attended to, with spirit and cheerfulness. I felt this to be a critical and favorable moment for the Townships. I endeavored to impress the idea forcibly upon the inhabitants. In this I received the co-operation of all the most influential men thro' the country. Those exertions were attended with the desired success. And, I am bold to say, that no troops did their duty more faithfully, in repeling the invaders.

Peace soon succeeded; and I looked forward with the most anxious and pleasing expectation of seeing my hopes realized; of seeing the interests of the Townships claim some attention from the Government. However, the business continued to languish, until an *Englishman*, of considerable property, sat down in our country, whose interest was unavoidably blended with our public concerns. *His* voice was heard; and the Legislature entered with spirit

into our embarrassments ; and, as the want of roads bore the most prominent feature in our difficulties, they granted the noble sum of fifty thousand pounds, to be appropriated to that object, thro' the Province. This circumstance caused universal joy. New animation pervaded the Townships. We hailed the day, as the date of our deliverance from bondage. Industry began again to rear its drooping head ; and the hum of business was once more heard thro' our country. But alas ! this pleasing scene soon "fled like the baseless fabric of a vision, and left not a trace behind."

The causes which produced these fatal effects, it is my business now to develope. After the grant of this noble sum, it became necessary to appoint men to dispose of it, for the purposes for which it was granted. As the money was granted for the use of the Townships, in making such roads as would most contribute to public utility, it was natural to expect that such as resided in, and were best acquainted with the general interests of the Townships, would have received that appointment. But unfortunately all such were *native Americans* ; and therefore could not be entrusted with the important business of managing their own concerns.

I think it will be viewed with some surprise when it is understood who were ultimately appointed to this very important duty. One was the *English* gentleman before mentioned. In the navy and by mercantile pursuits, in the Mediterranean, he had, from small beginnings, raised himself to a handsome competency. In forming the more interesting connection of a domestic circle, he was by no means forgetful of the "*main chance*." In all this, it undoubtedly shewed him to be a man of sound calculation, and shrewd discernment on subjects with which he was *acquainted*. Yet the analogy between nautical and mercantile concerns, and those of a new country, was not very striking. He might have a perfect understanding how to "hand, reef and steer." He

might know the minutest concerns on "Change," without knowing a single item concerning our affairs. A man of his natural sagacity might probably learn, in time, to be master of the knowledge of our situation: but was it wise to give him the disposal of the foundation of our hopes, whilst he was yet in a state of pupilage?

Another appointed to this important office was a gentleman educated altogether in the military department. This gentleman had served his King, in *his own department*, with reputation and honor. He undoubtedly had a perfect knowledge of fascines, gabions, intrenching, &c.: and had great skill in overcoming an enemy in common warfare. But the enemies which presented themselves in our country were of a totally dissimilar nature; and to be overcome by means entirely different; and consequently totally out of his walks of information.

A Notary, who had spent all his life behind his desk, received the third place in this *trio*. This gentleman was well acquainted with the pen, yet with the ax, the main tool for the wilderness, he was wholly ignorant. With his pen, he could describe woods, mountains, hills, rocks, rivers and cataracts, yet how to remove the difficulties which they presented, he knew nothing.

These were the three characters appointed to superintend the concerns of a new country!!! they were appointed to a business, concerning which the whole course of their lives, gave them no insight; and the result proved fatal to the interests of the Townships. However, these gentlemen were not Americans; had no "corruption of blood" to disqualify them, which was a sufficient recommendation for their appointment to manage our concerns, as will more fully appear in the sequel.

When these gentlemen met upon the important business of the routes for the roads, which were to be opened, it was a matter worthy of notice, that they combined the public interest so inseparably with

their own individual advantage, that the three roads in contemplation *happened* to pass through the land of each. However, it proved very unfortunate, both to the gentlemen and the public, that this combination was made; for two of those roads were opened, and at an immense expence, where no travelling will take place, probably for a century to come. Following the true spirit of provincial policy, these gentlemen chose to give the contract, for opening these roads, to Canadians, who were equally unqualified for executing the plans which had been adopted.— So that, in the event, this princely sum, which, rightly managed, would have been of lasting and unspeakable advantage to the country, was nearly lost; and the country left in greater despondency than ever.

The Legislature again turned their attention to the Townships. In order to facilitate the administration of justice among us; and to save the enormous expence attending suits before a court at a great distance; they established a new District, composed of the Townships altogether. In filling the various offices of this new establishment, I flattered myself, with some faint hope, that those who had “borne the heat and burden of the day,” in the first settlement and population of the country; who had spent their all in its service, would claim some attention. But not one among the Americans was found worthy of notice. I could not but ejaculate “alas! poor Yorick”, how are we degraded! How much are we subjected to the bitter taunts and irony of our southern neighbors? How insultingly will they reproach us with our credulity and military ardour, during the war, contrasted with our present situation?

I hear them arrogantly demand, “who are your District officers”? On examination being made, and finding them every one foreigners, they again exclaim, “What! not one among you; not one among a population of forty thousand Americans, found worthy of Office”? No, not one found worthy of office, to which *emolument* is attached!

These considerations appear to me extremely degrading. We are *virtually* divested of the rights of British subjects; and actually placed in a class below the savages. Whilst the aborigines are intrusted with the management of their own public concerns, we are treated as altogether unworthy and incompetent to the undertaking. Such is the appearance which the aspect of our affairs bears in my mind. I however, humbly submit to a candid public, whether my ideas, on that subject, are correct. No man could feel deeper mortification than has fallen to my share, in this business. At the commencement of the war, I was unwearied in giving the most positive assurances to the population of the Townships, that their present fidelity would raise them to the proud rank of *equal* consideration, with any part of His Majesty's subjects. The occurrences since have compelled me to hide my head with confusion and shame. How could I answer their bitter taunts? How could I claim their further confidence, when they had been so wretchedly disappointed by my promises?

It may be a question, in the reader's mind, why the inhabitants should remain silent under such a degrading situation! why not carry our complaints to that Government which we have so faithfully served? In answer to such a query, I have only to observe, that we anticipate the answer which we should receive; particularly from the *Gentleman*, who has so highly distinguished himself for his *affection* to the American character. His answer we know, before-hand, will be, "What do these *fellows* want? They are always complaining. Have we not given them already, *fifty thousand pounds*? Have we not established and supported Courts of Justice at their very doors? And yet their complaints continue. The truth is, nothing will satisfy this restless and dissatisfied people, short of delivering the Government of the Province entirely into their hands. The sooner we turn a deaf ear to their complaints, the

sooner we may expect some exemption from their eternal clamors. My *advice* is, to reprimand, and dismiss them."

Under such a view of the subject, we remain silent. We find it the only alternative to save our feelings from additional mortification. A sullen apathy succeeds the heretofore general animation, and industrious pursuits. Our English friends, who have condescended to take the management of our public concerns into their hands, treat us, our manners, our customs and our propensities, not with the soft conciliating blandishments of urbanity, but with haughty contempt, and arrogant superiority. Treat us as a race, infinitely beneath them in the scale of existence; and only fitted, by the course of nature, for "hewers of wood and drawers of water."

What will be the ultimate issue of this line of policy, I leave to the determination of those more versed in the political history of man. I candidly declare that the prospect to me is gloomy and painful. I greatly fear the principle of re-action; and the *general* calamity it will produce. However, I pray God that my fears may never be realized.

Let future events be what they may; let calamity or prosperity befall us, I have this consoling reflection in my own breast; that in every situation, both as a private individual, and as an officer of Government, I have faithfully discharged my duty, in times of prosperity, and in times of great danger and difficulty. If my services have not been duly appreciated, it arises from no fault of mine, of which I have any knowledge; neither does it produce any sentiment of anger or resentment. If any have done wrong, my only wish is, that they may see it, and reform; that they may become convinced that justice and true policy are inseparably connected; and under this conviction, they may adopt such measures as shall produce the mutual happiness, prosperity and glory of themselves and the people with whom they are connected.



## CHAPTER VII.

"Of vanish'd troubles sing,  
 "Of fears forever fled,  
 "Of flowers that hear the voice of spring,  
 "And burst the blossom from the dead;  
 "Of hope, contentment, health, repose,  
 "Of serene delights while years increase;  
 "And weary life's triumphant close,  
 "In some calm sunset hour of peace."

Having now finished my history concerning my first commencing business in Montreal; the trial of M'Lane; my connection with the townships; and my conduct as an Officer under this Government, I now come to a part of my life, much more tranquil and serene, but much less conspicuous than formerly.

By the unfortunate termination of the land business, my property became entirely exhausted; the prospect of obtaining more defeated; and although an old but faithful servant to Government, left to want and penury. All my representations neglected, or answered by observing that I had already received an ample reward; when, in reality, this reward consisted in spending all my money, and more than twenty years of excessive labor, to enhance the value of the property of Government only.

From this situation, I retired to the humble occupation of a mechanic. Although wholly unacquainted with mechanical science, yet by patient industry and perseverance, I soon reached that degree of knowledge and correctness in my business, as to obtain a sufficient emolument to procure the necessaries of life. I was now fairly removed from the stage of public life, to scenes of more tranquil enjoyment. I could now look back, unmoved and with calmness, on the wreck of my fortune; the disappointment of all my fond hopes; and the clouds of darkness,



which obscured my future prospects. Yes, I could look unmoved upon

“What in the human bosom stirr'd;  
 “The sick'ning pang of hope deferr'd;  
 “And memory with a torturing train,  
 “Of all our morning visions vain.”

In this situation, probably I should always have remained during life, without claiming further public notice, had not a circumstance taken place, which roused my attention, and induced me once more to appear before the public by way of appeal; and demand that justice from them, which has been withheld from other quarters.

During my leisure moments, I had employed my time in forming a work, which I flattered myself, might be beneficial to my brethren of the human family. After completing this, I had occasion to open a correspondence with Ebenezer Eaton, Printer, in Danville, in the State of Vermont, for publishing the work. My negotiations were proceeding with every prospect and appearance of success, when they were broken off, in a very curious and extraordinary manner, which will more fully appear by the following letters.

DANVILLE, July 16th, 1823.

DEAR SIR,—I have perused a letter which you sent to Mr. Randal, bearing date the 9th instant; and in reply to your enquiry relative to the expense of printing a Book, which you have prepared for the Press, make the following estimation of the whole expense of a thousand copies ready for delivery at \$625.

I can begin the work immediately, should you accede to the terms; I will print it on a fair type; and issue your Prospectus, gratis; and endeavor to obtain subscriptions for you, on all my post routes.

Mr. Randal, requests me to say to you that he will give all possible aid in procuring subscribers to your Book; and is with me of opinion that it will be best to print it on duodecimo on long primer. Please to answer this as soon as convenient.

Respectfully yours,  
 MR. ELMER CUSHING.

EBEN'R. EATON.

DANVILLE, August 7th, 1823.

DEAR SIR,—Your letter, together with the Manuscript for your Book, were duly received. My avocations have been such, that I could not possibly comply with your request, by perusing the manuscript. Nor have I the vanity to consider myself an adequate judge of the merit or demerit of such a composition. Another thing; my sentiments are established, and although I have ever avoided contention, with those who differ from me; yet, subject to the common frailties of human nature, I might be so far prejudiced, as to mis-judge, of course, I thought it most expedient to hand the manuscript to Mr. Randal, together with your letter and obtain his judgment in preference to my own. He has perused a portion of it, and so far cursorily examined the whole, as to form an opinion.—It is favourable.

As I before observed, I will give you all the assistance in my power in obtaining subscriptions on my post routes, &c. should the work be done here; and so will Mr. Randal. Should you finally engage me to do the work, I will make a journey to Stanstead, to exchange writings, or close the bargain, by your notifying me to this effect.

Respectfully yours,

EBEN'R. EATON.

MR. ELMER CUSHING.

P. S. Since this letter was closed, I have finally concluded, as I am anxious to obtain the printing of your work, to reduce the price to \$550 dollars on pica, octavo form; or on long-primmer, scab-boarded, duodecimo form, for \$500.

E. E.

DANVILLE, August 27th, 1823.

SIR,—I have again deferred printing the prospectus for your Book, until I could write to you, and receive an answer, for the following reasons, 1st. Because I cannot ascertain from any person here, the title which should be affixed to your name. Your letter was not explicit on the subject—and

2dly. Because Mr. Randal called at my office, yesterday morning, and told me he had heard from good authority, (at the same time mentioning the author,) things so derogatory to your character that he could not patronize your work; and should make no exertions to procure subscribers, even refusing to take a subscrip-

tion paper, should I print them. Two items in relation to your character, were, as report says, an illicit and criminal intercourse with a married woman. The other, your connexion in the powder plot, some fifteen or twenty years ago, which terminated, through your treachery, in the execution of the unfortunate M'Laue. You know whether these charges are well founded; or whether they are founded in slander.

As things are circumstanced, in justice to my own character, and the character of my Press, I can take no part in propagating the work, any further, than to print it for you. I shall wait your directions. If you direct me to print the prospectus next week, that part, in the conditions of the Prospectus which states that the subscriptions are to be returned to the North Star Office, *must be stricken out*; as I cannot allow *allusion* to my name in the concern, to go before the public.

Respectfully yours,

EBEN'R. EATON.

MR. ELMER CUSHING.

STANSTÉAD, September 8th, 1823.

MR. EATON, SIR,—Yours of the date of the 27th ult. came duly to hand; and I will take the liberty to remark, that no instance of my life ever caused more surprize, than your letter. I read it—laid it by—re-perused it; and reflected again. I cried, in the astonishment of my heart, “what is man, that thou art mindful of him!” I had formed an idea of Mr. Eaton, and Mr. Randal, of the most agreeable kind, both as it related to sound sense and goodness of heart. In addition to this, I knew they were born and brought up in a country where slander was “the order of the day;” and exercised against characters of the first eminence among them. I presumed, of course, that their good sense would be adequate to meet any slanderous reports which the enemies of my work might endeavor to propagate against me. It is what I expected. Those are the only arguments which they possess. I had, long since, anticipated reproaches, revilings and slander. With some, I expected *such arguments* to have their effect. With you, and Mr. Randal I did not. I thought you understood the nature of man too well. In addition to which, I knew that documents had been before the eye of the public, authenticated by the

highest authority in *this* country, for more than twenty years past, giving the lie direct to such insinuations.

For more than twenty years, I have been so happy as to possess the confidence of my *own* Government, by holding commissions, of public trust, confidence and honor. In the first place, the command of a Troop of Cavalry; and in the second place, the commission of a Justice of the peace, during which time, I have the proud satisfaction to say, that, in no instance yet, have I ever met the disapprobation of either the Executive or Judicial departments of our Government.

Under such considerations, can you wonder at my astonishment at finding a Gentleman of *information* and *candor* suffering himself to be influenced by reports, which carried every evidence of absurdity and self contradiction! Is this the course in which you "do by others as you wish that others should do by you?"—History, both sacred and profane, informs us that the best of men have been subject, in all ages, to the bitterest slander. We daily see this taking place in all countries; and in none more than in the U. States—yet, with all these evidences before your eyes, the first puff of slander against me, was sufficient for your decision!!!

But, my dear Sir, what has my character to do with the work? If it possesses merit; if it contains new and useful information, it ought to be given to the public. If not, it ought to be smothered in the womb, and never see the light. Would you suffer a work to emanate from your press, which you considered deleterious to mankind, even should it be the production of the angel Gabriel? On the other hand, providing you obtained the most useful information to mankind would you not lay it before them, even if you obtained it from his infernal Majesty himself? Would not you make use of the weapons of an enemy against himself?

However, this long train of observations, is not made for the purpose of persuading you to print or patronize. I have concluded to obviate the many difficulties which present themselves on this occasion in a much more summary manner. You will be so good as to make up your account, for what trouble and expense I have already put you to, with that, return the manuscript; and I will meet your demand with pleasure. I am, &c. E. CUSHING.

MR. EBENEZER EATON.

DANVILLE, Sept. 24th, 1823.

SIR,—Yours of the 8th was duly received. I shall not attempt a labored answer of it, or any vindication of my conduct relative to the anticipated publication. This, however, I can assure you, Sir, that it was not an *enemy* to your religious principles, but a friend to them, who told me the unfavorable reports in circulation against you. It was Mr. Randal, and he is the only person, if my memory serves me, with whom I have conversed respecting your book, or yourself. He obtained his information (as he says) from Capt. Edward Burt, of this Village, who obtained his information in Canada, where he formed a partial acquaintance with you. On hearing those reports, instead of proclaiming them on the house tops, or to any person whatever, I wrote you immediately on the subject, and if I have in thus doing, pursued a course, contrary to the tenor of the Gospel, I have yet to be convinced of it, by arguments more forcible than your petulant *stang* at my religious opinions, or at those who agree with me in sentiment.

In similar circumstances, I should wish for similar information. Your being a Captain in the Troop and a Justice of the Peace, is no *certain* evidence, that you are, to say the least, what Pope calls the "noblest work of God." In *this* Government, it is the character and not the *titles*, which makes the man. I pretend not to say, the reports which I have heard, respecting your character, are true, and most certainly I hope they are not.

Respectfully Yours,

EBEN'R. EATON.

ELMER CUSHING Esqr.

DANVILLE, Oct. 15th, 1823.

FRIEND CUSHING,—I saw the letter addressed by you to Mr. Eaton complaining that *some* in this quarter were enemies to you; and spreading the reports of your being concerned with M'Lane in the powder plot; and of betraying him afterwards. Those who informed me and Mr. Eaton of that business were not enemies to our cause, but were friends. We both enquired of those who knew you; and to my astonishment, were told that you were the very man, as above described.

You cannot believe me to be an enemy to you, because I have no reason so to be; but I am a friend to the work you are en-

gaged in; and do not wish to hurt the glorious cause of a free salvation. The name of M'Lane, and the powder plot, is familiar with almost every person throughout the country; and a work like yours, would not gain credit, when it was once believed to be written by a man implicated in such accusations. If you *are* the man, I am sorry for it—if not I am glad. I hope Sir you will not think hard of me. If you get your book printed, I hope to have one of them; for I have a good opinion of the work.

Your Friend, ROBERT O. RANDAL.

MR. E. CUSHING.

As it relates to the merits of the correspondence, between me and Mr. Eaton, the reader will form his own opinion. I had not the *honor* of a personal acquaintance with this *luminary*. Yet the coruscations of the "North Star" had been long known to me, and the country generally to be of a *novel* kind, "to say the least." The language not of the fine polish of the French; or in the flowing numbers of a Robertson; nor yet over loaded with classic elegance. However, he undoubtedly made use of such expressions as he believed would meet the feelings of his readers, and render his works popular.

That he was a man of the most consummate virtue and christian *meekness*, there can be but little doubt. We have abundant evidence of it from his *own* declarations. It appears, however, that he had some suspicion that these declarations might be thought not *exactly* true; in order to remedy this defect, he uniformly *renewed* them, till one might be almost tempted to think that he thought them true himself. He also manifested his abhorrence of vice, in his uncommon diligence in discovering her haunts *abroad*, and lashing her in a truly Gothic style. Yet it has been a matter of doubt with some, whether he was an accurate casuist. Whether the principles which constituted virtue and vice, he correctly understood. Be that as it may, he was beyond question, a great and good man, but rather unhappy in the choice of

means to make it known. In one instance, however, his policy was deep and highly commendable. To hide the aberrations of early life, he sought for, and obtained a Calvinistic mantle of charity which covered a *multitude of sins*.

Thus reader I have given a faithful narrative, as far as my recollection will enable me, of transactions in which I have been concerned, either directly or indirectly, for the period of thirty years past. I am not insensible that there attaches some degree of suspicion of partiality to a narrative when made by the writer in his own behalf. This undoubtedly will be the case with mine. The principle of self love imperiously compels us to estimate and exhibit our own conduct, in the fairest point of view; and induces us to hide the dark side of our own history. However much this suspicion may exist, I again call on every one, to detect and make public any unfairness which may be found; or even the appearance of partiality.

Many transactions of my life may bear the aspect of indiscretion, and want of sound calculation; but if one solitary instance can be adduced to show a dereliction from duty, either public or private, let it be brought to light and receive its merited condemnation. Under these considerations, I submit to the determination of that public, who, I fully believe, will do me justice.

My limits do not admit of carrying this "Appeal" any further at present. For the sake of brevity, and other reasons, I have even omitted some which I had prepared for the press.—I therefore submit it as you see it.

ELMER CUSHING.

Stanstead, May 15th, 1821.



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