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Some Were Lucky and Others Were Not

Between December 5, 1837 and November 1, 1838, 855 men were arrested for their involvement and participation in the Upper Canadian Rebellion. They were charged with insurrection or treason and imprisoned to await their fate.

On July 29, 1838, 15 Patriot prisoners escaped from Fort Henry in Kingston. Most eluded recapture and made their way across the St. Lawrence River to freedom in Rochester, New York. Stephen B. Brophy, a Colonel in the Patriot Army and one of the successful escapees, penned a first-hand account of this event. In an August 7, 1838 letter to the editor of the Watertown [New York] North American, Brophy noted he and his colleagues had escaped incarceration in part because ‘....there is no doubt in our minds but transportation for life to some dismal corner of the earth awaited us.’

These men were lucky! However what of 92 other English speaking Patriots who were still jailed? They were eventually transported to the penal colony of Van Diemen’s Land to serve out their sentences. Ohio Patriot Samuel Snow reflected upon the situation of the exiles. In his memoirs he commented that they had been sent to “the very southeastern outskirts of habitable creation.” These men were not lucky!

This special theme issue of ACS commemorates the 175th anniversary of the 1837-38 Upper Canadian Rebellion. International collaboration by authors from Canada, Australia and United States results in new research about people, places and events related to the rebellion, associated consequences and aftermath. The research for these articles was conducted and compiled in depositories, heritage centres, archives, libraries and museums in 6 countries. Included were Canada (Toronto, Kingston, Ottawa, St. Catharines, Windsor, London), Scotland (Edinburgh), England (London), Australia (Canberra, Melbourne, Hobart, Oatlands, Sydney, Kempton), and United States (Syracuse, Ogdensburg, Sackets Harbor, Rochester).

The authors have travelled to many places including battle locations, jails, probation station sites, ticket of leave work centres, cemeteries, home towns of Patriot Exiles and various other venues connected to the
John C. Carter

stories chronicled in this volume. I have had the distinct pleasure of guest editing this special theme issue and would like to acknowledge those who helped me in this task. I would first like to thank all the authors for their contributions. In addition I’d like to thank Dr. Dorothy Duncan, Dr. Rae Fleming, Dennis Carter-Edwards, Bob Garcia, Dave Benson, Suzanne Purdy, Dr. Liat Ross, Susan Hughes, Dave St. Onge, Susan Smith, Dr. Tom Dunning and Dr. Robyn Morris for their guidance and assistance in the production of this issue of the journal. I trust that you will enjoy this special theme issue of ACS. I would appreciate your comments and feedback, and encourage you to contact me. Enjoy!

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The Patriot War: Attempts by Canadian Rebels and American Citizen Allies to Establish a Republic

Shaun J. McLaughlin

Abstract: The undeclared war that raged along the border between the United States and Britain’s Canadian colonies, mainly between December 1837 and December 1838—the so-called Patriot War—was a historical oddity. Not a war between nations, it was a war of ideals fought by like-minded people of two countries against the greatest military power of the time. The fact that bands of Canadian colonists in Upper and Lower Canada took up arms is not surprising given the political realities of 1837. That a legion of Americans took up their cause with force and vigour, risking death or transport to a penal colony, is unusual. This paper gives an overview of the causes of the colonial rebellions, it highlights the major battles of the Patriot War, and it describes the aftermath. The bulk of this paper focuses on American support for Upper Canada rebels and the cultural/political reasons for it.

Keywords: Patriot War, Upper Canada Rebellion, Lower Canada Rebellion, Van Diemen’s Land

The fact that bands of Canadian colonists in Upper and Lower Canada took up arms in the pursuit of responsible government is not surprising given the political realities of 1837. A two-tiered government ran the colonies of Upper Canada (now Ontario) and Lower Canada (now Quebec). Each had an elected legislative assembly. Both had an all-powerful executive council made up of prominent citizens, headed by a lieutenant-governor appointed by the Crown. The executive council could and did disregard advice and legislation from the elected assembly. By 1837, both colonial executive councils represented an oligarchy of wealthy men, judges, and high-ranking military officers. They ran the colonies often for their members’ profit. In Upper Canada, people called them the Family Compact. The Lower Canada equivalent was the Château Clique.
In both colonies, political parties arose to argue for democratic reform. More than once, reform parties formed a majority in the legislative assemblies. The executive councils ignored them or, worse, passed laws that enflamed them. Eventually, a minority of reformers in both colonies counselled open rebellion as the only path to representative government. The mood in Canada matched the temper in America in 1775 when colonists fired the first shots of the Revolutionary War.

**Lower Canada Erupts First**

Heated debate over democratic reforms morphed into armed rebellion first in Lower Canada. The principal agitator for political reform in Lower Canada was Louis-Joseph Papineau, an elected assembly member since 1808. His continued insistence that government must be controlled by elected representatives, not appointees, alienated him from the English elite but made him the darling of discontented colonists. Papineau and his supporters, who called themselves *les Patriotes*, began to organize paramilitary cells in 1837. His military leaders were two Anglophone brothers, Dr. Wolfred Nelson and Dr. Robert Nelson.

The rebellion started as civil disobedience. On October 23, 1837, 5,000 Patriotes from six counties assembled near St. Charles, south of Montreal, in a peaceful protest against English political restrictions, despite a law forbidding such gatherings.

![Fig.1. *L'Assemblée des six-comtés*, by Charles Alexander Smith (1890), depicts the meeting in 1837 that caused Britain to arrest Patriote leaders, thus sparking the Patriot War.](image)

Talk of reform, not war, filled the two-day event. In a response that precipitated the war, the colonial government charged Papineau, Wolfred
Nelson and two dozen regional leaders with treason on November 16, 1837, and issued arrest warrants. Leaders of the Patriotes took refuge in the rebel-sympathetic village of Saint-Denis, southeast of Montreal, and prepared for a fight. The British sent Colonel Charles Gore and 300 regulars to confront them. Gore marched his force through mud, cold, and freezing rain and confronted 800 dry and determined Patriote rebel fighters early on November 23, 1837. After a day of fighting, with ammunition running low and his men weather weary, Gore ordered a retreat. Twelve of Gore’s soldiers and 13 Patriotes died.

The Patriotes won the first round, but victory proved ethereal. They lacked the means to sustain a defence of Saint-Denis. Papineau and many followers fled to Vermont and the safety of America. Two days later, Colonel George Wetherall, with 420 regulars, attacked Saint-Charles. The rebel defenders consisted of just 60 to 80 armed men. Wetherall’s troops quickly overran the defences, setting buildings on fire. Some rebels retreated, while a few raised their hands. As the infantry walked towards the surrendering Patriotes, rebel snipers opened fire, killing three soldiers. This treachery enraged the British, who then slaughtered every Patriote fighter they found—56 in all.

On December 14, 1837, General John Colborne, 1st Baron Seaton, commander-in-chief of British armed forces in North America, led an army of 1,500 to the village of Saint-Eustache, west of Montreal. Colborne faced 800, mostly unarmed, Patriotes. Most rebels dispersed, with many fleeing to America. Jean-Olivier Chénier, a local physician, mustered a core of determined fighters and barricaded a convent, church, rectory, and manor in the village centre. Colborne, with his vastly superior force and artillery, systematically overran each building occupied by Chénier’s men until only the church remained in rebel hands. The infantry smashed in a door and set a fire to drive the Patriotes out. As rebels jumped from the burning church, soldiers picked them off, including Chénier. The battle left 70 Patriotes and three British soldiers dead, and ended the first round of the fighting in Lower Canada.

Americans had no involvement in the Lower Canada rebellion and little armed participation in later border raids by the Patriotes. But the massacres of rebels by the British army, widely reported by the American press, awakened the Spirit of ’76 in the Border States, and primed Americans to support the Upper Canada rebels. Daniel Dunbar Heustis, an American who became a captain in the rebel army, described in his memoirs the effects of the Lower Canada rebellion on Americans: Accounts of these
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massacres of patriotic republicans by the troops of Queen Victoria soon flew to the United States (U.S.), and were received with mingled feelings of indignation and horror. Public meetings were immediately held in many of the towns and cities of the American states bordering on the Canadas, at which the highest enthusiasm was manifested in favour of the Patriot cause; resolutions of cordial sympathy, pledging aid and support, were adopted; money, provisions, ammunition, and clothing were collected, and committees appointed to distribute these supplies to the best advantage. In short, the popular feeling was most ardently enlisted in behalf of an attempt so bravely, though unsuccessfully made, to obtain the boon of liberty.’ (Heustis 23)

Upper Canada Revolts

The Upper Canada rebels who transformed the Canadian-U.S. border into a war zone in 1838 can credit one diminutive Scotsman for starting the fight, William Lyon Mackenzie.

Driven by uncompromising political principles and a hatred of elitism, William Lyon spent his adult life trying to bring political reform to Upper Canada. A supportive populace elected him to the legislative assembly multiple times. He became the first mayor of the new city of Toronto on March 27, 1834. In the pages of his various newspapers,
Mackenzie advocated for reform. But, he grew increasingly impatient and uncompromising. In 1837, he toured the rural country around Toronto organizing groups of potential rebels.

When Mackenzie learned the rebellion in Lower Canada had started, he commanded his troops to gather north of Toronto for a march on that city. With no regular army troops in the local barracks (they were in Lower Canada), Mackenzie felt his men could beat any militia assembled against them, especially in a surprise attack. By December 4, between 700 and 800 of Mackenzie’s rebels, dubbed the Patriots, gathered on Toronto’s outskirts. Though the rebels temporarily had the upper hand, they did not make a decisive early move. On December 7, a hastily assembled militia force marched out to meet the rebels. The two armies clashed in the early afternoon. The militia, supported by cannon, overpowered the rebels within an hour and sent them running. An estimated 200 rebel officers and men fled to the United States.

Another rebel army of 300 led by Dr. Charles Duncombe had gathered near Brantford, southwest of Toronto. They began marching to join Mackenzie. Part way to Toronto, Duncombe received news of Mackenzie’s defeat. He dispersed his men and fled with many of them to Michigan. Mackenzie, Duncombe and other rebel officers left behind a colony in upheaval. The rebellion gave the conservative elite an excuse to crush its political opponents. Colonial leaders branded all reformers as rebels, though most disavowed armed conflict. Loyalist mobs terrorized the colony, roughed up reformers and destroyed their property, tacitly encouraged by the Family Compact. Many good and loyal British citizens fled to America, often into the ranks of the rebels. By mid-December 1837, the British army and colonial militias had extinguished the initial uprisings in Upper and Lower Canada. The Canadian colonists had good reason to expect a peaceful Christmas in 1837. They did not get it.

**Americans Embrace Upper Canada Rebels**

Mackenzie arrived in Buffalo on December 10 knowing his rebellion had failed, but not yet aware that the Patriot War had just begun. Americans of all social classes embraced the defeated Upper Canada rebels as heroes. Due to a unique confluence of American history and economics, tens of thousands of people offered money, provisions, arms, and sometimes their lives in the pursuit of Canadian freedom. Many Americans regarded the English—still much despised—as despots to be driven from the continent.

While Canadian politics fumed in 1837, the United States society
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seethed with its own discontent. Between 1780 and 1837, the U.S. population rose from 2,780,400 to over 16 million. The count of states doubled from 13 to 26. Settlement had pushed civilization from the coastal plains west past the Mississippi River. America hit an economic wall in 1837. Rampant land speculation combined with a sudden distrust of banks and of the new monetary innovation, paper money, led to the economic collapse known as the Panic of 1837. English banks called in loans made to U.S. banks. Those banks held little real money—their assets being notes based on landholdings—and failed. Fortunes disappeared. Unemployment spiked. A five-year recession began.

Besides financial upheaval, the 1830s saw a steady series of new social experiments and clashes of ideals. Organizations formed to better American society morally and socially. New ideals, such as temperance, trade unions, education reform, penal reform, asylums, slavery abolition, and female suffrage, threatened established ideas. A short war with Mexico, the Texas Revolution (1835-1836), contributed to the American support for Canadian rebels. In its glorified aftermath, many Americans, especially young men, envisioned themselves as new Crusaders, gallant fighters for democracy. In 1837, Americans along the border from Maine to Wisconsin still harboured enmity for the British government.

Though 56 years had passed since fighting ceased in the American Revolution and 23 years since the War of 1812 ended, people in those states wanted the continent purged of any vestige of English despotism. Americans had no quarrel with Canadian colonists, who were kith and often kin. Immigration controls being rudimentary, citizens flowed between the nations at will. Cross-border business connections and marriages were commonplace. When you add the Texas Revolution’s romanticism to a nation awash in new ideas, and combine that with the destabilizing effects of a recession and a deep-seated grudge against the British, it is easy to understand why Americans took up the Canadian rebels’ cause. Brothers in difficult times, the Canadian rebellion offered an opportunity for young men to be heroes. The undeclared Patriot War also provided an opportunity for Americans to complete unfinished business from the Revolutionary War—to rid the continent of monarchists and possibly extend the U.S. border northward.

**Americans Join Patriot War**

When Mackenzie arrived in Buffalo, New York, he met a populace primed for action. Influential men had anticipated the rebellion and
were ready to help, according to Orrin Edward Tiffany: On the 5th of December [1837], even before the purposes of the Upper Canadian insurgents were made known, a large and influential meeting of the citizens was held in Buffalo; an executive committee of thirteen was appointed to call “future meetings in relation to the affairs of the Canadas and to adopt such measures as might be called for by public opinion.” (Tiffany 27)

When Mackenzie arrived, civic leaders quickly organized a public meeting for December 12. To a packed house estimated at 3,000 people (the population of Buffalo was then 25,000), Mackenzie explained the rebellion’s causes. A fiery and accomplished orator, the bantam-sized rebel leader knew his audience well. The majority had either fought during the American Revolution or the War of 1812, or claimed kinship with veterans of those wars. According to his first biographer, Charles Lindsey, Mackenzie ‘explained the causes of the revolt, and argued that Canada was suffering all those evils which caused the thirteen Colonies, now become the United States, to throw off their allegiance to England.’ (Lindsey 125) From the ranks of Americans, emerged two men who would soon go on to command, somewhat incompetently, rebel armies: Thomas Jefferson Sutherland and Rensselaer Van Rensselaer, scion of one of the most influential families in upstate New York. These two men and Mackenzie set up their headquarters in the Eagle Tavern in central Buffalo, and planned their war. Buffalo was not alone as a rebel stronghold. In Detroit, Michigan, refugee Canadian rebels and American sympathizers heeded the rallying call of American Henry S. Handy. Handy had predicted the Upper Canada revolt and months earlier began recruiting an army to liberate Canada. In December 1837, he prepared for an assault on Western Upper Canada.

Navy Island and the Caroline Affair

Mackenzie launched the first raid, the occupation of Navy Island on December 13, 1837. With Rensselaer Van Rensselaer, he led 24 Canadian rebels and American volunteers from Buffalo, New York, and captured Canada’s Navy Island in the Niagara River. Over the next month, rebels came and went numbering about 600 at the peak. With 24 stolen cannons, Mackenzie’s army bombarded the Canadian mainland.
Colonel Allan Napier MacNab, one of the British officers who defeated Mackenzie’s rebels in Toronto, commanded an estimated 2,000 Canadian defenders. He returned the cannon fire and made sure the Patriots could not go further.

The opposing forces soon reached a stalemate. The swift river current on the side of Navy Island facing the colony prevented an easy attack on the island by water. With MacNab’s superior force in place, the Patriots had
no chance of advancing further at that point. MacNab decided to strike a blow against Mackenzie’s army. On December 29, 1837, Captain Andrew Drew of the Royal Navy, acting under MacNab’s orders, rowed across the icy river in darkness with 60 men and attacked the Patriot’s supply ship, the steamship *Caroline*, at Schlosser, NY. A handful of unarmed men slept on the steamer. Only the ship’s sentry carried a musket.

Drew’s men killed an African American sailor named Amos Durfee. (He appears to be the first American casualty of the spreading border war.) Drew’s men towed the ship into the current and set her afire. The blazing ship grounded on rocks and broke apart, her pieces plummeting over the falls. The attack on the *Caroline* stands as one of the earliest cases of a pre-emptive strike by one peaceful nation on another.

Americans saw the British attack on an American ship in a U.S. port as an assault on their sovereignty. It did more to boost Mackenzie’s support than any of his fiery speeches. While U.S. President Martin Van Buren shrugged off the incursion, U.S. citizens sent money and ammunition to Mackenzie. American volunteers soon outnumbered Canadians in the Patriot rebel army. Burning the *Caroline* was a rash military act. It turned a bungled revolt near Toronto into an undeclared border war. The event so enraged Americans that it inspired greater support for the Canadian rebels and well may have extended the Patriot War. For his rashness, MacNab was knighted.

The opposing forces at Navy Island continued to bombard each other for two weeks following the *Caroline* affair. Patriot fighters steadily deserted due to boredom, winter’s cold, and Van Rensselaer’s dithering. On January 13, 1838, Van Rensselaer abandoned Navy Island and withdrew his men to Buffalo. So ended the first of the eleven raids into Canada between December 1837 and December 1838.

**Patriot War Expands**

Days after the retreat from Navy Island, Mackenzie and Van Rensselaer met with other officers at the Eagle Tavern. At the table that night sat three men who had the courage, intelligence, and experience to make a leadership difference. Bill Johnston, a prosperous smuggler and merchant from Clayton, NY, came to Buffalo to avenge the *Caroline* raid. Based on his extensive War of 1812 experience attacking British shipping in St. Lawrence River, Mackenzie appointed Johnston Admiral of the Patriot Navy in eastern waters, though no such navy existed.
Donald McLeod was run out of Canada a month earlier for advocating reform in his newspaper. In the strange nature of politics, the former British sergeant had fought against Van Rensseolaer’s grand-uncle, General Stephen Van Rensseolaer at the Battle of Queenston Heights in 1812, and against Johnston at the Battle of Crysler’s Farm in 1813. But that day, McLeod, Johnston, and Van Rensseolaer were allies. Based on McLeod’s experience, Mackenzie made him a brigadier-general. Daniel Dunbar Heustis gave up a comfortable life as a Watertown, NY, merchant to join the Patriots. A man of pure heart and quixotic principles, Heustis became enraged after reading about the massacres of French-Canadian rebels during the Lower Canada rebellion.
Fig.5. Daniel Heustis from the cover of his 1848 memoirs.

He vowed to carry American republican freedoms to his downtrodden Canadian brethren. Though Heustis had no military experience, Mackenzie appointed him captain on the strength of his moral leadership. Over dinner at the Eagle Tavern, the three new Patriot officers hatched a plan to take over Upper Canada. It involved simultaneous raids on Windsor in the west, and Gananoque and Kingston in the east.

**The Fatal Fallacy**

Many Americans joined the rebels’ cause because they believed that the Upper Canadian colonists desperately wanted a republican government and would join any uprising as soon as a strong rebel force landed in Canada. The reality was that most colonists remained loyal to the Queen despite their disgust with the colonial government. Daniel Heustis wrote in his memoirs about his pre-war business trips to Canada:
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In these travels I saw much of the condition of the Canadian people, and frequently listened to their bitter complaints against the government under which they lived. They were harassed in a thousand ways, robbed of their dearest rights, plundered of their substance, and all their remonstrance’s no more heeded than the idle wind. (Heustis 17)

According to Tiffany, the early Patriot general Rensselaer Van Rensselaer joined because ‘he believed “the vast majority of the Canadians were ready for revolution” and, if given assistance in winning one battle, they would then “concentrate their forces and do their own fighting.”’ (Tiffany 28)

Linus Miller, who also travelled in Canada just before the war, came to believe colonists envied the U.S. government model. He wrote: ‘[Canadians] turned their eyes to the United States, studied our glorious and peaceful institutions, until they imbibed the spirit of the heroes of the American Revolution, and felt the God-like divinity of liberty stirring within their souls.’ (Miller 2) Stephen Wright, a combatant at the Battle of the Windmill, was typical of thousands of recruits who accepted lies and exaggeration as truth. In his memoirs, he wrote, they were told ‘that the Upper Province could be taken without the discharge of a gun, and that thousands of the people of the frontier were ready, and would join us as soon as the standard of liberty had been raised upon her shackled soil.’ (Wright 6) Samuel Snow, a combatant in the early assault on the colony near Windsor, wrote in his memoirs, that his commander ‘informed us that the Canadians were ready and anxious, with arms, ammunition and provisions, to join our standard when it should be erected on their shores.’ (Snow 3)

Contrary to the American perception, many groups among the Canadian defenders were willing to fight to the death to prevent colonial Upper Canada from becoming part of America. In the eastern part of the colony lived many families who were refugees from the American Revolution. These United Empire Loyalists left property and possessions behind in America and turned Ontario’s dense forest into farms and towns. In the western part of the colony, escaped slaves from the Southern States had built thriving farms and communities. If American law ever extended to the colony, they could be returned in chains to their former owners. Many joined the militia to fight for the country that gave them freedom. For example, Josiah Henson, an escaped slave from Maryland, became captain of the 2nd Essex Company of Coloured Volunteers and fought the Patriots from January to May of 1838. (Henson 176)
Canada’s aboriginal warriors supported Britain in the Patriot War as they had during the War of 1812. In Canada, the original peoples were not subject the brutal military campaigns that befell their brethren south of the border. Bands of Iroquois from the Grand River, Ojibwa from the Lake Huron area, and Mohawks from eastern Lake Ontario aided the militia. Throughout the conflict, aboriginal warriors patrolled Lake Ontario and tributary rivers watching for suspicious activity. (Moses 39-41)

**Heavy Hand of Justice**

On March 23, 1838, Sir George Arthur became the Lieutenant-Governor of Upper Canada. Fresh from a posting as Lieutenant-Governor of Van Diemen’s Land (Tasmania), he believed in hanging rebels leaders to deter others. He condemned two of Mackenzie’s officers, Samuel Lount and Peter Matthews, captured after the failed Toronto attack. Lount’s wife wrote letters pleading for mercy and once begged Sir George on her knees to spare her husband. Sir George ignored her and petitions signed by a reported 8,000 people (some sources say 30,000) asking for mercy. Lount and Matthews died by hanging on April 12, 1838, before a large crowd. They were the first of 20 Canadian and American men who died at the end of a noose in Upper Canada. Arthur transported another 92 to his old penal colony in Tasmania. Lower Canada prisoners were sent to Australia.

Any rebels who crossed into Canada bearing arms faced the obvious risks of battle: death, wounds, and maiming. Less obvious at first was the risk of surrender. The British authorities refuse to treat invading rebels as prisoners of war. Instead they were tried under the new *Lawless Aggressions Act* proclaimed on January 12, 1838. Specifically targeted at American invaders and British subjects that aided them, the act provided fewer avenues of defence than someone charged with treason. Being captured while bearing arms against the Queen soon proved to be a ticket to hanging, incarceration, or transport.

**Winter 1838 Patriot Raids**

While winter in the early 19th-century was not typically a season for war, the rebellion did not pause in the snowy months of 1838. On January 9 and 10, 1838, Henry S. Handy, Thomas Jefferson Sutherland, and Edward Alexander Theller, led 700 Patriot fighters from Detroit, Michigan, to attack Fort Malden and Amherstberg in Western Upper Canada by land and water. The Canadian militia repelled the land force and captured the sole ship and its crew, including Theller. Two rebels died and at least six
were wounded. On February 22, 1838, Rensselaer Van Rensselaer, led 300 Patriots crossed the St. Lawrence River ice from Clayton, NY, and occupied Hickory Island in Canadian waters. The aim was to attack Gananoque to draw Canadian defenders from Fort Henry in Kingston. A small army of disgruntled farmers from the country around Kingston, organized by Bill Johnston, intended to take the fort when its defenders left. Due to poor leadership by Van Rensselaer and good British intelligence, both attacks failed. No shots were fired.

Between February 24 and 25, 1838, Donald McLeod led 300 Patriots crossed the Detroit River ice from Michigan and occupied a Canadian island near Windsor. The U.S. military commander, General Hugh Brady had confiscated most of their weapons, leaving them with just six muskets and a small cannon. Brady also warned the Canadians. McLeod’s men were routed by four hundred well-armed British regulars and militia after feeble resistance. On February 26, Lester Hoadley led 300 to 400 Patriots crossed the Lake Erie ice from Sandusky, Ohio and occupied Canada’s Pelee Island. Rebels came and went and may have numbered one thousand at their peak. By the time five hundred British regulars and militia arrived to confront the occupiers on March 3, 1838, both forces had equal numbers (though the rebels had only two hundred rifles). The rebels put up a short and spirited fight, and then retreated. The Canadian defenders suffered five dead and twenty-five wounded. The Patriots fared worse with twelve dead, including Hoadley, eighteen wounded, and eleven captured. On February 28, 1838, Robert Nelson, with seven hundred armed French Canadian rebels and American volunteers, invaded Lower Canada from Vermont. Overnight, 500 men deserted. A British force quickly drove Nelson’s remaining army back into the U.S.

**Patriot War Evolves**

As 1838 progressed, the top Patriot leaders changed. The organization shifted away from public recruitment to secret societies. By March 1838, Sutherland languished in a Quebec prison with Theller, and Van Rensselaer had left the Patriot army in disgrace. Mackenzie had lost all control over the rebellion he started. In Michigan, Handy maintained his western Patriot organization but led no raids. To that point, all Canadian and American rebel leaders had recruited fighters through public meetings and printed notices. British spies had an easy job gathering intelligence. That changed in February 1838 when Robert Nelson formed the first secret society, the *Frères-Chasseurs.*
In the spring of 1838, Donald McLeod, William Johnston, Daniel Heustis and prominent American civic leaders followed Robert Nelson’s lead, and helped found the Hunters Lodge. It was modelled and named after Nelson’s organization. (*Frères-Chasseurs* translates into hunter brothers or hunter brotherhood.) Organized as secret society with Masonic-style rituals and oaths, its sole purpose was the expulsion of the British from Canada and the establishment of a republican government. Cleveland, Ohio, and Rochester, New York, became the regional centres of the Hunter Lodge movement.

The first lodges formed in May of 1838. By the summer’s end, Hunters had set up hundreds of lodges in America. They ranged from of Maine to Wisconsin and as far inland as Kentucky. At their height, the Hunters claimed 200,000 members, though 40,000 is considered more accurate. Despite the intended secrecy, Americans did not hide their affiliation with the Hunters—membership was important to one’s business and career. In America, Hunter membership became the best way to make economic and political connections in difficult times. The depression and ongoing banking crises united the diverse classes. Politicians, merchants, businessmen, farmers, and common labourers signed up. Hunter cells also formed in the Canadian colonies, but secretly.

Money flowed into the lodges. Rifles and cannon, either bought or stolen, plus powder, shot and other provisions of war, were stockpiled in warehouses and barns for raids planned for late 1838 (after the harvest season). While the Hunter leaders bragged they had 25,000 armed men ready to fight, few had any interest in fighting. Motivations varied. For some, the Hunters movement was an altruistic attempt to give Canada a republican government. Others saw a chance to make money. Profiteers, land speculators and carpetbaggers mixed with the honest idealists. It was the latter who set aside personal risks and fought the actual battles. The Hunters Lodge was the largest of the secret societies but not the only one. In March of 1838, McLeod, Duncombe, and other Canadian Patriot leaders had formed the Canadian Refugee Relief Association. In Michigan, Handy created the Sons of Liberty.

**Spring 1838 Patriot Raids**

On April 15, 1838, Linus Miller crossed into Canada from New York State and gathered 200 Patriots from the countryside. They made their way secretly to Hamilton. They intended to raid a jail holding six condemned Patriots and return to America on a stolen steamer. They found the jail
and steamer heavily guarded. Once informed that the prisoners had their sentences commuted to transport from hanging, Miller’s men dispersed without a shot being fired.

On June 11, 1838, James Morreau with 25 Canadian and American Patriots crossed into the Niagara area from New York State on an ad hoc mission unsanctioned by the rebel leadership. Donald McLeod sent Linus Miller to bring the men back. They refused. After hiding for 10 days, the rebels, then 40 in number, robbed a house. They then attacked and captured a band of British Lancers and prepared to hang seven to avenge dead Patriots. At Miller’s insistence, the rebels released their prisoners. The rebels dispersed and ran for the border. The British captured 39 Patriots, hanged Morreau and transported 15 others to Tasmania, including Miller. One other notable event occurred on May 30, 1838, though it does not qualify as a raid on Canada. William Johnston and 12 men boarded a Canadian passenger steamer, the *Sir Robert Peel*, in American waters. They put the crew and passengers ashore, looted the ship, and destroyed it with fire to avenge the *Caroline*.

**Hunter War Convention**

From September 16 to 22, 160 Hunter leaders held a convention in Cleveland, Ohio, to pick new leaders for invasions of Canada that fall, to create a provisional government, and to lay the groundwork for their financial arm, the Republican Bank of Canada. The bank’s notes were to bear the faces of Patriot martyrs Samuel Lount, Peter Matthews, and James Morreau. The big names in the Patriot and Hunter organizations attended, as did ambitious, new leaders and representatives of Lower Canada’s Patriotes. William Lyon Mackenzie did not attend.
The convention reaffirmed Bill Johnston as navy commodore in the St. Lawrence River and Lake Ontario. Gilman Appleby, the captain of the ill-fated *Caroline*, became navy commodore on Lake Erie. Donald McLeod rose to secretary of war. The conventioneers elected newcomer Abram Daniel Smith, 27, then the chief justice of the peace in Cleveland, as president and potential leader of a republican Canada. (Dunley) Lucius Verus Bierce, 37, from Akron, Ohio, a brigadier-general in the state militia, became the Hunter army’s commander-in-chief, beating out Henry Handy for the position.

The delegates also appointed John Ward Birge as general of an independent Hunter division in upstate New York. That later proved to be a
mistake. While McLeod and Bierce planned a coordinated fall campaign, Birge took matters into his own hands. He gathered men, weapons and supplies for a November assault on Upper Canada, without coordinating the campaign with other Hunter military leaders. Birge toured the north-eastern counties of New York State whipping the Patriots and Hunters into a battle frenzy. According to Edwin Guillet, Birge gave a fiery speech in Watertown, NY, claiming 20,000 to 40,000 men would assemble to fight, and that nine-tenths of Canadians and three-quarters of militia troops would rise to their support once their force landed in Upper Canada. (Guillet 133-142) Birge also promised 100 acres of farmland to any man who landed on the Canadian shore in the planned assault. That statement lost him whatever Canadian support he might have had and incensed the militia because, logically, the rewarded farmland must first be confiscated from its rightful owners—the very Canadians Birge expected would be his allies.

**Autumn Patriot Raids**

Robert Nelson knew that the Hunters Lodge planned a major offensive in November. He picked that month to mount the largest rebel assault on Lower Canada. With an estimated 3,000 fighters in Vermont or in secret cells in Lower Canada, his men launched simultaneously attacks on seven villages along the south shore of the St. Lawrence River as a prelude to an assault on Montreal and Quebec City. After a week of battles in several towns, some which the Patriotes won, the British army and militia defeated Nelson’s force and commenced a series of reprisals. Soldiers following Colborne’s orders visited every village and farmstead, and whenever the male proprietor could not be found, he was assumed to be a rebel. In that case, all houses and barns were set on fire leaving hundreds without shelter or food at the commencement of winter. Benjamin Wait, a rebel prisoner on his way by ship to Tasmania recalled in his memoirs of seeing farmhouses, barns and the entire village of Beauharnois completely in ruins due to retaliatory fires. (Wait 125-126)

From November 13 to 16, 1838 a company of Patriots and Hunters, mostly Americans led by Nils Von Schoultz, occupied a Canadian hamlet near Prescott, Upper Canada. Though promised thousands of fighters by Birge (who stayed safely in America), only 182 faced the Canadian defenders the first day. By barricading themselves in stone buildings and an indestructible stone windmill, they held off a superior Canadian and British force for four days. The Battle of the Windmill, as it is named,
was the bloodiest encounter of the Patriot War. Among the British and Canadian defenders, 17 died at the battle or from wounds, and one civilian died (Graves 240). At least 33 others were wounded (Graves 216-226). Of the invaders, casualty accounts vary; however, by comparing various lists of combatants, men captured, a personal account from Daniel Heustis, and reports of dead and missing Americans, approximately 20 died at the battle or from wounds, 14 others were wounded of 161 captured. The British hanged 11 rebel leaders and transported 60 to Tasmania, including Heustis. The remainder were released or pardoned.

Fig. 7. ‘Battle of the Windmill’. This lithograph, from the memoirs of Daniel Heustis, depicts the battle as seen from Ogdensburg, New York.

On December 4, 1838, Lucius Verus Bierce and William Putnam stole a steamer and sailed with 165 Patriots from Detroit to attack Windsor, Upper Canada, at dawn. A band of 60 militiamen soon repelled the invaders. That afternoon 400 other militiamen arrived and hunted down all rebels still in Canada. Militia commander Lt.-Colonel John Prince ordered five captives summarily executed. The raid left two Canadian militiamen and two citizens dead. The Patriots lost 25 including Putnam, and had 46 captured. The British hanged six of the rebels and transported 18 to Tasmania.
Shaun J. McLaughlin

Patriot War Fades

By the end of 1838, the Patriot War had run out of steam, though Hunter and Patriot leaders refused to admit their war was over. Small bands of men—essentially bandits and terrorists—did raid Canada on a few occasions as late as 1841. According to Lindsey, Henry Handy and Donald McLeod continued planning further armed incursions into Canada in 1839. Each assured the other through letters that large numbers of men could be assembled in short order. (Lindsey 235-242)

The generals exaggerated the estimates of available recruits. Stocks of weapons were in short supply because of insufficient funds. Sympathizers who once donated money to the Hunters now disavowed that organization. A handful of prominent men retained executive positions and a hardcore group of fighters remained on the ready; but, after 11 failed invasions of Canada from Michigan to Vermont in 1838, everyone knew Canada was unassailable by a citizen army.

Aftermath

Certainly, there was no clear victory in the Patriot War as in the Texas Revolution. In fact, the Patriot War was a complete military failure. Still, the Canadians and Americans who fought for representative government in 1837 and 1838 did make a difference. Britain’s colonial masters had ignored negative reports and the evidence provided by delegations of Canadians on the dysfunctional, self-serving colonial governments in Upper and Lower Canada for years. In September 1836, for example, Dr. Charles Duncombe, then a member of Upper Canada’s elected assembly, sailed to England with a group of reformers to take their Family Compact complaints to the seat of English colonial authority. Senior ministers showed no interest and snubbed them. Duncombe returned to Canada embittered and became a rebel leader in December 1837.

The rebellions of Upper and Lower Canada, and the fortune Britain spent fighting Patriot and Hunter invasions for a year, woke up the lounging lion. Sensing something must be amiss, England appointed a new governor general for Canada, Lord Durham, in 1838. To his political opponents, John George Lambton, the Earl of Durham, was known as Radical Jack. A reformer by nature, he created a storm of protest when he submitted his report on the Canadian colonies to England’s Colonial Office on February 4, 1839. The report confirmed that the governments of Upper and Lower Canada consisted of corrupt, nepotistic and elitist
cliques. He made two main recommendations: replace the corrupt executive councils with a cabinet composed of elected members; and, unite Upper and Lower Canada.

The British government of the day balked at abolishing the existing appointed executive councils. Canadians had to wait until the appointment of Lord Elgin as governor general in 1847, and a sweep of reformers in the 1848 elections before responsible government came to the Canadian colonies. Britain did move quickly on the second part. In 1840 it created a single colony called the United Province of Canada, or simply Canada, with the first election held in 1841. One paragraph in Lord Durham’s report won the hearts of Canadian rebellion refugees and their American friends by confirming what they knew to be true—that the colonial government created the climate for rebellion and then used the uprising as an excuse to silence legitimate dissent:

It certainly appeared too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for their error. It seemed, too, as if the dominant party made use of the occasion afforded it by the real guilt of a few desperate and imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers was subjected to suspicion, and to harassing proceedings instituted by magistrates whose political leanings were notoriously averse to them. Severe laws were passed under colour of which individuals very generally esteemed were punished without any form of trial. (Durham, 165)

It is the nature of Canadian politics that change comes slowly through negotiation and compromise, not revolution. The Patriot War did not win better government immediately, but it made the political masters fix a problem they had too long ignored. The Patriot War forced a change in governance in favour of democratic institutions and created fertile ground for the creation of an independent Canada in 1867.

Conclusion

The Patriots and Hunters never had the depth of popular support they needed in Canada to win. They foolishly expected Canadian colonists would flock to their banner on their arrival. A few colonists did but never enough to tip the balance. While many Canadian colonists were
discontent with their government, they remained loyal British subjects. Adult male colonists joined the militia, and it was that citizen army that provided most of the armed defence in Upper Canada, as was the case in the earlier War of 1812. The administration of U.S. President Martin Van Buren never endorsed or aided the conflict that became known as the Patriot War. American people, not the American government, declared war on Britain. The officers and men in the volunteer rebel armies saw themselves as freedom fighters engaged in a just and noble cause. The majority of Americans who fought, died, hanged, or were transported to antipodal penal colonies acted on altruistic ideals, however misguided their mission may have been.

Works Cited
Miller, Linus W. Notes of an Exile to Van Diemen’s Land. Fredonia, New York: W. McKinstry & Co., 1846.
Wait, Benjamin. Letters from Van Diemen’s Land Written during Four Year Imprisonment for Political Offences Committed in Upper Canada. Buffalo, New York: W.W. Wilgus, Buffalo, 1843.
When *Canadian Literature* celebrated its 50th anniversary in 2009, an international group of scholars representing 21 universities arrived in Vancouver, Canada, to discuss the future of Canadian literature, both the journal and the field. Associate Editor Laura Moss writes: “It seems relevant that in our gathering we made no giant proclamations about the future of Canadian writing, created no lists of key words or authors, damned no forms of writing as old-fashioned, and came away with no group manifesto.”

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Hiram Sharp, an American Patriot in the Australian Colonies

Terry Patterson

Much has been written about the “Patriot Wars” and the effect on the lives of those who were involved in the battles. This article tells the story of one of the combatants, Hiram Sharp, a citizen of the United States who fought for democratic reform, in the largest of the battles the “Battle of the Windmill” at Prescott, Canada in 1838. This young man whose ancestry can be traced back to the "Mayflower", fought in the hope of independence for Canada. Yet his struggle along with the small number patriots who risked their lives, even though defeated by the British, helped to change political views and bring about democratic reform, not only to Canada, but also to Australia; a country that in the end was to become his future.

Keywords: Hiram Sharp(e), Battle of the Windmill, Patriot War, Geneology, Ontario History, New South Wales History.

Much has already been written about the “Patriot Wars of Upper Canada” of 1837-38. The focus of this paper is to tell the life, after his release, of Hiram Sharp who fought in the largest of the battles, “The Battle of the Windmill” at Prescott, Canada (November 12th to 16th 1838) and who was one of the few never to return home to the United States. Filled with patriot zeal and the promises of land, the young Hiram along with some two hundred combatants or Hunters as they referred to themselves, braved the cold night of the twelfth of November to cross the Niagara River aboard the, “Charlotte of Toronto”. The original plan was to drift downstream to the Prescott wharf and disembark for a surprise attack on Fort Wellington. This action they believed would induce a general uprising of the Canadian populace, against the British, thus ultimately bringing about freedom from what they perceived as the oppressive forces of the Empire.

These grand plans however, were not to come to fruition. Nearing midnight the small force of two schooners, the “Charlotte of Toronto” and the “Charlotte of Oswego” pulled by the steamship, “United States” were set adrift on the current. As they approached the patriots were noticed
by a customs inspector, who raised the alarm. In the ensuring confusion the schooners continue to drift and the vessel that contained much of the supplies, the “Charlotte of Oswego” became grounded in the shallows at the entrance of the Oswegatchie River. The “Charlotte of Toronto” with the invading force continued on until it made the Canadian shore near Prescott. (Scott 73).

Above the landing place, on a bluff, stood an imposing stone tower about eighteen metres high that was used as a windmill. Here the men decided to make their stand, protected by its strong walls and feeling certain that democracy based on the United States model would eventually be found throughout North America. Knowing that such a hostile action on Canadian soil would be attempted, the British had made plans for repelling just such an invasion. Word of the landing was quickly carried to the authorities and within a short time British armed forces and militia began moving towards the windmill. The crucial battle that was to decide the future of so many was about to begin. By sunrise on Tuesday, 13th November the patriots keeping lookout noticed a substantial military force approaching. This combined force numbered over two thousand British army regulars and Canadian militia, supported by gunships on the river. The British force was also supplied with artillery to pound the invaders into oblivion.

The sight of such a force did not weaken the resolve of the patriots. Instead upon the opening of the attack, the patriots met with success repulsing the British with the use of superior small arms, aided also by their strong defensive position. One major advantage that the Hunters had over the British was that many were armed with rifles that were capable of greater range and accuracy, rather than the smooth bore musket. (Graves 111). Even the British artillery failed to penetrate the windmill’s strong walls. But this early victory only displayed the precarious position that the patriot force found themselves in; without reinforcements and supplies their position would eventually become untenable.

Late in the afternoon of that day, Nils von Schoultz, the patriot commander, attempted to send some men back across the river to Ogdensburg to try to gain medical supplies and food for his fighting men. The small force of patriots that held the windmill had noted that the British vessels occasionally interrupted their patrols to return to Prescott, leaving the river clear for brief periods. At such a timely interlude volunteers numbering about four tried to reach the U.S shore. Unfortunately this small band of brave men was captured on the arrival of a British gunship.
There is the distinct possibility that when these men were captured within United States territorial waters. (Graves 126). 3.

From this moment it was just a matter of time; the British strengthened their military position, aided by heavier artillery and the arrival of more men. They, the British made sure that none could escape the encircling force. Finally due to the lack of supplies the patriot commander, Nils von Schoultz was forced to surrender. One can only imagine the sense of depression that faced each of the patriots at their failed attempt to bring Canada freedom, based on the United States model, especially when each of these men including Hiram were able to see their homeland in the distance. 4

This failed action was to change the lives of each of the patriots forever. Some such as the patriot commander paid with his life, whilst others such as Hiram whom were initially sentenced to Death, had their sentences commuted to Life Imprisonment, at the ends of the British Empire, in the far flung colony of Van Diemen’s Land. Upon his capture Hiram along with the others was first incarcerated at Fort Wellington. Finally after the trials, the patriots were moved on until after many months they were placed on board, “HMS Buffalo”, a ship that had earlier in its career had transported the first free settlers to South Australia.

The voyage was a horrendous experience, as they had to endure a severe tropical storm off the coast of South America. Many were sick and they were restricted to life below deck for long periods in claustrophobic conditions, in the heat and with the ship rolling about them. Land when it did come must have been a relief. Hiram, was born in about 1815 (there is no birth certificate) and his Death Certificate records him as being forty-four years of age at the time of his death in 1859. His place of birth has not been verified, but what is known is that his parents, Philario Sharp and Rebecca Sharp, nee Richmond are recorded in the 1850 Census as residing in Clay, Onondaga County, in the State of New York. Hiram’s forebears can be traced to Thomas Rogers who arrive on board the “Mayflower” in 1620. His connection to the “Mayflower” is traced through his mother’s line, (see Appendix 1). Hiram was one of at least eight children. The Sharp lineage itself can be traced back to at least Robert Sharp who died in July, 1653 at Muddy River, Suffolk, Massachusetts, (see Appendix 2). The family is among the oldest migrant families to reach the New World.

Like most Australians I had no knowledge of the “Patriot Wars”. The fact that we have a municipal area in Sydney known as “The City of Canada Bay” and three bays known as Canada Bay, Exile Bay and France
Bay in Sydney Harbour did not register an interest, except for a thought that these were strange names for areas in Sydney. I was later to learn that this was where the French Canadian Patriots who were involved in the conflicts were incarcerated. The Lieutenant Governor of Upper Canada, George William Arthur, sent the American Patriots to Van Diemen’s Land (Tasmania) on the same ship, “Buffalo”. What is interesting is that the British authorities off loaded the U.S. patriots in Hobart, whilst sending the French Canadians on to Sydney. Luckily, “Buffalo” survived to carry out its mission of delivering the Patriots. After leaving Sydney the ship sailed to New Zealand and had the misadventure of sinking.

My personal interest in Hiram Sharp, one of the ninety-two Americans sent to Tasmania, extends from being the husband of Margaret who happens to be the great, great, grand-daughter of Hiram. Our children and grandchild are also descendants. For many years my wife had expressed an interest in exploring her background and finding out about her family history, not knowing of the interesting story that was about to unfold. The catalyst for the beginnings of my research was a family reunion in Mitchell, Queensland in 1999, in which Margaret’s mother, Gwendoline attended. At this reunion the attendees were each given some, “Family History Notes”. Armed with this sparse information and with the sudden and unexpected death of Margaret’s mother in 2005, I set out upon my quest to seek a more detailed historical account of Hiram Sharp’s life.

Other previous historians who researched and wrote about Hiram’s life assumed, incorrectly, that on receiving his “Ticket of Leave” and then being released, he returned to the States aboard the U.S.S. “Belle” which left Van Diemen’s Land (Tasmania) on September 2nd, 1845. Indeed Hiram spent some time working on the “Belle”, under the command of Captain Ichabod Handy; with I believe the intention of returning home. The “Belle” finally returned to Fairhaven, Massachusetts on September, 10th, 1852 minus Hiram who, it was subsequently discovered left the whaling ship in Sydney, Australia. Unfortunately I have not been able to locate the “Belle’s” log to learn more of the voyage and crew. The family knew that Hiram met a newly widowed Irish lady named Mary Ann Black nee Casey, who already had four children. Where and how they met remains a mystery. According to a family story Mary Ann arrived in Sydney on a ship bearing her name. This ship reportedly was, “The biggest floating scow you ever saw, with cockroaches as big as mice.”^5
Margaret’s cousin, Paul Sharpe began searching the “Mariners and Ships in Australian Waters” State Records Authority of New South Wales and one possibility came to light. On the 21st of May 1849, a ship “Mary Ann” of 394 tons arrived in Sydney from Adelaide. Coincidently two days later on the 23rd, “Belle” on a whaling voyage also arrived in Sydney. Mary is not listed as being a passenger, but it is possible that she could have boarded at Wollongong, N.S.W where she had been residing with her young family, for the short voyage to Sydney. This would have been the easiest way to reach Sydney in that era, as travelling overland would have been very difficult, if not horrendous. I know that this is only an assumption, but it is a tantalizing possibility. It does say something of the calibre of the man, when one considers that he was prepared to take on a wife who already had four children.

Again, according to family history, Hiram and Mary Ann were married in Sydney in 1850; as yet no “marriage certificate” has been discovered. This is after many fruitless searches of the “New South Wales Dept. of Births, Deaths and Marriages.” I believe that the marriage was in name only; a
practice that in Australia at the time was not unusual. Even in the 21st Century it does not seem out of place. According to oral history, (“Family History Notes”), Hiram had arrived in Australia from America on board a whaling ship in company with one Ben Boyd. In this oral version it was believed that Hiram may have been a convict at some stage.

To verify this version, I initially began searching the records of convicts sent to New South Wales. There, of course, was no record of a Hiram Sharp. Fortunately I thought of the convict records for Van Diemen’s Land, as it was a separate entity in the general administration of the convict system. Having accessed the Tasmanian Records, Hiram’s name appeared and his life’s background and involvement in the “Battle of the Windmill” in Canada began to unfold. This information together with the family’s historical notes led to the discovery of records about his sentence, journey to Australia on board “Buffalo” from Canada, his time in Van Diemen’s Land and subsequent release and joining the whaling ship, “Belle”. Much of this information was found in the New South Wales State Library, Tasmanian Collection. These details have also been researched by other historians and can be perused in their publications.

I then turned to these published accounts to find out more about the “Patriot Wars” from such historians as: Stuart D. Scott (2004), Cassandra Pybus and Hamish Maxwell-Stewart (2002), Donald E. Graves (2002) and many articles written by John C. Carter. All assumed that Hiram had returned to the U.S. on board “Belle” and disappeared from history, as there were no records of his whereabouts and life in the States. Records did exist, but in areas that had not been contemplated by researchers, such as in the New South Wales Lands Department, also New South Wales Births, Deaths and Marriages, Coronal Inquests and “Account of Sheep at Maneroo, 1st June to 30th May, 1867” and “Boyd and Co. Account Book and Order List, 21st July, 1851 to 28th May, 1867”. 6 (This is part of the Burnima Station Records, held in the National Library in Canberra).

It was surprising to find, how “accurate” the family oral history had been. Indeed Hiram had been a convict; he had arrived from America and on a whaling ship, at least from Tasmania. But what if anything is the significance of the story of Ben Boyd? From this point onwards the life of Hiram can be traced with greater accuracy. Research shows, Mary and Hiram’s first born son was Milo Richmond, born on the 21st November, 1852 and he was baptized at Nimmitabel, New South Wales on the 25th of January, 1853. In all, Hiram and Mary had five children: Milo Richmond,
Rebecca Jane, Michael Charles, Hiram Morgan and Catherine Elizabeth. A baby girl died in 1855.

Hiram finally gained employment on a large sheep station named “Bibbenluke” as a shepherd. This is where the Ben Boyd part of the story evolves. Ben Boyd purchased the property in about 1843. He was one of the largest landowners in New South Wales, around the Monaro area until his death in 1851. After this William Bradley, one of the largest and wealthiest landholders in New South Wales bought the lease and stock in 1855.7 This sheep station is located in southern New South Wales between Nimmitabel and Bombala. At the time these two villages were about as remote as you could get on the Australian mainland.

Hiram’s first appointment was at an outstation named “Dog Kennel” (Probably this is a rather appropriate name for an isolated area). Here we have records of him signing for supplies, payment and the records of sheep under his care in June, 1851. These records are found in the “Burnima Station Records”. 8 These records are located in the Australian National Library in Canberra. Actually, in 1851 it is recorded that eighteen different shepherds were employed during the year (between nine and twelve shepherds employed at one time, tending to thirteen to fourteen flocks). About half of this number are recorded as being literate, among them Hiram.9

Working as a shepherd was extremely hard in an area without fences, caring for flocks of between two thousand and three thousand sheep. The climate of this remote area ranged from extremely hot in summer to freezing conditions and snow in the winter months, as it is so close to the Snowy Mountains. Coming from the far northern area of New England in the United States, Hiram would have been use to such weather conditions. From these lowly beginnings he advanced to general work hand (June, 1852) to the better paid position of carrier in March, 1853.10 After working for many years at “Bibbenluke”, Hiram and Mary managed to obtain a property of eighty-three acres near Bombala at a place known as Crankies (Cranky’s) Plains on the 28th of July, 1857. 11 The cost for the property was eighty- three pounds. The property is considered as one of the best in the district with the Coolumbooka River flowing through and it was here, using bullock teams Hiram continued as a carrier around the district. Unfortunately for this patriot, life was not to have the fairytale ending. He had achieved so much of what he had hoped for: a family and a property, undergone many trials and tribulations throughout his life, but whilst in a state of “intemperance”, 12 he accidently fell from a bullock
Terry Patterson

hauled dray as he was crossing the Coolumbooka River and was killed within sight of his property on the 19th of Feb, 1859.

According to the official record from “New South Wales Births, Deaths and Marriages” Hiram is buried in an unmarked grave at Nimmitabel. Unfortunately there is another earlier record that has him being laid to rest at Bombala Cemetery, which leaves one wondering as to which is correct. Due to the fact it was the height of summer it would be unusual at the time to keep a body above the ground for any length of time, as refrigerators did not exist for preservation purposes; unless it was being transported over some distance. Nimmitabel is at least fifty kilometres (a day’s travel) from Crankies Plains, whereas Bombala is within walking distance. This would help to explain why Hiram was interred two days later on the twenty-first of February. Nimmitabel also held some significance to the family, as this was where Hiram’s children were baptized.

As a family we have wondered as to the reasons why Hiram would have involved himself in the “Patriot Wars”. We have speculated that Hiram’s two grandfathers, both Nathaniel Richmond and Daniel Sharp may have had some bearing on his decision, as both had fought against the British in the Revolutionary Wars in the United States and as such they were patriots for the cause of freedom. In hindsight it was both Canada and Australia’s gain that such men as Hiram and the other patriots risked their lives for freedom. After the troubles of the “Patriot War”, the British authorities started to reassess how they were administering both colonies and it became clear to at least some in authority that there had to be some movement towards granting democratic reforms.

It can definitely be stated that Hiram was lured by the hope of helping the Canadians to break from the British yoke, just as the States had been able to do and gain their own independence, a totally free New World. As well as this, it can be speculated that Hiram would have been hoping to gain land as a reward in helping to overthrow the British. With these intentions unfulfilled in North America; this young man forged another path in another British Colony at the far ends of the earth and helped to bring about the form of democracy that both Canada and Australia share and enjoy today.
Appendix 1

Descendants of Thomas Rogers

Generation No. 1

1. THOMAS ROGERS was born about 1572 in Watford, Northampton, England. He was the son of WILLIAM ROGERS and ELEANOR. He married ALICE COSFORD, the daughter of GEORGE COSFORD on the 24th October, 1597, Watford, Northampton, England. He sailed on “The Mayflower” with his son, JOSEPH in 1620, leaving his wife and rest of family in Leiden, Holland where he had earlier been a merchant. He died at Plymouth the first winter, leaving behind his eighteen year old son, JOSEPH.

Children of THOMAS ROGERS and ALICE COSFORD are:
   i. THOMAS (died young)
   2. ii. RICHARD (died young)
   iii. JOSEPH
   3. iv. JOHN
   v. ELIZABETH
   vi. MARGARET

Generation No. 2

3. JOHN ROGERS (THOMAS ROGERS 1) was baptised 6 April, 1606 at Watford, Northampton, England. He married ANNA CHURCHMAN, at Plymouth 16 April 1639. He died at Duxbury between the 26 August and 20 September, 1692.

Children of JOHN ROGERS and ANNA CHURCHMAN are:
   6. i JOHN b. ca. 1640
   7. ii. (H)ANNA b. bet. 1640 and 1650.
   8. iii. ABIGAIL b. ca. 1640 (based on age at death).
   9. iv. ELIZABETH b. bef. 1652
8. ABIGAIL ROGERS (JOHN², ROGERS, THOMAS¹) was born 1640 in Massachusetts, USA, and died 1 August, 1727, ae. 86 yrs. in Taunton. She married by 1663 JOHN RICHMOND, b. ca. 1627; son of John Richmond d. Taunton 7 Oct, 1715 ae. 88 yrs. in 1654 in Massachusetts, USA. All of the children were born in Taunton, except EBENEZER.

Children of ABIGAIL ROGERS and JOHN RICHMOND are:
9. i. JOSEPH b. 8 Dec. 1663
10 ii. EDWARD b. 8 Feb. 1665
11. iii. SAMUEL b. 23 Sept. 1668
12. iv. SARAH b. 26 Feb. 1670
13. v. JOHN b. 5 Dec. 1673
14. vi. EBENEZER b. Newport RI 12 May 1676
15. vii. ABIGAIL b. 26 Feb. 1678/9

Generation No. 4

10. EDWARD RICHMOND (ABIGAIL³, JOHN², ROGERS, THOMAS¹) was born 8 February 1665 in Taunton, Massachusetts, USA, and died 9 December 1741 in Massachusetts, USA. He married MERCY (MARY). She was born in 1709 in Taunton, Massachusetts, USA. He married MERCY (MARY). She was born in 1709 in Taunton, Massachusetts, USA.

Children of EDWARD RICHMOND and MERCY (MARY) are:
16. i. MERCY b.ca. 1694; d. 27 Jan. 1760
17. ii. EDWARD b.ca. 1696
18. iii. JOSIAH b. ca. 1697
19 iv. NATHANIEL b. ca. 1700; d. bet. 1739 and 1744.
20. v. SETH
21. vi. ELIZABETH
22. vii. PHEBE b. ca. 1713
23. viii. SARAH
23. ix. MARY d. after 1738
24. x. PRISCILLA
Generation No. 5

18. JOSIAH⁵ RICHMOND (EDWARD⁴ RICHMOND, ABIGAIL³ ROGERS, JOHN², THOMAS ROGERS¹) was born 1697 in Taunton, Bristol, Massachusetts, and died 30 January 1763 in Middleboro, Plymouth, Massachusetts. He married MEHITABLE DEANE (1) b. Taunton 6 or 9 June 1697; dau. Benjamin and Sarah (Williams) Deane in 1736 in Massachusetts. She died 5 February, 1745.

He married (2) LYDIA CROCKER in Middleboro 6 Feb. 1745/6

Children of JOSIAH RICHMOND and MEHITABLE DEANE are:

25. i. MARY b. 1718
26. ii. JOSIAH b. 1721
27. iii. GERSHOM b. 1723
28. iv. GEORGE b. 1725
29. v. BENJAMIN b. 1727
30. vi. LEMUEL b. 1733
31. vii. MIRIAM b. 1733
32. viii. EPHRAIM b. 12 Feb. 1735
33. ix. ELEAZER b. 27 Feb. 1737
34. x. ZERIAH b. 1739
35. xi. MERCY b. 1741

Generation No. 6

26. JOSIAH⁶ RICHMOND 11 (JOSIAH⁵, EDWARD⁴ RICHMOND, ABIGAIL³ JOHN, ROGERS, THOMAS ROGERS¹) was born 1711 in Massachusetts and died 1786, Massachusetts. He married ELIZABETH SMITH, on the 9 July, 1743. She was born 1716, and died about 1803.

Child of JOSIAH RICHMOND and ELIZABETH SMITH is:
36. i. NATHANIAL⁸
NATHANIAL^7 RICHMOND (JOSIAH^6 RICHMOND, EDWARD^4 RICHMOND, ABIGAIL^3 JOHN,^2 ROGERS, THOMAS^1) was born 13 April, 1766 in Taunton, Massachusetts. He married MARY HORSWELL, who was born in 1770, Tauton, Massachusetts.

Child of NATHANIAL RICHMOND and MARY HORSWELL is:

i. REBECCA

REBECCA^8 RICHMOND (NATHANIAL^7 RICHMOND, JOSIAH^6 RICHMOND, EDWARD^4 RICHMOND, ABIGAIL^3 JOHN,^2 ROGERS, THOMAS^1) was born 6 June, 1783 in Taunton, Massachusetts and died 17 November, 1855 in Clay, New York. She married PHILARIO SHARP.

More About PHILARIO SHARP:
Census: 1830, Town of Salina
Notes (Facts Pg): Typed names on census includes Philaris, Philarie, Pilario

Children of PHILARIO SHARP and REBECCA RICHMOND are:

i. REBECCA SHARP, b. 1805, Taunton, Bristol, Ma.
ii. AMANDA SHARP, b. 1807
iii. DANIEL SHARP, b. 1809
iv. HIRAM SHARP, b. 1811, New York, d. 19 February 1859, Cranky’s Plains (Bombala - District).
v. POLLY SHARP, b. 1813
vi. HORACE SHARP, b. 1815
vii. MILO SHARP, b. 1817
viii. ABIGAIL SHARP, b. 1819
Generation No. 9

41. HIRAM\textsuperscript{9} SHARP (REBECCA\textsuperscript{8} RICHMOND, NATHANIAL\textsuperscript{7} RICHMOND, JOSIAH\textsuperscript{6} RICHMOND, 11 JOSIAH, EDWARD\textsuperscript{4} RICHMOND, ABIGAIL,\textsuperscript{3} JOHN, 2 ROGERS, THOMAS\textsuperscript{3}) was born 1811 or 1815 (According to Death Certificate) in State of New York and died 19 February 1859 in Cranky's Plains (Bombala - District). He married MARY ANN CASEY 1849 in Kiama, (Though no Marriage Certificate has been found) daughter of MICHAEL CASEY and JOHANNA HAFEY. She was born Bef. 1822 in Kilfinnane, Limerick, Ireland, and died 17 January 1896 in Charleville QLD.

Notes for HIRAM SHARP:

During Hiram's life all his children's births were registered with no ‘E’ in Sharp. Only after his death did the ‘E’ seem to creep in with his death certificate and marriages of his children.

According to Dr. John Carter, Ministry of Heritage and Culture, Toronto, Canada, Hiram was only one of three Americans to remain in Australia. The other two being: Ira Polley and James Aitchison.

More About HIRAM SHARP:

Burial: 21 February 1859, Nimitybelle NSW
Cause of Death: 19 February 1859, Fall from a dray
Extra Inform: Captured at ‘The Battle of Windmill’ while fighting for Canadian Independence against the British
Occupation: Carrier Undertaker: 19 February 1859, No undertaker

Appendix 2

Descendants of Richard Sharpe
Generation No. 1

1. RICHARD$^1$ SHARPE was born Abt. 1562 in Islington, Norfolk, England, and died Abt. 1627. He married ELIZABETH CHADWICK, daughter of JEFFERYE CHADWICK. She was born 7 June 1571 in Halifax, Yorkshire, England.

Children of RICHARD SHARPE and ELIZABETH CHADWICK are:
2.  
   i. ROBERT$^2$ SHARPE, b. 1615, Islington, Norfolk, England; d. July 1653, Muddy River, Suffolk, Massachusetts, USA.  
      ii. WILLIAM SHARPE.  
      iii. ALICE SHARPE.  
      iv. ELIZABETH SUSANNAH SHARPE.

Generation No. 2

2. ROBERT$^2$ SHARPE (RICHARD$^1$) was born 1615 in Islington, Norfolk, England, and died July 1653 in Muddy River, Suffolk, Massachusetts, USA. He met ABIGAIL WRIGHT 1640 in Roxbury, Suffolk, Massachusetts, USA, daughter of RICHARD WRIGHT and MARGARET WRIGHT. She was born Abt. 1620 in Scituate, Plymouth, Massachusetts, USA, and died Abt. 1707 in Scituate, Plymouth, Massachusetts, USA.

Children of ROBERT SHARPE and ABIGAIL WRIGHT are:
3.  
   i. JOHN$^3$ SHARP, b. 12 March 1647/48, Muddy River, Boston, Massachusetts, USA; d. 21 April 1676, Sudbury, Massachusetts, USA.  
      ii. ABIGAIL SHARP, b. 1647, Dorchester, Suffolk, Massachusetts, USA.  
      iii. MARY SHARP, b. 5 December 1652, Roxbury, Suffolk, Massachusetts, USA.

Generation No. 3
3. JOHN³ SHARP (ROBERT² SHARPE, RICHARD¹) was born 12 March 1647/48 in Muddy River, Boston, Massachusetts, USA, and died 21 April 1676 in Sudbury, Massachusetts, USA. He met MARTHA VOSE 1665 in Massachusetts, USA, daughter of ROBERT VOSE and JANE MOSS. She was born 1645 in Ditton, Lancashire, England, and died 1683 in Muddy River, Boston, Massachusetts, USA.

Children of JOHN SHARP and MARTHA VOSE are:
4. i. WILLIAM⁴ SHARP, b. 10 March 1673/74, Roxbury, Suffolk, Massachusetts, USA; d. 19 November 1751, Pomfret, Windham, Connecticut.
   ii. ROBERT SHARP, b. 17 May 1665.
   iii. MARTHA SHARP, b. 4 June 1667, Brookline, Norfolk, Massachusetts, USA.
   iv. JOHN SHARP, b. 1669, Muddy River, Boston, Massachusetts, USA.
   v. ELIZABETH SHARP, b. Abt. 1669, Muddy River, Boston, Massachusetts, USA.

Generation No. 4

4. WILLIAM⁴ SHARP (JOHN³, ROBERT² SHARPE, RICHARD¹) was born 10 March 1673/74 in Roxbury, Suffolk, Massachusetts, USA, and died 19 November 1751 in Pomfret, Windham, Connecticut. He met ABIGAIL WHITE 1703 in Pomfret, Windham, Connecticut, USA. She was born Abt. 1676, and died 15 February 1753.

Children of WILLIAM SHARP and ABIGAIL WHITE are:
5. i. SOLOMON⁵ SHARP, b. 23 February 1704/05, Brookline, Norfolk, Massachusetts, USA; d. 2 May 1783, Pomfret, Windham, Connecticut.
   ii. ABIGAIL SHARP, b. 29 March 1700.
   iii. JOHN SHARP, b. 14 July 1703.
   iv. WILLIAM SHARP, b. 23 February 1704/05.
   v. MARTHA SHARP, b. 7 May 1708.
   vi. JOSEPH SHARP, b. 1711.
vii. BENJAMIN SHARP, b. 1 November 1713.
viii. ISSAC SHARP, b. 23 May 1716.
ix. ELIZABETH SHARP, b. 5 May 1718.
x. GERSHOM SHARP, b. 15 May 1720.

Generation No. 5

5. SOLOMON⁵ SHARP (WILLIAM⁴, JOHN³, ROBERT² SHARPE, RICHARD¹) was born 23 February 1704/05 in Brookline, Norfolk, Massachusetts, USA, and died 2 May 1783 in Pomfret, Windham, Connecticut. He married SARAH GOODALE, daughter of THOMAS GOODELL and SARAH HORRELL. She was born 27 August 1711 in Pomfret, Windham, Connecticut.

Child of SOLOMON SHARP and SARAH GOODALE is:

6. i. DANIEL⁶ SHARP, b. 12 June 1754, Pomfret, Windham, Connecticut; d. 21 August 1840.

Generation No. 6

6. DANIEL⁶ SHARP (SOLOMON⁵, WILLIAM⁴, JOHN³, ROBERT² SHARPE, RICHARD¹) was born 12 June 1754 in Pomfret, Windham, Connecticut, and died 21 August 1840. He met JEMINA SHAY EASTMAN 6 April 1781 in Barnard, Rutland, Vermont. She was born 1766 in Barnard, Rutland, Vermont, and died 7 May 1845.

Children of DANIEL SHARP and JEMINA EASTMAN are:

7. i. PHILARIO⁷ SHARP, b. 1784, Barnard, Vt.
    ii. DANIEL SHARP, b. 3 July 1787, Barnard, Windsor, Vermont; d. 13 August 1862, South Bend, St Joseph, In.

Generation No. 7

7. PHILARIO⁷ SHARP (DANIEL⁶, SOLOMON⁵, WILLIAM⁴,
JOHN³, ROBERT² SHARPE, RICHARD¹) was born 1784 in Barnard, Vt. He married REBECCA RICHMOND, daughter of NATHANIEL RICHMOND and MARY HORSEWELL. She was born 6 June 1783 in Taunton, Bristol, MA, and died 17 November 1855 in Clay, NY.

More About PHILARIO SHARP:
Census: 1830, Town of Salina
Notes (Facts Pg): Typed names on census includes Philaris, Philarie, Pilario

Children of PHILARIO SHARP and REBECCA RICHMOND are:

i. REBECCA SHARP, b. 1805, Taunton, Bristol, Ma.
ii. AMANDA SHARP, b. 1807
iii. DANIEL SHARP, b. 1809
iv. HIRAM⁸ SHARP, b. 1811, New York d. 19 February 1859, Cranky’s Plains (Bombala - District).
v. POLLY SHARP, b. 1813
vi. HORACE SHARP, b. 1815
vii. MILO SHARP, b. 1817
viii. ABIGAIL SHARP, b. 1819

Generation No. 8

8. HIRAM⁸ SHARP (PHILARIO⁷, DANIEL⁶, SOLOMON⁵, WILLIAM⁴, JOHN³, ROBERT² SHARPE, RICHARD¹) was born 1811 or 1815 (According to Death Certificate) in State of New York, and died 19 February 1859 in Cranky’s Plains (Bombala - District). He married MARY ANN CASEY 1849 in Kiama,(Though no Marriage Certificate has been found) daughter of MICHAEL CASEY and JOHANNA HAFAY. She was born Bef. 1822 in Kilfinnane, Limerick, Ireland, and died 17 January 1896 in Charleville QLD.

Notes for HIRAM SHARP:
During Hiram’s life all his children’s births were registered with no ‘E’ in Sharp. Only after his death did the ‘E’ seem to creep in with his death certificate and marriages of his children.

More About HIRAM SHARP:
Burial: 21 February 1859, Nimitybelle NSW
Cause of Death (Facts Pg): 19 February 1859, Fall from a dray
Convict info: 1839, Captured at the Battle of Windmill in Canada and sent to Van Dieman’s Land for life. Arrived in Tasmania in 1840.
Extra Inform: Captured at ‘The Battle of Windmill’ while fighting for Canadian Independence against the British
Occupation: Carrier
Undertaker: 19 February 1859, No undertaker

Works Cited:
New South Wales, Department of Births, Deaths and Marriages
New South Wales “Coronial Inquests” 1859.
New South Wales Department of Land “Land Purchase 57/2285” 1857.
Scott, Stuart D. “To the Outskirts of Habitable Creation: Americans and Canadians Transported to Tasmania in the 1840’s” iUniverse, Inc. Lincoln 2004

(Endnotes)
1 Scott, Stuart D. “To the Outskirts of Habitable Creation: Americans and Canadians Transported to Tasmania in the 1840’s” Lincoln 2004, 73.
3 Ibid., pg.126
8 “Burnima Station Records”
9 Ibid.
10 Ibid.
11 New South Wales Department of Lands “Land Purchase 57/2285” 1857
12 New South Wales “Coronial Inquests” 1859
Privileged Scot, Canadian Invader, and Australian Convict: the Story of James Milne Aitchison

Ian Hundey

Introduction

James Milne Aitchison, was captured at Windsor, Upper Canada during a raid by American Patriots in December 1838. Aitchison, a British subject, was tried by court martial and sentenced to transportation for life in 1839. His journey into exile from Quebec, Lower Canada to Hobart, Van Diemen's Land marked the beginning of a life of convict labour, poverty and estrangement from his family. Yet Aitchison's life began in surroundings far different and far distant from the Detroit River frontier where he was captured and the Tasmanian convict stations where he toiled. Born into a wealthy family in the scenic Scottish Borders, he moved to a comfortable neighbourhood in Edinburgh and then travelled to two British North American colonies and one American state, before he was transported to Tasmania. Nor was Van Diemen's Land the end of the journey. In about 1847 Aitchison migrated to what became Victoria State and commenced the final - but mostly unknown - stages of his life.

This article explores Aitchison's journey from Scotland to Australia, explains why he encountered so many troubles, and sets his story within wider historical contexts. In the process it revisits and extends earlier studies on Aitchison. First, it documents more fully the extent of his family's wealth and social standing in both Peebles and Edinburgh. Second, it describes the setting in which James came of age and began drinking to excess. Third, it reviews his activities in Upper Canada, emphasizing how the loss of his patrimony exacerbated his problems, and providing further details regarding his court martial and imprisonment there. Finally, this article provides new insights into Aitchison's activities in Australia by identifying projects on which he worked and by referencing newly discovered evidence about him in what became Victoria State.
Aitchison was born on 13 April 1810, according to the Old Parish Register (Church of Scotland) for Newlands in Peebleshire, Scotland. This simple document, however, provides much more information than just James’ date of birth (J. Aitchison, OPR). Indeed, it points to the promise of a secure and prosperous life for the infant. The document names his father as William Aitchison of Kerfield. Other sources reveal that in the same year as James’ birth, his father purchased Kerfield, a successful brewery on the outskirts of the town of Peebles in the Scottish Borders (Scottish Brewing Archive). This brewery was renowned for both the quality of its product and the innovative brewing methods introduced by the previous owner William Ker. Not only had Ker imported from London the best equipment and the latest scientific techniques, but he also invented a process which preserved the beer’s aroma and flavor while it was ‘brought to a greater age and excellence’ (Dalgliesh 3). Clearly infant James’ father had acquired a modernized business with good prospects.

The parish register also reveals that his mother brought equally good prospects to the family. Identified as Mary Ker, she was the daughter of the said William Ker, the founder of the brewery and the former Provost of Peebles from 1773 to 1778. Moreover, Mary had her own association with Kerfield. For it was far more than a brewery; it was her family home and according to an early historian of Peebleshire: ‘one of the prettiest and best situated small properties about Peebles’ (W. Chambers 320-321). This ‘small property’ consisted of the brewery, a stately three storey sandstone house, stables, substantial barns and outbuildings, two gate houses, a curving carriage-drive, and spacious lawns and gardens sloping down to the River Tweed (Strang 229). Obviously James’ mother came from one of the most important families in the area - one whose prosperity and position was tied not only to traditional land-wealth but also to modern commerce and civic office. How much wealth Mary brought to the marriage is unclear, but William’s brewery venture no doubt benefitted from the union. As for James, he began his privileged childhood in Kerfield House in the comfort and security of a wealthy and influential family.
James’ birth record provides one additional hint regarding the social station into which he was born. His place of christening was Newlands, Peeblesshire. Here James’ relative, William Aitchison of Drummore, ran a large farm estate according to the most up-to-date practices of improving landlords: drainage schemes, new crop rotations, combinations of husbandry with cash crops, and the use of natural and chemical fertilizers (Findlater 141-142). Besides his farm estate, he owned a prospering distillery and was a real estate speculator, at one point buying a mansion house, liquidating the valuable fittings and selling it for a huge profit to the government to use as a military barracks. At about the same time, he gained the commercial rights to beached whales along a section of the Firth of Forth shore (Mound 12). In all, this Aitchison demonstrated the vigour and entrepreneurial spirit that marked much of commercial
society in early nineteenth century Scotland, and James would have been familiar with his exploits as he grew up.² Aitchison of Drummore, his provost-brewer-grandfather, and his own commercial-minded father served for James as models of men who had succeeded through energy and innovation. Within such a family, a young man would not only be provided with the opportunities of a privileged upbringing, but also be expected to succeed.

James’ prospects were enhanced by his father’s new business ventures. In 1813 William Aitchison purchased a distillery in Tranent south of Edinburgh and by the late 1820s owned properties in the town of Dalkeith, in Leith, and in central Edinburgh (Scottish Brewing Archive). This last property in the Old Town of Edinburgh became the centre of William’s business enterprise. In 1826 he received approval from Edinburgh council to renovate and expand an existing commercial building on St. John Street leading south off the Canongate, in order to establish a brewery (W. Aitchison, Petition 2). Thereafter William abandoned the Kerfield Brewery (W. Chambers 332), and by 1828 his new plant opened with James’ older brother John managing the operation (John Aitchison Brewery). Soon after, the family settled into two substantial houses on St. John Street - William and Mary in one with the younger members of family, and brewery manager John in his own house (Post Office Directory 2).

Over the next decades the Aitchison Brewery expanded down the length of St. John Street and on to the South Back of the Canongate, modern Holyrood Road.³ The brewery was financially successful from the start and quickly made William a very wealthy man. When his affairs were settled after his death in 1835 (Testament), his personal wealth amounted to a staggering £22,300,000 in today’s money.⁴ It may seem surprising that such a wealthy family would reside in the crowded and noisome Old Town of Edinburgh, since well-to-do residents were flocking to the spacious avenues and gracious Georgian terraces of the New Town to the north. By the 1820s Old Town Edinburgh was in the first stage of a general decline that saw many formerly stately houses turn into desperately overcrowded slums. Yet to live adjacent to the family-run business made eminent sense. Moreover, St. John Street was still a respectable address at this time. As he stepped out of his door at 16 St. John Street, the teenage James would have seen none of the decay that was underway elsewhere in the Old Town. On the east side of the street there were tenement
buildings, not yet fifty years old, that showed the quality of construction demanded by their aristocratic builder, the Earl of Hopetoun. On James’ side of the street the houses were of equal quality and in their three or four storeys contained spacious private quarters as well as accommodation for domestic servants. His brother John’s house, #18, had been the luxurious home of Lord Monboddo, judge and prolific writer on intellectual topics, and a gathering place for the Edinburgh *literati* (International Association for Scottish Philosophy). At the foot of St. John Street there was still a considerable green space, the remnants of gardens and a drying field from earlier times. At the top of the street a graceful archway opened into the Canongate, and the street itself was well kept since the residents were affluent enough to contribute to a maintenance fund (Moray House).

Fig. 2: Although an early twentieth century postcard view, this image still suggests a quiet St. John Street insulated from the busy Canongate by its narrow archway. The Aitchison family lived in buildings much like those on the left.

James’ neighbours may not have been the aristocrats and wealthy country squires who had once kept their town houses on the street. They did include, however, well-to-do middle class people. James Ballantyne, Walter Scott’s publisher, was one. Others included officials in the Chancery Office, a university professor, the Commissioner of Customs, a bank official, the owner of paper mills, lawyers, and a countess - perhaps the last of the aristocratic residents (Ballantyne Press 24). Not only were the Aitchisons lodged in respectable company on St. John Street, they were enhancing their position in the ranks of Scottish society through marriage. In 1828 James’ sister Robina married Thomas Stodart of the Tweedie family, one of the oldest noble families in Scotland (Minibiographies).

In this family and in this setting James Aitchison came of age. Nothing is known of his general education or his training in business, other than some indication that he had been given a modest responsibility in the family business (W. Proudfoot to Arthur 12 Jan.1839 122560). Nor is anything known of his interests or leisure activities, except one - drinking! St. John Street may have been a comfortable enclave in the Old Town, but when James walked through the archway into the Canongate he encountered a different world. The street would have been teeming with people – street urchins, shoppers, idlers, scurrying clerks, sooty men delivering coal, carters unloading goods, street-hawkers, and caddies delivering their messages, to name a few (R. Chambers 175). At any hour of the day a good portion of the people would have recently consumed alcohol; in the evening drunkenness abounded. A few of the Old Town drinking clubs patronized by men of wealth and position in the eighteenth century had survived into the 1820s. Public houses flourished as did private dram shops. Many of these were dotted along the Canongate, just steps away from St. John Street. Nineteenth century commentators denounced excessive drinking that was most pronounced at week’s end: ‘Saturday night in the High Street and Canongate of Edinburgh presents one of the most revolting sights ever witnessed’ (Medical Gentleman 127). Whether James frequented one of the drinking clubs, drank in a pub, or bought spirits in a cheap dram shop, he was just one of the many urban Scots who in this period, drank alcohol ‘on a grand scale’ with the ‘intent to get drunk’ (Fraser and Morris 240).

If James tried to hide his drinking from his family, he failed. Writing in early 1834 to his son who had been sent to stay at Cardrona, Peebleshire - where his sister lived far from the temptations of Edinburgh - William Aitchison complained that James could not keep from ‘low company and drinking.’ Apparently this problem dated almost back to
the family’s arrival in Edinburgh: ‘I must tell you altho (sic) you must know it already that you have been a very thoughtless young Man & has never looked to your own Good or my happiness for the last 6 years, [and] have given me a very great deal of Distress and Grief.’ At times James’ drinking must have led him into spectacular difficulties, including one unexplained episode that had already cost his father £200 (W. Aitchison to J. Aitchison 1).

William went on to complain that at age twenty-four, ‘[you have] not earned a shilling for your Self when you had it Quite in your Power to have made you Lively hood,’ and ‘in your present state of mind you are not fit for any Mercantile pursuit.’ Such statements and the overall tone of William’s letter suggest that his son’s continuing bad behaviour or some undocumented transgression had precipitated a crisis. His father proposed a dramatic response to his son’s drinking habit - a common one in cases of wayward younger sons of the British well-to-do. William would send James to a colony, specifically British North America, since ‘in the Country Part of America you will not have that Temptation’ (W. Aitchison to J. Aitchison 1).

Clearly William was unaware about the excessive drinking habits in the British North American colonies. In other respects, however, his plan for James was well-conceived. William proposed that James should apprentice in the colony with an experienced farmer before buying his own working farm. This plan may have been based on William’s common sense and business experience, or it may have been influenced by advice from James’ uncle, the Reverend William Proudfoot who had already settled in London, Upper Canada. In fact, two of Proudfoot’s daughters were currently staying with the Aitchisons in Edinburgh. They could have passed on information about conditions in Canada gleaned from their father’s letters – including the news that Proudfoot himself had recently bought a farm with a quarter of the forest already cleared (Priddis 82). James’ father may have consulted one the emigrant guides published in the 1830s - such as William Catermole’s - that cautioned against novices taking up un-cleared land grants, instead encouraging settlers to gain experience and then purchase cleared farms (82-104). Historians confirm the wisdom of this advice, pointing out that the whole pioneer enterprise was ‘a dangerous gamble’ (Craig 130), and that most of those who succeeded in hacking farms out of virgin forests were usually Americans or Canadians who had years of pioneering experience behind them (Shaw 134).

William promised that he would advance the funds for a suitable farm,
Ian Hundey

if he received favourable reports from the farmer to whom James would be apprenticed. Calculating that his outlay would be at least 200 pounds, he pointed out that this was far more than most young men were provided with and a great deal more than he had to start out. After putting forward his offer and his conditions, William gave vent to his frustration and bitterness: ‘This Explains to you fully my Plans and Intentions regarding what I mean to do for you, But as Yet I have never been successful in any plan I have laid for you But I have always been miserable, disapointed (sic) and Mortified’ (W. Aitchison to J. Aitchison 1). Realizing that he had no choice but to accept the terms, James wrote back promising to do everything in his power to please his mentor in British North America, who could then ‘write home a good cararacter (sic) of my conduct’ (J. Aitchison to W. Aitchison, 5 March 1834 1). The necessary departure arrangements were made and James sailed for Quebec, Lower Canada in late May of 1834. He arrived after a rough passage of almost two months. No doubt his father hoped James would make a fresh start in the colonies. Instead, he entered into more misadventures.

In North America 1834-1839: From New Opportunities to Lawless Aggression

Aitchison arrived in Lower Canada to find that cholera was sweeping through the colony and had struck down the Peter Walker family, with whom he was to apprentice. Mrs. Walker died and her husband was in his sick-bed for weeks. Consequently James had to keep his distance until Peter Walker recovered. Despite this setback, James seemed to relish his new surroundings and sent back a keen analysis of farm costs, crop prices, the quality of turnips and potatoes, the cost of labour, and the difficulties in clearing land (J. Aitchison to W. Aitchison 2 August 1834 1-3).

Writing home in November 1834, James revealed that he had abandoned his father’s plan and moved to Upper Canada to take up a free land grant of 100 acres. James’ lot near Tilbury might be undeveloped, but he declared the land to be much better than in the Lower Province. Anxious to clear the forested lot, James had drawn a bill of fifty pounds so that he could ‘hire a person to chop’ (J. Aitchison to W. Aitchison 23 Nov. 1834 1), and implied that he would need more money soon.

In September 1835 James’ father died. Writing to his mother in December of that year, James offered his condolences, but also brought
her up to date on his progress. He explained that he was paying labourers $7.00 per acre for chopping (felling trees) and $6.00 per acre for clearing (removing stumps) while he had taken rooms in a farm across from his land so he could keep an eye on his workers. The biggest news, however, was that he intended to marry his cousin, Mary Proudfoot ‘for it is almost impossible for a man to live in the woods by himself …’ (J. Aitchison to M. Aitchison 23 Dec. 1835 1-3). In a postscript to his brother William, James asked for a statement of their father’s affairs and a copy of the will. At the rate he was paying his farm labourers, James was going to need his inheritance soon.

In a letter to John, his oldest brother, James catalogued his mounting expenses: wages for his labourers, rent for oxen and the purchase of sawn boards for his house – the standard pioneer log structure apparently would not suit James. In this same letter, James announced that he was thinking of selling his land grant and opening a store ‘where I can make a comfortable Lively hood (sic) in an easy way.’ Needing money both for this venture and for his farm debts, James added: ‘… if it be long before my Father’s affairs are settled you will either have to remit me some money or give liberty to draw upon you for a certain some (sic)…’ (James Aitchison to John Aitchison 25 January 1836 1-2).

Writing home in June of 1836, Aitchison complained that he had not heard from home for six months and begged for news of his father’s financial affairs (J. Aitchison to M. Aitchison, 30 June 1836 1). Clearly James was unaware that the legal disposition of William’s estate had been executed in March 1836. By its terms, Mrs. Aitchison was provided with a trust fund and a house, and guaranteed the use of a horse, carriage, and driver. James’ siblings received generous financial bequests, and in the case of his brothers, John and William, control of the family business. James, however, received nothing (Testament). One is tempted to speculate that had James received a share of his father’s estate at this point, he might have been able to establish himself in the colony, perhaps with the steadying influence of his intended, Mary Proudfoot. With no news of his anticipated inheritance, however, James changed course once again – with disastrous consequences. Presumably working on the principle that in business it is best to stick to what one knows, he decided to open a distillery. In the fall of 1837, he wrote to his mother that this business was ready to open but that he had been forced to draw another bill for fifty pounds to deal with a legal problem. His uncle added a postscript to this letter suggesting how serious matters were. Proudfoot had endorsed James’ bill and explained that
‘either that must have been done or his whole property been confiscated’ (J. Aitchison to M. Aitchison 4 Oct. 1837 1 and postscript).

Alarm bells may have been ringing already back on St. John Street, when a letter arrived from Proudfoot, proclaiming that ‘concealment can no longer be preserved’ and informing the family that James was in dire financial straits. Proudfoot revealed that James’ problems began upon his arrival in Lower Canada, where he speculated carelessly on livestock and contracted heavy tavern debts. His troubles multiplied in Upper Canada where he fell under the swaying of a series of ‘sharpsters’ who defrauded him in a plan to start a stagecoach route from London to Detroit. In another case Aitchison took worthless notes of hand as payment for a wagon. As well, James had been talked into buying lots adjacent to his distillery property, and now had to pay for all three properties or forfeit all the land as well as his distillery building (W. Proudfoot to M. Aitchison 29 Dec. 1837 1). Proudfoot was writing at a time of economic crisis in Upper Canada: money was in short supply, and grain prices rose, as did interest rates (Read and Stagg xxx). This state of affairs exacerbated Aitchison’s own business troubles.

Aitchison’s problems, however, went beyond business distress. Proudfoot also revealed that James had again taken to drink. His uncle had tried to get him to live with his family but James ‘took up his lodgings in a low beer house… and for nearly 6 months obstinately refused to return. He spent much money in that house.’ Moreover, Aitchison was suffering from ‘delirium tremens which have brought on epileptic fits that have greatly weakened his constitution.’ Despite James’ illness, Proudfoot was still prepared to help, proposing that his son assist James to salvage the distillery operation – if the Aitchisons would supply the necessary funds. (W. Proudfoot to Mary Aitchison 29 Dec. 1837 2-3). Understandably, the family was reluctant to send good money after bad since James had already drawn a number of bills against them. Then in early 1838, James admitted in a letter home that he had forged Proudfoot’s signature on yet another bill (J. Aitchison to M. Aitchison 6 Feb. 1838 1). More bad news came in the summer, when Proudfoot wrote that to avoid debtors’ prison, James had fled to the United States with ‘no clothes but what he had on his back… and not a dollar in his pocket’ (W, Proudfoot to M. Aitchison 17 August 1838 1).

As James was fleeing to the United States, a continuing political crisis excited the Canadian populace and gave grave concern to the colonial authorities. When James arrived in 1834, politics already had been in
turmoil. Since then, turmoil had escalated into rebellion. While James’ business ventures were spiralling out of control, fighting between rebels and government forces had taken place in Lower Canada in November and in Upper Canada in December of 1837 (Read and Stagg xix-c). Although these uprisings were put down, trouble still brewed though 1838. Some of the Canadian rebels had fled to the United States where their cause was taken up by American sympathizers. Patriot societies blossomed in the American states bordering British North America and boisterous meetings attracted thousands. By 1838 many of these Patriot enthusiasts had joined the Hunters’ Lodge, a secret society dedicated to ensuring that ‘all tyrants of Britain cease to have any dominion or footing whatever in North America’ (Lindsey 199 footnote). To reach their goal, the Hunters launched a series of border raids on British North America (Carter, Rebellious 34-56).

One such raid was made on the settlement of Windsor, Upper Canada by invaders from Detroit, Michigan. This raid – known as The Battle of Windsor – saw at least 150 Patriots land from Detroit in the steamer Champlain in the early morning of 4 December 1838. They fired on and burned a guardhouse, torched a steamer tied up at a wharf, took up positions in an orchard, and found themselves in command of the village. Soon a force of colonial militia marching upriver from Sandwich, engaged the invaders. Despite the cheers from the American side of the river, the militia routed the raiders who fled in disarray. Meanwhile a contingent of Patriots who had stayed near the shore bayonetted and mutilated a military doctor who had arrived to tend to casualties.

The Battle of Windsor was significant for several reasons. First, it marked the final event in this series of border incursions. Second, it included a contentious episode where the local militia commander, Colonel John Prince, executed five of the captured invaders on the spot. As well, it provided the occasion for another misadventure by James Aitchison, who was one of those captured in the attack. In the mayhem of the failed raid, Aitchison had managed to elude capture – and Prince’s wrath – for a short time before being taken about 8 kilometers from the scene of the engagement (Ironside). After being held initially at Sandwich, Aitchison and the other captured Patriots were moved south to the British base at Fort Malden, Amherstburg, at the mouth of the Detroit River. One of their number, Robert Marsh, complained of the harsh conditions and poor food at both places and added in his account that the dragoons escorting them to Fort Malden stopped twice at grog shops on the way, joking that
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it was against the law to pass without stopping. In both cases the captives were left outside to shiver in the bitter cold (32-34).

From their makeshift jail in Amherstburg, James and the others were moved to London, Upper Canada where Marsh complained that the cells lacked bedding, the food ‘was not fit for hogs to eat,’ and the slops tub ‘often remained for two or three days’ (41). Here Aitchison and his fellow prisoners were to be tried by military court martial under the Lawless Aggressions Act, a piece of colonial legislation enacted during the rebellion as fear of border incursions grew. According to Upper Canada’s Chief Justice, John Beverley Robinson, the object of the act was both to deter Upper Canadians from ‘… uniting to these foreign invaders, by subjecting them to court martial…’ and at the same time to dissuade Americans from invading by placing them ‘… upon the same footing in respect to trial and punishment…’ (qtd. in Baehre 45).

On 9 January 1839, Aitchison stood before Judge Advocate Henry Sherwood who charged that he: ‘unlawfully and wickedly did commit divers acts of hostility within the province of Upper Canada… and [did] kill and slay divers of Her Majesty’s loyal Subjects…’ (Sherwood, Opening Statement).James entered a plea of not guilty and the trial commenced, although in a manner that limited his ability - and that of the other Patriots - to mount a strong defence. The Judge Advocate could call witnesses and examine them. Defendants - who were not allowed defence counsel - could call witnesses, too. But they could only put questions to them through Sherwood who re-phrased them as he wished and also cross-examined defence witnesses, thereby acting both for the defence and the prosecution – an unusual legal procedure (Wright 146).

Aitchison’s defence may have been limited by this arrangement, but the confused and conflicting testimony that he concocted did not help his cause. James’ official statement given to the district magistrate when he first arrived in London was submitted as evidence. In it he declared that he boarded the steamer to cross the Detroit river to ‘get some clothes and to enquire for a letter at the Post Office…’ (J. Aitchison, Statement). Yet, as the trial progressed, he offered completely different explanations for his presence on the raid. He claimed that he thought the steamer was heading across Lake St. Clair and up the St. Clair River to Black River in Michigan (Woodman). At other points Aitchison acknowledged that he was in the body of invaders, but not voluntarily – he had been forced on board, handed a rifle, and prevented by sentries from deserting (Putnam; McDougall; Atwood). He even questioned one witness to suggest he had
been drugged: ‘Was there liquor given to the party before they went on board the Boat?’ and ‘Have you any reason to know that there was any Drug put into the Liquor…?’ (Putnam).

Such an incoherent defence might, on its own, have been enough for conviction. Yet there was also damning evidence that James was an active participant in the raid. Witnesses testified that they saw him carrying a rifle and ammunition (Robinson; Parker). Even more damaging testimonies placed James in the rebel camp outside Detroit and in the New England Hotel, one of the taverns that served as a meeting place for the Hunters in that city. (Putnam; McDougall) When Sherwood delivered his summation, he emphasized that the critical legal point was whether James had been compelled to join the rebels on fear of death. The judge advocate made it clear where he stood on that point, as he directed the court martial panel: ‘The Evidence in this case goes clearly to show that the prisoner was a willing Agent in the part he acted in the late invasion at Windsor’ (Sherwood, Summation). Unsurprisingly, the panel found James guilty and sentenced him to be hanged.

Following the courts martial of the Patriots, most of those sentenced to death, including Aitchison, had their sentences commuted to transportation for life. That their lives were spared can be explained by several factors. First, those who had their sentence reduced were the benefactors of evolving policy in the colonial government. Upper Canadian officials were aware that the legality of the courts martial and the Lawless Aggression Act itself were being questioned by officials and jurists in Britain (Baehre 44). At the same time, the Lawless Aggressions Act and the resulting prosecutions had sent a strong message to the Hunters and their supporters to halt the incursions. Now Lieutenant-Governor Sir George Arthur and his officials wanted to ensure that they did not alienate those Upper Canadians who held reform views by carrying through with mass executions. Consequently, Arthur and his colonial advisers adopted a two pronged policy of ‘harshness and forbearance’ (Baehre 57).

The second explanation for leniency, at least in Aitchison’s case, involves the intervention of Proudfoot and other London residents. Following the verdict, Proudfoot met with Arthur to plead for clemency. Although his meetings with the Lieutenant-Governor ended badly with Arthur accusing Proudfoot himself of radicalism (Garland 109-110), Sir George did commute Aitchison’s sentence. The weight of other appeals by Londoners may have helped carry the day. Two doctors submitted certificates confirming that James suffered from delirium tremens (Anderson 122556;
Lee 122556), and a group of London citizens petitioned for clemency on the grounds of James’ general good character except for his tendency to intoxication and his weakness in the hands of ‘evil disposed persons’ (Petition 122558). In his own written appeal, Proudfoot pointed out that James could not have been involved with the Patriot movement because he had never shown any interest in politics, a claim echoed in appeals from others who knew Aitchison in London (W. Proudfoot to Arthur 122560-562).

While awaiting transportation in his London cell, Aitchison wrote letters to ‘My Dear Maid’, his cousin Mary Proudfoot, who he had earlier intended to marry. In thirty-seven pages of rambling musings, pleas and declarations written between March 1 and March 27, James provides remarkable glimpses into his mercurial state of mind following the trial. At times he repented his sins asking God for mercy (J. Aitchison to Mary Proudfoot 122568 and 122570). At others he bemoaned his ‘fate
to be sent to that far distant land to be a companion to Murderers and Robbers and where the hand of oppression rules over me’ (122593). Yet, even as he appeared to accept his transportation, he hatched plans for new business enterprises, all involving making or exporting spirits (122583). He acknowledged the failure of the Hunters’ expedition, but was convinced that the United States would invade British North America with a million men and that the state of Maine was already on the march. He lamented that in exile he would never see any of the Proudfoots again, and then astonishingly asked Mary to go off with him to Australia (122598).

Although these irrational and contradictory letters suggest that James was troubled and delusional, they may provide insights into the level of his political awareness. Proudfoot and the London petitioners had suggested that he had no political views at all. In his earlier letters to his family Aitchison admittedly had included occasional anti-Tory comments about ‘sinecured gentlemen’ and ‘overbearing gentry’ (J. Aitchison to Mary Aitchison 30 June 1836 1 and 6 Feb. 1838 1). Yet, considering that rebellion was raging, these were mild observations. In his ‘Dear Maid’ letters, Aitchison displayed his political naivety, especially regarding the United States. When he wrote from his cell about American troops overrunning British North America, Aitchison appeared completely unaware that United States President Martin Van Buren was firmly opposed to American border incursions. Van Buren’s secretary of state articulated the general policy position as early as December 1837 as rebellion raged in Upper Canada: ‘It is the fixed determination of the President … that we shall abstain, under every temptation, from interfering with the domestic disputes of other nations’ (qtd. in Guillet 184). Van Buren put this policy into action by despatching American forces to border states to intercept arms shipments destined for the Hunters, disperse rebel camps and disrupt attempts to organize forays into British territory – activities that limited the chances of the Windsor raid’s success.  

Overall, the letters - including Aitchison’s references to headaches and stomach illnesses (J. Aitchison to Mary Proudfoot 122569) - his erratic defence during the court martial, and the diagnoses from the London doctors, suggest that James, cut off from spirits while incarcerated, was suffering from alcohol withdrawal. Other evidence makes it possible to picture the impact of his addiction while he was living in Detroit before the raid. According to his uncle, in the months leading up to the raid, James was living nearly destitute in taverns in Detroit (W. Proudfoot to Arthur 122561) and taverns were the places where Hunters met. One tavern
owner was reported to have ‘flung open the doors of his spacious hotel and freely spread his well-loaded table to his Hunters’ (Wing 207), and other inn-keepers no doubt saw the benefits of catering to the Patriots. To the destitute and thirsty Aitchison, the company in these taverns would have been an irresistible draw. At Detroit’s New England Inn, where according to court martial testimony he was in the company of leading Hunters, the needy James would have heard the financial inducements, including bounties and free land grants, offered to Patriots who joined in attacks on Upper Canada (Sherwood to Arthur 118289). Aitchison, according to the court martial evidence, was in the rebel camp before the Windsor attack, where the Hunters’ leaders announced that ‘the patriots had already risen in London and were six hundred strong and that the regulars had refused to fight them’ (Cunningham). If drink had been provided to those boarding the Champlain – as Aitchison claimed in his court martial – he might well have drunkenly embarked in the steamer with blurred images in mind of marching to the town where his beloved Mary lived, and where he could take up a land grant as his reward for helping to liberate Upper Canada.

James kept his prison letters in a journal which he intended to give to Mary Proudfoot. Just before he was moved from his London cell to Toronto, he entrusted this journal to a soldier who was being released from jail (J. Aitchison to Mary Proudfoot 122601). Mary, however, never received it. The sheriff of the Western District claimed to have found the letters after they fell from a soldier’s ‘rucksack or bundle’ and sent them to Lieutenant-Governor Arthur’s secretary with the ‘sedition bits’ underlined so he would not have to read ‘a love story’ (Hamilton 122602).12 From Toronto James and the other prisoners were moved to Fort Henry in Kingston where other convicted ‘lawless aggressors’ were also held. On 22 September 1839 the prisoners were marched out of Kingston and travelled by canal boats to Montreal and then by steamer to Quebec City. On September 27, they boarded HMS Buffalo for the journey to Van Diemen’s Land.13
In Australia 1840-1852: From Convict Despair to Uncertain Prospects

The *Buffalo*, under the command of Captain James Wood, reached Hobart, Van Diemen’s Land on 12 February 1840. During the voyage, Aitchison and his fellow prisoners endured considerable discomfort because of their cramped and vermin-infested compartment, hard mattresses, filthy blankets, overflowing slops-tubs, and poor ventilation. Most were seasick, especially during a violent storm about a week out of port, but even when they could eat, the food was unappetizing: oatmeal gruel, salt pork or beef, suet pudding, and ship biscuit. However, this was normal ship’s fare, and the Patriots received the standard ration on convict transports – two thirds of the portions served to British marines.14

Despite being guarded by these better-fed marines, the prisoners apparently plotted to take over the ship. There are uncertainties as to whether this was a serious plan that was foiled, or wishful talk that was overheard.15 Regardless, the plot collapsed when one or more of the
prisoners informed the ship’s officers. Taking no chances, Captain Wood confined the prisoners below decks, increased the guard and conducted a thorough search, but found no damning evidence. Aitchison was one of four prisoners drafted to write a letter to Wood guaranteeing good conduct if the men were allowed on deck again. The captain agreed to do so, but restricted the number of them allowed on deck at any one time and maintained the heavier guard 16 (Pybus and Maxwell-Stewart 62-63, 248; Sexton 119-120).

There were no further hints of mutiny, and by the time the Buffalo reached Hobart, James and the others had both found their sea legs and adapted to their confinement. Once in harbour the ship was boarded by officials carrying convict record ledgers. They assigned prisoners a convict number, recorded the name of the ship on which they arrived, and catalogued their crimes. For all those convicted under the Lawless Aggressions Act, including Aitchison, the clerks entered ‘transported for the piratical invasion of Upper Canada’ and recorded ‘life’ as the term of the sentence (J. Aitchison, Prisoner). This life designation was significant in terms of recent changes to the convict system in Van Diemen’s Land.

On 15 February, the Buffalo prisoners set foot on land and immediately were marched to the convict station at Sandy Bay, just outside of Hobart. The station was nothing more than a camp consisting of thatched huts clustered around a muster-yard and surrounded by a palisade. Two days later Lieutenant Governor Sir John Franklin addressed the prisoners, explaining that they would be engaged in probationary labour, with the promise of ‘tickets of leave’ if they behaved well (Carter, North American 196-197). Franklin’s explanations highlighted the key elements of the new probation system introduced in the colony in January 1840 - a scheme so new that the Patriot prisoners were among the first to be subject to its terms.17

The old system had assigned convicts, supposedly based on their skills, to government projects or to settlers to work as unpaid labourers. Weaknesses in this assignment system had emerged, including the complexities in matching skills with settlers’ requests, and the difficulty in supervising the treatment of convicts by their masters. As well, opponents of transportation charged that the system smacked of slavery. In Britain a critical parliamentary report led to Franklin being ordered to introduce a new system that would link convicts’ treatment to the severity of their crimes. Under this new plan, convict gangs based in probation stations would labour on public works for terms depending on the prisoners’ sentences: from 12-18 months for convicts sentenced to seven years
transportation, to over two years for those, like Aitchison, transported for life. If the probationers behaved well, they would be granted a ticket of leave allowing them to leave their probation camps to seek private employment in districts designated by the colonial government. If their good conduct continued, ticket of leave convicts could receive a full pardon (Pybus and Maxwell-Stewart 83-88).

Immediately following Franklin’s speech, Aitchison and his co-prisoners began working on the roads, albeit with some concession given to their weakened condition following their long voyage (Scott 260). Soon, however, the Buffalo convicts were fully engaged for twelve hours a day in road building with pick, shovel, and wheelbarrow. Sometimes they served as beasts of burden, pulling carts laden with rocks. Other times, they crushed rock for gravel with heavy hammers. Often working in a cold rain, Aitchison and his fellow prisoners returned each evening to their cheerless huts where they lacked fires to let them dry their clothing, warm their bodies, and comfort their bleeding hands (Pybus and Maxwell-Stewart 100-103).

To the Patriot convicts, these conditions and this sort of the gang-labour amounted to slavery.¹⁸ In June, four of the convicts had endured enough and attempted escape. The attempt failed but it concerned Franklin and the officials enough that they transferred all the prisoners inland - far from Hobart’s harbor where American whalers sometimes called - to Lovely Banks probation Station, about sixty kilometers north of Hobart (Carter, North American 197-198).

On their three day march to Lovely Banks along a rugged unfinished road in worn-out shoes, the Patriots had their rations stolen twice – once by other convicts who stole their bread and some of their mutton on the first night, and then on the second night by prisoners in a village jail, who took their remaining supplies. Travelling without food on the third day, Aitchison and the other convicts reached Lovely Banks that evening (Scott 275-276; Marsh 85-87). Lovely Banks was an unfinished probation station with nearly-completed stone huts and a gaol, but with other buildings lacking roofs. Here the prisoners carried on with heavy labour, quarrying stone and carting it for local road and bridge construction. Once again, James and the others worked through the whole day to sundown, arriving back to collapse each night into a cold hut with only a pint of gruel for food (Marsh 87).
Fig. 5: Bridge on the old Hobart to Launceston Road built by Aitchison’s convict-gang at Lovely Banks.

Photograph by Ian Hundey

The convicts complained about the cruelty of the superintendent and overseer at Lovely Banks who not only threw men into cells on a whim, but also bullied prisoners at the quarry. Robert Marsh, injured and driven to exhaustion, complained to the magistrate, who castigated the official and his treatment improved for a time (Marsh 87-89). To complain officially about treatment was courageous, but Marsh was not alone. Elijah Woodman, who was taken with Aitchison at Windsor, wrote to Franklin on behalf of the prisoners asking for reward for their good conduct. A similar letter from Linus Miller was sent to a member of the legislative council of the colony (Pybus and Maxwell-Stewart 124-125). When no responses came, two of the prisoners, one of them letter-writer Miller, absconded into the bush in August 1840. They eluded capture for two weeks but, exhausted and hungry, gave themselves up at Bagdad. Hearing of the escape, a furious Franklin ordered the Patriots to be garbed in ‘magpie’ uniform which Marsh described as: ‘…striped half black, half yellow; it is considered the most degrading suit a prisoner can wear’ (91).
As well, Franklin decided to move these troublesome political prisoners immediately to Green Ponds, a garrison town closer to Hobart.

At Green Ponds Probation Station the accommodations were worse than Lovely Banks and the station administrators at least equally malicious. Woodman described the superintendent as the hardest on the island. He was replaced, but ‘Sir John Franklin then sent a man called Wright who had a very devil in him [...] . He stopped our rations and treated us shamefully,’ wrote Woodman (Landon 212-213). The convicts lodged complaints with visiting magistrates, but there was no relief from the arduous labour of drawing carts of quarry stone for road and bridge building. Gradually, however, the hard work and good behaviour - there were no more escape attempts - paid off. Franklin visited the station in April of 1841 to announce that they would soon receive their tickets of leave (Carter, North American 201).

Abuses continued, however, as Superintendent Wright not only continued to flaunt his power, but also ordered the convicts to undertake work that lined his own pocket. Some of this corruption was petty, involving the sale of convict-made furniture to settlers, but there was large-scale wrong-doing, too. The most serious was the use of convict labour to erect an Anglican church in the town. The Patriots lodged written complaints and appeals to magistrates about the abuses of Wright and other officials. In the end, the superintendent as well as the director of public works lost their positions (Pybus and Maxwell-Stewart, 141-145). Aitchison was appointed overseer at Green Ponds, but there is little evidence about his activities there. Some of his colleagues resented his appointment and one railed against it (Pybus and Maxwell-Stewart 134). James’ convict record did include a charge of misconduct at Green Ponds, but it was dismissed (J. Aitchison, Prisoner). This charge was laid in May 1841 just about the time that action was being taken against the corrupt administrators. Perhaps Aitchison played a role in their downfall or was initially implicated in the investigation.
From Green Ponds, the North Americans were moved to Bridgewater Station on the Derwent River. Once again Aitchison was appointed as overseer, supervising the construction of a causeway. While at this station, he reported the theft of rations by the station’s cook and baker to the local magistrate. The magistrate considered the Patriot prisoners to be a troublesome minority and let the Lieutenant Governor know his views. For his part Franklin was beginning to see them as a minority as well, one that should be separated from other probationary convicts (Carter, North American 202). Franklin split up the North Americans and posted them to various probation stations in Van Diemen’s Land.

In late May 1841, James was sent as sub-overseer to New Town Probation Station, and then in September to the Victoria Valley as overseer of several projects. These projects included the establishment of an agricultural station, the construction of a reservoir, the building of a police station, and the extension of a road. Aitchison must have fulfilled his considerable responsibilities proficiently, because he was officially requested to stay on even after he received his ticket of leave in February.
1842 (Carter, Uncertain Future 62). James’ work as overseer in Victoria Valley may have accounted for the comments of a government official who noted that the convicts there displayed ‘industry and propriety’ a result of ‘the humane and praiseworthy means adopted to reform their habits...’ (qtd. in Carter, North American 210).

After Victoria Valley, with his ticket of leave in hand, Aitchison found paid work wherever he could within the districts designated by the government. Finding employment was no easy task since the colony was in the grip of depression; moreover the ‘ticket of leave’ men had to compete for work with British immigrants arriving under an assisted passage scheme (Carter, North American 219; Pybus and Maxwell-Stewart 163). James did find work in Oatlands on the road to Launceston, where he was employed in January 1844 (Pybus and Maxwell-Stewart 210). In December of that year James received news of his absolute pardon by way of an official announcement in the Hobart Town Gazette.20 By then, James had made his way to Hobart where some of the other pardoned Patriot convicts had congregated.

In Hobart, Aitchison struggled with poverty, but found time to help his friend Elijah Woodman – who gained his pardon in July 1845 (Landon 242) - in attempting to arrange passage home on an American ship. As well, he assisted the ailing Woodman by getting medical treatment for his eyes and giving him money from his own limited purse to buy a pair of socks (Landon 247, 249). Besides demonstrating compassion for his friend, James also showed a courageous streak. In December 1846, Aitchison took the daring step of bringing a legal action against the superintendent of convicts for illegal confinement, claiming that the official never had the legal grounds for receiving the Patriot prisoners in the colony. This was the only such action taken by any of the convicts and it was met with quick rejection by the courts, on the technicality that too much time had elapsed since the commission of the alleged offence (Landon 234; Pybus and Maxwell-Stewart 210-211).

Aitchison may have left Hobart for short periods - perhaps looking for work - since notices of unclaimed letters addressed to him were posted in the Hobart Town Gazette on 22 April and again on 21 October of 1845 (Unclaimed, Gazette 506 and 1302). At some point between launching his legal action in late 1846 and early 1847, James - like other poor ex-convicts and free settlers - left Van Diemen’s Land. As Woodman prepared to sail home to America in February 1847, he wrote: ‘Jas. Aitchison has gone to the continent of New Holland’ (Landon 256). James must have
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gone to the Port Phillip District because notices of unclaimed letters for
him were published in the *Argus* in Melbourne in December 1849 (List)
and in June 1852 in the *Victoria Government Gazette*, where his place of
residence was given as Gipps Land (Notification).

One is tempted to speculate as to the remainder of Aitchison’s
life. Did he take part in the gold rush in Gippsland and other districts
in Victoria State? Did he capitalize on his experiences as labourer and
overseer, perhaps working at building roads or bridges? Did he stay in
Australia? There is no record of him in Victoria State archival records
regarding marriage, residency, death, insolvency, or embarkation. There
are, however, two intriguing pieces of evidence regarding his activities.
First, he was listed as ‘charged’ in a recently published book, *Crime in the
Port Phillip District 1835-51* (Mullalay 75). Second, the name “Aitchison,
James Milne” was entered in the Criminal Trial Briefs for Gippsland, in
August 1849. He was charged jointly with another accused lawbreaker
‘for stealing the carcase of a cow’ (J.M. Aitchison, Criminal Trial Briefs).
Additional evidence concerning this theft-charge, as well as the last years
of his life remains to be found.

**Aitchison’s Story and Wider Considerations**

James Aitchison’s case can be related to a number of wider historical
considerations. First, the Scottish and Canadian parts of his story reinforce
the need to be wary of stereotypes and generalizations. The Scottish
emigrant/immigrant has been the subject of myth-making with whole
books written about the positive contributions of Scottish immigrants
(Shaw; McGoogan), who are characterized as ‘sober, hardworking, and
calculating to the last penny’ (Blaise xi). James’ story represents those other
Scots – many unrecorded – who had less sterling experiences as immigrants.

Similarly, James’ example underscores the need for caution in
generalizing about the make-up and the motives of the American Patriots.
Were they champions of Republicanism, committed anti-British activists,
or layabouts and hell-raisers (Greer 6)? Were they motivated by the ‘deep-
layered socio-economic and political changes of the period’ (Bonthius par.
4)? Such questions require complex answers. Within that complexity the
motivations behind Aitchison’s involvement with the Patriots needs to be
included. More generally, both these elements of his story underscore the
need to take into account the roles of ordinary people, including flawed
characters and those who do not fall into convenient categories, like heroes and villains, in making sense of historical events.

Second, the Australian segment of Aitchison’s story illustrates systemic weaknesses in convict policy, as well as the human impact of transportation itself. James experienced the consequences of a newly introduced probation system that had not been thought through by British officials. He was marched along barely constructed roads, to incomplete probation stations, to be administered by incompetent and malicious superintendents. Here was proof of the flaws that Franklin himself identified in his communications with Britain, when he warned that ‘...before proper accommodation can be got ready ... passable roads must be cut...’ and complained about the ‘...almost total absence of a properly qualified class of persons to fill the situations of superintendents and overseers’ (qtd. in Thompson 74-75).

James’ personal experiences well-illustrate the cruelty and finality of transportation and why the punishment was considered a fate worse than death by some of the convicts. Indeed, his fellow convict Woodman wrote that those Patriots who had been executed were ‘better off than we are now’ (Landon 160). Not only was Aitchison physically exiled far from the Proudfoots in Upper Canada and his immediate family in Scotland, but in exile he was isolated and estranged from them all. Communication by mail was denied to the prisoners, at least in the early years - Woodman received his first letter in the summer of 1843 (Landon 234). Aitchison’s beloved Mary Proudfoot married after he was transported and he may never have heard from her again. His family in Scotland not only continued to cut him off financially, but excised him from family history by falsely swearing in an 1852 legal settlement that they knew nothing about him except that he was somewhere in America. His case also is a reminder that there was no provision made for the Patriot convicts to return home after they received their absolute pardons – even if they were British.

Third, James’ story offers comments on historical research. His case highlights the wide range of primary evidence that may survive for an individual: birth records, family letters, historical maps, photographs, buildings and other physical evidence, trial records, journals, legal depositions, convict documents and contemporaneous newspapers. Moreover, his case underscores the importance in pursuing the whole story of a life to understand an individual’s role in historical events. To have found evidence of Aitchison in any one part of the world - Scotland, Upper Canada, Michigan, Tasmania, or Victoria State - would have offered a
glimpse of an interesting figure, but would have provided no sense of the significance of those episodes to the full story.

Finally, research into Aitchison’s life in Australia illustrates the elusiveness of historical evidence. The latest pieces of evidence regarding Aitchison are the criminal trial brief of 1849 and the postal notices, dated 1849 and 1852. Research in several archives and libraries, in newspapers, and in online sources has unearthed nothing further about his life after those dates. Especially in the light of the rich trail of evidence he left in Scotland and North America, one hopes to find more Australian evidence beyond the theft of a cow carcase and unclaimed mail, and perhaps even proof that in his last days James Aitchison finally succeeded in avoiding the temptations of ‘low company and drinking’.

Endnotes

1. For earlier studies of Aitchison’s life, see Hundey, Canada 64-65; Hundey, Emigrant Tale; Hundey et al. 219-223; and Murison.

2. Aitchison of Drummore was close enough to the family to serve as a trustee concerning the post-nuptial agreement entered into by William and Mary Aitchison in 1822. See Trust, 12 June 1852 2.

3. Eventually the company took over other Scottish breweries and operated a chain of public houses. It began to wind down in the mid-twentieth century, eventually ceasing operations in 1961. See Scottish Brewery Archive.

4. William’s worth was 7,750 pounds. The current equivalent was calculated using comparative share of GDP, the most appropriate for measuring comparative wealth. See Measuring Worth.

5. There are no records related to James in the various court files for Edinburgh or the Canongate held in the National Archives of Scotland, nor is there any reference to incidents involving him in the Edinburgh newspapers. Perhaps the family was influential enough to avoid prosecution or publication, or perhaps James was involved in activities that were not unlawful, just scandalous.

6. Excessive drinking in British North America was noted at the time: ‘the immoderate use of spirits is one of the greatest curses in this country’ Lamond 94. This view is echoed by historians who describe drinking to excess and point to the emergence of the tavern as the main social centre in pioneer communities. See for example Conrad and Finkel 285 and Noel 611-612.

7. The following description of such a meeting in Ohio captures the republican spirit of the movement: ‘…all seemed to feel for the oppressed Patriots of Canada. Many speeches were made on the occasion, with loud cheering… the Marsailles (sic) hymn… was sung… which seemed to inspire every bosom and awaken up a spirit, worthy of the sires of ‘76’. The Huron Commercial Advertiser. 19 Dec. 1837. Quoted in Bonthius par. 5.
8. For a full description of the Battle of Windsor, see Guillet, 143-152; Douglas, Battle of Windsor 137-152; Douglas, Uppermost Canada 164-169.


10. Regarding the cells at Fort Malden, the commanding officer, Colonel Richard Airey complained that ‘the only place of confinement… was a barracks room, fitted up as a cage.’ See Airey 278.

11. For an overview of American actions to limit Patriot border activities, see Cohen 311-312; Guillet 184; and Brady Guards 533-542.

12. Sheriff Hamilton sent the letters to John Macaulay, civil secretary to Lieutenant-Governor Arthur. Hamilton had forbidden letter writing in the cells, and kept the prisoners under close surveillance. The soldier to whom Aitchison had given the letters may have dropped the journal. It seems as probable that Hamilton confiscated the letters or the soldier handed them over.

13. The British admiralty had ordered Captain Wood, in command of HMS Buffalo, to deliver Patriot prisoners from both Lower and Upper Canada to New South Wales. Arthur ordered Wood to land the Upper Canadian prisoners in Van Diemen’s Land. Whether this order was illegal has been debated. Earlier, when Lord Durham sent Lower Canadian rebels to Bermuda, British officials stated that colonial governors did not have the power to send convicts to another colony. See Pybus and Maxwell-Stewart 54, who maintain that Arthur similarly had no authority to re-direct the Upper Canadians. Gunn 23-24 claims that recent British legislation allowed Arthur to send convicts to another colony, provided that it was a penal colony. Arthur, the former Lieutenant-Governor there, knew this to be the case with Van Diemen’s Land. In any event, Wood landed the Upper Canadians in Hobart, and took the Lower Canadians to Sydney.

14. For a full description of the voyage, see Sexton 115-137. Carter, North American 192 provides eye-witness comments on the passage. The following provide descriptions of conditions on board: Pybus and Maxwell-Stewart 55-58 and Scott 199-204.

15. The exile narratives written by returning American Patriots give conflicting accounts of this incident. Pybus and Maxwell-Stewart 60-63 are cautious about how real the plot was. Scott 204-207 describes it as a mutiny, and Sexton 119-121 provides a general summary of the event and the eyewitness reports.

16. For Wood’s response to the conspiracy see Pybus and Maxwell-Stewart 62-63, 248, and Sexton 119-120. Both confirm Aitchison as one of the letter writers.

17. As the new system was implemented some of the old procedures continued. When he arrived at Hobart, Aitchison’s name was added to the appropriation list which recorded convicts’ trades so that – under the old system – they could be appropriately assigned. Aitchison declared his trade to be ‘brewer and distiller.’ See Aitcheson (sic).
18. The prisoners’ only relief from labour came on Sunday when they had some
time to wash clothes and themselves before being marched to St. George’s
Church on Battery Point. See McRae 154-155. Despite the humiliation of
their status and of their appearance in their ill-fitting prisoner’s uniforms, they
must have welcomed the respite, even if as Methodists or other dissenters,
they would have been unfamiliar with the Church of England liturgy.

19. Convict Stephen Wright, accused Aitchison and another convict, Orin W.
Smith, of betraying the two escapees to a magistrate. There is no corroboration
in other sources, but two considerations can be noted. Wright was known
to look for traitors in his writings, as he did in the ‘mutiny’ incident on the
Buffalo. Both Aitchison and Smith subsequently were appointed as overseers.
See Carter, Uncertain Future 55, and Pybus and Maxwell-Stewart 130.

20. This notice from the Colonial Secretary’s Office, 27 November 1844 was
published in the Hobart Town Gazette 3 Dec. 1844 1485: ‘The Queen has been
pleased to grant Absolute Pardons to the under-mentioned Prisoners who
were convicted in Courts Martial held in Upper Canada in the year 1838,
of piratically invading that province, and sentenced to death but commuted
to transportation for life.’

21. Reverend Proudfoot officiated at the marriage of his daughter Mary to James
Coyne from Yarmouth, Upper Canada, 16 Jan.1841. See M. Proudfoot.
According to Woodman’s daughter, they settled in St. Thomas, Upper
Canada, as referenced in Landon 238.

22. In 1852, following his mother’s death, James Aitchison’s siblings petitioned
to disperse the remaining funds in their parents’ post-nuptial trust. They
maintained that James should receive none of these funds because of the bills
he had drawn on the family in the 1830s, and because his whereabouts - in
America - were unknown. They swore in their affidavit that James had gone
to America upwards of 18 years earlier and they had not heard from him in
four years. Having heard from him up to the previous four years, they would
have known he was in Australia (and Proudfoot would surely have written
to them about James’ sentence of transportation). See Trust, 12 June 1852 3.

Works Cited
Airey, Colonel Richard. Letter to the Executive Council of Upper Canada. Upper
Canada State Book. Executive Council Chamber. 20 Dec. 1838. Vol. 56. RG
E1. Library and Archives Canada (LAC).

Aitcheson (sic), James, M. Appropriation List. CON 27-1-8. Tasmanian Heritage
and Archives Office.

Archives of Scotland (NAS).

---. Letters to Mary Aitchison. 23 Dec. 1834 - 6 Feb. 1838. GD1/92/12B;
GD1/92/14; GD1/92/17; GD1/92/18; GD1/92/19. NAS.

---. Letters to William Aitchison. 5 March - 13 Nov. 1834. GD1/92/3; GD1/92/9; GD1/92/12A. NAS.


Aitchison, William. Letter to James Aitchison. 2 March 1834. GD1/92/1. NAS.

---. Petition to the Honourable Lord Dean of Guilds. 21 and 29 December 1826. Dean of Guilds Plan. MYBIN C4. City of Edinburgh Archives.


Atwood, Israel. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Ian Hundey


Cunningham, Cornelius. Statement. Cornelius Cunningham Court Martial. 26 Jan. 1839. RG5 B37. LAC.


Ironside, George. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Marsh, Robert. *Seven Years of My Life or Narrative of a Patriot Exile*. Buffalo: Paxon and Stevens, 1848.

McDougall, David. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Parker, Benjamin. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Proudfoot, William. Letters to Mary Aitchison. 29 Dec. 1837-17 August 1838. GD1/92/18; GD1/92/22. NAS.


Putnam, George. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Robinson, Thomas. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.

Scott, Stuart D. To the Outskirts of Habitable Creation. Americans and Canadians Transported to Tasmania in the 1840s. Lincoln NE: iUniverse Inc., 2004.

Scottish Brewing Archive. Records of John Aitchison and Co. Ltd., brewers, Edinburgh, Scotland. GB1127JA. http://www.archives.gla.ac.uk/sba/sbacolls/ja.html


Sherwood, Henry. Opening Statement. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37, LAC.


---. Summation. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.


Trust. William Aitchison, Brewer, Kerfield and Spouse, 1852. NAS02024. CS313/256. NAS.


Woodman, Elijah. Testimony. James Aitchison Court Martial. 9 Jan. 1839. RG5 B37. LAC.

Who was that guy?: The Patriot Linus Miller- A Personal Discovery

Norm Howard

Linus Miller participated in the 1838 Patriot uprising in Canada. He was tried for treason and eventually sentenced to Van Diemen’s Land. He recorded his experiences in a memoir. The article follows his journey, recalling his first person descriptions of the Patriot experience and discusses the controversies which surround him.

Keywords: Geneology; Patriot war; Van Diemen’s Land history; Legal History

Linus Wilson Miller (1817-1880) was one of the leading American Patriots who participated in the effort to free Canada from British rule during the later 1830’s. A twenty year old idealistic law clerk, motivated by the ideals of the still recent American Revolution and its accompanying distaste for the Crown, he entered Upper Canada (now Ontario) near Niagara Falls in May 1838 with a group of armed Americans and Canadians. Their goal was to establish a provisional republican government and to encourage an expected Canadian uprising against the Crown set for July 4, 1838. However, the expected uprising never materialized, the authorities mounted a counter offensive, and Linus and others were captured. He and others was tried for treason. At his trial at Niagara, the court rejected three jury verdicts for leniency based on his youthfulness and idealism and eventually sentenced him to death by hanging along with fifteen others.

His Canadian co-defendants were sentenced to be hanged and then drawn and quartered, consistent with the traditional penalty for treason. His fellow Patriot commander, James Morreau, was hanged first, with Linus spending Morreau’s final night with him in their cell together. Linus’ sentence was commuted three days before his execution date to transportation for life to Van Diemen’s Land (modern Tasmania) through the intervention of American government officials. In addition, there were nagging doubts about the legality of the sentence – a troubling issue about
convicting an American citizen of treason against a foreign government. Evidently, he also refused Governor Arthur’s offer of a pardon if he would agree to return home and desist from further agitation. He was then transported to London and at a hearing at Old Bailey Linus and thirteen others mounted a legal challenge to their confinement through a writ of habeas corpus. All but three (Linus among the unlucky three) were released. He was then transported to Van Diemen’s Land. There he encountered the attention and the scorn of Lieutenant Governor John Franklin (ironically the nephew of Benjamin Franklin but from a loyalist branch of the family) who disliked what he called Linus’ ‘American, republican values’. He wrote about the brutal prison conditions of Van Diemen’s Land, including graphic descriptions of floggings and other indignities commonly inflicted on prisoners. A bizarre escape attempt from the Lovely Banks work camp landed him at the maximum security Port Arthur prison for incorrigibles.

There John Franklin promised him both harsh treatment and the assurance that he would never leave alive. After three months on the back breaking Port Arthur timber gangs and near the end of any hope of survival, he was reprieved by a sympathetic doctor and underwent a remarkable turn of fortune, which included becoming a tutor to the children of the prison commissary officer, a prison school teacher, and clerk to the prison 1 chaplain. Eventually he was allowed leave to go to Hobart where he found employment with the Van Diemen’s Land Attorney General Edward Mcdowell, who astonishingly agreed that the Patriot sentences were illegal and even threatened to file false imprisonment charges against the British government. Linus also received help from the American consulate, obtained a ticket of leave and pardon, and in a final stroke of turnaround luck, managed to borrow the return fare and return home to Stockton, New York after eight years. He records all this in his memoir, *Notes of an Exile to Van Diemen’s Land* (Fredonia NY: McKinstry &Co. 1846) which remains an important first person account of the Patriot and convicts’ experiences both in Canada and Van Diemen’s Land.

I first discovered Linus Miller as a child through a curious looking book on my parent’s book shelf. One day I noticed a book which was quite different from all those around it. It had an obviously ancient cover and when I opened this exotic text, the pages were yellowed with brown spots all over them. My mother noticed my interest and said: ‘Oh, that’s your famous great grandfather. He was an adventurer and a prisoner and he wrote that book.’ That was about all she said at the time. We were a taciturn family. No had even told me why my middle name was Miller.
‘How odd’, was my only reaction to the book and I returned my attention to the more immediate interests of childhood. The book was Notes of an Exile to Van Dieman’s Land. Only years later I came to the realization that if his death sentence had been carried out, I would not exist! By that time I finally begin to grasp how compelling the story is. I share it with my adult son, telling him that this is the stuff of movies and he replies that ‘the radical gene must run in the family’. My cousin adds more stories passed down in the family. Perhaps it was it also how different Linus’ story seems from my own family and other more unremarkable ancestors. Finally, as a career public defender, I guess I identify with the underdog and I'm also impressed with the legal quality of the writ of habeas corpus heard at Old Bailey and described in detail in the memoir.

The Miller hometown of Stockton, New York in Chautauqua County is still a small village which has probably not changed much since Linus lived there in the nineteenth century. Even now there is only one flashing red light at the main village intersection. When he was born there in 1817 the area was essentially on the American western frontier. His parents were pioneer settlers in the area, arriving in 1810 when wild bears still roamed the region. Certainly he was raised in a self-reliant, pioneering lifestyle which may have equipped for the hardships which lay ahead. I can easily see the connection to Canada as Stockton is only about 75 miles from the Canadian border. His father Benjamin was an abolitionist and was reported to belong to the Underground Railroad which smuggled escaped slaves into Canada along the corridor which hugs Lake Erie where Stockton is located. This is another clue to Linus’ beliefs. As a boy he heard antislavery rhetoric and maybe even encountered harbored fugitive slaves. His family’s adherence to this cause would be a natural complement to the Canadian cause and show a willingness to take personal risks in support of one’s beliefs. Likewise, the family adhered to the temperance movement, again consistent with ideological beliefs and consistent with his religiosity. Linus would have undoubtedly been especially outraged when his pardon in Van Diemen’s Land was delayed by a trumped up charge of running a distillery.

In May 1838 Linus departs Stockton for Canada to join the rebellion. He has a leadership role, although he does not describe the exact hierarchy of the rebel force. At the place where Linus’ party crosses the Niagara River into Canada in June 1838 he mentions that he could hear the roar of nearby Niagara Falls just as you can today and that their crossing took place treacherously close upstream to the falls. On Navy Island the rebels proclaim a provisional government and begin printing money for their new
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republic. His assignment is to travel alone on the Canadian mainland as an advance scout for the forthcoming larger July 4 invasion. At one point, in disguise, he dines in an inn frequented by British officers, who are familiar with him by reputation. One officer refers to him as ‘a tall, ferocious looking Yankee who disguises himself with false wigs, whiskers, etc.’ (Miller 12-13). The officer, his suspicion rising about the true identity of who he is talking to, goes on to say, ‘let me see him for an instant and I’ll detect him I warrant ye… we would hang him without judge or jury’ (Miller 12). Linus replies: ‘These Yankees are strange fellows’ (Miller 12) and excuses himself to walk across the street to visit a merchant he knows is sympathetic to the rebel cause. Shortly thereafter, a group of local officials and police burst into the store in pursuit of him: ‘The British nabobs continued to stare at me for about 20 minutes, without speaking except in low whispers… “It is him there can be no mistake from the description”’ (Miller 16). The merchant then calmly invites Linus into an interior room to close our business in the counting room’ (Miller 16). He then alters his disguise and escapes through a trap door into the night, hearing the alarms now being raised to search for him.

At this point the orders from the rebel headquarters in Lockport NY are to keep a low profile and avoid any actions which would tip off the authorities of the impending larger invasion. However a rebel traitor, Jacob Beemer, urges the group to strike immediately (Miller 25). Beemer captures a group of local Canadian lancers at a Short Hills tavern and proceeds to prepare to hang them when Linus, the group’s co-commander, arrives to confront him. With the lancers begging for their lives, Linus draws his two pistols, stares down Beemer and orders the lancers released, with a promise that they will not take up arms against the rebels in the future (Miller 25). He forces Beemer to disrobe to give up his stash of stolen plunder taken from local residents. The humiliated Beemer vows to take revenge by ‘sending a ball through me’ whenever the opportunity should later present itself, but by the next day the rebel fighters abandon him as their commander (Miller 30). But Beemer’s attack on the lancers has succeeded in alerting the authorities who now muster their troops for a massive hunt for the Patriots. Linus is soon captured alone and in a starved condition. In his memoir, he rails about Beemer’s betrayal and we sense the outrage of the universal theme of the traitor (e.g. Miller 227, 233-35). To later add insult to injury, Beemer is made an overseer of Linus convict crew in Van Diemen’s Land. Today the site of this incident is a road turnout
near the village of St. Johns, Ontario with a sign commemorating what is somewhat misleadingly called the “Battle of Short Hills.”

James Morreau, the co-commander of the force, is tried first. He is convicted and sentenced to death. Linus recounts the execution wait with him in their shared cell (Miller 73-80). Outside the cell they can hear the sounds of the gallows under construction. He mocks two clergymen who visit Morreau to convince him to repent of his ‘great crimes by authorizing them to say to the world that he sincerely repented and would caution others against following his example’ (Miller 78). Morreau responds with a statement of re-affirmed dedication to the Canadian cause (Miller 78). Linus also reports that the local sheriff was so revolted by his task as hangman that he attempted to hire a replacement, a local black man, for one hundred pounds. Linus and his fellow captives manage to meet the substitute hangman and dissuade him from taking the job, hoping that might prevent the execution. Although they succeed in their persuasion, the sheriff reluctantly still did his job (Miller 81-82). On July 27, 1838 the sentence is carried out with Linus able to hear the dreadful sound of the drop from his cell (Miller 80).

Today the site of the courtroom, jail cell and gallows is an empty space at the head of a park in Niagara-by-the-Lake, the modern name of the town. There is a marker which notes the presence of the courthouse, but not the gallows. The town itself was burned down by American forces during the War of 1812. I reflect on how this may have intensified anti-American feelings in the area when the Patriots arrive only 25 years later.

He then provides us with an extraordinary account of his own trial at Niagara (Miller 85-94). His family hires a lawyer whom he detests (a Tory he bemoans) because he will not mount any kind of defense except an insanity plea. For example, Linus wants to call as witnesses the lancers whom he reprieved. The lancers are actually present and tell him that they want to testify. But they are not called, apparently because their testimony would not fit with his lawyer’s insanity defense. So the trial takes its predictable course. When the jury returns after one half hour of deliberation with a verdict, he recounts the following dialogue:

Jury: Guilty with an earnest recommendation of prisoner to the extreme mercy of the court. Chief Justice Jones: (in a rage)…How dare you bring in such a verdict? There are no favorable grounds upon which such a recommendation can be based. The prisoner is the most guilty of any in his party…he richly deserves the highest penalty of law…retire and reconsider your verdict.
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Jury returns: Guilty with a recommendation of mercy to the court.

Judge Jones: ...How dare you return such a verdict? ...state your grounds for so doing... you are a disgrace to the jury box and your country.

A jury man: My lord, we recommend him on account of his youth.

Judge Jones: That is no excuse for his crimes...I know him to be the most guilty man we have tried.

Another juryman: My lord, we believe him to be an enthusiast for his cause...that his motives were good and his conduct honorable and humane.

Judge Jones: His enthusiasm is no excuse ... You are not to allow anything you have heard out of court to prejudice your minds in the prisoner's favor. The consideration of mercy, gentlemen, does not belong to you ...and you ought to presume that the court and Governor know, better than yourselves, what circumstances, if any, will admit to favorable construction (Miller 86-87).

The jury returns again, this time with a verdict of simple guilt only. Linus reports that his lawyer makes no objection to the judge's browbeating of the jury and that the same judge greets this last verdict, '...beaming with hellish smiles, bowed to the jury, and eagerly directed the verdict to be recorded.'(Miller 87). You may realize by now that Linus was not a detached, objective observer, perhaps understandably.

The remainder of the Patriots are also tried and sentenced. The twelve Canadians receive a sentence of death by hanging followed by the quartering of their bodies (Miller 94). Linus and three other Americans receive hanging only (Miller 93). The executions are set for August 25, 1838. But he has an outside support movement working in his favor. Chief among them were William Seward, then Governor of New York and later the American Secretary of State and the ambassador to Britain, Andrew Stevenson. Appeals even reach President Van Buren (Pybus&Maxwell-Stewart 29). Three days before the scheduled execution, the sentences of Linus and twelve others of his group are commuted to transportation for life to Van Diemen’s Land. No doubt the friendly relations between Great Britain and the United States benefitted the Patriots. Also some British legal authorities had doubts about the legality of death sentences under these circumstances (Pybus&Maxwell-Stewart 27). The rescue of the Canadian lancers was also taken into account. While he reports being relieved at the reprieve, he lamented in hindsight, ‘Could I have foreseen one fourth part of the sufferings which that commutation entailed on me, I would have certainly preferred immediate death.’ (Miller 98).

Today at the local
school at St. Johns, near Short Hills, students still do reenactments of the Patriot trials.

Before being shipped to England, Linus is summoned to two bizarre meetings with the Canadian Lieutenant Governor George Arthur, noting both his sincerity to his cause and the lancer episode, offers him a free pardon if he returns home and takes no further part in the rebellion. Linus refuses and Arthur affirms the transportation order (Miller 105-06). As the former Lieutenant Governor of Van Diemen’s Land and a draconian by reputation, George Arthur no doubt wondered if Linus truly understood what awaited him there. The trans-Atlantic crossing is highly unpleasant (Miller 110-123). He reports that thirty four men are confined below deck in a space about fourteen by twelve feet, chained in pairs. Human waste is placed in buckets, which sometimes tip over in the prisoners’ area during rough weather. A planned mutiny is given away by the same informer from Short Hills, Jacob Beemer.

Upon arrival at London, he reports a surprisingly sympathetic reception by many people (Miller 127-28). No doubt this reflects divisions in the English government and public opinion about colonial and prisoner transportation policies. The prisoners mount a challenge to their confinement, represented by sympathetic, reform-minded lawyers and heard at the Queen’s Bench at Old Bailey. He even gives us a mini-travelogue of their shackled trip in open carts through the London streets to court and a description of the courtroom (Miller 137-141). He devotes a lengthy and tedious section to the legal arguments (Miller 127-221). But the essence of their case is that the court documents from Canada committing them to transportation have not been produced and therefore there were no legal grounds to continue to hold them. There were also doubts about the legality both of convicting a non British citizen of treason and also of a treason-substitute law, the Lawless Aggressions Act (Pybus & Maxwell-Stewart 26-31). Linus senses a growing discomfort among the judges as the case proceeds which indicates, to everyone’s surprise, that the convicts’ arguments may actually have merit. The court grants the habeas corpus petitions for eleven Patriots and orders them released. The Great Writ has shown its power in the British legal system. It was not in effect in colonial Canada. However, Linus and two others are denied and confirmed for transportation to Van Diemen’s Land. He sums up his own opinion of British justice: ‘We might as well have believed that his Satanic Majesty would engage in the Bible trade, as that the British government would do an act of either justice or mercy unless compelled to do so by
powerful motives’ (Miller 219). Nevertheless, as a criminal defense lawyer myself with experience with habeas corpus litigation, I am impressed with both the quality of the arguments and the decisions themselves, even at the distance of nearly 170 years. Successful habeas petitions are a rarity even today.

Linus and the two others are then transferred to the overcrowded and squalid hulks anchored on the Thames, where prisoners awaiting transfers were held, to await the journey to Van Diemen’s Land. On the hulks he describes appalling living conditions and is repulsed by the homosexuality he observes among the prisoners. Here Beemer continues to get preferential treatment for his role as an informer (Miller 232-237). Despite his efforts to ingratiate himself with the authorities Beemer nevertheless is eventually shipped to Van Diemen’s Land—possibly demonstrating that no one really trusts a turncoat.

Upon their arrival in Hobart in Jan. 1839, the convicts first meet their new nemesis, the colony Lieutenant Governor John Franklin. Franklin reviles them as:

...all bad men...very bad indeed; unfit to go at large, dangerous to the peace of society; dangerous to the security of property. You ought to have been hung instead of being sent here; but as her Majesty has graciously been pleased to be merciful...and the laws of England are very mild, you ought to be very thankful (Miller 267).

Linus reputation as a rebel leader appears to have preceded him to Van Diemen’s Land, as Franklin then singles him out. Noting that Linus is an American he goes on:

So much the worst. Not satisfied with being a republican yourself, you must strive to make others so...hanging would have been too good for you...I have heard of your case before. You are a lawyer, well educated, and therefore your guilt is greater...They (the Canadian convicts) may have been deceived, but it such as you who led them astray...it proves how depraved and wicked you had become at an early age (Miller 270-71).

Franklin goes on to caution him about his behavior, a theme which will repeat itself at Port Arthur and other locations. Linus, always the commentator, makes some mental notes about Franklin’s obesity, and opines that he must be glutton and ‘an imbecile old man; with an excellent opinion of himself...’ (Miller 267). He even expresses sympathy for Franklin’s horse bearing such a heavy load. My cousin and I visit the Hobart
barracks (Penitentiary Chapel Historic Site), still partially preserved, where the convicts were housed. The curator, Brian Rieusset, gives us an enthusiastic tour. He is familiar with Linus, including his controversial reputation among historians. At the Hobart barracks, Linus recounts:

Vermin of every description were common...who has ever engaged in deadly combat with a flea or louse will not envy me the happiness I experienced in those nightly engagements, when thousands of demons beset me...many times I have exclaimed in the language of Sampson “heaps and heaps have I slain”(Miller 274-75).

Another convict, Benjamin Waite, reported, ‘...our beds and clothing became literally alive with them’ (Duquemin 171).

There is a comedic church service at the chapel (Miller 276-278). The prisoners and townspeople sit in separate sections, separated by a screen, while a boring preacher ignores the prisoners and addresses only the townspeople. ‘His sermon was a dry disquisition upon one or two imaginary metaphysical points of no consequence to his hearers in this or the other world.’(Miller 277). As the prisoners come in, Linus recalls a great rattling of chains, as well as ‘pushing, pulling, and crowding, horrid blasphemy and abominable obscenity made the building ring...such sounds of hell. I pressed my hands upon my ears.’(Miller 276). During the service few prisoners were paying attention. Instead they were:

spinning yarns, gambling with cards, playing pitch and toss, several crawling about underneath the benches, selling candy, tobacco etc., one fellow carried a bottle of rum which he was serving out...for an English six pence...disputes occasionally arose...the culprit forcibly dragged out of the church...(Miller 277).

Brian takes us to the preserved chapel were it all happened, complete with the clergyman’s pulpit, the tunnel through which the prisoners crowded on route to the service and the underground cells for misbehaving prisoner congregants. By his description of the service, Linus clearly distinguishes himself from the general prison population. This class distinction between himself as a political prisoner and the general mass of common felons also appears in other parts of the memoir. Indeed he argues the Patriot prisoners were legally exempt from labor, a classification akin to prisoner of war status. After witnessing the church service, he implores in a prayer: ‘...forgive what Thy pure eye saw within that temple...Thou art indeed
long suffering and slow to anger, else the earth opened and swallowed up that sinful congregation’ (Miller 276).

By sheer luck in Hobart we also meet the Canadian historian John Carter, who is in town to give a presentation on the convict experience. Also, local historians have placed a public marker with Linus’ poetry inscribed on it to commemorate the Trinity Burial Grounds, a paupers graveyard of Patriot convicts on Campbell Street in Hobart. While in Hobart, Linus also witnesses flogging:

Two dozen lashes, which was considered a light sentence, always left the victim’s back a complete jelly of bruised flesh and congealed blood. A pool of blood and pieces of flesh are no uncommon sight at the triangles after a dozen have been flogged…many faint while undergoing the torture (Miller 283–84).

During this period, he and other convicts send a written petition to Lieutenant Governor Franklin requesting better conditions. Franklin rejects the petition because it violates a prison rule that grievances can only be signed by one individual (Miller 298) and no doubt again takes note of this troublemaker.

We next visit Lovely Banks (a misnomer for sure) where Linus works on a stone hauling convict crew. From here in August 1840 he escapes with one other inmate with a hopelessly impossible plan. They are to find an American whaler in Hobart harbor, convince it to take on as many as 80 Patriot prisoners, return to Lovely Banks to arrange for the 80 to escape, then all of them cross about 40 miles of open country to make rendezvous with the whaler and take their leave from Van Diemen’s Land (Miller 305–318). Linus even leaves behind a letter addressed to a John Franklin subordinate, in which he justifies his escape and promises that the remaining Lovely Banks convicts also plan to bolt if conditions don’t improve (Miller 304 text of letter). During their escape the two become famished, hallucinatory from thirst, and at one point hide in a den of kangaroos. Eventually, they are betrayed by a local citizen who feigns sympathy and then self-surrender after a massive manhunt. They are sentenced to two years at Port Arthur, considered the harshest prison in the colony, reserved for repeat offenders and escapees.

The trip to Port Arthur by sea is not pleasant. He describes a thirty six hour journey with forty six prisoners, double ironed and handcuffed in pairs in a cramped space between decks four feet high. ‘Nearly all were
sea sick and the deck was literally a nauseous matter…Every man was wet to the skin with it and the stench was intolerable.’ (Miller 326).

At Port Arthur they are put to work on the timber hauling crews, a signature labor for Port Arthur, known to be back-breaking. Today there are wooded areas near the prison buildings and I walk up a road leading away from the prison and imagine the scene of a convict crew staggering under a 200 to 300 pound log, to be carried one mile through thick brush and then repeated, with some collapsing under the load and then brought into camp for floggings (Miller 328-333). He complains that as a taller man (six feet) the load falls more heavily on him. The timber hauling overseer, a long term prisoner himself, has a prior convict history which consists of one death sentence for highway robbery and two transportation-for-life sentences (Miller 328-29).

He also observes again the homosexuality among the inmates: ‘The place was a sink of sin and horrible inequity…(where) hundreds of abominable crimes against nature, such as the laws of England punish with death, are daily committed at this Sodom’ (Miller 347).

At Port Arthur, Linus and his comrades come face to face again with Lieutenant Governor John Franklin. ‘You are all devils! You are worse than the devils in hell, but I have got you here for punishment, and you can’t escape’, he quotes Franklin (Miller 337-38). Franklin then singles out Linus again, among 1300 assembled prisoners:

I am glad to see you here…I am glad to see you looking so miserably wretched…I will take care that you remain here for life…No matter how good your conduct is, you have forfeited your character for life…I’ll break your American spirit!..I’ll break your low republican independence…I’ll cure you of fighting for the Canadians (Miller 339-340). He then orders the other prisoners to shun Linus: “Beware of him, shun him as you would a viper” (Miller 340).

For Linus this is a low point, the true dark night of the soul: ‘I now gave myself up for lost… I began to think that I was accursed of God as well as man… but I prayed for strength to bear my fate.’ (Miller 341).

His prayers are answered a mere one hour later. A prison doctor notes his debilitated condition, removes him from the timber gang and places him on light duty in the garden and laundry. It no doubt helped that Franklin had departed and his subordinates now in charge were more sympathetic. It is also known that John Franklin was unpopular with other administrators in the Van Diemen’s Land. Linus quotes another Port Arthur officer
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saying about him: ‘How strange his Excellency’s conduct toward this poor American youth. How bitter he was against him…But we shall not obey our instructions with regard to him. So long as his conduct remains good we will treat him well.’(Miller 342). And treated well he was. He never returned to timber hauling and his path to eventual freedom now begins. Besides the garden and laundry, he later becomes a clerk to the prison chaplain, Reverend J.A. Manton, assigned to teach literacy at the prison school and serve on a burial crew. Manton is apparently impressed with Linus’ learning and intellect. He even expresses sympathy for the Patriot cause: ‘…after some conversation with reference to the United States, the Canadian rebellion, etc, in course of which he remarked that had we succeeded our party would have been rewarded and honored instead of punished.’(Miller 345). Manton also writes a lengthy letter to Linus’ family in New York in which he informs them of his improved condition and hope for an eventual ticket of leave and pardon.

This was likely the first good news, or perhaps even a confirmation that he was still alive, that the family had received since he arrived in Van Diemen’s Land (Miller 345-47 letter reprinted). In gratitude, Linus later names his first son Manton. Even more extraordinary, the prison commissary officer, General Thomas Lempriere, hires him as a tutor for his children. As a clerk for Reverend Manton, he assists in burial services for deceased convicts on the Isle of the Dead in Port Arthur bay. He notes with outrage that dead convicts were first dissected and then buried naked. Dissection was a dreaded practice because it was believed to foreclose passage to heaven, to which was added the final humiliation of a naked burial (Miller 347). Tourists today are still shown the dissection room, an underground room complete with concrete slabs, during Port Arthur’s nighttime ‘Ghost Tours’.

One of the barriers to escape from Port Arthur was Eaglehawk Neck, a narrow isthmus of land outside the prison site which was guarded by a line of about twenty vicious, chained dogs. Linus reports that captured convicts received 100 lashes on their bare backs and that he witnessed the flogging of twelve such prisoners (Miller 347). Today the dog line site has been recreated, complete with a statue of Cerebrus, one of the guard dogs. Port Arthur is now one of Australia’s most visited national parks. This reflects the nation’s recent increased interest in its national origins, a change from a previous tendency to discount the convict era as something better to not dwell on. We walk through the prison walls, stand at the spot where Franklin cursed the Patriots as “worse than the devil”, visit the
garden, laundry, chapel, dissection room, guard dog line, and the Isle of the Dead. Linus’ words are quoted in the museum displays. The tour guides are familiar with him. We marvel at the skill put into the park’s preservation and that he actually survived this place and we can now read his account.

He receives a ticket of leave in November 1843, which allows him to travel to Hobart. A full pardon, which allows him to leave Van Diemen’s Land altogether, does not come until February 1845. Franklin permanently left in July 1843, which no doubt aided his prospects. By contrast the Canadian prisoners he had left behind at Lovely Banks got their tickets of leave earlier, in October 1842. In Hobart, his situation continues to improve. He is befriended both by the new Lieutenant Governor, E. Eardley Wilmot, and the colonial attorney general, Edward Mcdowell (Miller 350). Mcdowell is quoted saying:

I saw all the papers which accompanied your party from England and Canada. There was not the scratch of a pen to authorize the Governor to receive you upon this Island, much less to treat you as convicts….Every person who has held you in custody here is liable to an action for false imprisonment (Miller 350).

Mcdowell also employs him as a law clerk at a ‘handsome salary’ (Miller 353). But new obstacles to his full pardon arise. Apparently he still has some enemies in high places. His pardon is delayed for various trumped up reasons: he is accused of operating a distillery, he is a Scottish national, and his escape history makes him ineligible. But the opposition finally crumbles, with the help of the American consul E. Hathaway. He is one of the last of his group of Patriots to receive a full pardon, which indicates he may have been considered a ‘worst of the worse’ type case. But a pardon doesn’t come with a round trip ticket. It takes another seven months to get that. He borrows the return fare from a ship’s captain with a note to be secured by his father, Benjamin Miller, and departs from Van Diemen’s Land on 25 September 1845. Linus arrives back in the United States four months later, his odyssey complete. I can only imagine his and his family’s thoughts as he walked up the path to the family home just north of the edge of the village to an awaiting reception. Ever the activist, he had planned to first travel to England to pursue a further legal challenge to the Patriots’ imprisonment, but the pull of homecoming overcame that. One group of returning Patriots becomes marooned on the Sandwich Islands (Hawaii) when their expected transfer passage fails to arrive (Miller 357). Many freed convicts remained in Van Diemen’s Land under conditions of abject poverty (Miller 356). Most transported convicts never returned home.
After his eight year exile Linus apparently settles into a sedate lifestyle as a farmer, husband, and father of five. There is no direct evidence of his continued involvement in the cause to liberate Canada, although he does publically advocate for the plight of Patriots who are still not repatriated (Letter to Albany N.Y.? *Express* 28 January 1846). Perhaps the cause itself was rendered moot by Canadian moves towards self-rule. It’s also unclear if he practiced law. He publishes a book entitled ‘Meal Feeding and Animal Digestion’ (1877). Pretty tame stuff compared to the Patriot era. He goes bankrupt at some point. Four of his five children survive to adulthood. He dies in 1880 at age 63. When I visit the local historical societies I find that the Patriot story has largely vanished from collective memory. I locate some distant cousins in the area who are unaware of the story and don’t know who he was, even though they had found his 1850 marriage certificate and other family documents in their attic. The documents were a mystery to them. How quickly history can dissipate.

But he and the other surviving Patriots were probably semi-celebrities for awhile, given the support that their cause generated in the United States. I have an image of him and his comrades as they aged, invoked by the St, Crispin’s day speech in Henry V:

*He that outlives this day and comes home safe…he that live this day and see old age …will strip his sleeve and show his scars….This story shall the good man teach his son….from this day to the end of the world, but we in it shall be remembered, we few, we happy few, we band of brothers.*

*(William Shakespeare, Henry V, Act IV Scene III.)*

Such would have been the fervor of the Patriot cause. Without doubt Linus would have also been swept up in the fervor of the Civil War cataclysm that engulfed the USA fifteen years after his return. I’m sure that Linus was an avid supporter of the Union cause, as that would be wholly consistent with his Patriot values. His family also paid a steep price. His nephew, Hamlin Miller, who grew up on the adjoining property to Linus, joined the Union army at age 16, was taken prisoner, and died at 18 at the notorious Confederate prison at Andersonville, Georgia USA. It apparently was many months before the family knew his fate.

So how might we summarize the historical legacy of Linus Miller and his Patriot experience? Several conclusions might appear. First, the Patriot experience remains largely unknown in the United States. This may be due to an American tendency of disinterest in history or to the fact that at the time the American government had friendly relations with Great Britain
and actively discouraged the Patriot adventure into Canada. Perhaps the upcoming journal edition will rekindle some interest. Second, Linus has his detractors in the professional history community. For example, Tim Causer of the Australian Studies Center at Kings College London questions Linus’ credibility because he was an ‘educated, literate, white male generally treated relatively light in comparison to other convicts and so we must be wary of drawing wide-ranging conclusions about the lives of others from their experience alone.’(Tim Causer, ‘On British Felony the Sun Never Sets’, Cultural and Social History, Volume 5, Issue 4, 2008, p.423). Others have noted that the Australian convict experience was highly variable, not subject to generalizations, and that for some it was not nearly as brutal as Linus experienced—perhaps more akin to a benign, albeit involuntary, camping trip to a far corner of the world. Some convict communities, for instance, were largely self governing, the seeds of the modern Australian nation. (See for example ,Samir Patel, ‘Australian Shackled Prisoners’, Archaeology, Vol. 64, Number 6, July/August 2011. p. 44.

Third, there is no question that Linus was a brash and opinionated supporter of Canadian independence from the evils of British colonialism. His polemical style clearly irritated some people, both then and now. He was a young idealist, twenty year old when captured, and still only twenty eight when he returned home. His book, written in hindsight after his safe return, is laced with hyperbole and religiosity as well as graphic descriptions of the violence of the transportation and prison systems. He benefitted from his educated background in securing his later jobs at Port Arthur and Hobart as a teacher and law clerk. Nevertheless it’s difficult to dismiss his account as fabrication or mere propaganda. Whatever their misgivings about Linus’ politics, class and gender origins or writing style, it would seem difficult for historians to discredit his detailed accounts of so many events like those recounted above and many others. We get rich and emotional details, which are invaluable to understand the total Patriot experience and which provide some measure of reliability simply by the details provided. Many of his accounts of events are corroborated by other sources, although his use of direct quotations spoken by various people cannot be. There is historical value to first hand observations, even with the inevitable personal biases. Finally, we simply do not have many accounts; his is one of the few available.

Fourth, any assessment of Linus’ account must be viewed through the lens of American history, which is sometimes missed. The Patriot experience took place in the recent aftermath of the American Revolution,
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which was an armed overthrow of British colonial rule, unlike the mostly peaceful transitions to independence in Canada, Australia, and other colonies. Indeed, Canada was included in the union envisioned by the 1781 Articles of Confederation Article XI. In 1837 revolutionary ideals were fresh in the American collective consciousness. These ideals were a popular cause and what’s more, they now needed to be exported to Canada. The symbolic timing of the invasion for July 4 1838 tells it all. This was to be a new surge of democracy which could sweep the world. The Patriots believed they were the vanguard of history; the invasion of Canada was a logical extension of what had begun in the American colonies in 1776.

So Linus and his compatriots must be viewed in the context of the American character for democratic idealism, distrust of authority, the right to rebel, brashness, zeal, and action—traits which other cultures may find odd or even offensive. Likewise the religiosity found in his account also was a hallmark of the time. Is it any surprise then that Linus speaks in grandiose and radical terms? He was both a true believer and a historical recorder.

Fifth, Linus was mistaken about some things. He claimed, for example, that there was no chance of getting a fair trial in an English court. His prediction, however, was belied by the London court granting the writ of habeas corpus for eleven prisoners and releasing them—a remarkable display of judicial fairness considering these men tried to overthrow British rule in Canada by force of arms. Also his abhorrence of Australian aborigines did not square with his opposition to oppression, although it was consistent with the values of the time (Miller 362-63). Similarly his revulsion with sodomy reflected prevailing religious and legal standards.

Finally, it is extraordinary just in itself that he is released from a harsh imprisonment, befriended by officials of the colonial regime, returns home safely to an astonished family, and lives out his remaining forty years in an ordinary lifestyle. It’s almost a fairy tale ending. And what about his original goal to free Canada? Within a few years of his return, Canada moves toward self-rule and independence, ironically fulfilling many of the Patriot’s objectives, albeit not under a system explicitly modelled on American revolutionary values. Today Linus might grudgingly accept modern Canada, maybe minus those references to the Queen still visible. He would certainly approve the maple leaf replacing the Union Jack. When he returned to Hobart as a free man, he attempted to locate the unmarked graves of Patriot prisoners, some of whom he had known. He failed to find the site then, but modern historians found it under a school.
parking lot on Campbell Street and they and the city of Hobart placed a marker there with these lines composed by Linus. First published by the *Colonial Times* 26 June 1844, and dedicated to his Patriot colleague Alexander McLeod who had died 24 July 1839, they sum up the emotion underlying his experience:

‘I sought the grave of my friend, amid the slumbering dead;
in the yard where outcast men are doomed to lay their head.
Where the wronged and injured lie, neglected and forgot;
and the ravens’ mournful cry alone bewails the lot.
Where the felon finds at last an end to sin and crime;
his weary pilgrimage pass’d, and sorrow healed in Time.
Where the free and bond both sleep, in earth’s cold, dismal cell;
And the goaler, Death, doth keep and tend his pris’ners well.
I sought in vain the place where they had made his bed;
The sexton had left no trace of the forgotten dead!

Stranger! wouldst thou wish to hear why I thus sought that grave
to mingle a comrade’s tear with ashes of the brave?
‘Twas to bid him sweetly rest, though a foreign land;
And plant a rose on his breast, culled by a comrade’s hand.
To erect an humble stone in honor of the brave,

With this inscribed thereon: “This is a Patriot’s grave.” (Miller 258–59).

**Works Cited:**

Patel, Samir, ‘Australian Shackled Prisoners.’ *Archeology,* Volume 64, Number 6, (July/August 2011): 44.
Revisiting Linus Miller’s ‘dark picture of Van Diemen’s Land’

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One of the most evocate accounts of convict life in Van Diemen’s Land was provided by the young Patriot Exile Linus Miller who was transported on the Canton in 1840. While Miller had praise for some of the British officials that he encountered during his service as a convict he was generally critical of the British transportation system which he compared to slavery. Miller’s description of the probation system was particularly vitriolic and he had little doubt that overwork and poor rations shortened many convict lives. This article tests these claims by using comparative data for convicts, slaves and prisoners. In particular it seeks to critically assess Miller’s assertion that incarceration in the American or British penitentiary system had more humane outcomes than transportation to the Australian penal colonies.

Keywords: Linus Miller; Van Diemen’s Land History; Convict Transportation; Probation System’ Convict Death Rates’ Patriot Exiles.

Some 139,000 men and 26,000 women were transported to the Australian penal colonies between the years 1787 and 1868. About 120 of the male convicts left a record of their experiences in the form of a narrative (unfortunately there are no known narratives authored by female prisoners). One of the most detailed of these accounts was supplied by the Patriot Exile Linus Miller. A 22-year-old law clerk from upstate New York, Miller was unusual in a number of respects. While the majority of convicts were transported for small-scale petty theft, he was sentenced to life for participating in an armed incursion of Upper Canada launched from the United States. It was not only the political (and one might add,
violent) nature of his offence that distinguished Miller; he was atypical in that he was a professional (only three percent of convicts were drawn from the professions) and a non-British national (Corcoran and Nicholas 214). Small numbers of African, Indian, European and American and Canadian born prisoners together with some Aboriginal and Maori convicts were transported to Australia, however, the majority were born in Ireland and Britain (Harman, Hopkins-Weise, Duffield, Duly, Malherbe). Nevertheless the process that he described was similar to that experienced by other transportees.

Following his life sentence Miller was forwarded to Liverpool and then on to London by rail. After his sentence had been confirmed he was handcuffed and placed in irons. Loaded into a horse drawn van with 27 other felons, he was driven to Portsmouth, shackled for the entire journey to a bar that ran the length of the vehicle. The prudish Miller complained that his discomfort was increased by his fellow travellers who swilled beer and smoked clay pipes as the van rattled along. Upon arrival in the ‘great sea-port town’ whose streets he described as ‘exceedingly filthy’, he was conveyed onto a scow and rowed out to the York, an old 74-gun warship that had been launched in 1807 and converted into a prison hulk in 1819. Once on board the new arrivals were lined up and asked to provide their name, trade and age. Their hair was then closely cropped. As a further indignity Miller was forced to work in irons in the docks while he waited for a ‘bay ship’, as transports were commonly known. After a delay of two months he was finally loaded onto the Canton, the vessel that would convey him to the Antipodes (Miller 221-8).

Already on board were a detachment of 40 troops from the 96th Regiment who would act as a guard, and John Irvine, who had been selected by the admiralty to serve as surgeon superintendent. Irvine was no greenhorn, he had 20 years previous experience in the Royal Navy and from the start Miller was impressed with the strict regime he imposed upon his unfree patients. Indeed, the young American noted with some surprise that the prisoners were under ‘the exclusive charge’ of the surgeon, rather than the master or one of the military officers. He was also surprised by the spacious nature of the ‘prison’ where he would be accommodated for the duration of the voyage. The six-feet eight-inches of headroom provided more than enough clearance for his taller than average frame. Ventilation was supplied by two large hatchways, which although secured by bars, were kept open as long as the elements were favourable. To his relief Miller’s
privileged status as a middle-class convict secured him a berth close to one of these (243-6).

The food he found less agreeable but this had little to do with its quality, which was bearable, and more to do with the violent seasickness that immobilised him for much of the first half of the voyage (246-7). Fifty days into the passage he was placed in the sickbay suffering from ‘dyspepsia’ and was not discharged cured until nearly three weeks later. During the second half of the voyage he regained his appetite, dining on occasion on shark and albatross liver and heart, although these were almost certainly perks secured through friendship with officers, rather than standard ration issue (250). He was pleasantly surprised that the prisoners were divested of their irons once the ship was at sea and that, as long as the weather was favourable, they were ordered to spend three-quarters of the day on deck (246-8). It was the liberal exposure to *plein air* which he thought was largely responsible for the excellent health of the prisoners, only two of whom died during the course of the 16-week passage. One of these unfortunates was a consumptive, a condition that the man confessed to having laboured under for some time. The other suffered a sudden attack of what both Miller and the surgeon, John Irvine, described as ‘apoplexy’ (Miller 252). Irvine reported that the man did not even have time to moan before he was struck down. Despite an immediate attempt to abstract blood from the patient’s temporal artery the man died – ‘the vital spark’ having ‘fled’ as Irvine put it rather poetically in his journal. Other than that, the health of the convicts during the voyage remained better than Miller could have ‘possibly expected’. There were no outbreaks of scurvy, despite the salt rations – lemon juice, wine and vinegar all being provided as anti-scorbutics after the first dozen days out of sight of land (243).

If the voyage had been an unexpectedly benign experience, Miller railed about the treatment he received on land. To some extent he and his fellow Patriot Exiles transported on the *Canton* and *Buffalo* were unlucky. They were amongst the first prisoners to be inducted into the ill-fated probation system whereby all new arrivals were sent to work in gangs on the roads. It was only after this period of hard labour had been satisfactorily performed that their services were made available to private individuals. Prior to the introduction of probation in 1840 newly arrived convicts were sent to work for settlers. This was considered to be a more benign experience. Surviving evidence from settlers’ diaries and convict letters suggests that many assigned servants were well looked after by contemporary British and Irish working-class standards. While under the ‘assignment system’
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convicts might find themselves working on the roads, they could only be demoted to such a location after having been successfully charged with committing an offence. While Miller was certainly not the only critic of the new system, he and his fellow Patriot Exiles provide some of the most detailed eyewitness accounts of probationary labour.

Miller graphically described the impact of this form of punishment on the bodies of his fellow prisoners. Forced to haul stone from a quarry in hand carts, they worked in the rain ‘from daylight till dark’ when ‘half naked and half starved’ they were turned like ‘so many cattle into … cheerless huts’ where they slept in damp clothes until ‘another day called us to toil’. After seven weeks Miller was greatly emaciated and many in his party were ill or were broken in spirits (303). Of those convicts who arrived with Miller on the Canton, 13 perished during their first year in the colony. This was a death rate that was greater than that which prevailed during the voyage to Australia. Miller’s compatriots on the Buffalo fared a little better. Only two of their number, Lysander Curtis and William Nottage died within a year of arrival.

A fierce critic of imperialism, Miller had after all been transported for attempting to instigate a republican rebellion in Canada, the young Yankee law clerk accused the British state of subjecting prisoners in Van Diemen’s Land to an ordeal that was ‘worse than African slavery’ (Miller 366). This article will explore Miller’s claim in greater detail. Its broad aim is to put the experiences of the Patriot Exiles into context by comparing the risks they faced as transported convicts with those of migrants in the age of sail both free and unfree. It will also explore Miller’s allegation that the transition from the assignment to the probation system exacted a greater physical toll on the bodies of prisoners. Finally, it will compare death rates for transportees to Australia with inmates serving sentences in separate confinement penitentiaries. Such institutions were heralded by the critics of transportation as a more effective and humane means of dealing with offenders. This is a particularly interesting comparison in that if Miller and his compatriots had not been transported it is likely that they would have had to serve a lengthy sentence in one of these institutions (either within the bounds of the British Empire or the United States).

Deaths at Sea

As Miller was an abolitionist he is likely to have known something of the horrors of the ‘middle passage’ as the trade in slaves across the Atlantic was
known. More recent attempts to enumerate slave deaths have revealed just how deadly the experience could be. The crude monthly death rate on 330 British slaving vessels departing 1791–1800 was 32 per 1,000 (Haines and Shlomowitz, Slave Trade 263). Once landed in the new world mortality amongst slaves remained high, especially during the so called ‘seasoning period’ when, weakened by the voyage, they were exposed to unfamiliar pathogens. Thereafter heavy manual work regimes took their toll. Slave populations on Caribbean sugar plantations failed to be self-sustaining, annual birth rates falling short of losses from deaths (Higman 314-46).

There are a few studies of morbidity and mortality amongst convicts. Employing aggregate data for 761 voyages to Australia, departing between 1787 and 1868, McDonald and Shlomowitz found that monthly death rates dropped from 11.3 per 1000 prior to 1815 to just 2.4 per thousand in the period following the ending of the Napoleonic Wars (291). The results suggest that the Canton’s crude monthly death rate of 2.7 per thousand was far from exceptional. Miller was perhaps less fortunate than he had thought. To give an indication of just how low these figures are, the monthly death rate for males aged between 15 and 44 on emigrant ships sailing from Europe to the United States between 1836 and 1853 was 4 per 1,000. The discrepancy is especially noteworthy when one considers that, as well as being free, the trans-Atlantic migrants were embarked on a voyage that took an average of forty-five days compared to 118 to Van Diemen’s Land (Cohen 378). The length of the passage to Australia certainly imposed additional risks, especially in terms of exposure to deficiency diseases. These risks could be minimised by stopping off en route to obtain fresh stores. The Canton, for example, resupplied at Tristan de Cunha (Miller 251). Yet each stop was a mixed blessing in that it increased the risk of exposure to new sources of infection (MacDonald and Sholomowitz 290).

Jackson discovered that morbidity rates were elevated on vessels that departed in winter. He noted that several surgeons complained of the poor health of female prisoners embarked at that time of year, especially those who had been tried in provincial districts and moved long distances to London (Jackson 77). It is likely that vessels that departed in winter months had a heavy time beating a passage from the Channel into the North Atlantic. As Miller’s experiences make all too clear, even in good conditions seasickness could undermine all attempts to keep a vessel clean. As he described it:

‘Accounts were cast up’ without ceremony, not only on the floor but in the
berths; and our apartment was rendered truly horrible. An entire week
passed before it could be properly cleansed (245).

Bad weather could also keep prisoners battened down below and prevent
the airing of bedding and washing of clothes.

In order to examine the risks that Miller and his fellow Patriot Exiles
were exposed to data was collected for 208 male and 81 female transport
vessels arriving in the period 1818 – 1853. Between them these ships carried
60,611 convicts into exile of which 48,097 (79 per cent) were male and
12,514 (21 per cent) female. In addition to the data employed by Jackson,
McDonald and Shlomowitz this study has analysed the sick lists included
in the surgeon’s journals for these voyages and details of the crew, military
and other passengers as documented in the Marine Board records for the
port of Hobart and other papers forwarded to the colonial administration
(Bateson 338-96). Many of the surgeons’ journals record other information
about the voyage including the dates on which convicts and the military
detachments that would act as guards came on board. This has enabled a
separation of mortality and morbidity episodes that occurred in port from
those at sea. It has also proved possible to reconstruct post-voyage death
rates for the convicts transported on these vessels. This is important because
it enables an examination of the extent to which diseases and other insults
encountered at sea exacerbated death rates on land.

This issue lies at the crux of one of Miller’s principal complaints. In
his view it was the toll extracted by probationary labour that put the
lives of the Patriots at risk. When he made this argument Miller was
in effect voicing one side of an old debate. Critics of the Atlantic slave
trade charged that death rates were a result of over exploitation—either
through the greed of slaving interests that led to over-crowded vessels or
the inappropriately high workload extracted from recently disembarked
slaves. Slaving interests reacted by arguing that death rates were largely a
result of the poor condition of slaves purchased in Africa (in other words,
if there was a failure in duty of care, Africans were at fault rather than
Europeans) and the inevitable problems associated with trans-oceanic
voyages. They blamed post-voyage death rates on New World diseases
rather than exploitative practices. Similar arguments have subsequently
been made in relation to indentured labour migration (Maxwell-Stewart
and Shlomowitz).

The data confirms that the voyage to Australia was benign by
contemporary standards. The risk of death, however, did not remain
constant during the voyage. Death rates on both male and female transports climbed as the vessel neared its destination (see figure 1). This was very different from the profile of slave deaths on the middle passage which resembled an inverted U. Ineffective pre-voyage screening meant that many slaves were loaded with pre-existing disorders, conditions that were violently exacerbated at sea by ‘tight packing’, high humidity, sea-sickness and rampant dysentery (Steckel and Jensen). By contrast, attempts to screen prisoners before they were embarked from the hulks appear to have been much more effective. The instructions provided to surgeon superintendents stipulated that they were ‘not to receive on board any convict for transportation unless he be in such a state of health that his life is not likely to be endangered by the voyage and unless he be free from any infectious disorder’. As the journal kept by Irvine on the Canton made clear, he carried out these instructions to the letter. Before any convicts were taken on board he examined them in conjunction with the hulk surgeon (House of Commons, Instructions 254). This explains his annoyance when, 17 days into the voyage, Dennis Gennings came to him suffering from consumption. At first Irvine blamed himself. It was a condition that should have been picked up during his inspection on the Leviathan hulk in Portsmouth harbour. He confessed to his journal that he had worked under pressure, the hulk establishment being eager to get the Canton on its way. He then discovered that the former soldier–Gennings had been transported for insubordination–had deliberately concealed his condition. Having been aware of the nature of his ailment for some time, the 28-year-old convict was ‘desirous of being sent to Australia in the hope of his health improving in that mild climate’.9 He never reached Van Diemen’s Land although, ironically, the island would later achieve something of a reputation as a sanatorium for consumptives (Petrow). He expired on 5 November whereupon his body was wrapped in a hammock weighted with shot and committed to the deep. As Miller described it ‘the board was raised, a plunge succeeded, and the slight ripple of the parted waves, as we sailed on, soon disappeared’ (252).

As well as pre-boarding screening checks the surgeon superintendents engaged in a number of other practices, some of which almost certainly helped to reduce rates of morbidity and mortality. Patients admitted into hospital with infectious complaints had their hair shorn, ‘their persons thoroughly cleansed and their clothing washed in boiling water, or fumigated’, before it was stowed away. Great store was placed on keeping the prison clean and thoroughly aired. In order to combat damp, swinging
stoves were issued to ships to promote ‘warmth, dryness and circulation of air’ (House of Commons, *Instructions* 255). When infection did break out, elaborate attempts were made to fumigate or otherwise disinfect the vessel. The surgeon on the transport *Sarah* ordered hot shot to be plunged into vats of vinegar to vaporise the contents (Maxwell-Stewart 64). Irvine banned spitting and smoking in the prison and the disposal of any material in the water closets that might block the pipe. He also ordered every prisoner to wash each morning. Clothes and bedding were washed weekly and, every day that the weather permitted, the prison and the hospital were washed and swabbed dry. In cold and wet weather the decks were instead dry scraped and holystoned. In addition, twice a week they were sprinkled with chloride of lime.10

All this helps to explain why death rates on convict vessels were kept to levels that were close to those for adult populations on land. Given this achievement, it comes as little surprise that these measures were later adopted on assisted migrant vessels bound for Australia (Haines and Shlomowitz, *Sea Voyages* 15-6). But for all of the diligence of Irvine and his fellow surgeons the reconstituted record confirms that deaths became more common as the voyage progressed. This was a trend that continued after the vessel had pulled into port. Death rates for male convicts in Van Diemen’s Land were higher for the first two months after disembarkation than they were at any point during the voyage.

**Deaths on Land**

Was the elevated risk on land a product of knock-on effects encountered at sea or the result of new risks to which disembarked convicts were exposed for the first time? There can be no question that the voyage did expose prisoners to risks that presented a threat to their well-being long after the vessel had pulled into port. Deficiency diseases are a case in point. By linking deaths on land to the sick lists maintained by surgeons over the course of the voyage it is possible to determine, for example, that scurvy was responsible for more deaths on land than at sea. In all 80 per cent of all male prisoners who died within one month of arrival had been diagnosed as sick at sea.

The data, however, also suggest that this is not the entire story. The death rate for female convicts, although significantly higher at sea, dropped after disembarkation rapidly falling below that for their male counterparts (see figure 1). The fact that women were able to make a
better adjustment than men suggests that the way male convicts were processed post disembarkation may well have impacted on their chances of survival supporting Miller’s contention that conditions on land did indeed exacerbate death rates. There are a number of factors that might have contributed to this. Upon disembarkation male convicts were marched to the Campbell Street Penitentiary, a huge building capable of accommodating several thousand prisoners. All public works prisoners in Hobart Town, including those serving in the two town chain gangs were accommodated in this building. These men were housed alongside those who were in transit between masters or workstations. Miller recalled that, in contrast to conditions on board the *Canton*, hygiene in the barracks was somewhat lacking. The first night they slept in the building they were assailed by ‘thousands of demons’ in the shape of fleas and lice (274).

Their female counterparts were marched a little way out of town to the Cascades Female Factory—a building that had a fearful reputation for infant mortality (it housed a nursery for children born to convicts under sentence). Despite its reputation, however, this institution may have provided a more benign environment for new arrivals than its male equivalent. It certainly accommodated fewer prisoners and the different mortality outcomes for male and female convicts may have something to do with levels of crowding. It is also possible that female convicts were more quickly dispersed into the environment. There was much demand for their labour as domestic servants and many were deployed to households in Hobart (Reid 3–9). Male convicts by contrast were usually assigned to settlers upcountry or, in the case of those who like Miller arrived in the era of probation, worked in road parties that were distributed through the colony. It is possible that for logistical reasons it took longer to disperse males, meaning that they were held for longer periods of time in the penitentiary than female convicts were in the factory. It is also possible that, since men had to march further to their first deployment and were more likely to be put to hard manual labour, they found it more difficult to shake off the debilitating effects of a long voyage at sea.

Miller thought that these effects were exacerbated by the introduction of the probation. It is possible to explore this charge by dividing male convict arrivals into three periods: assignment, probation and exile. The first period spans the years 1830–9. The difficulty associated with assembling an accurate record of death for convicts who arrived before 1830 prohibited the use of data for the 1820s. From 1830 on though it has proved possible to reconstruct a convict death series for the colony of Van Diemen’s Land by
linking returns from parish burial registers, reports of casualties despatched to London, surviving registers of convict deaths, colonial muster returns and annotations entered on conduct records. A comparison of death calculated as a result of this work produce slightly higher totals than those recorded in official aggregate returns suggesting that these reconstituted totals are accurate. In all 17,850 male convicts were despatched from the British Isles to Van Diemen’s Land in the period 1830-9.

The post 1839 returns were split into two sections, one covering the years 1840-5 and another 1846-53. During the first of these periods a further 16,316 male convicts were landed in Van Diemen’s Land, including Miller and his fellow Patriot Exiles on the Canton and Buffalo. These prisoners all experienced the probation system. Things are a little more complicated in the second period when a further 9,534 male convicts were despatched from Britain and Ireland. Some vessels arriving during these years carried convicts who had already served much of their sentence in the British penitentiary system (especially Millbank, Pentonville and Parkhurst). These convicts were often landed carrying tickets-of-leave and thus bypassed the probation system altogether. As they had already served a number of years of their sentence prior to being sent to Australia these ‘Pentonvillians’, as they were often referred to, were released earlier than their shipmates. Without examining the record of every male convict disembarked in this period it is difficult to separate these prisoners from those who served a standard transportation sentence. Disaggregating the data by period provides a means of dealing with this problem.

The returns reveal that death rates at sea varied for the three groups (see figure 2). They were highest for those arriving in the 1830s, fell during the early 1840s only to rise again after 1846. This pattern appears to have affected the rate at which convicts adjusted to conditions on land. Death rates during the first four months were lower for the probationers than they were for those arriving under the assignment system. The ‘Pentonvillians’ made the best adjustment of all, probably because significant numbers were landed holding tickets-of-leave—a ticket allowed a convict to seek waged labour as long as they did not leave the district to which they had been allocated. Thereafter the data suggests that it took slightly longer for death rates amongst the probationers to fall, but by the third quarter of the first year in the colony they had dropped to the level experienced by assignees. The probationer’s mortality record over the next three years was considerably better however. While the ‘Pentonvillians’ appear to have
had the best record of all, this is largely an artefact caused by the release of prisoners holding a ticket after year two.

Thus, it appears that Miller was wrong. Although the Patriot Exiles undoubtedly suffered under the probation system there is little evidence to suggest that they suffered to any greater extent than convicts disembarked under assignment. The mean death rate for convicts landed in the period 1840-5 over the first four years of their sentence was 11.3 per 1,000 compared to 12.7 in the assignment period. To put this into comparative perspective the mortality rate for British troops in Australia in the period 1839–51 was 14.5 per 1,000 (Austin 209-46, Lucas 69-76). Thus, Miller and his compatriots had a better record of death under sentence than the troops that guarded them.

In fact the death rates experienced by male convicts in Van Diemen’s Land were comparable to those for English and Welsh men in their mid-twenties (see table 1). The mean age of male convicts on arrival in the Australian penal colonies was 26. The comparison is especially striking since the evidence suggests that the work undertaken by convicts was considerably more dangerous. Accidents and other violent causes accounted for six per cent of deaths in England and Wales in 1860s (Hinde 22). In convict Van Diemen’s Land they accounted for 18 per cent. Male convicts were run over by loaded carts, killed in quarry explosions and landslides and even asphyxiated by carbonic gas. Many were employed in timber felling and significant numbers were killed by falling trees. Others were drowned, often in rivers while attempting to cool off in the summer months. There were also a considerable number of violent deaths connected with other aspects of the convict system. Several male prisoners were shot attempting to abscond.13 The execution rate was also higher than in England and Wales.

The inflated risk of violent death suggests that mortality from other causes was no greater than that experienced by young adult males in mid-nineteenth century England. In short, despite the complaints of Miller and the other Patriot Exiles about the standard of food, clothing and accommodation served to them while under sentence, there is little evidence that convicts were especially deprived. Indeed it appears that they would have been considerably worse off if they had been imprisoned rather than transported. Miller lauded the separate system first introduced at the Eastern State Penitentiary, Philadelphia, in 1829 and widely emulated elsewhere. He was particularly delighted to learn that the British government had experimented with a similar system at Pentonville, ‘with a view to adopting it altogether’ (240-1). Yet, as the 1840s progressed
worrying data emerged suggesting that the impact of prolonged solitary confinement was extremely detrimental to the health of prisoners. If Miller had not been transported, but had been confined in Millbank Penitentiary, London and subjected to the separate regime, the probability that he would have died by year three of his sentence was approximately five times as great as the risk that he was actually exposed to by transportation. If he had invaded the United States rather than Canada, and had been incarcerated in the Eastern State Penitentiary, the odds against his survival would have lengthened even further (see figure 3).

Conclusion

In terms of mortality outcomes transportation was far more benign than British plantation slavery or incarceration in a separate confinement regime prison. We should note, however, that this tells us little about the psychological impact of a form of punishment designed to split offenders away from families and relations and, we might add, derive profits from the exploitation of their labour. In this sense Miller can be excused for drawing parallels between the form of coerced labour to which he was subjected and slavery, a form of exploitation with which his American readers were more familiar.

When describing the approach of the Canton to its penal destination Miller asked his readers to ‘look upon the dark picture of Van Diemen’s Land and learn Wisdom’. Open ‘the door of thy heart’ he continued, ‘breathe a prayer to our Heavenly Father, for a blessing upon the unfortunate’ (253). British penal transportation was certainly designed to be intimidating and exploitative. In its Australian guise, however, it appears to have been comparatively efficient in that it kept its charges alive—a goal of every labour system. This does not make transportation benign, but it does suggest that Notes of an Exile and other accounts of the horrors of transportation need to be carefully evaluated. The truth was that Miller and his fellow convicts were a lot less unfortunate than he perhaps realised.
### Table 1

**Comparative crude death rates (per 1000 per year)**

<table>
<thead>
<tr>
<th>Rate</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>69.9</td>
<td>Black Prisoners —Male, Eastern State Penitentiary (silent system), US</td>
<td>1840s</td>
</tr>
<tr>
<td>43.1</td>
<td>Prisoners—Male, Millbank Penitentiary (silent system), England</td>
<td>1838–41</td>
</tr>
<tr>
<td>32.0</td>
<td>Slave Field Labourers aged 20–2 – Male, St Lucia</td>
<td>1815–19</td>
</tr>
<tr>
<td>26.0</td>
<td>Slave Field Labourers aged 20–24 – Female, St Lucia</td>
<td>1815–19</td>
</tr>
<tr>
<td>21.0</td>
<td>Slave Tradesmen and Drivers aged 20–24 – Male, St Lucia</td>
<td>1815–19</td>
</tr>
<tr>
<td>14.5</td>
<td>Soldiers, Australian Colonies</td>
<td>1839–53</td>
</tr>
<tr>
<td>14.3</td>
<td>Soldiers, in Barracks England</td>
<td>1830–53</td>
</tr>
<tr>
<td>13.4</td>
<td>Prisoners—Male (short term sentences), England</td>
<td>1840–45</td>
</tr>
<tr>
<td>13.0</td>
<td>Slave Domestic Servants aged 20–24 – Female, St Lucia</td>
<td>1815–19</td>
</tr>
<tr>
<td>12.7</td>
<td>Male Convicts Van Diemen’s Land</td>
<td>1830–9</td>
</tr>
<tr>
<td>11.4</td>
<td>Females aged 25, England and Wales</td>
<td>1813–30</td>
</tr>
<tr>
<td>11.3</td>
<td>Male Convicts Van Diemen’s Land</td>
<td>1840–5</td>
</tr>
<tr>
<td>10.8</td>
<td>Males aged 25, England and Wales</td>
<td>1813–30</td>
</tr>
<tr>
<td>10.1</td>
<td>Females aged 25, England and Wales</td>
<td>1838–54</td>
</tr>
<tr>
<td>10.0</td>
<td>Males aged 25, England and Wales</td>
<td>1838–54</td>
</tr>
</tbody>
</table>

Works Cited:


Miller, Linus. *Notes of an Exile to Van Diemen’s Land: Comprising Incidents of the Canadian Rebellion of 1838, Trial of the Author in Canada, and Subsequent Appearance Before Her Majesty’s Court of Queen’s Bench in England and Transportation to Van Diemen's Land etc.* New York: Fredonia, 1846.


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**Endnotes**

2 National Archives, Adm 101/15/9.
3 National Archives, Adm 101/15/9.
4 Miller, 243.
Hamish Maxwell-Stewart

5 Tasmanian Archives and Heritage Office (henceforth TAHO), Con 31/8, pp. 17, 32, 36, 41, 44; GO/33, Quarterly returns of deaths, March 1841.

6 Quarterly returns of deaths June 1840, TAHO, GO 33

7 Note that 94 per cent of male convicts landed in Australia were aged between 15 and 44, TAHO, Con 23/1 and 2.


9 National Archive, Adm 101/15/9.


11 The data was obtained by linking information about death in the following sources. TAHO, ‘Register of Convict Deaths, 1840-68’, Con 63; Quarterly Return of Deaths 1834-48, GO 33; Conduct Registers for Male Convicts Arriving in the Assignment Era, 1803-40, Con 31; Conduct Registers for Male Convicts Arriving in the Probation Era, 1840-53, Con 33; Conduct Registers for Female Convicts Arriving in the Assignment Era, 1803-44, Con 40; Conduct Registers for Female Convicts Arriving in the Probation Era, 1844-53, Con 41; Burial Registers for Van Diemen's Land, 1803-38, RGD 34/1. The National Archive (UK) — 1823 Muster, HO/10/48; 1825 and 1830 Muster, HO/10/38; 1833 Muster, HO/10/49; 1835 Muster, HO/10/50; 1841 Muster, HO/10/51 and 1849 Muster, HO/10/39.

12 For aggregate returns of annual convict deaths see TAHO, CSO, CSOS/1/130/3087; CSO1/746/61110; CSO 49/7 1838 and CSO5/1/130/3087.

13 See, for example, 273 George Rollason, per Richmond, Con 31/34; 7661, William Gordon per Moffatt 3, Con 33/32; 1093, George Ryan, per Lord Lyndoch 3, Con 33/5; 759 William Purchase, per Larkins, Con 31/35; 7852, John Shoubridge, per Moffatt 3, Con 33/32; 12825, Cain Jones per Equestrian I, Con 33/54 and 67 Thomas Fishwick, per Prince Leopold, Con 31/13.
‘Cast down but not destroyed’: The Trials and Triumphs of John Goldsbury Parker.

Chris Raible

American-born John Goldsbury Parker – a Kingston, Upper Canada ship owner and later Hamilton merchant – had lived in the province for two decades when the William-Lyon-Mackenzie-led Rebellion erupted in 1837. Despite a lack of substantive evidence of treasonable activity, Parker was the first accused rebel to be arrested. After months in Toronto’s jail, without trial or public hearing, Parker was sentenced to transportation, transferred to Kingston’s Fort Henry, sent on to Quebec, and put on board a ship destined for Van Diemen’s Land. En route, in Liverpool, British reformers brought successful legal action in behalf of the Upper Canadian prisoners – ultimately Parker was released. He rejoined his wife and family, settled in Rochester, New York, becoming a successful merchant and prominent citizen. Drawing on official records, private correspondence, contemporary newspaper reports, rebel memoirs, and a published portion of his personal journal, this paper traces Parker’s character and his career.

Keywords: Upper Canadian Rebellion; Ontario History; Escape from Fort Henry; Patriot Trials; New York State History.
Introduction: ‘Evidence of a general movement’

This article traces the personal story of one participant in the 1837 Rebellion in Upper Canada, John Goldsby Parker. He was not an outspoken reformer; he was not a disgruntled farmer; he was not ‘seduced to join in … [an] unnatural rebellion’ (Head) by William Lyon Mackenzie or any other leader. Yet he was the first known rebel to be arrested. Colin Read and Ronald J. Stagg, introducing their comprehensive Champlain Society volume of Rebellion documents, assert that; ‘Only one piece of evidence exists to suggest an organized effort at rebellion, the correspondence of John G. Parker, a wealthy American-born Hamilton merchant and radical reformer.’ (xxiv) They go on to comment; ‘To use this isolated evidence as proof of a general movement is to make a general case from an exceptional one.’ (xxxv) They may well be correct, which may be why Parker has been largely ignored by historians.² One of the puzzles about the Upper Canada Rebellion is the lack of evidence as to how much of a rebellion it actually was. Mackenzie’s attempted coup d’état, with its goal of independence from British colonial rule, may well have been ill-planned, ill-organized, ill-led and ultimately ill-fated, but the breadth or depth of support for the Rebellion about the province is clear.³
Australasian Canadian Studies

Parker’s Earlier Life: “A well-known Kingston man”

John Goldsbury Parker’s roots were deep in New England. He was born in Winchester, Cheshire County, New Hampshire on April 14, 1794, the son of Ezra Parker and Caroline Goldsbury, both of whose families had lived in New Hampshire or Massachusetts for several generations. Sometime before 1820 – the exact date is uncertain – with his brother Reuben he began operating a packet boat from Sacket’s Harbor, New York, making trips across the lake to Kingston, Upper Canada. He soon became acquainted with one of Kingston's leading families, Thomas and Elizabeth Turpin and in January 1817, married their daughter, Jane. Between 1818 and 1834 they produced seven children.⁴

In 1820 John was listed as a trustee of the Sacket’s Harbor Presbyterian church, but at some point the family moved to Kingston. By the early 1830s he was operating the steamship *Kingston* on the Bay of Quinte (Mackey, 133, 136). The ship was described, many years later as ‘a comparatively small steamer of only 200 tons,’ built by Parker, ‘a well-known Kingston man.’ The writer added that the steamship ‘did not prove a very great success.’ (Robertson, 858) Parker would recall, several years after the event, that in 1833 the *Kingston* sank, ‘cut through by ice.’ (Journal, 1838 November 18) Nevertheless, that same year Parker was appointed to the management committee of the Kingston Forwarding Company, operating the steamship *Perseverance* (a.k.a. *Toronto*) on the Rideau Canal (Mackey, 133,136). The next year he abandoned the shipping business and moved to Hamilton. There, with Reuben, he conducted a wholesale business with warehouses in both Hamilton and Toronto (Charles Parker). By 1836 the brothers were also in retail in Hamilton, running ‘a large dry goods store on the southwest corner of King & John.’ (Durand, 219) Thus, the first forty years of his Parker’s life, reveal no hints of radical tendencies, indeed, there is no evidence of political interests of any kind. By the 1830s, he may have taken the oath of allegiance, becoming a naturalized British subject.⁵ He also owned enough property to entitle him, if naturalized, to vote in the politically passionate elections of 1834 and 1836. But it is not known if he did so.

After moving to Hamilton, Parker became friendly with Charles Durand, a reform-minded attorney.⁶ Their friendship became even closer when Durand married Sarah Bostwick, sister of Reuben Parker’s wife. In Hamilton there were a number of American expatriots, many of whom with Parker members of the Niagara Presbyterian Church, congregation affiliated with American Presbyterians rather than either the Church of
Scotland or secessionist United Synod Presbyterians. The congregation’s religious practices – revivalism, temperance and choice of hymns – were different from those of most British Presbyterians. More significantly, these Niagara churches (there were two others in the area) all stressed ‘volunteerism,’ that is, the complete separation of church and state, a notion anathema to many Canadians and tainted by its suggestions of American democratic principles. (Moir, 83-4)

Prelude to Rebellion: ‘Everything here looks squally’

By 1837, despite growing political tensions in Upper Canada, there is nothing to suggest that Parker was anything more than a successful merchant, a devout Christian, and an active citizen. The economic depression which spread throughout the world that year undoubtedly hurt Parker’s business, as it did all commercial and agricultural enterprises in the province. How much he may have suffered is not known.

Late in July, a group of restless reformers – Mackenzie, John Rolph and others – assembled in Toronto. On August 2nd they issued a ‘Declaration of the Reformers of the City of Toronto to their Fellow-Reformers in Upper Canada.’ After ‘nearly half a century’s forbearance under increasing and aggravated misrule’ the declaration was an ‘assertion of … rights,’ seeking ‘the redress of … wrongs.’ Modeled loosely on the 1776 American Declaration of Independence, it was a lengthy catalogue (some 2500 words) of colonial grievances, ending with an affirmation of their ‘common cause’ with ‘citizens of Lower Canada, in seeking ‘civil and religious liberty’ and opposing British Government attempts ‘to violate their constitution without their consent.’ (Mackenzie) Unlike their American forbears, however, these reformers – despite their expressions of outrage – stopped short of declaring Upper Canadian independence. Instead they called upon their fellow citizens;

- to organize political associations [to hold] public meetings … throughout the province …that a convention of delegates be elected, and assembled at Toronto, to take into consideration the political condition of Upper Canada… with authority … to appoint commissioners to meet others to be named on behalf of Lower Canada and any of the other colonies.

The Declaration was thus anything but a call to revolution. If followed, the multi-step process would ‘create a Congress’ that could ‘seek an effectual remedy for the grievances of the colonists.’
John G. Parker was not a signer of the Declaration. Indeed, Parker may not have even met Mackenzie, much less conspired with him to instigate rebellion. But Parker was attracted to the reformers’ call to organize ‘political associations’ – ‘political unions’ they were commonly called, undoubtedly inspired by the British political unions that successfully promoted the Great Reform Act of 1832.

The first known evidence of Parker’s interest in reform is a letter written in early October 1837 chastising the reform editor-printer of the Kingston Spectator, John Vincent, for his inactivity:

Your Spectator is too supine – why do you not start the Political Unions of 40 members each, choosing their own Secretary or leader – making their returns instantly to W. L. Mackenzie, the Corresponding Secretary, so that the leaders at Toronto may know their strength, and what they can rely on? Already upwards of 1,500 men of character, wealth and influence, have enrolled their names.

The letter made clear that the purpose of these unions was much more than political discussion. Many union members were turning out to ‘drill weekly.’ Parker added:

There is not a soldier in the Garrison at Toronto. A large quantity of arms are guarded in the Town Hall by [only] 20 or 30 scamps of boys.... The Gore District is organizing, still and quiet, but effectually and determined. The London District is in fine condition – united, brave, and with love of country at heart; and determined to redress her wrongs – Let the Midland District come up with others and all will be well.... The city of Toronto is well organized. (Letters, Vincent)

It should be noted that Parker was reporting, rather than organizing, all this activity. A month later Parker wrote in similar vein to Henry Lasher (or Harry Lasker) of Bath:

By what I can learn the Midland District is asleep, while the Upper Country are gloriously waking up. Political Unions are forming all over the Gore District, still quiet but effectually ... and are ready to act at an hours notice. I am informed that the Home District is well officered – in many places the Unions drill weekly, &c. &c. 1500 names returned – the London Dist. is not behind–the Scotch and old U. E. descendants are all thorough radicals, determined and resolute men. Do set things a going in the Midland – it seems there is nothing doing there –there is not a Soldier in the Garrison at Toronto. (Letters, Lasher – also Read, 78)
A few days later, yet another note, this one to Augustus Thibodo of Kingston:

Organization is the order of the day – form Political Unions of 40 each Union choosing their own Secretary or leader... We are going on well in the Gore District. The London is organizing – the Home is already under drill weekly – there is no time to be lost... Go steadily and quietly to work – let the Midland District come up with the others and all is well. There is not a soldier at the Garrison at Toronto.” (Letters, Thibodo)

How Parker obtained his knowledge of political union progress is not known. There is no other evidence that he was himself actively engaged in organizing the Unions he wrote about. Yet his letters led to his downfall. A year later, these three Parker letters were published by Mackenzie in his Mackenzie’s Gazette of April 20, 1838, along with the editor’s comment:

It was for writing and sending [these] letters that this amiable man was ... banished to the southern ocean, 10,000 miles from wife, children and parents, and to pass the remainder of his days in cruel slavery.

In early November 1838 Parker seems to have written a number of similar letters, each urging the formation of Political Unions ready to move with military intent. Months later, after Parker’s arrest and imprisonment, when his case was considered by a special ‘Treason Commission,’ it was alleged that Parker had claimed that four thousand men were ‘ready to act in concert upon a moment’s notice in opposition to the government.’ Some 1,500 individuals from across the province were ‘well organized,’ their purpose: ‘to attack a defenceless Toronto.’ (Baehre)⁹

Later that month, he wrote another letter, this one clearly suggesting revolutionary intent. When news of the outbreak of rebellion in Lower Canada reached Parker, he wrote one of its principal instigators, Thomas Storrow Brown, one-time Montreal merchant. As a merchant himself, Parker may have had previous commercial communication with Brown. He wrote:

Private (not for publicity)

I wish you could write me from official Accounts from the seat of War – The radicals in Upper Canada are afraid that the C[anadiens] have no spunk, and all will end in talk & smoke. The Upper Canadians are ready for almost any thing... We have a rifle Establishment in this town, and it is said that a great many of the farmers are getting Rifles, in fact every thing here looks squally. There is a nest of Scotch Radicals of the worst sort back of Toronto and I was told by a man from that Quarter that they were
getting well *marshaled*, and only waiting for good news from L. Canada, when they will enter the City, and salute the Governor and Nobility – in demonstrations of great joy carrying flags of divers colors. I look for great things this winter...

The London and Western Districts[s] are said to be boiling over, ready for Reform – the Tories begin to cow in many places, a great many are determined to take no part whatever … Unions formed in this City [are] in a still quiet way of determined spirit…

The Country is excited all over …. Do the Americans feel favorable and will they render any assistance? Are the Canadians united? – There is a report they are divided – No wonder – no organization – no means, no arms, no courage – These things are said by certain friends of your cruelly persecuted fellow citizen, John G. Parker. (Letter to Brown 22 November 1837 q. in Read & Stagg 103-107)

The last known letter written by Parker in this period was to fellow Hamiltonian J. Williams:

Upper Canada is at this time in a great excitement and should Lower Canada revolutionize, Upper Canada would follow at once and join the States … The country is already well organized by the formation of Political Unions. (Letter to Williams, 01 December 1837 q. in Read & Stagg, 131)

Some of Parker’s correspondence was intercepted by the government. Alerted of the imminent danger, Lieutenant Governor Francis Bond Head issued a General Order calling out the militia on December 3rd. (Lady Head letter to son Frank in India 21 December 1837 q. in Read & Stagg, 131). On December 5th, the very day that turmoil was erupting in Toronto, Parker was arrested and jailed in Hamilton – the first of some nine hundred men within the next few weeks to be arrested and jailed as alleged rebels.

Parker’s home was immediately invaded by agents of the Government. According to a breathless American newspaper account:

At the time Mr. John G. Parker was arrested in his store, Mrs. P. and her family were up stairs, (their dwelling being over the store.) Two armed men rushed up stairs; Mrs. P. was standing near the stove, and had just thrown into the fire some papers that lay on the table, part of which were scraps written by her children. One of the [men] pushed her back with great violence against the wall, his brother presented his pistol, and threatened to blow her brains out! They then stationed a guard of from 6 to 10 men at the doors … and commenced a general pillage, breaking open
every article in the house, and taking possession of all the papers. (*Albany Evening Journal*, 1837 December 18 q. in Parker, ‘Documents’)

As noted by Canadian historians Read and Stagg, it was easy for authorities reading these Parker letters ‘to believe that the course of rebellion had long been charted.’ (xxiv–xxv) The correspondence was clearly seditious in intent. Yet Parker prompted no acts. He laid no plans. He rallied no supporters. He wrote to no newspapers. He published no broadsides. He spoke at no meetings. He gathered no arms. He marched in no demonstrations. He fired no shots. He urged no specific treasonous actions. Indeed, nothing in his letters – or anywhere else, apparently – indicates any clear connection with Mackenzie and the men rallying at John Montgomery’s tavern north of Toronto.

**Jail in Toronto and Kingston: ‘Those whose guilt is of the highest … for whose character the least can be hoped’**

On December 5th, as Mackenzie was leading his troops down Yonge Street hoping to take Toronto, Parker was arrested and locked in Hamilton’s jail. According to Canadian historian Colin Read, government authorities,

…on hearing that the insurrection had broken out in Toronto, had had no hesitation in jailing the unfortunate merchant, believing that he was an important link in a chain of conspirators. (Read, *Rising*, 85)

Parker’s arrest came as a shock to many who knew him. On the day it happened, fellow Hamiltonian John Fisher, writing to his McQuesten cousins living near Rochester, New York, described Parker as ‘one of our best men, beloved by all, a deacon in our Church--and my Best friend in this Town.’ (J. Fisher to Dr. Calvin and Margarette McQuesten, 05 December 1837, McQuesten) Two days later Fisher expanded on his feelings:

Parker lay in irons and there is the determination to execute him. It requires more strength of nerve than I possess to speak of the transaction without giving utterance to language which might be thought very suspicious.… Those direct from Toronto state that there was a hot engagement last night in which 30 riflemen were killed and 40 made prisoners. All is consternation. (J. Fisher to Dr. Calvin and Margarette McQuesten, 07 December 1837, McQuesten)
Despite these expressions of suspicion and sympathy, letters offer no suggestion that Fisher was himself politically involved with his best friend. Similarly, Charles Durand, reminiscing sixty years later, fondly remembered his friend John G. Parker:

He had lived a long time also in Kingston. He had married a beautiful woman, and had a fine family of boys and girls. He was a man of about fifty years, with religious and moral habits. I mention this as I knew him well, and know that he was shamefully treated. (327)

Durand added, on another page of his published memories:

I never could learn that he was guilty of anything more than a mere sympathy, or an American open-mouthed desire for a republic, natural to most of his countrymen. (342)

Durand himself was soon arrested. No innocent bystander, he was more involved in the rebellion than his reminiscences suggest. A letter he wrote to Mackenzie nearly three weeks before the outbreak of rebellion indicated that Durand was himself busy organizing Unions, raising money, and possibly even securing arms. (Durand to Mackenzie, 16 November 1837, Read and Stagg, 95)

Parker may not have been an agitator of insurrection, but his incarceration roused the sympathy of many active reformers. Indeed, Parker’s imprisonment gave immediate purpose to discontented radicals to the west of Hamilton. News of his arrest prompted volunteers to join a second wave of rebellion led by ardent reformer Charles Duncombe in western Upper Canada. Parker’s name became a rallying cry for men to take up arms, march to Hamilton, and free Parker from jail. (Read, Rising, 88) Many of these Duncombe-led rebels, when later arrested, testified that it was reports of Parker’s confinement which persuaded them to join. (Read, Rising, 206) What previous association, if any, they may have had with Parker is not clear. Nonetheless, no attempt to liberate Parker was actually made and he was soon transferred to Toronto. Meanwhile, news of his arrest was widely publicized in American newspapers reporting on the outbreak of the Canadian rebellion. (Parker, Documents)

In the first few days after the December 7th debacle at Montgomery’s tavern north of Toronto, Mackenzie as well as several leaders of the insurgency, managed to escape to the United States. Meanwhile hundreds of rebellion participants were rounded up and locked in Toronto’s
jail. Many turned themselves in, trusting the implied amnesty contained in a Proclamation issued by the Lieutenant Governor:

...all, but the leaders above-named, [Mackenzie, David Gibson, Samuel Lount, Jesse Lloyd and Silas Fletcher] who have been seduced to join in this unnatural rebellion, are hereby called to return to their duty to their Sovereign—to obey the Laws—and to live henceforward as good and faithful Subjects—and they will find the Government of their Queen as indulgent as it is just. (Head)

When Parker arrived at the Toronto jail in mid-December, he joined about forty other prisoners already confined in a third floor cell – a room about 25 feet by 25 feet (according to Charles Durand’s memory). (322) An adjacent smaller room – 14 feet by 14 feet – held a couple dozen more men. Though separated, these prisoners could communicate with each other through a hole they secretly managed to drill through the wall – large enough for them to pass papers and small objects. (Theller I, 167)

For the next three months, they were all held without charges or review of any sort. This meant seemingly endless days and nights of waiting and wondering, with but little opportunity to communicate with family or friends. In such close confinement, the prisoners developed a strong camaraderie. They shared a common deep resentment over their own maltreatment and over the government’s harsh repression of dissent throughout the province. Months of imprisonment served to strengthen their commitment to radical reform. Though in a penitentiary, they grew anything but penitent.11

The prisoners also discovered a common religious faith – bible reading and hymn singing became part of their daily routine. Several of them belonged to the Children of Peace, the religious community north of Toronto gathered by David Willson (its Sharon Temple is now a National Historic Site). Its members – unlike some faith-inspired communal groups – had a strong social conscience. They constantly worked, through both charitable and political activity, to reform the social evils of the world. All through the 1830s Willson and his followers were often allied with Mackenzie. Though Willson himself opposed actual rebellion, many of his congregation, led by Samuel Lount, rallied to the call to arms. A number of them – including at least two of Willson’s sons – were thus among the jailed prisoners. They brought with them not only piety, but melody – their songs expressed their faith.12

Parker, as already noted, was an ardent Presbyterian. He thus
fully appreciated the daily routine that developed among the prisoners: scripture reading, prayer, and especially hymn singing. Durand fondly recalled Parker as a ‘great singer’ of hymns, fitting to a man who had been ‘a strict Sunday School teacher in Hamilton’ (327). Unlike these other prisoners, however, Parker had taken no part in Mackenzie’s by-then-already-infamous attempt to take over the government and declare Canadian Independence. Most of his cell-mates were from the Home District – many knew each other well, as neighbours and as fellow political reformers. Despite his arriving at the jail an outsider, Parker nevertheless soon gained their trust – indeed became one of their leaders.

Meanwhile Upper Canadian officials were trying to figure out how to cope with so many prisoners. Emergency legislation was enacted, commissions were appointed, procedures were evolved to sort through the prisoners and punish the most serious wrongdoers (Greenwood & Wright, essays by Baehre and by Wright). The mood of the jailed men was dramatically altered in late March when two of their number, Samuel Lount and Peter Matthews in the jail isolated from the other prisoners, were formally tried, convicted and sentenced to death. The hanging took place on April 12 in the jail’s courtyard, witnessed by great crowds – and by as many prisoners as could squeeze a glimpse from the jail’s small windows.

At some point, according to Durand, the prisoners learned that another of their number, Edward Theller, was also to be executed. A plan was forged to overpower the jail guards, take their arms, and escape. Only Durand and Parker opposed the plan and no escape was attempted. (Durand, 331) In late February, Parker’s brother Reuben was arrested, suspected of ‘mediating some plan for the rescue of his brother.’ (Theller, I, 167) Apparently there was no evidence, for Reuben was released in late April without being charged. (Lindsey, II, 387)

Among the various government measures put in place that spring was an act to allow indicted prisoners involved in the ‘late insurrection’ to petition for pardon before their arraignment. The law, along with Lieutenant Governor Head’s Proclamation of December 7th (the day the Toronto rebellion was so totally put down) implied lenient treatment or even amnesty, to petitioners pleading guilty. Thus on April 10th Parker, took the official bait and addressed a petition to Head’s replacement, Lieutenant Governor George Arthur:

...Humbly sheweth
Chris Raible

That Your Petitioner is now a prisoner in the Gaol of the Home District charged with High Treason... upon which charges he has been indicted but has not yet been arraigned.

That Your Petitioner without any intention of taking part in any treasonable insurrection against the Government unhappily wrote the letters which he believes in connection with subsequent events will be held to bear no other than a treasonable construction.

That Your Petitioner, deeply sensible of his guilt and penitently confessing it, throws himself upon the clemency of the Government and most humbly prays that Your Excellency will be graciously pleased to extend to him the benefit of the late act of Parliament and grant him Her Majesty’s Most Gracious pardon upon such Terms and conditions as to Your Excellency may seem most answering to the provisions of the act referred to.

(Parker to Arthur, undated, Upper Canada Sundries, 137195)

Soon many prisoners, after pleading guilty, discovered that they were granted only conditional pardons. Worse, many others, including Parker, were not pardoned at all – purely on the basis of their guilty pleas they were sentenced to punishment. (Baehre)

On the same day he had issued his December 7th Proclamation, Head also appointed a special commission, chaired by Robert Jameson, Chancery Court judge and former Attorney General. In due course this Treason Commission reviewed the cases of one hundred and nineteen prisoners under indictment for attempted insurrection and divided them into four classes. Among the twenty-two individuals designated as Class 1 – ‘those whose guilt is of the highest and for whose character the least can be hoped’ (Baehre) – was John Goldsbury Parker. On no other evidence than that revealed by his intercepted correspondence, Parker was thus marked for either execution or transportation. Only a few of these twenty-two were actually brought to trial. Most – including Parker, as we have seen – anticipating amnesty had pleaded guilty. They were thus sentenced with neither trial, nor hearing, nor opportunity to defend themselves.

A number of Parker’s cellmates, but none in Class 1, were released. But a number more, including Parker, were sentenced to transportation. In early June these men were transferred to Kingston’s Fort Henry – a way station on their journey to Van Diemen’s Land.
Attempted Escape from Fort Henry: ‘He betrayed his comrades at the most critical time’

Upon reaching Fort Henry, the prisoners’ mood became more desperate. In Toronto they could maintain some semblance of optimism. Some of their fellow prisoners were being freed on providing sureties and pledges of good behaviour. Memorials from friends in the outside world – both Canadian and American – continued to urge royal clemency. Even old Sacket’s Harbor friends, ‘backed up by the Good People of Kingston’, pleaded with Lord Durham for Parker’s release. (Illisha Compton note 15 May 1838, Upper Canada Sundries, 197991)

In Fort Henry the men found themselves more strictly confined and more distantly separated from family and friends. Once official judgment had been pronounced – transportation – there was little they could do. And Kingston, for all except Parker who had lived in the city several years, was totally unfamiliar territory. In Kingston’s loyalist political atmosphere, there was little hope of reprieve.

Nonetheless, they tried one more time. Eleven men, including Parker, petitioned Lord Durham, describing their legal situation:

The undersigned petitioners, state prisoners, now confined in Fort Henry humbly sheweth –

That your petitioners have been confined in prison upwards of seven months, having been indicted … on the charge of High Treason;

That they were advised to petition the Lieut. Governor and Council for pardon which advice they complied with, under the impression and expectation that they would … [be] liberated … upon some favorable conditions…

That they have not yet received any official answer to any of their petitions….

That many who was more deeply implicated in the late disturbance… than any of your petitioners… have been liberated from prison on recognizances for their good behaviour … others without giving any security at all.

That most of your petitioners have each a numerous and helpless family of a wife and several children entirely dependent on the exertions of their husbands and parent for subsistence and support….
That there is neither leader or plotters of rebellion among your petitioners;

That in consequence of hearing of the general amnesty and happy liberation... of ... numerous state of prisoners in Lower Canada, your petitioners are led ... [to seek] your Excellency’s clemency. (Upper Canada Sundries, 105476-8) 13

Early in July Parker sent his wife copies of several of the supposedly incriminating letters, with the thought ‘that it would be beneficial to me’ if she could bring them to the attention of Lord Durham. He also asked if she could ‘procure affidavits’ from the persons to whom the letters were addressed, describing the circumstances at the time they were written. This would help Parker to deny ‘that I have held any communication with them of a treasonable nature whatever – either verbal or written.’

Perhaps more significantly, in this letter Parker offered, for the first time, his explanation of the incriminating ‘hasty notes’:

[T]hese notes were written in a moment of haste, all written in moments of each other on board of steam boats – and the object was to mentions to persons [with] whom I was intimate things that were said to be current ... What was written was only what was rumoured and only as such could it be understood ... You will recollect that violent meetings were held by McKenzie, or meetings that terminated in riot &c.... [T]he friends of good order advised a different course of proceeding – of holding P[olitical] Unions... conducted by themselves, still and quiet, sending their resolutions ... to the Corresponding Secretary. – preparatory to a convention which was to be held. 14

(Upper Canada Sundries 106186-7)

By the time of this note, most Fort Henry prisoners had abandoned hope of clemency. Instead they planned a stunning escape. With the secret help of a knowledgeable workman at the Fort, they obtained plans of the fort’s layout. Moreover, they learned that a portion of the wall of their cell had once been a door, With scraps of iron they had obtained, they began to loosen the mortar, in time making an escape hole, leading to internal passages and on to external walls.
On a dark and stormy night late in July, led by Parker as the only one familiar with the territory, some fifteen men found their way to freedom. One, John Montgomery, fell, broke his leg, and had to be virtually carried by two of his fellows. However, as soon as they were outside the walls, Parker took off. ‘He betrayed his comrades at the most critical time of our escape,’ one of them complained many years later. (Stewart) At a point six miles below the city, he was captured – as were two others, William Stockdale and Leonard Watson. All the rest managed to find passage across the water to New York State, and on to Rochester. (Guillet, 118)

Soon thereafter, the Kingston Herald reported that a corporal of the 83rd Regiment, upon capturing Parker, had ‘nobly refused’ an offered bribe of $900, and that subsequently a public subscription was ‘taken up to reward him.’ (Guillet, 118) A few days later, the Quebec Gazette’s report of the escape noted that Parker ‘was treasurer of the group which escaped and rewarded generously those who aided.’ (Guillet, 118) However, there is only one known reference of a payment of any sort for helping the to
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men escape. Parker presented the fort’s Master Mason, John Ogden, with a ‘sympathy snuff box’ inscribed with the recipient’s name. (n.a, Fort Henry)

Parker’s Prisoner Boxes: ‘The school of suffering is the school of light’

That little box was not unique. It was one of well over a hundred somewhat similar boxes made during their months of incarceration by Rebellion prisoners in the Toronto jail (or ‘gaol’ as it was often spelled). Sometime in the late spring of 1838, a number of these men began to craft small boxes from scraps of wood readily available to them as firewood for their heating stoves. These boxes, each made from a single piece of wood, were fashioned in various shapes but each with a sliding lid. Their makers inscribed them with various quotations or mottos – some sentimental, some religious, and surprisingly, many highly political. Most boxes were also inscribed with the date of fabrication, the name(s) of the box maker, and the name of the person to whom the box was to be sent. Many boxes also served as memorials to their martyred fellow prisoners, Samuel Lount and Peter Matthews.

These boxes were then sent out from the jail, whether smuggled or openly sent is not clear, to their designated recipients. The boxes thus affirmed that their makers continued in good health and spirit, steadfast in their political commitment and religious faith, and hopeful for the future. More than fifty different prisoners were boxmakers – how many boxes were made is not known (to date 119 boxes have been identified).\(^{17}\) Crafting the boxes was a collective effort, with several prisoners involved in making a single box, though in most cases inscribed with the name of a single maker. Box making continued through most of the summer, both in the Toronto jail and, among the prisoners who were moved in June or later, at Fort Henry in Kingston. By far the most active boxmaker was Parker, who was involved in making a dozen or more boxes.\(^{18}\) The lid of one Parker box, for example, is inscribed:

*Mrs. E. W. Armstrong*\(^{19}\)

and inside records:

Imprisoned at Hamilton 5\(^{th}\) Dec. 1837

at Toronto 17 Dec. 1837

at Fort Henry 3 June 1838.

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Its maker’s mood is expressed on its front side in poetry:

_The wintry months have passed away_

In gloom and sorrow day by day

Long nights of darkness, dismal dreams

Possessed my soul: __ no cheering beams__

No sun to gleam a transient ray,

Or cheer my heart at early da

---

And on the back side lines laments prisoners’ deaths:

_Toronto’s cell! Ah, there were pains_

_Inflicted by “corrective” chains,_

_That Chillon’s dungeons, dark and old_

_Scarce witness’d, mid their gothic mould_

---

Fig. 3. Inscription on front of box. Photo credit: Darryl Withrow.
Alas! 'twas near that massy grate,

Poor Lount & Mathews met their fate!

Whose minds were tranquil & serene!

No terror in their looks were seen!

Fig 4. Inscription on back of box. Photo credit: Darryl Withrow.

One end panel memorializes four rebel martyrs:

Col. Van Egmond / Anthy Anderson / 
Samuel Lount / and / Peter Mathews

The other end promotes;

Equal rights / Public Safety / 
Civil & religious / Liberty

While the bottom inscription affirms a firm faith:

These hours of sorrow yet will end,

And Jesus be the prison's friend:
My Saviour in the darkest gloom,
Shall heavenly rays impart;
And while descending to the tomb,
Shall cheer my trembling heart.

From John G Parker
A state prisoner in Fort Henry, 4th June 1838

Just after his failed attempt to escape Fort Henry, Parker inscribed a box (YP70) to his wife ‘from her affectionate husband, a state prisoner…’. The box has the note, in miniscule script:

Re-imprisoned and put in shackles six feet long.

On one side of the box Parker wrote:
‘Cast down but not destroyed,’ I bless the hand,
Our Father’s hand which strengthens while it strikes;
And should the furnace rage with seven fold heat,
Our Father’s even there! Mighty the waves,—
But mightier He above, who calms the storm
Dark and mysterious, thus far my way—
But lo! The ‘Sun of Righteousness’ shines forth,
And cheers my soul with healing in his beams.
The school of suffering is the school of light;
’Tis here I learn to trample on the world,
And justly estimate all earthly good;—
’Tis here that sorrow tells me I must die—
’Tis here God’s word assures me I shall live.

The ends were inscribed:
Equal Rights and Civil and Religious Liberty

Parker also inscribed boxes to relatives or in-laws.20 A number of boxes are ornamented with detailed drawings. Parker’s journal has several references to his making sketches. (11 November and 11 December 1838, 26 January 1839)
Chris Raible

Fig. 5. Decorated box. Photo credit: Darryl Withrow.

Fig. 6 & 7. More examples of Parker's craftsmanship. Photo credit: Darryl Withrow.
Parker’s boxes thus confirm something of the complex character of John Parker: a naïve idealist, a stickler for details, a caring comrade, a devoted family man, an artist, a lover of sentimental poetry, a skilled craftsman, an ardent republican, a devout Christian, a determined optimist. The boxes also testify to another aspect of his personality. As noted earlier, Parker rewarded John Ogden, the mason whose complicity made possible the Fort Henry escape, with a box. Months later, as the Fort Henry prisoners were preparing to be sent on Quebec and expected transportation to Van Diemen’s Land, Parker intrusted ‘Sheriff McDonnell of Kingston’ with ‘about twenty little boxes made by prisoners’ to be sent to Parker’s wife – they were never received (Parker. *Journal*, 20 November 1838). Parker was at heart a merchant – one who pays for services rendered and who expects bargains to be fulfilled.

**Life at Fort Henry: *I found the society very agreeable indeed***

The Fort Henry escape – and Parker’s recapture – was widely reported in American newspapers.²¹ Four months later, Charles Durand, by then living in exile in Buffalo, wrote to the [Lockport, New York] *Freeman’s Advocate* condemning the continued imprisonment of the men at Fort Henry and claiming that Parker had been mistreated after his recapture. The Fort’s commander, ‘Colonel Dundas,’ had put ‘poor Parker in iron and … [struck] him several times with his fists …[while Parker] was bound like a slave.’ (Durand, ‘Gov. Arthur’s’) In August the population of Rebellion prisoners at Fort Henry awaiting transportation dramatically increased with the arrival of fifteen men captured during an attempted invasion in the Niagara area in June – the so-called ‘Short Hills’ affair.²² Subsequent trials led to the hanging of their leader, James Morreau, while the death sentences of the others were commuted to transportation.²³

Two of these newcomers, Linus Miller and Benjamin Wait – after the long ordeals of Van Diemen’s Land and an arduous journey home – published lengthy accounts of their experiences. These reminiscences – along with Parker’s own published journal chronicling his imprisonment, travel to England, and trials in London – provide essentially similar stories of their Fort Henry imprisonment and subsequent journey to England:

[Our] room … was about twenty-four by forty feet … warmed in cold weather by a large stove. … [Rations were] not only deficient in quality, but quantity, … cooked by a soldier …whose habits of cleanliness might have been greatly improved. We were… allowed to purchase bread, and
other provisions from the canteen by paying an exorbitant price. Knives and forks being prohibited, fingers and teeth were very useful, but a hungry man soon learns to despise superfluities. …

The best privilege we enjoyed was that of walking in the yard an hour each day. … This hour was the only opportunity we enjoyed of cultivating an acquaintance with our captive friends in the adjoining room… (Miller, 100)

Despite confinement, life at Fort Henry had its moments:

I found the society very agreeable indeed; and our time was not … spent in games of chance, swearing lewd conversation, tale telling, &c. &c. … [A]ll were engaged in something useful …

or entertaining – some were reading, some writing; others were occupied in making port folios, small wooden boxes, or other mementoes for friendly presents. … Messrs. Wixon, Watson, Tidey, Parker, McLeod and myself, united in an association … for the purpose of literary improvement and amusement for the long evenings, by delivering in rotation, original lectures. In writing, delivering, or listening to them, the time rolled cheerfully and unheeded on. (Wait, Letters, 88-89)

As in Toronto’s jail, religious observance was very much a part of the prisoners’ lives. Every Sabbath, Randal Wixson,24 a Baptist minister as well as political reformer, preached and commented on passages of Scripture thereby, in Wait’s words, ‘contributing largely to our spiritual good and temporal quiet.’(90)

Prison authorities were understandably worried about another escape attempt. As Wait describes it;

[We] were visited every day by the Sheriff, deputy, with two or three, and sometimes six or eight, military officers … Every bed, box or package was removed, so that each square inch of the floor could be seen and sounded; Clothes hanging against the wall, were carefully moved aside, that no spot might be hid from view. The men likewise were all paraded into the middle of the ward, single file, and answered to their names, while a sergeant audibly counted the number present, and an ensign referred to a paper held in his hand, to see that none were missing…We usually had a man stationed at the window … to report the approach of the officers, when every article of amusement or memento would be put aside; for an order had been issued by the commandant, prohibiting the manufacture of those trifles, fearing they had been or would be, used as bribes for the sentinel. (91)
In August, Lieutenant Governor Arthur visited Fort Henry and spoke to the men, but Arthur’s papers contain no details of the visit. (Sanderson, 266) A few weeks later, the prisoners received a short visit for Attorney General Christopher Hagerman, who apparently expressed some sympathy for their plight. Seventeen of the prisoners, including Parker, afterwards addressed a formal letter to him expressing;

…our warmest thanks for the very kind and obliging manner in which you were please to enquire so minutely, into our general usage and welfare. You may rest assured that such an act of affability, has not failed to make a deep and lasting impression upon our minds.

They went on to hope that Hagerman might be able to;

… recommend the extension of mercy in our behalf and we do assure you that should your kindly influence be followed by our liberation, the favour would not only be thankfully received, but gratefully and lastingly remembered.… [W]e would endeavour by our future good behaviour, to give … no reason to regret such an act of Clemency but, on the contrary, to prove that such an act of generosity was judiciously and profitably bestowed. (letter to Hagerman 15 September, Upper Canada Sundries 113935,)

Two days later two prisoners, John Tidey and Peter Milne, wrote their own private letter to Hagerman, disassociating themselves from their fellow prisoners and insisting that they personally were willing ‘to renounce for ever, all allusions whatever to politics either by tongue or by pen.’ They also were willing ‘to hold a stable and periodical correspondence with the Government … giving every statistical and political information respecting the particular vicinities in which we reside.’ (Tidey & Milne)

In other words, they offered to become government informers. Hagerman’s response in not known, but both Tidey and Milne, unlike most of the others, were soon released.

**Journey to Quebec:**‘*The most guilty and dangerous of the Traitors … should be removed to England forthwith*’

‘On the 9th Nov. 1838, we left Fort Henry, Kingston, Upper Canada,’ Parker reported in a letter to his wife. The departure came as a surprise – the men were given only half an hour’s notice. As Miller noted:

We had all hoped that after a few month’s imprisonment where we were, the government would be satisfied to let us out on bail; and indeed, we
had received many assurances from friends that such was the intention of our enemies. (106)

Lieutenant Governor Arthur was determined to get them out of the country. A month earlier, he and Lord Durham had agreed, that ‘the most guilty and dangerous of the Traitors,’ would not be recommended for ‘any further remission of their sentences’ and therefore ‘should be removed to England forthwith, for transportation.’(Sanderson, 300) The officials wanted them shipped beyond the reach of any attempt – by force or by legal maneuver – to free them. Arthur and Durham did not realize, of course, that in England, Parker and eight others would in fact be liberated.

The journey to Quebec was a marked contrast to the prisoner’s relatively easy existence at the Fort. Parker noted:

I was chained to Wait, and not satisfied with chaining us together, they double ironed us with hand cuffs, made to torture us, consisting of a bar of iron with a clevis fitted to our wrists so tight as to cause them to swell, and keep us in a constrained position.…

[W]e were marched down, under a strong guard, to the Steamboat Cobourg, … on board was the 93rd regiment of regulars. We were driven to the fore deck, among the horses. It was extremely cold. Major Arthur … gave orders ‘if we attempted to escape … to shoot down the d––d rascals.’

We were kept on the deck among the horses all that night, without any covering.…Some stood up all night, while others were glad to lay down between the horses feet, among the dung and filth. (Journal, 09 November 1838)

The journey continued, with varying degrees of discomfort, to Prescott, then by the steamer Dolphin to Cornwall and jail there, then by the Neptune to a fort at Cote du Lac, then by a Durham boat to the Cascades, and, aboard the Dragon, at last arriving at Montreal on November 16th.

Meanwhile, even as they travelled, the Canadian Rebellion had erupted anew. There was fierce new fighting in Lower Canada, two days after the Dolphin with its load of prisoners passed by. Also, an invasion took place at just above Prescott – the ‘Battle of the Windmill,’ as it came to be called, planned and executed by the Patriot Hunters, a volunteer army of American sympathizers. Their forces crossed from New York State into Upper Canada, hoping to rekindle the fires of Rebellion. Three days of fighting ended in disastrous defeat. 28As the Dolphin proceeded down the St. Lawrence, along its banks the prisoners on board saw practice drilling
by companies of militia. These volunteers, seeing the boat’s Union Jack, cheered for the Queen, perhaps ignorant of the nature of its cargo of rebel convicts. On one occasion, according to Miller’s account, prisoner John McNulty could bear it no longer:

...jumping upon some boxes, [he] held up his manacled hand, and with the other waved his hat in the air, in answer to their cheers, and shouted loud enough to be heard a mile: ‘Hurra for McKenzie hurra! Hurra! hurra for liberty! – you d---- fools!’ (108)

The continuing rebellion was again brought to prisoner’s immediate attention a few days later. After entering through Lower Canada, the Dragon passed scenes with grim reminders of failed insurrection. Parker reported:

We touched at Beauharnois, which village was in ashes. The ruins of many houses were in view. One of our guard went on shore and brought some French books, which he picked up among the ruins, He mentioned having seen piles of furniture, partly burnt and broken. The Canadians looked exceedingly dejected, and from what I saw and heard, their sufferings must have been great. Many families in respectable circumstances, have been suddenly plunged into the depths of poverty and wretchedness, so that we are not alone in the furnace of affliction.

To which Parker piously added;

Oh that the chastenings of Almighty God may bring us near unto himself daily, and may we find lessons in the daily walks of life, whether in liberty or in bondage, for the improvement of our minds and affections, and in our duties to God and to man. (Journal, 19 November 1838)

At Montreal, their manacles removed, the prisoners were marched to the guard room of the garrison. The next day, according to Parker, they were comforted by a pamphlet, ‘Submission to the Divine Will,’ as they prepared to resume their journey. A crowd watched as they boarded the steamer British North America for Quebec:

In the crowd, which was considerable, I observed a variety of feeling and expression. While some degree of sympathy was manifested by some, scoffs and abuse was shown by others; all of which we disregarded. (Journal, 17 November 1838)

The next day, the Sabbath, the hills white with snow, the river filled with ice, Parker read ‘one of Newton’s sermons.’ Arriving at Quebec they
were marched to the Upper Town, attracting another crowd with ‘the same variety of feeling and expression’ they had seen earlier. (*Journal, 18 November 1838*)

They were locked in the city jail rather than the Citadel, from which Rebellion leader Edward Theller had dramatically escaped a few weeks earlier. Their chains were removed and their luggage brought to them – Parker noted the loss of a bag of ‘table and cooking utensils’ (*Journal, 20 November 1838*). To their surprise, the prisoners learned that they were immediately to be sent to England. Despite the hazards of a late season crossing, the authorities were not about to risk keeping the men for the winter in the hostile political environment of Quebec. After his escape, Theller had been safely hidden by Patriot sympathizers in the city for many days before he was smuggled south to freedom in the United States. (*Theller, chapters V-XV*)

**Passage to England: ‘We have had a remarkably fine voyage’**

Parker’s first journal entry at sea, dated November 28, six days after departure, described his limited quarters, but optimistic attitude:

> Through the mercy of God I am favored with good health, although numbers are sick around me. This is not surprising, as 17 of us are confined in a space 5 feet by 10, and a still less space is appropriated for 17 others on the other side of the Hatchway, making 34 prisoners. The only light we have is through a piece of thick glass, inserted in the deck and called a dead light. It is dark between 3 and 4 o’clock, when we go to bed and lay (not sleep) until 8 or 9 o’clock next morning. Mr. Wait and myself are still chained together, and have a berth for ourselves. Others are more crowded, having to stow 3 or 4 in each berth. … We spend much of our time in reading the scriptures and religious tracts. … [D]uring long nights of darkness, here below, my mind is free. I can hold communion with my God and Savior… (*Journal, 28 November 1838*)

The next day;

> Last night the ship seemed to roll in the sea without much wind. I lay most of the time awake, listening to the noise of the waves, and the seamen in altering the position of the sails and responding to the call of the captain. … A number still sick on board. My health, through God’s mercy, is still good…(*Journal, 29 November 1838*)

And the day following;
Snores a little. I was on deck a few minutes this forenoon, and saw the sun through a mist of snow. We obtained to-day … some religious tracts, which all are engaged reading when they can get their heads near enough to the light to enable them to do so… (Journal, 30 November 1838)

It all sounds cramped, calm, cold, but quite endurable. Parker’s piety nourished his spirit – his fellow passengers similarly surviving. Yet according to both Miller and Wait, it was not that way at all. A few days at sea, the captives conspired to mutiny. They plotted a surprise attack to disable the captain and crew and sail the ship to the safety of an American landing. But at the eleventh hour they were betrayed by one of their own number. Parker and Wait were named as the leaders of those who plotted the venture and punished accordingly (Miller, Chapter XIII; Wait, Letters… , Letter VIII). Parker’s journal made not the slightest mention of the incident. His narrative referred to occasional sickness, to pleasant chats with the captain, to visits from the chaplain on board, to sketching gulls and porpoises, to his constant consolation found in the love of Christ. According to Parker, as summarized in the final lines of his journal entries made before landing in Liverpool:

I may say that I have crossed the Atlantic with much less suffering than I could have expected considering our confined condition. The season, the weather, the wind, have all been favorable, and we have had a remarkably fine voyage. (Journal, 17 December 1838)

Perhaps the near mutiny was mere wishful thinking. Perhaps the tale evolved during the years in Van Diemen’s Land, a legend to testify to the narrators’ constant and courageous defiance of all British authority. Miller’s Notes and Wait’s Letters came off the press several years after the events they described, in 1843 and in 1846. Their tales were coloured by their desire to market their books to American readers.

A month after arriving in Liverpool, Parker noted that ‘a false report’ of an ‘attempted a mutiny’ was in circulation. He declared it was ‘without the least foundation.’ (Journal, 02 January 1839) Nevertheless, something happened aboard the Captain Ross. Several days into the voyage, Parker and Wait were suddenly subjected to the severe discomfort of heavy shackles:

A bar of round iron is fastened round my ankle; which, at the smallest place, measures 3½ inches in circumference and 6½ inches at the largest place by the joint. Fastened to this band is a link or clevis, which measures 10 inches in circumference at the place of connection. Into this clevis
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is fastened an iron chain of 26 links, measuring about 7 feet in length, each link of which is 2 inches in circumference. The other end of it is fastened to Wait’s ankle; so we carry the chain between us. The weight of our “moorings,” as the sailors say, being about 40 pounds. (Journal. 12 December 1838)

Parker offered no reason for this harsh restraint – it was simply a discomfort to be endured:

[W]e carry them about very well, though we find some difficulty in getting our ancles [sic] and feet warm .... These little trials I regard with indifference; they will all have an end ... [W]e shall look back upon them with scorn, and pity the weakness of those who were induced to inflict them. (Journal. 12 December 1838)

Parker knew that his letters home would be read in England by the very authorities he was hoping to placate. It is understandable that he might want to paper over any evidence that he was neither innocent nor penitent.

Parker’s Trials in England I: I have my hopes and fears

Parker’s positive attitude persisted as the prisoners disembarked at Liverpool on December 19th, a voyage of twenty-five days. They were all conveyed to the borough jail ‘an old prison, built for the French prisoners during the late war.’ (Journal. 19 December 1838) The Canadian/American arrivals were quartered in their own section, three men to each room. The men were well fed and very well treated.

Understandably, perhaps, Parker’s journal entries were self-centered:

The Governor of the prison … was exceedingly kind and gentlemanly to me at all times, as were all the under officers connected with this establishment. The Mayor and Magistrates … gave me the warmest assurances that they would do all in their power to make us comfortable, consistently with the regulations of the prison…. [The prison chaplain, a Member of Parliament] and a few others called to see me, and spoke in the kindest assurances of good will. Some said, ‘If I had friends in America, so I had in England.’ Such remarks from entire strangers, and under such circumstances, (myself being in chains before them) filled my heart to overflowing. (Journal. 18 December 1838)
Furnished with ‘ink, paper and quills, gratis’ Parker wrote out a summary of his own case, and that of some of the others. He also wrote to various officials soliciting their assistance. 29

While the prisoners were at sea, and totally unbeknownst to them, the last of the year’s failed invasions of Canada occurred. On December 5th, a small army of Canadians and Americans crossed the Detroit River and landed at Windsor. In the course of a few hours, several were killed and dozens captured – five were summarily executed by the Canadian commander, Colonel John Prince. Forty-four men were brought to trial, six were hanged and sixteen transported. The Battle of Windsor, the final episode of a series of fiascos, spelled the death of the Rebellion. 30

In Liverpool Parker and his fellow prisoners, in the words of modern commentators, ‘at once became the beneficiaries of a liberation campaign by British radicals,’ (Romney & Wright). The principals were the leading reformers in the House of Commons, Joseph Hume and John Arthur Roebuck. The challenge to the imprisonment of the original nine, along with three of the Short Hills captives, had begun. 31 Its purpose was to secure the prisoners’ release through application for the writ of *habeas corpus*. It would be a legal drama of several scenes, all enacted in the courtrooms of London’s Old Bailey:

They are of an opinion that we were unconstitutionally dealt with by the authorities of Canada, on the grounds … [of] not having been tried or sentenced. *(Journal. 29 December 1838)*

The fate of the other eleven prisoners, however, was sealed. The circumstances of their arrests and convictions were different and their legal challenge had failed. The North Americans had all been together for more than four months – had celebrated Christmas together with a happy feast – but now were to be separated. The eleven would be sent to the prison hulks at Portsmouth and soon thereafter, transported to Van Diemen’s Land. On January 2nd, Parker noted:

[T]he rattling of chains announced to us that… [they were about] to embark …. Their chains were rivetted on them, as well as on the other eleven convicts from Lower Canada. — After dinner they went on board… the separation was affecting as their leaving was under apprehension, that they would not see us again…. *(Journal. 04 January 1839)*

Among those led away was Benjamin Wait. Parker had been chained to him for most of their journey, and for two weeks was his cellmate with
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Wixson in the Liverpool jail. No wonder that Parker could comment after the departure that, ‘we felt quite lonesome.’

A week later, Parker and his mates were on their way by train to London. Parker described the journey as if he were a tourist, commenting on rural and urban scenes as the train passed through the countryside. On arrival they were taken to Newgate prison. If Parker is to be believed, they were quite pampered:

The Governor of this establishment is … very polite in his manners, and the under officers are all kind and obliging—satisfying our wants and making us comfortable. I and five others occupy a large parlor, with a good fire. On ringing a bell, an officer is in attendance and everything brought to us that we require. I have my own bed and bed-clothes, and we are allowed light until 8 o’clock. (Journal. 04 January 1839)

Within a few days, they were taken before the court. Their case focused, in part, on the details of the warrant for their imprisonment, signed by Colborne, as military commander in Canada, and presented to the Liverpool jailer when the prisoners landed. Until their lawyers obtained a copy, the prisoner’s had never seen it. According to Parker;

The warrant states that ‘we had been convicted in due course of law, in the courts of the said province of Upper Canada, of the crime of High Treason,’ … [but the nine of us] have never been in a court, and have had no trial or sentence passed [upon us],… [U]ntil now, we have not been apprised in any way what was determined against us.’ (Journal. 29 December 1838)

The complexities of all this are beyond the scope of this paper. In short, acting for the Crown, the Attorney General relied on past rulings which upheld the Pardoning Act. The lawyers for the applicants, the prisoners, noted the defects of certain documents issued by Upper Canadian authorities: the ship’s warrant from Quebec and the Liverpool jailer’s return. They also called attention to how limited was the evidence presented as to the prisoners’ supposedly traitorous actions. And they argued the illegality of confining the prisoners outside the jurisdiction of Upper Canada when there had been no actual judgment by an Upper Canadian or any other court. (Romney & Wright)

Linus Miller’s attempt to report the detailed arguments on behalf of the three Short Hills prisoners’ lawyers occupied almost a quarter of his published memoir, at the end of which Miller admitted that ‘the general reader’ might well find it ‘uninteresting and dry.’ (215) All the legalities, it seems, were beyond Parker himself. His journal describes the scene
(or scenes) at the Old Bailey courtroom in mid-January of 1839, but it is singularly silent on most of the content of the complaints.

Legal arguments in the London court – the issue being one of \textit{habeas corpus} – occupied the court for several days. After listening to the arguments, Parker confessed, he could not ‘come to any conclusion relative to the issue of our cases.’ (\textit{Journal}. 16 January 1839) As the judges retired to consider the case Parker mused;

I have my hopes and fears. The multitude of arguments sustaining the motion to set us free were so ably advanced and enforced, that it really seems to me we have much ground on which to build hopes of deliverance. (\textit{Journal}. 17 January 1839)

The following week, the judges ruled – against the prisoners. The battle had been lost, but the war had barely begun. The attorneys met. A new writ of \textit{habeas corpus} was drawn up. Various papers were assembled. An appeal was quickly filed. It could not be considered until the next session – in the Easter term. Meanwhile Parker and company would continue to be confined. But to which jail and under whose jurisdiction? Newgate? Queen’s Bench prison? the Penitentiary? Liverpool? Parker concluded:

I wanted to tell them to let us go, and we would not trouble them any longer. (\textit{Journal}. 29 January 1839)

The dramas of the treason trials in Canada and the traumas of transported Canadian-American prisoners have been convincingly described in a number of scholarly works.\textsuperscript{32} Yet surprisingly, little has been written about the legal struggles on behalf of Parker’s group before the court in London. In 1839, one of their lawyers, Alfred A. Fry, published his \textit{Report of the Case of the Canadian Prisoners; with an Introduction on the Writ of Habeas Corpus}. Almost nothing of substance as legal history is known to have been written since.\textsuperscript{33}

The trials were reported in the [London] \textit{True Sun} of January 25.\textsuperscript{34} It featured a drawing of all twelve of the prisons, including, of course Parker. The text described the sketch:

The moment chosen by the artist …, was a moment of intense anxiety to them, and to a certain extent revived in them hopes which must have been sadly dashed by the previous judgement of the morning. … All the portraits are striking likenesses,\textsuperscript{35} and preserve the peculiar air of every face; they were drawn as they were actually seated in court.
The *True Sun* went on to describe each prisoner. Parker was portrayed as an entirely innocent:

…wealthy merchant of Hamilton, in Upper Canada. He is a man of great intelligence. Mr. Parker was always a reformer, but of the most moderate class, and although his opinions were well known, he was not an active politician. He attended none of the public meetings held in the summer and fall preceding the first outbreak; and was never, directly or indirectly, engaged in rebellion against the British Government.

Parker’s published journal detailed only three months of his life. Yet, as we have seen, it hid almost as much as it revealed. Once he arrived in England, his entries made constant reference to how deferential officials seemed to be, constantly concerned for his well being. Was he simply reassuring his wife? Was he protesting contentment to placate any authorities who might read his mail? Or was he engaged in unwitting self-deception? It is difficult to judge:

January 4 - The [Liverpool jail] Governor spoke to the captain of the steamer of the good conduct of the prisoners while in his custody

January 6 - I have had presents from different unknown individuals in Liverpool, and many invitations ...with offers of bed, board, &c. until I should leave for America.

January 8 – Through the kindness of the officers of the prison, I had all my clothes washed and done up in fine style… all these services … performed gratuitously, remuneration being invariably refused.

January 9 – The [Newgate] Governor … is also very polite… and the under officers are all kind and obliging—satisfying our wants and making us comfortable.

Similarly, Parker basked in the approbation of the populace:

January 15 – we went out to our carriages. A considerable crowd had assembled … They gave three cheers for the Canadians, and as the multitude raised their voices, we drove off …

January 16 – …a multitude instantly drew around us, and as we passed … were saluted with huzzas for the Canadians.

January 21 In passing through the crowd, I was surprised to hear my name frequently repeated, with expressions of hopes that we would get clear, &c. I returned thanks for-their kind wishes and good feelings.
But it is Parker’s piety that permeates his pages. Prayer and praise of God are voiced in nearly every entry. He quoted or summarized the sermons of clergy he met — on his Canadian journey, aboard ship crossing the Atlantic, and in the prisons of Liverpool and London. He welcomed every opportunity to sing hymns or read scripture with others. His final published journal entry ended with an assuring benediction:

And now, may you find courage, confidence, and consolation in the dealings of a kind Providence, towards you. Remember that he lays on no more than his people are able to bear. — Great are your trials — great may your strength be.

Trials make God’s promise sweet;

Trials give new life to prayer;

Trials bring to Jesus’ feet—

Lay us low, and keep us there. (Journal. 29 January 1839)

Parker’s Journal Published in Rochester: ‘his case has called forth the most active exertions of many warm-hearted friends’

Parker’s published journal stops at the end of January. This lack of a continuing record — or of other primary documents — leaves a lacuna in the narrative. Almost certainly, Parker continued to write to Jane — his letters presumably continued to offer her hope and reassurance. If more letters were in fact received, they were never made public. Even before Parker arrived in England, Jane had abandoned Hamilton for the safety of the United States, taking up residence in New York State. Reporting her December arrival, the Rochester Advertiser commented:

She has suffered severely from the cruel tyranny of the Canadian government, and it is hoped that her unfortunate husband may soon know that she is among friends” (quoted by Parker, Jenny)

These sentiments were echoed by the rival Rochester Republican:

[S]he will be greeted by the liberal citizens of Rochester with marked kindness and generous sympathy. Certainly no one had higher claims to such treatment. (Quoted by Parker, Documents)
Not long thereafter, William Lyon Mackenzie, arrived in the same city. Since the previous spring he had been publishing in New York City his *Mackenzie’s Gazette*, a weekly aimed at encouraging support for the cause of Canadian liberty. At the end of January 1839, he moved his publishing operation and his family: wife, mother, and six children to Rochester. He wanted to be nearer the Upper Canadian border, and join a community of true friends. (Gates, chapter 3)

By this time, there was in Rochester an enclave of Canadian exiles. Indeed, no sooner had Mackenzie settled in the city and got his paper up and running, than he issued a call for a convention to create a Canadian Association. The multiple attempts in 1838 to re-ignite the fires of rebellion in Canada by invasions of supporters from the United States had all failed miserably – including Short Hills, the Battle of the Windmill, and the invasion of Windsor, all three of which had resulted in the transportation of some captured insurgents. As summarized by a modern Mackenzie biographer:

The avowed purpose of the Association was to obtain relief and employment for Canadian refugees, to work for Canadian independence, but to discountenance ‘hasty and ill-planned expeditions’ whether organized on American soil or elsewhere, and all attempts to take revenge against the persons and property of political enemies. (Gates, 57)

Parker’s Journal was published almost simultaneously with this Canadian gathering. It took up the entire March 23 issue of a Rochester magazine, *The Gem and Ladies Amulet* – ‘Devoted to Polite Literature, History, Biography, Essays, Science, Poetry, Morality, Sentiment, Wit, &c.’ Its masthead featured a copy of the *True Sun* woodcut of the 12 men.

Whether Mackenzie played any role in this publishing of the Journal in a totally non-political periodical is not known. The next number of *Mackenzie’s Gazette*, issued a week later, reprinted the *True Sun* cut with its description of the prisoners. The *Gazette* also puffed the sale of ‘Parker’s interesting and instructive pamphlet’ (30 March 1839). The tone of the *Gem’s* preface suggests that its editor had been well briefed:

Mr. P. had been closely confined for nearly twelve months in Upper Canada … arrested at Hamilton while quietly pursuing his business, a few days previous to the insurrection, on a charge of high treason. In the common jail … removed to the Toronto jail … at that time crowded to excess… until the early part of June last, when he was removed to Fort Henry … in the latter part of November last, was sent with other state prisoners from Quebec to England, to be transported from thence to Van Dieman’s Land.
The preface also summarized Parker's legal position:

Mr. P., despairing of a fair and impartial trial, was advised by his counsel to petition the Lieut. Governor for pardon, under the provisions of an Act of the Provincial Legislature,...and accordingly he did so, with an assurance from the Attorney General, that 'his petition would be well received.'

In his petition he acknowledged himself to be the author of certain letters, on which he was arrested and on which the charge of treason was based, and which, taken in connection with subsequent events, he admitted would bear a treasonable construction; but denied any intention of taking any part personally in the contest.

Parker was portrayed as entirely innocent:

[T]he letters in question made no mention of any contemplated hostile movements against the government.... [T]hey contain nothing more than the current rumors of the day, and a suggestion to form political Unions, which had been in the course of being formed in the upper parts of the Province for 18 months previous ... [and] none of the persons in Upper Canada to whom they were addressed have been in any respect implicated in the rebellion.

The editor knew whom to blame:

The following extracts, ... will be interesting to most of our readers; who cannot fail to contrast the kindness and sympathy shown to him and his fellow prisoners in England, with the harsh and brutal treatment they received previous to their embarkation, and more especially the rudeness and unnecessary and wanton severities, not to say cruelties, perpetrated against them during their passage ...

Whatever may be the result of the attempts which are now in progress to procure his liberation...his case...has called forth the most active exertions of many warm-hearted friends, and excited a sympathy ... deep and strong, from one end of the land to the other. This is a severe but deserved rebuke upon the petty tyrants of Canada...

A fellow prisoner of Parker's in both Toronto and Fort Henry, John Tidey, also kept a diary (unpublished). Its entry for May 5 noted:

Read in a paper called the Rochester Gem, Parker's Journal...He gives an interesting detail of his sufferings in the conveyance of the prisoners – from cold, exposure, hard & confined lying down, privation of provisions,
rough & uncivil treatment through the passage – but eulogizes the people of England and such of its scenery as has met his eye, wonderfully.

Tidey’s reaction was highly critical:

[T]here are too many me’s and I’s in the narration, entirely too many, so as to make vanity the most prominent and leading feature of the whole.…

And anything but sympathetic:

Parker’s pious & religious remarks … drop occasionally through his narration … I am fully of opinion that they all proceed from hypocrisy or spiritual delusion – for I had a long companionship with him…. [His actual] consolations are drawn from [his] incessant and indefatigable … drawing, singing [and] making baubles & … innumerable mementos … [with] inscriptions … ‘John G. Parker, State Prisoner’ upon every one of them…. I am persuaded that his consolations … arise more from this source – than from a sense of … the will of that Supreme, whom he must, or ought to, know he daily offends.

Nonetheless, Tidey confessed;

[Parker's letters recalled] to my mind the feelings of devotion which … I myself truly enjoyed during the four last months of my incarceration. In that season I was more ashamed to be seen in the neglect of prayer than in the performance of it.

Parker’s Trials in England II: ‘already having suffered sufficiently for their crimes’

Back in England, the Easter session of the Court of Queen’s Bench began anew to consider the case. The three Short Hills rebels were now two. Thanks to the intervention of the American Ambassador, Andrew Stevenson, eighteen-year-old William Reynolds was pardoned. (Guillet, chapter XIX; Scott, 168) The same attorneys for both sides presented essentially their same former arguments before a new judge – the ruling was the same. The original convictions of Grant and Miller were upheld – both would remain in custody until they could be transported. Neither were Parker and his fellow Canadians judged to be innocent. However, ‘her Majesty’s royal mercy was extended to them in consequence of their already having suffered sufficiently for their crimes.’ (Scott, 168, quoting Miller)

In Parliament, Lord Henry Brougham defended the decision to pardon Parker:
Mr. Parker... had been in a most respectable station of life, and universally admitted to be an honest and upright man... Mr. Parker's offence was that of having written a letter containing treasonable expressions... The Governor [of Canada could not then] grant a pardon for treason... [but soon after] an act was passed... enabling the Executive to grant pardons to those who... confess their offences and petition for the same, with such conditions as the Governor should think fit. ([Keene] New Hampshire Sentinel, 17 July 1839, quoted by Parker, Documents) 37

Politically, there can be little doubt that nationality played a role in the ruling. Parker and his companions were the last, as it were, of the original Canadian rebels. 38 By this time, all the others had been released – mostly conditionally pardoned, albeit, but released. The threat of renewed rebellion in the Canadas was over. Leniency was the order of the day. The two Short Hills Americans, however, were seen as no different from all the others already transported. They would soon be sent to join their fellows.

There was, however, a strict caveat issued to Parker's group. They were never to return to Canada, nor even venture within fifty miles of the frontier. (Romney & Wright) 39 To Parker this was no disability – Jane and family were well settled in Rochester. Soon he would join them:

London, July 27, 1839

My dear Jane--I have not had a line from you since the 7th of June. I expected to have heard from you by the Liverpool. You may have written by private hands, and if so, it will not probably reach me. It will be a pleasure to you to hear... that I am this morning embarking on board the packet ship 'Wellington,' for the 'land of the free,' and with me, my fellow sufferers... Since my liberation... I have been treated with the utmost kindness and hospitality, from distinguished and most respectable gentlemen and their families, to whom I have been introduced.

In leaving England, I cannot but carry with me a grateful remembrance of the assurances of sympathy and good will from many persons--expressed towards me and my dear family, and also the most lively emotions of gratitude to Wm. H. Ashurst, Esq. solicitor of the city, the friend of humanity, who has conducted our cases through the courts of the law, most ably and most successfully, and with our talented counsellors... have succeeded ...... through an up hill work, and in opposition to much combination of power, to this happy deliverance from captivity....

Give my love to all the children and remember me also to my kind friends....
As Parker sailed west to freedom, Miller and Grant would soon be sailing east to the penal colony of Van Diemen’s Land. Aboard the
Wellington, Parker penned Wait a final note, expressing his painful regrets – and closing:

Do not think I have forgotten or shall forget you. I do not knowing what way I may be useful to you or your fellows. Should an opportunity occur of enabling me to do so, be assured it should be my greatest pleasure. … May God bless and keep you safely. May you put your trust in Him, and may He be your deliverer. (Wait, 221-22)

When news of Parker’s pardon reached Lieutenant Governor Arthur in Upper Canada, he was less than pleased. Though not directly mentioned, the court had noted the applicants’ arguments questioning the legality of Arthur’s actions in ordering their transportation. Now Arthur was concerned about public response to their release. In September 1839 he warned his London superior, the Secretary of State for War and the Colonies:

The publicity … [given to] the subject of the liberation of Parker & the other Canadian Prisoners is of the greatest consequence to me…. [I]f the impression were to get abroad that my measures were disapproved at home, it would quite destroy my power of being useful to H. M. Govt. at this eventful crisis. (Arthur to Normanby, 17 September 1839, q. in Sanderson, II, 266)

Parker’s Later Life: ‘One of our most honored and valuable citizens’

In Rochester Parker quickly re-established himself in business – and became part of the community of Rebellion exiles. By the time of his arrival in the city, Mackenzie had been convicted of violating American neutrality laws and was locked in Rochester’s jail, from which he continued to edit his newspaper. By the time of his release – May 1840 – support
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for the Canadian cause had faded, but the *Gazette* limped on another six months. Mackenzie then struggled to make a living – as a reporter, as a lawyer (his application for admission to the bar was rejected), and again as an editor. In April 1841, he launched a new newspaper, *The Volunteer,* its business address was ‘lot 8 on South Clinton Street’ – a property owned by Parker.

More than four decades after the fact, some Rochester citizens continued to take pride in the city’s having offered sanctuary to Rebellion exiles. A city history written by Jenny Marsh Parker (no relation) reflected:

Rochester was the headquarters for Canadian refugees and a rendezvous for enlistments and stores. The patriotism of our conservatives, who would preserve the neutrality of the United States at any cost, was hardly surpassed by the daring exploits of our radicals, who were fierce for an invasion of Canada. (246)

For several pages she linked the story of the Rebellion to the city of Rochester, the burning of the *Caroline,* the ‘ill-planned invasions of the Patriots aided often by Americans,’ and the jailing of Mackenzie. She identified many prominent residents who supported the ‘Patriot War,’ and reported on Parker’s family finding ‘staunch friends here in Rochester.’ She concluded her narrative by noting:

[W]e had a colony of patriots, and they were by no means neglected even by professed neutrals. If their cause had proved a successful one, we should have had without doubt a glorious place in the history of their struggle. (251)

The remaining decades of Parker’s life are not well documented. They are, however, well summarized by a modern descendant:

Back in the States, John found it advisable to give up his remaining property and business interests in Hamilton, although most of it had probably been seized following his arrest for treason. He made Rochester his permanent home, and there established a grocery business, which he operated through the 1840s. …

After leaving Rochester [in 1850 or 51], John resided for a time in Geneva, NY. His daughter, Julia, was married in Brooklyn in 1854, suggesting John may have been residing there at the time. In October of 1856, John is recorded in an application to found a new Presbyterian Church in what is now Jersey City Heights, New Jersey. The 1860 U.S. Census shows that he was living in Bergen, NJ, and at that time he was known to be operating a grocery and a commission business based in
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New York City. As of 1870, he is recorded as living in Jersey City. There is a tablet in his memory at the First Presbyterian Church of Jersey City, where he was a founding member and one of the first elders, with one word: WORK.

Following the 1871 death of Jane, it is not yet certain where John resided, although an article in the ‘New York Evangelist’ of 3 April 1873 reporting on a meeting of the elders of the Jersey City Presbytery on 17 March of that year, records that John G. Parker was selected as chairman of that meeting, and lists him as belonging to First Presbyterian Church, Bergen. He died in Rochester in 1875, at the home of his eldest daughter, (Jane) Caroline Parker Hills. He is buried alongside his wife at Brooklyn’s Green-Wood Cemetery. (Charles Parker, ‘John’) 43

Fig: 8. John Goldsby Parker in his later years. Photo credit: Charles Parker
A decade after Parker’s death, the volume *Rochester: A Story Historical* referred to Parker as ‘one of our most honored and valuable citizens.’ (Jenny Parker, 250) It is not known if he ever ventured for even a visit back to Canada. John Goldsbury Parker was an American immigrant caught up in a rebellion that was not of his making. Indeed, there is no evidence of his actually doing anything, and minimal evidence of his inciting anyone else to action. Yet, as we have seen, because he wrote a few letters with apparent seditious intent and because he dutifully ‘confessed’ in order to gain his release, he was imprisoned and transported without trial or public sentencing. Before being assisted by English reformers while he was en route to Van Diemen’s Land, he seems to have had no access to legal assistance. His actual role, if any, in the Upper Canada Rebellion remains something of a mystery.

**Works Cited**


**Chris Raible**


Head, Francis Bond. *Proclamation*, 08 December 38, quoted in Guillet, Appendix D.


Greer, Allan. ‘1837-38: Rebellion Reconsidered’. *Canadian Historical Review*, LXXVI, 1 (Spring 1995).


Marsh, Robert. *Seven Years of My life, or a Narrative of Patriot Exile*. Buffalo: Faxon & Stevens, 1847.


McQuesten Correspondence. Whitburn National Historic Site, Hamilton, Ontario.

Miller, Linus W. Notes of An Exile to Van Dieman’s Land. Fredonia, New York: W. McKinstry, 1846.


n.a. ‘Stories of 1837 – Thrilling Experiences of John Stewart of Paisley,’ Toronto Globe, 1890 May 17.


Chris Raible


Snow, Samuel. *An Exiles Return or Narrative of Samuel Snow*. Cleveland: Smead and Cowes, 1846.


The author is especially appreciative to Darryl Withrow for providing images of prisoner’s boxes and to Patrick Connor, John Carter and two anonymous reviewers for their editorial assistance.

Endnotes

1 Parker inscribed this verse (2 Corinthians 4:9) on a small box sent to his wife. See section 6 in text for information about Parker’s box making.

2 There is no entry for Parker in the *Dictionary of Canadian Biography* – indeed the only reference to him, in an entry for Henry Gildersleeve, refers to his 1830s ownership of the steamboat *Kingston* (McKenzie).
Citing Boyce, Baehre refers to ‘recent evidence’ suggesting ‘that support in the eastern part of the province has been underestimated.’ See also Anderson, *Bluebloods*… and Duquemin, *Niagara*….

This information is extracted from a carefully researched biography, ‘John Goldsbury Parker,’ compiled and posted on the internet by a descendant, Charles Parker.

For details about naturalization, see Craig, 121-22.

As will be seen, during the winter and spring of 1838, Durand and Parker would be jailed together in Toronto.

Lindsey, *Life, vol. II*, 17, records that the Declaration was drafted by William John O’Grady and John Rolph, not by Mackenzie.

Parker refers to the Declaration in his November 22 letter to Thomas Storrow Brown, see below.

Baehre refers to three ‘private’ letters dated 6 and 7 November and quoted by the Commission. His specific citation, however, a 22 November letter from Parker to Thomas Storrow Brown (see below), contains no such claims.

The degree to which Durand himself was actively involved in the Rebellion is not fully clear. He was imprisoned, sentenced to banishment, but in time allowed to return to Canada and successfully re-establish himself in the legal profession. See also Romney & Wright, ‘Toronto…’

For evidence that prolonged confinement intensified prisoners’ commitment, see Raible, *From Hands*.

For details on the Children of Peace, see McIntyre, *Children*, and Schrauwers. *Awaiting*.

The other ten petitioners were: Walter Chase, Edward Kennedy, John Marr, William Reid, Michael Sheppard, Thomas Sheppard, John Stewart, William Stockdale, Thomas Tracy, and Leonard Watson.

It seems likely that the copies of Parker’s letters published in *Mackenzie’s Gazette* the next year, were obtained from Mrs. Parker, also by then living in Rochester.


For more on the escape, see Thomas Sheppard memories in Robertson, *Landmarks*, 229 and Memory of John Montgomery in Lindsey, II, Appendix.

For the story of these boxes, the boxmakers and their significance, as well as an inventory detailing some 96 boxes, see Raible, *From Hands*… Each box in the inventory has an identifying ‘YP’ number. Since its publication in 2009, twenty boxes more have been discovered.

Five boxes are uniquely his own (inventory #s YP27, YP70, YP71, YP101, YP116); two with his brother Reuben Parker (YP100 and YP115); and seven with other prisoners Charles Doan and William Graham Edmonstone (YP08),
Her identity is not known, nor has anything been discovered about her husband ‘Dr. E.W. Armstrong,’ Parker’s ‘friend’ to whom he sent another box (YP27). An undated note in Parker’s handwriting, apparently written from the Hamilton jail, identifies Armstrong as ‘the Canadian Secretary, &c.’ – Upper Canada Sundries, 106191.

Box YP101 was sent to Mrs. Margaret Parker, his sister-in-law; box YP116 to Mr. Bostwick (first name illegible) – Parker’s sister-in-law’s maiden name was Bostwick.


For details of the Short Hills raid, see Cruickshank, ‘Insurrection’; Cruickshank, ‘Twice-told’; Duquemin, and Read, ‘Short’.

They were Jacob Beemer, Samuel Chandler, George Cooley, James Gemmell, John Grant, Norman Mallory, Alexander McLeod, John McNulty, Linus Miller, William Reynolds, David Taylor, Garret Van Camp, John Vernon, James Waggoner, and Benjamin Wait. A number of other Short Hills captives were given prison sentences or acquitted.

He spelled his name ‘Wixson’ – contemporary commentaries often erroneously used ‘Wixon.’

Miller and Wait each refer to the visit and the fact that the prisoners were offered no assurance of early release.


This was the first of a series of letters that were later published as ‘John G. Parker’s Journal.’ Undoubtedly there were many earlier and later letters, but the published Journal covered only a limited period, November 1838 through January 1839.

There are various published accounts of the Battle of the Windmill. The most recent and comprehensive is Graves.

Specifically named were; the Earl of Durham, Lord Brougham, Lord Glenelg, Lord Sandon, Sir Robert Peel, and Lord John Russell.

For details on the Battle of Windsor, see Carter, Douglas, and Guillet, Lives..., chapter XV. The personal narratives of Van Diemen’s Land prisoners Robert Marsh and of Samuel Snow also give accounts of the invasion.

32 See works listed in the bibliography.
33 The trials were extensively covered by the British press, but the author of this paper has not had ready access to them.
34 The True Sun article was reprinted in The Rochester Gem, 1839 March 23, from which this image and quotations were taken.
35 John Tidey, on reading this, noted that most of the portraits, but not Parker's, were false. Tidey, Diary, May 5.
36 There is some question as to Reynold's real age – or even his name; he may have been David Deal.
37 [Keene] New Hampshire Sentinel, 1839 July 17, q. by Parker, Documents.
38 As noted earlier, Parker was an American, but a long time Canadian resident who may have become a naturalized British subject.
39 A number of them did, in fact, eventually return to Canada.
40 Its last issue - #115 – was 1840 December 23.
41 For the full story of Mackenzie's newspapers and his personal ordeals while living in Rochester form 1839 to 1862, see Gates, chapters IV to VI.
42 A typewritten note in back of bound volumes of the Volunteer in the Rochester Public Library. The Volunteer lasted twenty issues.
43 Various Parker descendants are buried at Rochester's Mount Hope Cemetery.
Bibliography of Published Works Relating to the Upper Canada Rebellion of 1837-1838 and Associated Topics

John C. Carter & Chris Raible

Canadian historian Dr. John C. Carter and Canadian author Chris Raible have collaborated in compiling this extensive bibliography of published resources related to the 1838 Upper Canadian rebellion and associated topics. This is an expanded version of a bibliography prepared by Raible in 2009 for Ontario History. It features over 1,000 titles, more than doubling the number in the original document. It is intended as a resource for those interested in researching the 1838 Upper Canadian Rebellion, during commemoration of the 175th anniversary of these events in 2012 and 2013.

The initial version of this reference bibliography was published in *Ontario History* (Autumn 2009), v. CI. It was compiled by Chris Raible. Prior to its issue, only two comprehensive bibliographies of works related to the Canadian Rebellions of 1837-38 were known to have been published. They were:

1. Frank H. Severance, “Contributions Toward a Bibliography of the Niagara Region – the Upper Canada Rebellion of 1837-‘38,” appendix to Buffalo Historical Society Publications (1903), v. 5.


This greatly expanded and updated bibliography generally follows the format developed by Chris Raible. It includes many additional sources
from the United States, the United Kingdom, Canada and Australia. It is intended to be a comprehensive reference resource for researchers, historians and the public at large, and all who are interested in the Upper Canadian Rebellion of 1837-38 and associated topics.

The Bibliography is compiled in nine sections:
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8.3. 1968-2008
8.4. 2009-

9. Theses

Note: All works are categorized according to the year written rather than the year published. General texts listed, unless specifically noted, have relevant material identified in each publication’s Table of Content or Index.

1. General & preliminary works

1.1. Prior to 1868

Bell, Andrew. History of Canada from the Time of its Discovery till the Union Year 1840-41, Book 16 (Montreal: John Lovell, 1862).


Mackenzie, W. L. “Short Letter from W. L. Mackenzie to the Editors of the Buffalo Whig and Journal, Informing Them that the Reformers of Upper Canada Have Taken Up Arms in Defence of the Principles of Independence of European Domination, Stating ‘We are in arms near the city of Toronto, 2½ Miles Distant,’” _Quebec Gazette_ (December 27, 1837).


M’Mullen, John. Chapter xxi of _The History of Canada from Its First Discovery to the Present Time_ (Brockville: J. M’Mullen, 1855).


n.a. “Canada,” Army and Navy Chronicle, 6, 8 (November 29, 1838).


n.a. “Official Correspondence and Relation of Incidents in Connection with the Rebellion in Upper and Lower Canada,” *Quebec Gazette* (December 27, 1837).


1.2. 1868-1967


Carnochan, Janet. “A Wife’s Devotion; A Canadian Heroine of Sixty Years Ago; the Story of Maria Wait, the Wife of Benjamin Wait, the Exile,” Niagara Historical Society Papers, 13 (1905).


Cockburn, A. P. Political Annals of Canada (Toronto: W. Briggs, 1905), chapters VII-VIII.

Conant, Thomas. “Incidents of the Rebellion of 1837-8,” Upper Canada Sketches (Toronto: W. Briggs, 1898), chapter VI.


Creighton, D. G. “The Economic Background of the Rebellions of
John C. Carter


Croil, James. “The Rebellion of Upper and Lower Canada,” in *Dundas; or a Sketch of Canadian History* (Dundas: B. Dawson & Son, 1868), chapter V.


Earl, David W. *L. The Family Compact: Aristocracy or Oligarchy?* (Toronto: Copp Clark, 1967).

Ermatinger, C.O. “Political Affairs of the Province,” “Duncombe Rising and Flight,” Invasion of Western Frontier,” and “Port Stanley Threatened,” in *The Talbot Régime* (St. Thomas: The Municipal World, 1904), chapters XXVI-XXIX.


King, John. *The Other Side of the “Story”* (Toronto: James Murray, 1886).


McDougall, D. J. ‘Lord John Ruddell and the Canadian Crisis 1837-1841,” *Canadian Historical Review*, XXII, 4 (December, 1941).


Parks, Malcolm G. *The Rebellions of 1837 in Upper and Lower Canada* (Toronto: Imperial Oil Limited, n.d.).


Roger, Charles. The Rise of Canada from Barbarism to Wealth and Civilization (Montreal; H. Ramsey and B. Dawson, 1856), v. 1, chapter IV.


Tuttle, Charles R. “Rebellion of 1837-8,” in Popular History of the Dominion of Canada (Boston: Tuttle & Downie, 1877), chapters LXXV-LXXII & XCI-XCII.


Withrow, W. H. “Rebellion of 1837-8,” in History of Canada (Toronto; W. Briggs, 1886), chapters XXIII-XXVI.

1.3. 1968-2008

Atwood, Margaret, chapters 7 to 9 in Days of the Rebels (Toronto: N.S.L. Natural Science, 1977).


Craig, Gerald (ed.). *Discontent in Upper Canada* (Toronto: Copp Clark, 1974).


John C. Carter


Read, Colin. The Rising in Western Upper Canada 1837-8: The Duncombe Revolt and After (Toronto: University of Toronto Press, 1982).


Thomas, Mary. Turning Point: The Story of Anna Jameson – And the Rebellion in Upper Canada (Belleville, Ontario: Epic Press, 2007).

1.4. 2009-

da Silva, Maria and Andrew Hind, Rebels Against Tories in Upper Canada 1837 (Toronto: Amazing Stories, James Lorimer, 2010).


2. Border incidents & Patriot Hunters

2.1. Prior to 1868

Alexander, James E. L’Acadie; on Seven Years’ Explorations in British America (London: Henry Colburn, 1849), 2v.


Davis, Robert. The Canadian Farmer’s Travels (Buffalo: Steele’s Press, 1837).


Gavin, Russell. Thoughts and sentiments connected with the invasion of Upper Canada by a band of lawless and unprincipled men from the United States in November 1838: a poem (Montreal: Campbell & Becket, 1839).

John C. Carter


Lindsey, E.G., A history of the events which transpired during the Navy Island Campaign: to which is added the correspondence of different public officials with the affidavits of individuals in the United States and Canada (Lewiston, New York: John A. Harrison, 1838).

Mackenzie, William Lyon. “Winter Wanderings Sixteen Years Since being A Narrative of Remarkable Adventures during a Five Days Journey between Toronto and Buffalo’ undertaken under peculiar circumstanes, in December, 1837,” Mackenzie’s Gazette (September 8 & 15, 1853).

Maitland, James. ““Glorious Action on the Western Frontier: - The Brigands Driven From Point Pelee Island,” reported (among other newspapers) in Bytown Gazette & Ottawa Advertiser (March 21, 1838).


n.a. “Account of the Attack Upon the Steamboat ‘United States’ and the Engagement at Prescott, in a Letter to the editor of the Argus, by a Passenger Who was on Board the Vessel,” Niles’ National Register (November 14, 1838).


n.a. “Account of the Escape of Theller and Dodge from the Citadel of Quebec,” Niles’ National Register (October 15, 1838).


n.a. “From the Frontier,” *Niles’ National Register* (March 17, 1838).
n.a. “Frontier Intelligence,” *Niles’ National Register* (March 10, 1838).
n.a. “Invasions of Upper Canada from the United States – Battle of


Nichols, Thomas L. *Address Delivered at Niagara Falls on the Evening of the Twenty-ninth of December, 1838, the Anniversary of the Burning of the Caroline* (Buffalo: Charles Faxon, 1839).


Rolph, Thomas. “Invasions of Upper Canada from the United States


2.2. 1868-1967


McLeod for Murder in Connection with the Burning of the Steamer Caroline,” *The Canadian Magazine*, 44, 3 (1915).


Hamil, Fred Coyne. *The Valley of the Lower Thames 1640 to 1850* (Toronto: University of Toronto Press, 1951).


n.a. “Battle of the Windmill” Ill-Starred Invasion of Canada by Patriots
from Northern New York Seventy Years Ago” *Ogdensburg* [New York] *Journal* (June 20, 1905).


2.3. 1968-2008
Carroll, Francis M. A Good and Wise Measure: The Struggle for the Canadian Border 1783-1842 (Toronto: University of Toronto Press, 2001).
Carter, John C. “Rebellious Acts in the Western District of Upper

Carter-Edwards, Dennis. “‘Bound in honour … to Maintain’: The Defence of the Western District During the Border Crisis of 1838-1841,” Canadian Historical Association (June, 1988).


Dunley, Ruth. “The Canadian President: In 1838 a radical group of Americans elected a president of Canada, His name was A.D. Smith,” *Ottawa Citizen* (July 1, 2003).


Fraser, Chad, “The Battle of Pelee Island: The Upper Canadian
John C. Carter


Graves, Donald E. Guns Across the River: The Battle of the Windmill, 1838 (Toronto: Robin Brass Studio, 2001).


n.a. The Battle of the Windmill (Ottawa: Parks Canada, Minister of the Environment - Mister of Supply and Services Canada, 1982).


Rosentreter, Roger L. “Brigands or Paragons: Michigan Officials During the Patriot War, 1837-1839,” Michigan History Magazine (September-October, 1989).


Stevens, Kenneth R. Border Diplomacy: The Caroline and McLeod Affairs...
John C. Carter


Stevens, Kenneth R. “James Grogan and the Crisis in Canadian-American Relations, 1837-1842,” Vermont History, 50 (Fall, 1982).


2.4. 2009–


3. Prisoners, trials, and convict transportation

3.1 Prior to 1867

Adams, Zadock and N. E. Murdock. “Public Meeting in behalf of the Captive Patriots,” held in Plymouth, New York April 14, 1842, unidentified newspaper (n.d. ca. May 1, 1842), Clipping #4682, Mackenzie-Lindsey papers.


n.a. “Letter from the Citizens of Oswego to Colonel W. J. Worth, Commandant of the Unites States Army at Sackett’s Harbour, Asking for his Intercession with the Military Authorities in the Province of Upper Canada in Behalf of the Unfortunate Young Men Captured at Prescott, Oswego, November 20th, 1838,” *The Church* (December 1, 1838).


Sutherland, Thomas Jefferson. “The Case of the Captives,” unidentified newspaper (November 22, 1841), Clipping #4682, Mackenzie-Lindsey papers.

Sutherland, Thomas Jefferson. A Letter to Her Majesty the British Queen, with Letters to Lord Durham, Lord Glenelg and Sir George Arthur: To Which is Added an Appendix Embracing a Report of the Testimony Taken on the Trial of the Writer by a Court Martial at Toronto in Upper Canada (Albany, New York: C. Van Benthuysen, 1841).

Sutherland, Thomas Jefferson. A Letter to Lord Brougham, in Behalf of
the Captive Patriots to which is annexed a List of Their Names (New York: n.p., 1841).


Sutherland, Thomas Jefferson. “Sublime Patriot,” letter and petition, unidentified newspaper (n.d. ca November 1, 1841), Clipping #4682, Mackenzie-Lindsey papers.


Theller, E, A. Canada in 1837–38, Showing by Historical Facts, the Causes of the Late Attempted Revolution, and of its Failure…(Philadelphia: Henry F. Anners, 1841).


3.1.1. Narratives by transported prisoners (Upper and Lower Canada)

Ducharme, Leon (Léandre), translated by George Mackaness. Journal
John C. Carter

*of a Political Exile in Australia* (Sydney: D. S. Ford, 1944) – first published in French in 1845.


Marsh, Robert. *Seven Years of My life, or a Narrative of Patriot Exile* (Buffalo: Faxon & Stevens, 1847).

Miller, Linus. *Notes of an Exile in Van Diemen’s Land* (Fredonia, New York: W. McKinstry, 1846).


Snow, Samuel. *An Exiles Return or Narrative of Samuel Snow* (Cleveland: Smead and Cowes, 1846).

Stevens, Elizur. Letter to Isaac & Persis Phelps, Clipping #4682,


Wright, Stephen S. (Caleb Lyon, ed.) *Narrative and Recollections of Van Diemen’s Land During Three Years Captivity of Stephen S Wright* (New York: Winchester, 1844).


### 3.2. 1868-1967


3.3. 1968-2008


Hunter, Andrew T. with William J. Hunter. Heart-Shaped Box or The ballad of Daniel Sheppard; Being a poetic reflection on the Upper Canada Rebellion of 1837 (Toronto: City of Toronto, Museums and Heritage Services, 2005).


Kennedy, Patricia. “In Pursuit of Rebels at the National Archives of Canada: Beyond the Usual Round-up of Suspect Sources,” and “Tables of National Archives Sources With Commentary,” in Canadian State Trials Volume 11: Rebellion and Invasion in the Canadas, 1837-1839 (Toronto: University of Toronto Press, 2002).


Scott, Stuart D. The Outskirts of Habitable Creation: Americans and Canadians Transported to Tasmania in the 1840s (New York: iUniverse, 2004).


Watson, Reg A. Canadian/American Rebels in Van Diemen’s Land (Landisfarne: Anglo-Keltic Society, 2004).
John C. Carter


3.4. 2009-


Carter, John C. and Chris Raible, “Prisoners’ Boxes: Tangible Evidence


3a. Van Diemen’s Land and the probation system.

3a.1. Prior to 1867.

Aislabie, W. J. “Remarks on Transportation to Australia,” The Colonial Magazine and India Review, 22, 4 (April, 1852).


Benson, George. The Horrors of Transportation (Brighton: Gardner, 1843).

Bonwick, James. The Bushrangers (Melbourne: George Robertson, 1856).

Breton, William Henry. Excursions in New South Wales, Western Australia and Van Dieman’s [sic] Land (London: Richard Bentley, 1834) 2nd ed.


Byrne, J.C. *Twelve Years’ Wanderings in the British Colonies* (London: Richard Bentley, 1848), v. 2.
Cockburn, F.J. *Letters From the Southern Hemisphere* (Calcutta: F. Carbery, 1856).
Hull, Hugh M. *The Experience of Forty Years in Tasmania* (London: Orger & Meryon, 1859).


King, Charles Adolphus. *A Warning Voice From a Penitent Convict* (London: Birt’s, 1840).


Lang, William. “Notes of a Residence in Van Diemen’s Land in 1842–3,” *Simmond’s Colonial Magazine*, 1, 1 (January, 1844); 2, 1 & 2, 3 (May, 1844); and 3, 1 & 3, 2 (September, 1844).


M’Combie, Thomas. “Australia and Its Characteristics,” *Simmond’s Colonial Magazine*, 12, 45 (September, 1847) & 12, 46 (October, 1847).


n.a. *An Account of the Colony of Van Diemen's Land* (Calcutta: Baptist Mission Press, 1830).


n.a. *Godwin’s Emigrants Guide to Van Diemen’s Land* (Sherwood, Jones & Co., 1823)


n.a. “On the Abolition of Transportation to Van Diemen’s Land,” *Simmond’s Colonial Magazine*, 6, 24 (December, 1845).


n.a. “Petition to Parliament Against Transportation,” *The South Australian Colonist*, 1, 8 (April 28, 1840).


n.a. “Sir John Franklin,” The Australian Magazine, 1, 2 (February, 1838).

n.a. “Sir W. Molesworth’s Motion Against Transportation,” The South Australian Colonist, 1, 10 (May 12, 1840).

n.a. “South Australia Versus the Penal Settlements,” The South Australian Colonist, 1, 10 (May 12, 1840).


n.a. “Van Diemen’s Land and Transportation,” The Colonial Magazine & East India Review, 20, 6 (June, 1851).


John C. Carter


Porter, J. “Port Philip Contrast With Van Diemen’s Land,” *Simmond’s Colonial Magazine*, 4, 16 (April, 1845).


Wakefield, Edward Gibbon (ed.). *A View of the Art of Colonization* (London: John W. Parker, 1849).


3a.2. 1868-1967


3a.3. 1968–2008

Alexander, Alison. (ed.). *The Companion to Tasmanian History* (Hobart: University of Tasmania, 2005).


Petrow, Stefan. “Policing in a Penal Colony: Governor Arthur’s Police System in Van Diemen’s Land, 1826-1836,” *Law and History Review Australian Studies*, 16,1 (Summer, 200)


3a.4. 2009-


Moore, Tony. *Death or Liberty–Rebels and radicals transported to Australia 1788–1868* (Sydney: Pier 9, 2010).

Patel, Samir S. “Australia’s Shackled Pioneers,” *Archaeology*, 64, 4 (July/August, 2011).


4. Individual and regional studies

4.1. Prior to 1868


4.2. 1868–1967


Morgan, Henry James. (ed.).“ Mrs. William Lyon Mackenzie” and “Lady McNab” in *Types of Canadian Women Who Are or Have Been Connected with Canada* (Toronto: William Briggs, 1903).


Mulvany, Charles Pelham. “The Rebellion of 1837-38” chapters XXII-XVII of part 1 and “Military Peterborough, the Part It Played in
the Rebellion of 1837-38” chapter VI of part 2 of History of the County of Peterborough, Ontario (Toronto: C.B. Robinson, 1884).


Waterbury, Edwin M. Oswego County During the Patriot War (Oswego, New York: Oswego County Historical Association, 1944).


4.3. 1968-2008


Manson, Stuart L. *To Repel the Wicked: The Home Guard of Stormont, Dundas & Glengarry, 1837–1843* (Cornwall, Ontario: Stormont, Dundas and Glengarry Historical Society, 1999).


Severance, Frank H. “Contributions Toward a Bibliography of the Niagara Region – the Upper Canada Rebellion of 1837–’38,” appendix to *Buffalo Historical Society Publications*, 5 (1903).


4.4. 2009–


Garcia, Robert. “‘This Desperate Enterprise’: British efforts to Secure Kingston from rebellion in the Winter of 1837-1838.” *Ontario History*, CI, 2 (Autumn, 2009).

5. Specialized studies

5.1. Prior to 1868.


Mackenzie, William Lyon. *Head’s flag of truce; or, A defence of the memory of the late Colonel Samuel Lount…* (Toronto: Message Office, 1854).


John C. Carter


5.2. 1868–1967


Moir, John S. (ed.). *Rhymes of Rebellion* (Toronto: Ryerson Press, 1965),


Sissons, C. B. “Dr. John Rolph’s Own Account of the Flag of Truce Incident in the Rebellion of 1837,” *Canadian Historical Review*, XIX, 1 (March, 1938).


Templin, Hugh Charles, *Fergus and the Rebellion of 1837* (Fergus, Ontario: *Fergus News Record*, 1938)


5.3. 1968-2008


Road, Historic Route from Lobo to Lake Huron (Petrolia, Ontario: Lambton Historical Society, 1993).


Sketch, Marian Ogden. “William Lyon Mackenzie: On the Road to Dundas, Ontario, 7:00 p.m. on December 7th, 1837,” chapter of Ten Moments in Canadian History (Victoria, British Columbia: Campbell’s Publishing, 1980).


5.4. 2009–


6. Aftermath and reflections
6.1. Prior to 1868


Marryat, Capt. “The Canadian Question and the Principal Cause of the Late Insurrection,” chapters I-VI of *Diary in America, volume 3* (Philadelphia; Carey & Hart, 1839).


n.a. [“A Conservative of 1837”]. “Lessons from the Past: Being a Review
of Ten Years of Canadian Politics, for 1837 to 1847,” *Barker's Canadian Monthly Magazine*, 1, 10, (February, 1847).

n.a. “Correspondence in Relation to Americans Sent to Van Dieman’s Land,” *Niles' National Register* (September 10, 1842).


n.a. “Exiles From Van Dieman,” *Niles' National Register* (March 26, 1846).


6.2. 1868-1967


n.a. “A Van Dieman’s Land Convict–Samuel Washburne Arrives in Syracuse After an Absence From This County of Thirty-Three Years,” *Syracuse*[New York]* Standard* (March 22, 1872).


Smith, Goldwyn. Chapter VI of *Canada and the Canadian Question* (Toronto; Hunter, Rose, 1891).

Thompson, Samuel. “Some Glimpses of Upper Canadian Politics,” “Toronto During the Rebellion,” and “The Victor and the Vanquished,” chapters of *Reminiscences of a Canadian Pioneer for the last Fifty Years:*

Starvrianos, L.S. “Is the Frontier Theory Applicable to the Canadian Rebellions of 1837-1838?,” Michigan History Magazine, 22 (Summer, 1938).


6.3. 1968-2008


Greer, Allan. “1837-38: Rebellion Reconsidered,” Canadian Historical Review, LXXVI, 1 (Spring, 1995).


Polebaum, Beth M. “National Self-Defense in International Law: An


6.4. 2009–


7. Lower Canada – works of relevance to Upper Canada

7.1. Prior to 1868


n.a. “Canadian Patriots Pardoned,” Niles’ National Register (March 9, 1844).


7.2. 1868–1967


Brown, Thomas Storrow. 1837, My Connection With It (Quebec: n.p., 1898).


Fraser, John. Canadian Pen and Ink Sketches (Montreal: Gazette Printing Co., 1890).


Parker, W. H. “A New Look at Unrest in Lower Canada in the 1830s,” *Canadian Historical Review*, XL, 3 (September, 1959).


7.3. 1968–2008


Greer, Allan. The Patriots and the People: The Rebellion of 1837 in Rural Lower Canada (Toronto: University of Toronto Press, 1993).

Greenwood, F. Murray (editor and translator). *Land of a Thousand*
John G. Carter


8. Fictional works

8.1. Prior to 1868

Burn, David. The Bushrangers (South Yarra: H.E.A, 1971), facsimile.


n.a. [“A Backwoodsman,” Thomas D’Arcy McGee?]. Two and Twenty Years Ago: A Tale of the Canadian Rebellion by a Backwoodsman (Toronto: Cleland’s Book and Job Printing House, 1859).


**8.2. 1868-1967**
Hayes, John F. *Rebels Ride at Night* (Vancouver & Toronto: Copp Clark, 1952).

**8.3. 1968-2008**


8.4. 2009-


9. Theses


Maxwell-Stewart, Hamish. *The Bushrangers and the Convict System*
Australasian Canadian Studies


2012 marks the beginning of celebrations to commemorate the 175th anniversary of the 1837/38 Upper Canadian Rebellions. It is therefore most timely that Shaun McLaughlin’s work on a portion of these events has recently been published.

As the title suggests, this book deals specifically with episodes related to the Patriot War along the New York-Canadian border. This publication is divided into nineteen chapters which are well organized and easy to read. The first 7 chapters set the scene for the rest of the book. Chapter 8 deals with the development of Hunters Lodges. The Short Hills Raid is described in Chapter 9, while legal proceedings are outlined in chapter 10. Chapters 11 through 14 explain events related to incursions from New York State into Upper Canada during the fall/winter of 1838. Justice, trials and transportation are explained in chapters 15 to 18, and related events are chronicled in chapter 19. The publication ends with a brief conclusion and an useful Appendix of what happened to central players in events previously described in the book.

Following the mission of the History Press by “preserving and enriching community by empowering history enthusiasts to write local stories for local audiences,” McLaughlin presents a popular history on a topic which he has had a long personal interest in. He shares this knowledge with readers and produces his best work on topics that he knows, namely the Patriot War Canadian-American border clashes and William Johnston.
However, there are some errors which should be noted. A beautiful coloured front cover of an 1867 painting of a military encampment beside Fort Wellington, is described later in the book as being “similar to the events of November 13, 1838.” This is misleading. With heightened tensions along the border, the British decided to completely reconstruct Fort Wellington, with work commencing in the summer of 1838. This task was not completed until the spring of 1839.

In the Preface, the author suggests that an “undeclared War” occurred between United States and Canada. While the events might be more precisely described as war-like, nor war happened. It would be more accurate to follow the argument proffered at the time by Colonel John Prince. He argued that to be prisoners of war, a state of war had to exist. As states of war do not exist between private organizations and governments, the central government would have to declare a state of war between the United States and Great Britain. This did not happen, either in 1837 or 1838. The author uses Tasmania throughout the text instead of Van Diemen’s Land. The word Tasmania was not officially sanctioned and used until January 1, 1856. The capital of Van Diemen’s Land is referred to as Hobarttown, when its actual spelling is two words - Hobart Town. The political prisoners were sent to Probation Stations, not to work camps. There is no evidence to prove that the Patriot exiles were flogged during their incarceration. Tickets of leave, a form of probation, were not only issued on February 16, 1842 but at various times according to prisoners’ conduct. American prisoners were not «abandoned by the U.S. government» as asserted by the author. Active behind the scenes negotiations took place to bring about pardons, and American officials aided freed prisoners in finding their way home aboard U.S. whaling vessels.

It is however not what is in this book, but what isn’t which should be further addressed. Direct quotes from period references appear on many pages throughout the book, but there is not one footnote to guide readers to the origins of these sources. Numerous photographs, maps and graphics are featured, but there are few credits provided for these images. Another major shortcoming is the limited bibliography. Primary accounts by Aaron Dresser, Robert Marsh, Samuel Snow and Elijah Woodman are not listed. Neither are important earlier secondary works by Oscar Kinchen, Charles Lindsey, E.A. Theller, O.E. Tiffany, Thomas Jefferson Sutherland, James Gibson and George Rude. Nor are more recent titles by Tom Dunning, Stuart Scott, Colin Duquemin, John Carter, Charles Anderson, Pybus and Maxwell-Stewart, and Read and Stagg.
Other helpful inclusions could be; the noting of relevant electronic internet sources and websites, a listing of institutions and depositories where primary research documents are housed, more names and descriptions of Patriots who returned to North American added to the Appendix, and a complete list of participants at the Short Hills incursion and the Battle of the Windmill who were transported to Van Diemen’s Land. McLaughlin’s book lacks academic and scholarly components. The author is generally sound with facts related to events in Upper Canada and New York State, but makes factual mistakes in material presented about the Patriot prisoners in Van Diemen’s Land.

Overall, this is a good book for readers acquainting themselves for the first time about certain aspects of the Upper Canadian rebellions of 1837/38. It is also a useful publication in the commemoration of the 175th anniversary of these events. Orders can be placed by contacting the publisher at its website.
An interdisciplinary journal devoted to the study of ethnicity, immigration, inter-group relations, and the history and cultural life of ethnic groups in Canada. Issues also include book and film reviews, opinions, immigrant memoirs, translations of primary sources, an "ethnic voice" section, and an index.

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Reviewed by Chris Raible

Early in Victoria’s reign, the British government was faced with three apparently separate attempts by subjugated populations in the Empire to throw off the yoke of colonial rule: the rebellions of 1837-1838 in both Lower Canada and Upper Canada, the Chartist rebellion of 1839 in Wales, and the events at the Eureka stockade in New South Wales of 1854. These events are, by the author of this study, seen as linked not only by chronological proximity but also by “the similarities of their origin, the nature of their demands, [and] the largely working-class composition of their participants.” All three rebellions were failures (had they succeeded they would be known as revolutions), but all three were “perceived by contemporaries and later writers as expressions of burgeoning nationalism.”

With this exhaustive study, British teacher-historian Richard Brown extends his long-time study of British Chartism and reform beyond the shores of the United Kingdom to the whole of the Empire. This is an extraordinarily comprehensive study. It has some 829 densely printed pages of text, bibliographies of biographies and of general works, three distinct indices (themes, people, places) and nearly 3,000 source notes. The text pages are nicely sprinkled with appropriate archival images. The lists of names in the six appendices – “Rebels Transported from Lower Canada…”, “Short Hills Rebels Transported…”, “Rebels Transported from Upper Canada”, “Executions in Lower Canada”, “Executions in Upper Canada”, and “Who Ran [the] Colonial Government” – will be especially welcome to readers of this journal. Separate chapters – “Situating Events”, “Causing Events”, “Describing Events”, “After the Events”, “Linking Events”, Remembering Events” – review each Rebellion in turn, drawing
Reviews

attention to their commonalities as well as differences. The final chapter, “Rebellion and Empire”, considers along with other issues, discussions of the effect of the rebellions on colonial authorities and their contemporaries, and of the role of women in each of the rebellions.

The almost encyclopedic nature of the work, however, makes it difficult to review. As a reviewer, I have a reasonable knowledge of 19th century British history, but I can only claim a measure expertise about the Upper Canadian rebellion. Brown’s volume describes that rebellion more fully – its context, its causes, its events, and its consequences – than any modern study. For that alone it deserves high praise. It is not distracted by arguments about specific events nor by evaluations of the personalities of key participants. Brown’s research, understandably based almost entirely on secondary sources, has missed little or nothing. It inevitably echoes a few (albeit minor) errors of some of his sources, but no matter. Yet his work suffers – if it suffers at all – from cramming in too much. (I suspect, but cannot confirm, that this may also be true of his treatment of the other rebellions.) Details are important, indeed vital, but the drama of the story, the passions of the differences, the humanity of the participants are in danger of being lost. Simple declarative sentences are far too few. Nonetheless, the work is more than worthwhile – it is an essential source for any truly serious student.
CONTRIBUTORS

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Norm Howard first discovered Linus Miller through family stories about him and then decided to track his life. He is a public defender in Santa Rosa, California USA and is Linus Miller’s great-grandson.

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Shaun J. McLaughlin is a Canadian author who has written and published both history and historical fiction, using a traditional publisher and self-publishing. He maintains two history blogs: one on the Patriot War, and one on William Johnston, the Thousand Islands legend. He has been a researcher, journalist and technical writer for over thirty years, and has a Master’s degree in journalism from Carleton University in Ottawa. Now a semi-retired freelance writer, he focuses on fiction and nonfiction writing projects, and lives on a hobby farm in Mississippi Mills, Ontario.

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Contributors

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