

The Many Lives of James Milne Aitchison, Battle of Windsor Raider

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Article abstract

James Milne Aitchison was a privileged child in rural Scotland, a troubled young man in Edinburgh, a failed immigrant in Upper Canada, a Patriot raider at the Battle of Windsor in December 1838, a Van Diemen's Land (Tasmania) convict, and a colonist in what is now Victoria State, Australia. This article explores Aitchison's many 'lives', drawing on fifty years of the author's research-findings including material from the recent rescue of a cache of Aitchison documents from an abandoned house in Scotland.

The Many Lives of James Milne Aitchison, Battle of Windsor Raider

by Ian Hundey

James Milne Aitchison's name appears on the list of prisoners captured in December 1838 at the Battle of Windsor, the final Patriot Raid on Upper Canada.¹ His place of residence is recorded as London, Upper Canada. Yet, Aitchison's story began thousands of kilometers away in circumstances far removed from invasion and battle. Nor was capture and imprisonment the end of his complex story. In fact, Aitchison's life can be viewed as a series of discrete chapters, each unique in experience and in place, beginning with his idyllic childhood in rural Scotland, moving through his troubled days in Edinburgh, into his misadventures in North America, and concluding with his days in Australia. This article explores these varied 'lives' of James Milne Aitchison.

Earlier studies have explored aspects of these chapters in Aitchison's life.² However, recent archival discoveries and the serendipitous discovery of a cache of Aitchison documents rescued from an abandoned Scottish house³ have provid-

Abstract

James Milne Aitchison was a privileged child in rural Scotland, a troubled young man in Edinburgh, a failed immigrant in Upper Canada, a Patriot raider at the Battle of Windsor in December 1838, a Van Diemen's Land (Tasmania) convict, and a colonist in what is now Victoria State, Australia. This article explores Aitchison's many 'lives,' drawing on fifty years of the author's research-findings including material from the recent rescue of a cache of Aitchison documents from an abandoned house in Scotland.

Résumé: *James Milne Aitchison a été un enfant privilégié dans l'Écosse rurale, un jeune homme troublé à Édimbourg, un immigrant raté dans le Haut-Canada, un Patriot raider à la bataille de Windsor en décembre 1838, un bagnard de Van Diemen's Land (Tasmanie) et un colon dans ce qui est aujourd'hui l'État de Victoria, en Australie. En fait, sa vie peut être considérée comme une série de chapitres distincts, chacun unique en termes d'expérience et de lieu. Cet article explore les nombreuses "vies" d'Aitchison, en s'appuyant sur cinquante ans de recherches et de découvertes de l'auteur, y compris le matériel provenant du sauvetage récent d'une cache de documents d'Aitchison dans une maison abandonnée en Écosse.*

ed significant new insights. Besides revealing rich details on Aitchison himself,

¹ Edwin C. Guillet, *The Lives and Times of the Patriots* (Toronto: University of Toronto, 1968), 286.

Image 1: Kerfield House, Peeblesshire, the childhood home of James Milne Aitchison. Credit: Ian Hundey.



these new materials help to set his life-story within wider historical contexts, adding to the understanding of the immigrant experience, the motivation of the Patriot raiders, the lives of those transported to Australia, and the nature of historical research.

A Privileged Child

James Milne Aitchison was born in Scotland in 1810 into a wealthy and well-respected family. His parents were Mary and William Aitchison of Kerfield, Peeblesshire.⁴ Kerfield was, according to a nineteenth-century historian, “one of the prettiest and best situated small properties about Peebles.”⁵ This “small

property” included spacious grounds sloping down to the river Tweed, two gate-houses, a substantial stone house, extensive outbuildings, and a brewery.⁶ This brewery had been established by Mary’s father, William Ker, formerly Provost of Peebles, the nearby county town. Ker’s brewery was renowned both for the taste of its beers and for its up-to-date production methods.⁷ William Aitchison took over the Kerfield Brewery in the same year his son, James, was

² See: Ian Hundey, *Canada: Builders of the Nation* (Toronto: Macmillan, 1980), 64-65; Barbara C. Morrison, “Riches to Rags to Rebellion: The Case of James Aitchison, Sometime Resident of Scotland, Upper Canada and Van Diemen’s Land,” *Canadian Journal of British Studies*, 4:2 (1989), 257-75; Ian Hundey, “Privileged Scot, Canadian Invader, and Australian Convict,” *Australasian Canadian Studies*, 29:1-2 (2011), 49-82.

³ See section below “Aitchison’s Lives in Wider Perspectives.”

⁴ Scotlands People, Aitchison, James Miln [sic], Old Parish Records, Births, Peebles 768/0030/0606, 5 May 1810.

⁵ William Chambers, *A History of Peeblesshire* (Edinburgh: William and Robert Chambers, 1864), 320-21.

⁶ National Library of Scotland, Ordnance Survey, 1:10,560. 6-inch to the mile maps of Scotland. Peebles-shire sheet, X111, surveyed 1856, published 1859.

⁷ The Revd. William Dalgliesh, “Parish of Peebles. County of Peebles,” *Statistical Account of Scotland*, 1791-1799, X11: 3.

born. He not only fine-tuned the modernized operation which William Ker had begun, but also looked to expand to new markets.

This was the setting for James's comfortable and secure childhood: living in idyllic surroundings within one of the wealthiest and most important families in the county, whose position was tied not only to traditional land-wealth and civic duty, but also to modern commerce. In such a family James would no doubt have many opportunities, especially as his father capitalized on a shift in the brewing industry from small rural operations to larger units in cities. By 1828, he had closed the Kerfield Brewery and relocated the now-named Aitchison Brewery in buildings behind St John Street in the Old Town of Edinburgh.⁹ Apparently with a view to staying close to the business, the extended family of nine—parents William and Mary, elder siblings John, William, and Robina, along with James and younger siblings Hugh, Janet, and Robert—moved to two

spacious houses on St John Street.¹⁰ William promptly undertook an ambitious expansion in plant and beer production that made him a very wealthy man, and provided a solid commercial base for long-term survival in a very competitive industry.¹¹ As he approached manhood, James would have been expected to take a part in this thriving family business in which his two older brothers were already engaged. Events proved otherwise.

A Troubled Youth

By 1828, the Old Town of Edinburgh was in decline as well-to-do residents flocked to the New Town to the north. St John Street was still a respectable address, however, with merchants, academics, government officials and bankers living in its substantial and well-maintained sandstone houses. At the bottom of the road there was a considerable green space, the remnants of gardens from earlier time when aristocrats kept their town houses on the street.¹² Here James Aitchison came of age. No evidence has been

⁸ The Revd. Charles Findlater, "Parish of Newlands, County of Peebles," *Statistical Account of Scotland*, 1834-1845, 3:141-42.

⁹ See City of Edinburgh Archives, Petition to the Honourable Lord Dean of Guilds Plan, MYBIN C4, 21 and 29 December 1826, and "Advertisement Aitchison and Co," *Scotsman*, 11 October 1828, 4.

¹⁰ *The Post Office Annual Directory for 1830* (Edinburgh: Ballantyne and Co., 1831), 2. For the Aitchison children's birth records, see: <<http://www.familysearch.org/eng/search/custom-searchresults.asp>> (accessed on 26 June 2010).

¹¹ At his death in 1835 Williams's worth was £7,750. Scotlands People, Testament, William Aitchison, Edinburgh Sherriff Court, SC70/1/5/3, 1 March 1836. The relative worth of this amount today is £33,600,000. See "Five Ways to Compute the Relative Value of a UK Pound Amount, 1270 to Present," *Measuring Worth*, 2022. <<https://www.measuringworth.com/calculators/ukcompare/relativevalue.php>> (accessed on 29 July 2021). John Aitchison and Co. was in operation for over 130 years. See Scottish Brewing Archive, University of Glasgow Archives, Records of John Aitchison and Co. Ltd., Brewers, Edinburgh, Scotland, G287JA. <<https://archiveshub.jisc.ac.uk/search/archives/207acb6b-34a2-3145-8791-f8f8602505df?terms=John%20Aitchison>> (accessed on 12 April 2022).

¹² See Ballantyne Press, *The Ballantyne Press and Its Founders, 1796-1908* (Edinburgh: Ballantyne

found regarding his education, and little about his role as a young man in the family business.¹³ There is evidence, however, about one aspect of his life—drinking!

St John Street may have been a quiet enclave in the Old Town, but when James walked up the street and through a graceful archway into the Canongate, the ‘high street’ of the royal burgh, he entered a different world. This street would have been teeming with people. In the daytime a good portion of them would have recently consumed alcohol. In the evening drunkenness abounded. In the eighteenth century Edinburgh had gained a reputation for hard drinking—“the town was a byword for insobriety.”¹⁴ That reputation still applied in James’ day. James was just one of the many urban Scots who drank alcohol “on a grand scale with the intent to get drunk.”¹⁵

James’ misuse of alcohol dated back to the family’s arrival in Edinburgh. In March 1834, William Aitchison wrote to James complaining that he could not keep from “low company and drinking,” and added that his son had never looked to his “own Good or my happiness for the last 6 years.” William continued: “in your present state of mind you are not fit for any Mercantile pursuit.”¹⁶ His father previously had tried to remove James from Edinburgh’s temptation by sending him to Grenada, West Indies. That experiment failed, however, costing William two hundred pounds.¹⁷ Now, some particularly serious misadventure had caused his father to pack him off to stay with his married sister Robina in rural Peeblesshire. Declaring that James had caused “a very great deal of Distress and Grief,”¹⁸ it was clear William had run out

Press, 1909), 24 and Moray House School of Education, Estates. <<http://www.ed.ac.uk/schools-departments/education/about-us/maps-estates-history/estates>> (accessed on 18 April 2012).

¹³ Library and Archives Canada (hereafter cited as LAC), RG5 A1-223-122560, Civil Secretary’s Correspondence, Upper Canada (hereafter cited as Upper Canada Sundries), the Revd. William Proudfoot to Sir George Arthur, 12 January 1839. Proudfoot stated that James, under close supervision, undertook a minor role in the family business.

¹⁴ James Buchan, *Capital of the Mind. How Edinburgh Changed the World* (London: John Murray, 2004), 8.

¹⁵ W.H. Fraser and R.J. Morris, eds, *People and Society in Scotland, II, 1830-1914* (Edinburgh: John Donald, 1995), 240.

¹⁶ National Records Scotland (hereafter cited as NRS), 40A3, Aitchison Family Correspondence (hereafter cited as Aitchison Correspondence), GD 1/92/1, William Aitchison to James M. Aitchison, 2 March 1834.

¹⁷ *Ibid.* Little is known about the Grenada episode. There were Scottish plantation owners in Grenada (including an Aitchison), but James name does not appear in existing archival records there. One of his fellow convicts in Van Diemen’s Land stated that Aitchison had boasted of his time in the West Indies. See Daniel Heustis, *A Narrative of the Adventures and Sufferings of Captain Daniel Heustis* (Boston: Redding and Co., 1848), 111 as quoted in Cassandra Pybus and Hamish Maxwell-Stewart, *American Citizens, British Slaves. Yankee Political Prisoners in an Australian Penal Colony 1839-1850* (East Lansing: Michigan State University Press, 2002), 134.

¹⁸ NRS, Aitchison Correspondence, GD 1/92/1, William Aitchison to James M. Aitchison, 2 March 1834.

of patience.¹⁹ He decided on an extreme measure—banishment to British North America.

William naively assumed that exile to the colonies would deal with James' drinking since "in the Country Part of America you will not have that Temptation."²⁰ Clearly James' father was unaware of the excessive drinking habits in the British North American colonies. However, in other respects 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 influenced by advice from James' uncle, the Reverend William Proudfoot, who had already settled in London, Upper Canada, and recently had bought a farm with a quarter of the forest already cleared.²¹ As well, James' father may have consulted one of the emigrant guides that cautioned against novices taking up un-cleared land grants, instead encouraging settlers to gain expe-

rience before purchasing cleared farms. Historians confirm the wisdom of this advice, pointing out that the whole pioneer enterprise was a dangerous gamble,²² and that most who succeeded in hacking farms out of virgin forests were usually Americans or Canadians who had years of pioneering experience behind them.²³

William promised that he would advance the funds for a suitable farm, if he received favourable reports from the farmer regarding James' apprenticeship. 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... But as Yet I have never been successful in any plan I have laid for you But I have always been miserable disappointed [*sic*] and Mortified."²⁴ Realizing that he had no choice, James agreed to the plan and promised to please his mentor in British North America, who could then "write home a good caracter [*sic*] of my conduct."²⁵ The necessary departure ar-

¹⁹ There are no records related to James Milne Aitchison in the court file for Edinburgh or the Canongate, nor in crime reports in 1834 Edinburgh newspapers. A recent search (2022) of newly-available records for Paternity Suits in Scotland found no entry regarding James. The family may have been influential enough to avoid prosecution or publication, or James' misdeed may have been simply scandalous and not unlawful.

²⁰ NRS, Aitchison Correspondence, GD 1/92/1, William Aitchison to James M. Aitchison, 2 March 1834.

²¹ Harriet Priddis, ed., "The Proudfoot Papers," *Transactions of the London and Middlesex Historical Society*, 6 (1915), 82.

²² Gerald M. Craig, *Upper Canada the Formative Years 1784-1841* (Toronto: McClelland and Stewart, 1968), 130.

²³ Mathew Shaw, *Great Scots. How the Scots Created Canada* (Winnipeg: Heartland Associates, 2003), 134.

²⁴ NRS, Aitchison Correspondence, GD 1/92/1, William Aitchison to James M. Aitchison, 2 March 1834.

²⁵ NRS, Aitchison Correspondence, GD 1/92/3, James M. Aitchison to William Aitchison, 5 March 1834.

rangements 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 start a new life in the colonies. Instead, he entered into more misadventures.

Upper Canadian Settler

From the start matters did not go well for Aitchison in British North America. Cholera struck down the Lower Canadian farmer with whom he was supposed to apprentice, so William's careful plan unravelled. By the fall of 1834 Aitchison decided to move to Upper Canada to take up an undeveloped land grant in East Tilbury Township, Kent County.²⁶ One wonders what Aitchison made of his surroundings as he made his way along a trail or rough road to his undeveloped land grant. Neither his early days in the luxury of Kerfield, nor his more recent time in metropolitan Edinburgh could have prepared him for his first view of the virgin forest in Kent County, as described by the chronicler, Anna Jamieson: "How savagely, how solemnly wild it was! So thick was the over-

hanging foliage, that it not only shut out the sunshine, but almost the daylight; and we travelled on through a perpetual gloom of vaulted boughs and intermingled shade."²⁷

As Aitchison pushed on through the dark forest, he might have passed an opening in the woods where a settler, by back-breaking work, had cleared enough land to plant a few crops and to build a log house. For his part James did not intend to undertake such hard labour. His letters home revealed that he had hired workers to cut down trees and clear stumps. In addition he made it clear that he had no intention to live in a crude log building. He had purchased sawn boards for his house—and no doubt intended to pay his labourers to build it. James was quickly running through the funds his father had provided and began to write bills of exchange on the Aitchison brewery to cover expenses.²⁸

By the winter of 1835-36 James must have started to realize that he was out of his depth. He began leaving his workers to their tasks and spending time in London at the home of Proudfoot. Some of that time was spent in the company of

²⁶ Donald Whyte, *A Dictionary of Scottish Emigrants to Canada Before Confederation*, vol. 2 (Toronto: Ontario Genealogical Society, 1986), 2.

²⁷ Anna Jamieson, *Winter Studies and Summer Rambles in Canada*, vol. 2 (New York: Wiley and Putnam, 1839), 30, as quoted in R. Alan Douglas, *Uppermost Canada. The Western District and the Detroit Frontier 1800-1850* (Detroit: Wayne State University Press, 2001), 197.

²⁸ NRS, Aitchison Correspondence, GD1/92/12A, James M. Aitchison to William Aitchison, 23 November 1834. In a bill of exchange one party (e.g. James) promised to pay a second party a stated sum on demand by a specified date. In James' case he specified that the sum was to be drawn on a third party—the family business in Edinburgh. The second party could forward the bill to the brewery in Edinburgh or sign over the bill for cash to a colonial bank or trading company with offices in Scotland. Once presented at the Aitchison brewery, the bill was honoured even though James had not been authorized to write it. The brewery accounts show that James' bills were entered as debts against his name.



Image 2: A shanty in Upper Canada's dense forest was a far cry from living at Kerfield or in St John Street, Edinburgh. Credit: A First Settlement by W.H. Bartlett, engraved by J.C. Bentley, ca.1850. From the author's collection.

his cousin Mary Proudfoot. In a letter to his mother, he announced his intention to marry her, adding that “it is impossible for a man to live in the woods by himself,” and that he could not afford a servant without paying more wages “than ever I will make by my Farming.”²⁹

In his January 1836 letter to his eldest brother John, James revealed that he was thinking of starting up a store “where I can make a comfortable Livelyhood [*sic*] in an easy way.” What James may not have taken into account was that the mid-1830s was a period of economic

depression in North America. It was a difficult time to open a business. In addition, James’ farm costs were piling up, so he had no capital to invest in starting a store—or money to marry. James had been informed some time earlier that his father had died in September 1835. Now, he wrote to John, that if his father’s affairs were not soon settled, the family would have to send money or give James permission to write more bills of exchange drawing on the brewery’s accounts.³⁰

What James did not know was that in the legal disposition of his father’s will in

²⁹ NRS, Aitchison Correspondence, GD1/92/12B, James M. Aitchison to Mary Aitchison, 23 December 1835. There is no evidence to suggest that Mary intended to marry James.

³⁰ NRS, Aitchison Correspondence, GD1/92/13, James M. Aitchison to John Aitchison, 25 January 1836.

March 1836, no provision was made for a bequest to him. His mother was provided with a generous trust, and brothers John and William inherited the family business. By the terms of a post-nuptial marriage agreement between his mother and father, however, James and the other siblings would have to wait for their inheritances until their mother died.³¹ If James had received a bequest at this point in his life, one wonders whether he might have made a success of himself as a storekeeper (even in difficult economic times), perhaps with the steadying influence of Mary Proudfoot—if indeed she was willing to consider engagement and marriage.

Despite uncertainty about his anticipated patrimony, James changed course again. Putting the store idea aside, he decided to move to London to start a distillery. Once there, he wrote more bills of exchange against the brewery to fund his new venture. One such financial note written in May 1837 was for the substantial sum of £150 in favour of Dennis O'Brien the leading commercial figure in early London as merchant, miller, land speculator, and distiller.³² His dealings with the well-respected O'Brien might suggest that he was beginning to find his feet. Indeed, he painted a rosy image of

his progress in a letter to his mother written in June 1837. James reported that his distillery building was almost complete, and he was awaiting the arrival within days of his steam boiler. He bragged that he had developed an ingenious method of using a cistern to bring in water under pressure avoiding the use of pumps, and that he had hollowed-out logs to carry steam to the stills. As well, he cataloged the up-to-date equipment that he intended to use, displaying a clear knowledge of distilling advances. James added that he had decided to expand the operation to include a brewery, a decision that required him to take on a partner. He noted that he had consulted Proudfoot who had approved both the decision and the choice of partner. James seemed to have put his troubles behind him and was ready to launch a successful business.

In this same letter, James asked his mother to provide him funds, and also wrote that he would “remain the old Bachelor” since he and Mary Proudfoot had quarreled “and we have never made it up yet. She seems determined.”³³ Why she was so determined will become apparent below.

In October 1837, James wrote to his mother that this business was ready to open but that he had been forced to

³¹ Scotlands People, Sheriff Court, Edinburgh, SC70/1/5/3, William Aitchison Testament, 1 March 1836.

³² Angus Horne Collection (hereafter cited as AHC), Bill of Exchange for £150 drawn on Messrs. John Aitchison, Brewers by Jas. M. Aitchison in favour of Dennis O'Brien, London Upper Canada, 1 May 1837. See also Daniel J. Brock, “O'Brien, Dennis,” *Dictionary of Canadian Biography*, vol. 9, University of Toronto/Universite of Laval, 2003. <http://www.biographi.ca/en/bio/o_brien_dennis_9E.html> (accessed on 29 July 2020).

³³ AHC, James Aitchison to Mary Aitchison, 6 June 1837.

draw another bill on the brewery for fifty pounds to deal with a legal problem. His uncle added a postscript to this letter suggesting how serious matters had become. Proudfoot had endorsed James' bill and explained that "either that must have been done or his whole property been confiscated."³⁴

Then in late December 1837 a letter arrived on St John Street from Proudfoot, proclaiming that he could no longer hide the truth: James was in dire financial straits. His problems began upon his arrival in Lower Canada, where he speculated carelessly and contracted heavy tavern debts. His troubles multiplied in Upper Canada where business partners defrauded him in two separate ventures. To make matters worse, James had been talked into buying two lots adjacent to his distillery, and now had to pay for all three properties or forfeit all the land including his distillery building.³⁵ Proudfoot was writing at a time when the economy was in the grip of depression, and when political turmoil around the failed Upper Canadian Rebellion in early December had destabilized the colony. Money was in short supply, and interest rates were high. The price of grain, needed for

James to start up his distillery, soared.³⁶ This state of affairs no doubt exacerbated Aitchison's personal business troubles.

Aitchison's problems, however, went beyond business distress. He had taken again to drink over the preceding months. His uncle had tried to get him to live with his family but instead James lodged for nearly six months "in a low beer house" running up debts. Moreover, Aitchison was suffering from bouts of "delirium tremens" which "greatly weakened his constitution." No wonder that his cousin Mary had discouraged any thoughts of courtship—if there had been a chance to begin with. Despite James' problems, Proudfoot was still prepared to help, proposing that his son assist in salvaging the distillery operation, if the Aitchisons would supply the necessary funds.³⁷

The family, no doubt feeling betrayed by James' grand words regarding his distillery venture, and reluctant to spend good money after bad, understandably delayed responding to his uncle's offer. In the meantime, James compounded his problems. Writing to his mother in February of 1838, he confessed that he had forged Proudfoot's signature on a bill of exchange.³⁸ In August 1838 his

³⁴ NRS, Aitchison Correspondence, GD1/92/17, James M. Aitchison to Mary Aitchison, and Proudfoot postscript, 4 October 1837.

³⁵ NRS, Aitchison Correspondence, GD1/92/18, the Revd. William Proudfoot to Mary Aitchison, 29 December 1837.

³⁶ For a description of the economic conditions in the 1830s and a comprehensive treatment of the rebellion, see Colin Read and Ronald J. Stagg, *The Rebellion of 1837 in Upper Canada* (Ottawa: Carleton University Press, 1985).

³⁷ NRS, Aitchison Correspondence, GD1/92/18, the Revd. William Proudfoot to Mary Aitchison, 29 December 1837.

³⁸ NRS, Aitchison Correspondence, GD92.1/19, James M. Aitchison to Mary Aitchison, 6 Febru-



Image 3: Aitchison's first view of Detroit. No doubt taverns were among these riverside buildings. Credit: William Asa Raymond, Port of Detroit 1837, ca. 1837, graphite pencil on white wove paper. Detroit Institute of Arts. Gift of Alexander B. Raymond, 00.10.

mother received more bad news. 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."³⁹ James now entered into a short but fateful chapter in his life.

Impoverished Refugee

By fleeing to Detroit to escape from Upper Canadian authorities, Aitchison followed the example of other colonial refugees—those who had found refuge in Detroit after the failed Rebellion of 1837. Some like Dr. Charles

fled because they were suspected of radical leanings. One of this latter group was John Talbot, formerly of St. Thomas, whom Aitchison might well have known personally since he was an acquaintance of Proudfoot.⁴¹ Although James was not actually involved in the rebellion or active in radical politics, he must have known that Detroit was a safe haven for those fleeing Upper Canada.

Whether Aitchison found the company of fellow colonial exiles on his arrival in Detroit is unknown. He did, however, find a city in turmoil. Detroit was emerging from a period of slow

ary, 1838. James committed the forgery on this bill of exchange the day before writing to his mother. See AHC, Bill of Exchange for £25 drawn on Mrs. Mary Aitchison, by J. M. Aitchison in favour of the Rev. William Proudfoot, London Upper Canada, 5 Feb. 1838.

³⁹ NRS, Aitchison Correspondence, GD1/92/22, the Revd. William Proudfoot to Mary Aitchison, 17 August 1838.

⁴⁰ Colin Read, *The Rising in Western Upper Canada, 1837-8: The Duncombe Revolt and After* (Toronto: University of Toronto Press, 1982), 116.

⁴¹ Fred Landon, "London and Its Vicinity, 1837-38," *Ontario Historical Society Papers and Records*, XXIV (1927), 419.

population growth, the effects of a recent cholera epidemic and the economic distress of the mid-1830s. Migrants from the east were flocking to the city by way of the new link of the Erie Canal to Lake Erie. Among those arriving were Irish immigrants who harboured no love for the British.⁴² That sentiment was shared by hundreds of agitators pouring into the city. Following the failed rebellion in Upper Canada, American sympathizers in the border states who held extreme pro-republican views, agitated for the expulsion of Britain from its colonies. Many such 'Patriots' joined the Hunters' Lodge, a secret society whose members pledged: "never to rest until all tyrants of Britain cease to have any dominion or footing whatever in North America."⁴³ Along the border with Upper Canada, branches of the Hunters recruited, drilled, and drew up invasion plans.

In the spring of 1838 the Hunters movement established a foothold in Detroit and their ranks swelled with local and out-of-state members. The Detroit Hunters and their supporters held boisterous outdoor rallies and rousing

tavern meetings where they called for action against the British 'oppressors' in their North American colonies.⁴⁴ American President Martin Van Buren was concerned about the inflamed passions among these Patriots in Detroit and elsewhere along the border with Upper Canada. Worried that incursions by the 'Patriot Army' would spark a war with Britain, he took a number of steps to defuse tensions. Besides ordering the governors of border states to arrest agitators, the president directed United States Army General Winfield Scott to show the flag in border regions. As well, Van Buren endorsed a new Neutrality Act that gave the federal authorities broader powers to seize weapons and prevent Patriot expeditions.

These steps had limited effect. The Patriots ignored the new legislation, and some of the governors were sympathetic to their cause. The United States Army, with most of its forces engaged in the Seminole War in Florida, was spread too thin along the border to be effective.⁴⁵ In Detroit the few regular army troops and a city-raised militia force, the Brady

⁴² For conditions in Detroit see: "Boomtown Detroit 1820-1860," *Detroit Historical Society*. <<https://detroithistorical.org/learn/timeline-detroit/boomtown-detroit-1820-1860>> (accessed on 22 March 2022); Tim Sherer, "Surviving in Frontier Detroit," *The Great Lakes Review*, 8:1-13 (1982), 11-19. <<https://www-jstor.org.myaccess.library.utoronto.ca/stable/20172619?seq=3>> (accessed on 4 January 2022); Alasdair Roberts, *America's First Great Depression. Economic Crisis and Political Disorder after the Panic of 1837* (Ithaca: Cornell University Press, 2013), 53-55. <<http://ebookcentral.proquest.com/lib/utoronto/detail.action?docID=3138306>> (accessed on 27 March 2022).

⁴³ Charles Lindsay, *The Life and Times of William Lyon Mackenzie, vol. II*, (Toronto: P.R. Randall, 1862), 199 (footnote). For a general history see Oscar Arvie Kinchen, *The Rise and Fall of the Patriot Hunters* (New York: Bookman Associates, 1956).

⁴⁴ Bill Loomis, *Secret Societies in Detroit* (Charleston: The History Press, 2021), 20-25.

⁴⁵ Roberts, *America's First Great Depression*, 123, and Francis M. Carroll, *A Good and Wise Measure. The Search for the Canadian-American Boundary, 1783-1842* (Toronto: University of Toronto Press, 2001), 204, 206.

Guards, tried to protect government arsenals and limit large gatherings. These efforts, according to one Brady Guardsman were met not only with “ribald jeers [and] profane oburgations,” but also with charges that the militiamen were “lickspittle of the British Crown.”⁴⁶ Clearly, the Patriots would not be dissuaded from action.

The Detroit Patriots, in fact, had already taken action before Aitchison arrived in the city. In early 1838, Patriot groups had attacked Bois Blanc Island and Fighting Island in the Detroit River. Elsewhere Patriots had mounted a larger raid from Ohio on Pelee Island in Lake Erie. Other incursions into British territory had taken place along the St. Clair River and at Goderich.⁴⁷ As Aitchison stepped ashore at Detroit in August, Patriot circles were abuzz with plans for further attacks.

It is doubtful that Aitchison arrived in Detroit with any radical political views or pro-Patriot sympathies. In his letters home there are only passing references to politics. Indeed, his uncle declared

that he had never heard James express any political opinions. As to the Hunters’ Lodge, it is not known if James took the secret oath and became an official member. Proudfoot thought membership unlikely: “That he ever belonged to a secret society I have never heard said.”⁴⁸ There is no doubt, however, that he associated with members of the lodge. The Hunters met in Detroit taverns like the Steamboat, the Mansion House, the New England, and the Eagle.⁴⁹ Not only were these taverns meeting places for planning strategy and rallying the members, they also provided what today might be called social services—free or cheap meals and lodgings. For example Horace Heath, the landlord of the Eagle Tavern, would “freely spread his well-loaded table to his Hunter brethren receiving only what they were willing and able to pay.”⁵⁰ Proudfoot knew that James was partaking of such hospitality, writing: “As he lived sometimes at one tavern and sometimes at another he must frequently have met with those who were meditating the invasion of Canada.”⁵¹

⁴⁶ Geo. C. Bates, “Reminiscences of the Brady Guards (from the Detroit Post, November, 1884),” *Pioneer Society of the State of Michigan* (Lansing: State Printers, 1906), 354.

⁴⁷ John C. Carter, *Piratical Doings on the River St. Clair* (St. Clair Township: Heritage St. Clair, 2020), 151–53.

⁴⁸ LAC, RG5-A1-223-122561, Civil Secretary’s Correspondence. Upper Canada and Canada West, Upper Canada Sundries, (hereafter cited as Upper Canada Sundries), the Revd. William Proudfoot to Sir George Arthur, 12 January 1839.

⁴⁹ R.B. Ross, “The Patriot War,” *Michigan Historical Society*, 21 (1892), 596. <<https://babel.hathitrust.org/cgi/pt/search?id=mdp.39015071219599&q1=Benjamin+Woodworth&sz=25&start=1&sort=seq&hi=true>> (accessed on 19 March 2022), and Detroit Public Library, Burton Historical Collection. DPA4274, Commercial Buildings-Michigan-Detroit, Buildings at Griswald and Atwater. <<https://digitalcollections.detroitpubliclibrary.org/islandora/object/islandora%3A149653>> (accessed on 16 February 2022).

⁵⁰ Loomis, *Secret Societies*, 21.

⁵¹ LAC, RG5-A1-223-122561, Upper Canada Sundries, the Revd. William Proudfoot to Sir George

Newly found evidence, embedded in an Edinburgh petition on behalf of Aitchison (see Battle of Windsor Raider below) reveals that during the fall of 1838, he returned to Upper Canada. He briefly found work as a labourer with a farmer in Chatham until his employer went bankrupt. Penniless and homeless, James was reduced to selling almost all his clothing to keep from starving. Matters became even worse when “some ill disposed [*sic*] person represented him to the authorities as a spy of the Patriot army.” Fearing arrest, Aitchison fled back to Detroit and the Patriots “some of whom he knew and from whom he got a daily allowance of food.”⁵²

Of course, not only food was on offer in the Hunter taverns and James could not resist “spirituous liquors where they were within his reach.”⁵³ Under the influence of drink or swayed by the arguments by his tavern friends—or both—James may have come to believe Patriot propaganda: for example, that invading Patriots would receive free land and monetary grants, and that they would be welcomed

by the colonists who would take up arms to fight alongside them. Without doubt he believed one of their most outrageous and baseless claims, later writing: “to my certain knowledge while I was in Detroit there were 120 pieces of canon and 57,000 stands of arms” in the hands of Maine Patriots who were “ready to invade.”⁵⁴

Whether or not he believed all these promises and claims, Aitchison got caught up in the newest Patriot plan to launch an attack on Upper Canada. The target was the village of Windsor, in clear view across the narrow Detroit River. The colonial authorities were on high alert along the length of the riverfront; however, Windsor itself was almost undefended since the militia muster point was in Sandwich five kilometers away, and the nearest British regulars were stationed in Fort Malden in Amherstburg about twenty-five kilometers distant. In Patriot eyes, Windsor was a tempting target.

Aitchison was with the Hunters in the New England Hotel when the plan of attack was finalized.⁵⁵ As well, he was in the camp at Bloody Run Creek at the

Arthur, 12 January 1839.

⁵² National Archives, UK (hereafter cited as NA), HO 18/6/6, Petitions and Letters, Home Office Criminal Petitions, Series II, Petition from eight justices and merchants of Edinburgh: Memorial on Behalf of James Mylne [*sic*] Aitchison, (hereafter cited as Memorial), 16 October 1839. <<https://discovery.nationalarchives.gov.uk/details/r/C16947636>> (accessed 23 February 2021). Two points regarding the ill-disposed person: (i) given Aitchison's desperate state and his association with the Detroit Hunters, it is possible that he was a spy. So the ill-disposed person may have been a loyal colonist. (ii) At the same time, in trying to arouse sympathy for James, the petitioners would want to discredit anyone claiming that he was spying.

⁵³ LAC, RG5-A1-223-122560, Upper Canada Sundries, the Revd. William Proudfoot to Sir George Arthur, 12 January 1839.

⁵⁴ LAC, RG5-A1-223-122591, Upper Canada Sundries, James Milne Aitchison to Mary Proudfoot, 25 March 1839.

⁵⁵ LAC, RG5-B37- C-15689-11, Civil Secretary, Records Relating to Rebellions, Upper Canada, Proceedings of the Militia Courts Martial, 1838-1839, for the London District, (hereafter cited as Courts Martial), James Milne Aitchison, David McDougall Testimony, 9 January 1839.

edge of the city where the Patriots mustered their forces on 2 December. There he was told that “the patriots had already risen in London and were six hundred strong and that the regulars had refused to fight them.”⁵⁶ Then, early in the morning of 4 December, Aitchison boarded the steamer *Champlain* at a Detroit dock and became a member of an invading Patriot Army.

Battle of Windsor Raider

The Patriots landed without incident on British territory just outside of Windsor. They marched to the village itself where they burned a guardhouse and a steamer, in the process killing a Black citizen who voiced his support for the British cause. Facing no resistance, one Patriot contingent secured the area near the guardhouse, while another took up a position in an orchard. Windsor was in Patriot hands—briefly.

As the invaders settled into their position in the orchard, they looked for the Upper Canadian supporters who they had been promised would flock to their cause. Instead they saw a company of militia from Sandwich arrive and form ranks at the edge of the orchard. These militiamen clearly were well-trained and in their red tunics looked very much like British regulars. Their appearance must

have rattled the Patriots who fired a wild rifle volley that went high. The militia fired back more accurately killing several Patriots and wounding others. Meanwhile a second militia contingent had flanked the Patriot force to catch them in a cross-fire. The Patriots ran for the woods around the village. Those invaders who had stayed behind near the burned guardhouse wanted no part of further action and fled back to Detroit.⁵⁷ The ‘battle’ part of the Battle of Windsor was over, much to the relief of the local colonists who were fed up with the tension along the border and had no inclination to support the invaders. There was further bloodshed, however.

Dr. John Hume, a military surgeon rushing to the scene of the battle, had run into a party of Patriots who killed him and mutilated his body with an axe. News of Hume’s death reached militia commander Colonel John Prince who had arrived from Sandwich. Prince feared that there were more Patriots ready to attack, especially since he could hear cheers from Detroit supporters thronging the opposite riverbank. The British regulars had not yet reached Windsor from Fort Malden and the situation looked precarious. Prince, who was outraged by Hume’s murder, was already angry that Patriots captured in earlier raids had not

⁵⁶ Kinchin, *The Rise and Fall*, 80 and LAC, RG5-B37, Courts Martial, Jams Milne Aitchison, Cornelius Cunningham Testimony, 26 January 1839.

⁵⁷ For a full description of the Battle of Windsor see Guillet, *The Lives and Times*, 143-152, Douglas, *Uppermost Canada*, 164-169, and John C. Carter, “Remembering the Battle of Windsor: Last IncurSION in the 1838 Upper Canadian Rebellion,” *Australasian Canadian Studies*, 31:1 (January 2013), 121-24. <<https://search.informit.org/doi/pdf/10.3316/ielapa.874399258373755?download=true>> (accessed on 14 March 2022).

Image 4: Battle of Windsor, 4 December 1838 by J.C.H. Forster depicts the Patriot attack on Windsor and the murder of Dr. Hume. Credit: Parks Canada Agency-Fort Malden NHSC.



been treated harshly enough to dissuade further incursions. He was determined to set an example to ensure none of the Patriot sympathizers—whether in Detroit or elsewhere—dared to invade. As his militia brought in captured patriots, he ordered five of them—including two who were wounded—to be executed on the spot.⁵⁸

James Aitchison's specific involvement in the Battle of Windsor is unknown. According to two witnesses he embarked from the *Champlain* carrying a rifle and ammunition.⁵⁹ Whether or not he fired his rifle in anger is not documented. Whatever his role, he was fortunate not to have encountered Prince, who later declared that he was “resolved

upon shooting at once and without a moment's hesitation every bandit who happened to be captured.”⁶⁰ Aitchison managed to escape the field of battle and evaded pursuit for a day. On 5 December he was captured by an Indigenous militia patrol about twelve kilometers from Windsor.⁶¹

After being held initially at Sandwich, Aitchison and the other captured Patriots were taken to a makeshift jail at Fort Malden, Amherstburg. From there they were moved to the cells at the courthouse in London, Upper Canada.⁶² One

⁵⁸ R. Alan Douglas, ed., *John Prince. A Collection of Documents* (Toronto: The Champlain Society, 1980), xxvi-xxix, 26-39; and F. Murray Greenwood, “The Prince Affair: ‘Gallant Colonel’ or ‘The Windsor Butcher?’” in F. Murray Greenwood and Barry Wright, eds., *Canadian State Trials, Volume II: Rebellion and Invasions in the Canadas, 1837-1839* (Toronto: Osgood Society/University of Toronto Press, 2002), 160-87.

⁵⁹ LAC, RG5-B37- C-15689-11, Courts Martial, James Milne Aitchison, Benjamin Parker Testimony, 9 January 1839 and *ibid.*, Thomas Robinson Testimony.

⁶⁰ LAC, RG5-B39, Records of the Civil and Provincial Secretaries' Offices, Canada West, Prince's Testimony, 27 February 1839, as quoted in Douglas, *John Prince*, 33.

⁶¹ LAC, RG5-B37-C-15689-11, Courts Martial, James Milne Aitchison, George Ironside Testimony, 9 Jan. 1839. The Indigenous militia was drawn from the Mississauga [Ojibwa] band at River Canard and Wyandot members from the Huron Reserve along the Detroit River. See Carter, *Piratical Doings*, 7.

of Aitchison's fellow prisoners, David Marsh, described the harsh conditions there. The cells lacked bedding, the food "was not fit for hogs to eat," and the slops-tub "often remained for two or three days."⁶³ In London Aitchison and his fellow prisoners were tried by military courts martial under the Lawless Aggressions Act, a piece of colonial legislation passed as fear of border incursions grew. The act specified that offenders—whether American invaders or Upper Canadian supporters—would be tried by courts martial (with their more severe punishments) rather than by civil courts.⁶⁴

On 9 January 1839, Aitchison stood before Judge Advocate Henry Sherwood who charged that he: "unlawfully and wickedly did commit divers acts of hostility... and [did] kill and slay divers of Her Majesty's loyal Subjects."⁶⁵ Aitchison entered a plea of not guilty and his court martial commenced, although in a manner that hindered him and the other Patriots from mounting 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.⁶⁶

Aitchison's defence was limited by this arrangement, but the conflicting testimony that he concocted did not help his cause. In his initial official statement he had declared that he boarded the *Champlain* to cross to Windsor to "get some clothes and to enquire for a letter at the Post Office."⁶⁷ Later, during the court martial itself, he claimed that he thought the steamer was heading across Lake St. Clair and up the St. Clair River to Black River in Michigan.⁶⁸ At another point Aitchison stated that he had been forced on board and prevented by sentries from deserting. Finally, in closing his defence, Aitchison posed these questions to another of the prisoners: "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...?"⁶⁹

Such an incoherent defence might, on its own, have been enough for conviction. Yet there was also damning evidence. Witnesses had placed Aitchison in the company of Hunters in the days immediately before the attack, and tes-

⁶² Guilett, *The Lives and Times*, 194-195.

⁶³ Robert Marsh, *Seven Years of My Life or Narrative of a Patriot Exile* (Buffalo: Paxon and Stevens, 1848), 41.

C:/Users/Owner/Documents/Aitchison/Robert%20Marxh%20Bookcihm_38048.pdf.

⁶⁴ See Rainer Baehre, "Trying the Rebels: Emergency Legislation and the Colonial Executive's Overall Legal Strategy in the Upper Canadian Rebellions," in Greenwood and Wright, *Canadian State Trials*, 41-61.

⁶⁵ LAC, RG5-B37-C-15689-11, Courts Martial, James Milne Aitchison, Henry Sherwood Opening Statement, 9 January, 1839.

⁶⁶ Barry Wright, "The Kingston and London Courts Martial," in Greenwood and Wright, *Canadian State Trials*, 146.

⁶⁷ LAC, RG5-B37-C-15689-11, Courts Martial, James Milne Aitchison, 9 January 1839.

⁶⁸ *Ibid.*, Elijah Woodman Testimony, 9 January 1839.

⁶⁹ *Ibid.*, George Putnam Testimony, 9 January 1839.

tified that they saw him bearing arms in Windsor. When Sherwood summed up the case he stated: "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."⁷⁰ Unsurprisingly, the court martial panel agreed, found Aitchison guilty, and sentenced him to be hanged.

The convicted Patriots were held in their London cells with the threat of execution hanging over their heads. Indeed, several were executed in January and February. Hoping to win freedom for Aitchison, or at least to save him from hanging, several Londoners intervened on his behalf. Proudfoot appealed to the Lieutenant-Governor Sir George Arthur for clemency on the grounds that Aitchison had no interest in politics and was easily led.⁷¹ Two doctors submitted certificates confirming that James suffered from "delirium tremens."⁷² A group of London citizens petitioned for mercy on the grounds of Aitchison's general good character, except for his tendency to intoxication and his weakness in the hands of "evil disposed persons."⁷³ At the end of March, colonial officials decided to reduce the death sentences of Aitchison

and seventeen other Patriots to transportation (exile to an Australian convict colony); but, their decision was influenced less by petitions than by changing colonial policy.

Upper Canadian officials were aware that the legality of the courts martial and the Lawless Aggression Act itself were being questioned by officials in Britain.⁷⁴ At the same time, they gauged that the courts martial had sent a strong message to any Patriots contemplating attacks, and to any Upper Canadians thinking of supporting them. Now Arthur and his officials feared alienating moderate colonists by carrying out mass executions. Consequently Arthur and his colonial advisers adopted a two pronged policy of "harshness and forbearance" by imposing harsh sentences of transportations for life while avoiding more hangings.⁷⁵

While awaiting his fate in his London cell, Aitchison wrote letters to "My Dear Maid", his cousin Mary Proudfoot, whom he had earlier hoped to marry. In thirty-seven pages of rambling prose written between 1 March and 27 March, James provided remarkable glimpses into his confused state of mind following the trial. Sometimes he repented.

⁷⁰ *Ibid.*, Henry Sherwood, Summation, 9 Jan. 1839.

⁷¹ LAC, RG5-A1-223-122560-62, Upper Canada Sundries, the Revd. William Proudfoot to Sir George Arthur, 12 January 1839.

⁷² LAC, RG5-A1-223-122556, Upper Canada Sundries, Dr. Anderson and Dr. Lee, Certificate in Support of James Mylne [*sic*] Aitcheson, 11 January 1839.

⁷³ LAC, RG5-A1-223-122558, Upper Canada Sundries, Petition to His Excellency Sir George Arthur, 10 January 1839. The citizens' petition suggests that despite his transgressions, James had some redeeming qualities—or that the petitioners were prompted by Proudfoot, an influential person in London. Or both.

⁷⁴ Baehre, "Trying the Rebels," 44.

⁷⁵ *Ibid.*, 57.

Other times he bemoaned his fate to be hanged—or to be transported to “that far distant land to be a companion to Murderers and Robbers.”⁷⁶ In some letters he unrealistically assumed he would be freed to launch new business ventures, all involving making or exporting spirits. He lamented that if transported he would never see any of the Proudfoots again, and then astonishingly asked Mary to go off with him to Australia.⁷⁷

Overall, the letters—some of which are incoherent and others of which refer to mental and physical distress—reveal the price that Aitchison was paying for years of dealing with severe alcohol use disorder. The authorities, however, had little sympathy for his condition, even confiscating his package of letters to Mary⁷⁸ just days before he and the other Patriots were moved to Toronto, now that transportation was a certainty. From Toronto Aitchison 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 transferred to Quebec City to await passage to Australia.

While Aitchison was in custody, the family in Edinburgh was making a desperate attempt to free him by engineering a petition for clemency signed by eight influential Edinburgh citizens—three justices of the peace, two solicitors, and three leading merchants. The Aitchisons enlisted the aid of Sir James Gibson Craig to forward the petition to Lord John Russell, Secretary of State for War and the Colonies and a powerful figure in the Liberal Government at Westminster. The petitioners claimed that James’ part in the invasion arose “from the state of want and of despair in which he had been plunged.” Further they gave assurances that “in the event of his Pardon the Prisoner shall conduct himself as a loyal and faithful subject.”⁷⁹ Enlisting Craig to forward the appeal was a canny move since Russell would have recognized him as the foremost voice for liberal reform in Scotland. In addition, Craig’s son was a Liberal Member of Parliament in the same government as Russell.⁸⁰

Craig forwarded the petition on 16 October 1839. Russell responded ten days later: “Lord John Russell regrets that he Cannot recommend the Prisoner to

⁷⁶ LAC, RG5-A1-223-122593, Upper Canada Sundries, Aitchison to Mary Proudfoot. 12 March 1839.

⁷⁷ *Ibid.*, 122598, 27 March 1839.

⁷⁸ *Ibid.*, 122601, 27 March 1839. Aitchison wrote that he gave the package of letters to a soldier to deliver to Mary. The sheriff, claiming the soldier had dropped them, sent the letters to the Lieutenant-Governor’s office. Since letters had been forbidden in the London cells, the sheriff almost certainly had confiscated them. See LAC, RG5-A1-223-122602, Upper Canada Sundries, Sheriff’s Office, London, to John McCauley, April 4 1839.

⁷⁹ NA, HO 18/6/6, Memorial, 16 October 1839.

⁸⁰ Craig’s prominence is described in Emma Vincent Macleod, “Craig, Sir James, first baronet (1765-1850),” *Oxford Dictionary of National Biography*. <DOI: 10.1093/ref:odnb/6571> (accessed on 23 March 2022). See also: Heriot-Watt University Museum and Archives, GB 582 GC Gibson-Craig Family Papers, Administrative/Biographical History. <<https://archiveshub.jisc.ac.uk/search/archives/35b87b77-4e4d-3b1a-9949-659a8a3397d5>> (accessed on 23 February 2022).

the Mercy of the Crown.”⁸¹ By then, even if a pardon had been granted, it was too late. On 28 September, the Patriot prisoner had sailed from Quebec on board *HMS Buffalo* bound for Van Diemen’s Land (Tasmania). Aitchison was about to embark on a new life as a convict in Australia.

Van Diemen’s Land Convict

On *HMS Buffalo*, Aitchison and the other prisoners endured cramped quarters, overflowing slops-tubs, and poor ventilation. They were fed gruel, salt pork or beef, suet pudding, and ship biscuit. However, these were the normal conditions and the standard rations on convict ships—the Patriot prisoners were not singled out for harsh treatment because of their treasonous crimes. During the voyage the ship’s officers, suspecting a mutiny among the prisoners, confined them below decks. Aitchison was one of four prisoners who drafted a letter to the ship’s captain guaranteeing good conduct if the men were allowed on deck again. The captain agreed to do so, but mounted a heavier guard and restricted the number allowed on deck at any one time.⁸²

The Patriot prisoners arrived at Hobart Town, Van Diemen’s Land on 12 February 1840. They disembarked three

days later, and were marched to a convict station at Sandy Bay just outside of town. On 17 February Lieutenant-Governor Sir John Franklin addressed the convicts, explaining that they would be subject to probationary labour, a new policy introduced the previous month. Under this policy their good conduct would be rewarded with a ‘ticket of leave’ allowing them to work privately, with the promise of a full pardon for continued good behavior.⁸³ Following Franklin’s speech the convicts were organized into work gangs engaged in road building. Hard labour, poor food, miserable accommodations, and an abusive overseer prompted four convicts to abscond. The escapees were captured; nevertheless, the prisoners were moved sixty kilometers north to the Lovely Banks Station, a safe distance from Hobart’s harbor where visiting American whaling ships might prompt further thoughts of escape. Here Aitchison and his fellow convicts occupied half-finished huts and carried on with heavy labour, quarrying stone and carting it to build a major road and a bridge—all done under harsh supervision.⁸⁴

Another escape attempt several months later resulted in the North American prisoners not only being forced to wear demeaning “magpie” prisoners uniforms, but also being moved to

⁸¹ NA, HO 18/6/6, Memorial, Response from Lord John Russell, 26 October 1839.

⁸² For a full description of the voyage see Robert Sexton, *HMS Buffalo* (Magill: Australasian Maritime Historical Society, 1984), 116–36.

⁸³ For a discussion on the features of the probation system and the assignment system that it replaced, see Hamish Maxwell-Stewart, “Convict Transportation from Britain and Ireland 1615–1870,” *History Compass*, (November 2010), 1231–1233. <<https://doi.org/10.1111/j.1478-0542.2010.00722.x>> (accessed on 3 March 2021).

⁸⁴ For descriptions of conditions at Sandy Bay and Lovely Banks stations see: John C. Carter, “North



Image 5: The church in Green Ponds (now Kempton) built by Aitchison's convict crew. Credit: Ian Hundey.

Green Ponds, a garrison town.⁸⁵ Again the convicts worked at road and bridge building. In addition, under a superintendent looking to line his own pockets, they also worked on private contracts—including building a church. James was appointed an overseer at this station and must have fulfilled his responsibilities well, because when he was moved to Bridgewater Station, where convicts were building a causeway over the Derwent River, he was again named overseer. In May 1841, Aitchison was assigned as sub-overseer at New Town Station. Then

in September, at Victoria Station, he was chosen to oversee several projects that were underway: a road extension, and construction of an agricultural station, a reservoir, and a police station.⁸⁶

In 1842, Aitchison's good conduct won him his "ticket of leave" the first step towards a pardon under the probation system. This ticket allowed him to seek private employment. He had fulfilled his overseer responsibilities so well, however, that he was asked to stay on at Victoria Station to finish the government projects.⁸⁷ When those projects finished, Aitchison moved on to find work in Oatlands on the Hobart-to-Launceston road. He got the news of his absolute pardon in December 1844, by way of a notice in the *Hobart Town Gazette*.⁸⁸

American Political Prisoners in Van Diemen's Land," *Ontario History*, CI:2 (2009), 197-198, and Cassandra Pybus and Hamish Maxwell-Stewart, *American Citizens, British Slaves. Yankee Political Prisoners in an Australian Penal Colony 1839-1850* (Melbourne: Melbourne University Press, 2002), 100-103 and 124-25. For a comprehensive overview of the Patriot convict experience in Tasmania as well the 1830s back-ground, see Stuart D. Scott, *To the Outskirts of Habitable Creation. Americans and Canadians Transported to Tasmania in the 1840s* (Lincoln NE: iUniverse, 2004).

⁸⁵ Marsh, *Seven Years of My Life*, 91.

⁸⁶ Carter, "North American Political Prisoners," 197-202, and Pybus and Maxwell-Stewart, *American Citizens*, 141-45, 210.

⁸⁷ John C. Carter, "Uncertain Future in an Unknown Place: North American Political Prisoners in Van Diemen's Land," *Tasmanian Historical Research Association Papers and Proceedings*, 57.1 (2010), 62.

⁸⁸ "Notice from the Colonial Secretary's Office, 27 November 1844," *Hobart Town Gazette*, 3 December 1844, 1485.

By then Aitchison had settled in Hobart where a number of the pardoned North Americans had congregated. There, he organized medical treatment for his fellow Windsor raider Elijah Woodman. As well, he tried to arrange passage home for Woodman on one of the American whalers in port. At the same time, Aitchison undertook a number of business dealings as indicated by the series of bills of exchange he wrote, drawing once again on the family's brewery business. The purpose of some of these bills is unclear. However, two of them totalling £150 in favour of C.M. Mudie were significant.⁸⁹ The *Colonial Times* [Hobart] in November 1844 reported that "Messrs. Mudie and Aitchison [*sic*]" had found hemp resources equal to that being imported from New Zealand and Russia. Further, the newspaper, noted that samples of rope made from this hemp were available at Mudie's manufactory at Sandy Bay.⁹⁰

Besides being involved in the hemp business, Aitchison took the bold step in late 1845 of launching on behalf of all the North American prisoners a legal action against the superintendent of convicts. He argued that there were never any legal grounds for receiving the convicts in the colony in 1840, and so they had been

illegally confined. Aitchison's action failed, thrown out on the technicality that too much time had elapsed since the commission of the alleged offence. Still, his legal suit was the only one brought forward by any of the North American prisoners.⁹¹ Aitchison did not pursue the case further, perhaps because he was occupied with more immediate matters. His business partnership collapsed in May 1846, when Mudie died, owing James money—but "he did not leave a Shilling in the world."⁹² Economic conditions in Hobart and across the island were bleak so Aitchison decided to leave behind his life in Van Diemen's Land. In February 1847, Woodman wrote that "Jas. Aichison has gone to the continent of New Holland."⁹³

Victoria Colonist

Where Aitchison landed on the main island of Australia—what Woodman had described as "New Holland"—is not known. Two possibilities were Port Phillip (later Melbourne) and Port Albert in Gippsland District. (Both places were then in the colony of New South Wales, but after 1851 they were part of the new colony of Victoria.) Aitchison might have been attracted to Port Phillip since many former convicts

⁸⁹ AHC, Bills of Exchange drawn on John Aitchison and Co. for C.M. Mudie in the amounts of £100 and £50, by James Milne Aitchison, 6 November 1844 and 31 January 1845.

⁹⁰ "Domestic Intelligence," *Colonial Times* [Hobart], 30 November 1844, 3. <<https://trove.nla.gov.au/newspaper/article/8755719?searchTerm=Mudie>> (accessed on 10 February 2021). The author thanks Hamish Maxwell-Stewart for providing this reference.

⁹¹ Landon, *An Exile*, 234 and Pybus and Maxwell-Stewart, *American Citizens*, 210.

⁹² AHC, James Milne Aitchison to Mary Aitchison, 10 September 1847.

⁹³ Landon, *An Exile*, 256.

were settling there. On the other hand, he might have sailed directly from Hobart to Port Albert, and that possibility seems more likely. First, there was a busy trade in cattle from Port Albert in the District of Gippsland to Hobart.⁹⁴ The cattle boats involved in this trade regularly took passengers on their return voyage from Hobart. Second, the earliest documentary evidence regarding Aitchison on ‘mainland’ Australia places him near Port Albert in August 1846, where he testified in court on behalf of a farm worker seeking back wages.⁹⁵ At this point Aitchison was working on a cattle ‘run’ (a cattle ranch) owned by James Neal at Tara Vale, a developing settlement about fifteen kilometers inland.

Aitchison described his life at Tara Vale in a letter to his mother in September 1847. After asking her for forgiveness for his “Misfortunes,” he explained that his duties included “teaching the eldest boy [son of the owner] to read, work in the garden and in fact do whatever I am

told.” He assured his mother that he had turned into “a teetotaler since I never take anything stronger than a glass of beer.”⁹⁶ Aitchison revealed in an accompanying letter to his brothers, that he had an idea for a new venture—to start a dairy. In this letter, he provided detailed calculations—provided by his employer—to support the endeavor, indicating how much butter each cow would produce, and quoting the current selling prices for butter and cheese. To get started Aitchison would need fifty to a hundred head of cattle, a couple of horses, and the necessary dairy equipment. Neal even pointed out how James could pay off a loan from his brothers by selling off young bullocks from his herd.⁹⁷ Conscious of his past record, Aitchison attached to the letters a testimonial from Neal confirming that James “has conducted himself in a sober steady manner and has given me every satisfaction.”⁹⁸

Besides having the support of his employer, Aitchison had other grounds for being confident about starting his

⁹⁴ Wayne Cadlow, “Gippsland and the Van Diemen’s Land Livestock Trade; The Log of the ‘Dew Drop,’” *The Great Circle*, 34:2 (2012), 19–43. <<https://www.jstor.org/stable/23622225>> (accessed on 8 February 2021).

⁹⁵ Alberton Court House Depositions, 1845–1852, Port Albert Maritime Museum Archive, James M. Aitchison Sworn Testimony, 3 March 1847. The author thanks Cate Remfry, Secretary, Yarram District Historical Society for providing this information.

⁹⁶ AHC, James Milne Aitchison to Mary Aitchison, 10 September 1847.

⁹⁷ AHC, James Milne Aitchison to his brothers, 10 September 1847.

⁹⁸ AHC, James Neal Testimonial, 11 September 1847. That James’ employer was named “Neal” supports the likelihood that Aitchison travelled directly from Hobart to Port Albert. A man with the surname Neal was a cattle herder engaged in the Port Albert to Hobart trade who sailed to Hobart on a number of occasions. Aitchison might have met him in Hobart and heard about opportunities in Gippsland. “Neal,” the cattle trader and “Neal” Aitchison’s employer might have been the same person—or at least were related. In a sparsely populated district men with the same surname would almost certainly be related. See Wayne Cadlow, “The Early Livestock Trade Between Gippsland and Van Diemen’s Land: Insights from Patrick Coady Buckley’s Journal,” *The La Trobe Journal*, 86 (December 2011), 31–34. <www3.slv.vic.gov.au/latrobejournal/issue/latrobe=86/t1-g-t3.html> (accessed on 10 February 2021).

dairy. There was a strong potential market for milk, butter, and cheese. Tara Vale (later renamed Tarraville) was a growing community enthusiastically promoted in Melbourne and Sydney newspapers which touted the soil, fresh water, the climate, and low land prices: “moderate rent of one Bushel Wheat per acre.”⁹⁹ Indeed, by 1850 Tarraville had grown to be the largest community in Gippsland and the whole district eventually became a centre of the dairy industry.¹⁰⁰

Despite Aitchison’s plans and Neal’s support, the family in Edinburgh was uninterested in forwarding funds. In fact, while James was still in Hobart his older brothers, John and William, were seeking legal judgements against him. In February 1846 they obtained an Edinburgh Court of Session Decree for Payment issued in favour of John Aitchison and Co. against James for the sum of £229 plus court costs.¹⁰¹ This amount took into account bills of exchange that James had written in Upper Canada and Hobart. In the following month the court issued an arrest warrant in the event James did not pay.¹⁰² The

family was not about to fund James’ dairy.

Without support from Edinburgh, Aitchison never started the dairy operation, and he left the Neal farm. In August 1849, he was again involved in a legal matter—this time on the wrong side of the law. Court records show that James Milne Aitchison, place of residence Gippsland, was charged with the theft of a cow’s carcass, although no indictment was brought forward.¹⁰³ Aitchison, however, put this legal difficulty behind him and decided to capitalize on his convict construction experience by building a bridge, a vital piece of infrastructure to facilitate settlement in Gippsland.¹⁰⁴

By January 1850 Aitchison had moved to Melbourne, where he was staying with another freed North American prisoner Michael Freer [Fraer], a cooper. Aitchison must have intended to move back to Gippsland because he wrote to the Superintendent of the Port Phillip District, Charles Joseph La Trobe, applying for a position as a livestock inspector there. To support his application Aitchison gave as a reference a Gippsland official who had

⁹⁹ See, for example, “Port Albert—Gipps Land: An accurate plan of Mr. Reeves’ special survey of Tara Vale,” *Melbourne Weekly Courier*, 24 January 1845, 1. <<https://trove.nla.gov.au/newspaper/article/228063825?searchTerm=tara+vale>> (accessed on 23 August 2020).

¹⁰⁰ “Tarraville,” *Victoria Places*, Monash University and University of Queensland. <<https://www.victorianplaces.com.au/tarraville>> (accessed on 25 October 2020).

¹⁰¹ AHC, Edinburgh Court of Session Extract, Decree for Payment, John Aitchison & Co. v. James Mylne [*sic*] Aitchison, 25 February 1846. Clearly the company had been honouring James’ bills of exchange and now was calling in his debt.

¹⁰² AHC, Edinburgh Court of Session Extract, Arrest Warrant v. James Mylne [*sic*] Aitchison, 17 March 1846.

¹⁰³ Public Records Office Victoria (hereafter cited as PROV), Criminal Trial Briefs, Series 1841-91, VPRS 30, Aitchison, James Milne, August 1849.

¹⁰⁴ PROV, 50149, James M. Aitchison applying for appointment as Inspector of Stock in Gipps Land, [*sic*] 14 February 1850.

Image 6: "The City of Melbourne." Langlands Foundry, visited by Aitchison, is among the industrial buildings shown here near the shore to the left of the bridge. Credit: The Illustrated London News, 24 November 1856, 621. From the author's collection.



commended James on the building of his bridge in that district. No-one bothered to check Aitchison's reference however. In fact, the officials who handled the letter were dumbfounded. Aitchison had applied for a position which did not exist!¹⁰⁵ Either James was delusional or—to be generous—very creative in applying for a non-existent appointment.

In the spring of 1850, Aitchison paid a visit to Langlands Foundry in Melbourne, where, despite their legal actions against him, his brothers had sent funds for him to collect. Henry Langlands was either a friend of the family, or had close business dealings with them, because he provided a detailed report on James' visit. Langlands wrote that besides collecting his funds, James had brought some iron work to be done. Perhaps Aitchison was carrying out an errand for his cooper friend, or was himself embarking on another business venture. Langlands also provided a com-

ment on James' appearance: "he appeared sober and well-dressed." Since James' visit however, Langlands had received worrying reports that he was drinking hard before he left town.¹⁰⁶

One wonders where James was heading—presumably back to Gippsland. Yet there were soon ample opportunities to draw him back to Melbourne. In the summer of 1851, gold was discovered at Ballarat in Western Victoria, and gold fever swept through the colony. Almost overnight Melbourne became a ghost town. In the harbor, ships rested at anchor as crews deserted for the gold fields. Building projects ground to a halt; businesses and even schools closed.¹⁰⁷ For the next few years employers were desperate for workers and offered attractive wages to get them. By

¹⁰⁵ *Ibid.* Officials' handwritten annotations on the application. Thanks to Dr. John C. Carter for pointing out that Fraer [Fraer] was a North American prisoner captured at the Battle of the Windmill.

¹⁰⁶ AHC, Henry Langlands to Messrs. J. Aitchison & Co., 9 July 1850.

¹⁰⁷ Robert Hughes, *The Fatal Shore* (New York: Vintage, 1988), 563.

1855 Aitchison was back in Melbourne at Westgarth and Ross Company, importers and general merchants.¹⁰⁸

Aitchison was soon on the move again, however. In his 1850 report Langlands told his brothers that James had talked about going to California, where the gold rush was in full swing. Langlands added that had there been ships sailing from Melbourne to California, James would have gone to seek his fortune.¹⁰⁹ In the end, Aitchison did go the gold fields, but in Victoria rather than in California. In January 1856, he wrote a letter to Edinburgh dealing with family finances. The contents were mundane but the postmark was striking: “Avoca.”¹¹⁰ As is often the case in Aitchison’s Victoria wanderings, there is no record as to what he was doing in this gold rush town 180 kilometers from Melbourne. Still, he must have witnessed the gold-digging frenzy that one observer described: “picture to yourself a space of ground covered with tents! Thousands at work! Cradles, barrows, and pick-axes all going together!... Such a confusion of noise that you are bewildered.”¹¹¹

After having spent years at enforced convict labour in Van Diemen’s Land, it

is unlikely that Aitchison would voluntarily pick up a pick and shovel to chip away at soil and rock looking for gold. Moreover, any dreams of striking it rich would soon be forgotten in the face of the reality—few miners struck it rich and the gold fields were violent and crime-filled places. Inquest records in 1854-55 show the following causes of death for miners in Avoca: murder, accident, exhaustion, exposure, intemperance, and “Visitation from God.”¹¹² So why was Aitchison there? He had a history of entrepreneurial ventures, real or planned—the London distillery, the Hobart hemp industry, the Tara Vale dairy. Was he looking for a business opportunity in Avoca? Was he thinking back to his Upper Canada days where he had mused about opening a store so that he might “make a comfortable Livelyhood [*sic*] in an easy way?” Was he drawing on his experience to become a road or bridge contractor in the gold rush district?

Whatever his activities in Avoca, they were short-lived. James was back in Melbourne by February 1856 where he received unexpected news from home. His mother had died in 1851, bringing

¹⁰⁸ AHC, Correspondence to James Milne Aitchison, Westgarth and Ross & Co., Melbourne, Victoria, 3 Nov 1855.

¹⁰⁹ AHC, Henry Langlands to Messrs. J. Aitchison & Co., 9 July 1850.

¹¹⁰ AHC, James M. Aitchison to Messrs. Stoddart & Robertson, 7 January 1856.

¹¹¹ Edmund Finn, (“Garryowen”), *The Chronicles of Early Melbourne, 1835-1852: Historical, Anecdotal and Personal* (Melbourne: Ferguson and Mitchell, 1888), 981 as quoted in Colleen Ruth Wood, “Great Britain’s Exiles sent to Port Phillip, Australia, 1844-49: Lord Stanley’s Experiment,” (Ph.D. diss., University of Melbourne, 2014), 218. <<https://minerva-access.unimelb.edu.au/items/2cc353e7-cc42-5531-9ed7-61bd85fc8f10>> (accessed on 14 March 2022).

¹¹² PROV, VRPS: 24, Inquests into deaths deposition files, Avoca, State Coroner’s Office, September 1854 - October 1855. <<https://prov.vic.gov.au/explore-collection/explore-topic/inquests-and-other-coronial-records/inquests-deaths-deposition>> (accessed on 25 February 2021).

into effect the post-nuptial agreement signed by his parents in 1822. By May of 1852, the executors and solicitors had calculated that each of the younger siblings in the family were to receive 620 pounds. Taking into account the bills of exchange he had written, however, James' share amounted to only £350.¹¹³ By the time James finally received his statement in February 1856, interest on his outstanding debt had reduced his bequest to £340. On the seventh of that month he drew a bill of exchange on the estate trustees for that amount.¹¹⁴ If James had received this patrimony when he asked for it in Upper Canada, he might have completed his distillery. If he had received it in 1847 at Tara Vale, he might have established his dairy in Gippsland. There is no conclusive evidence as to what new direction in life he took with the funds now finally in hand. There is, however, one tantalizing possibility, explored at the end of the next section.

Aitchison's Lives and Wider Perspectives

James Aitchison's lives add up to an interesting biographical study; but how do they relate to 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 in Canada¹¹⁵ who are characterized as "sober, hardworking, and calculating to the last penny."¹¹⁶ Aitchison's story represents those other Scots—many unrecorded—who had less sterling experiences as immigrants.

Similarly, Aitchison's *Battle of Windsor* life underscores the need for caution in generalizing about the make-up and the motives of the American Patriots. In response to the question 'who were the Patriots?' early commentators declared them to be brigands and rabble. Some later writers saw them as champions of Republicanism and committed anti-British activists, firmly committed to the Hunters' Lodge oath.¹¹⁷ More recently, historians have proposed a variety of views on the Patriots, placing them within broader North American developments. Were they motivated by the "deep-layered socio-economic and political changes of the period?"¹¹⁸ Were they foot-soldiers in an undeclared 'border-

¹¹³ AHC, Debt Balance Sheet by the Trustees of the Estate of William Aitchison, 17 May 1852.

¹¹⁴ AHC, James M. Aitchison to James Robertson, 7 February 1856.

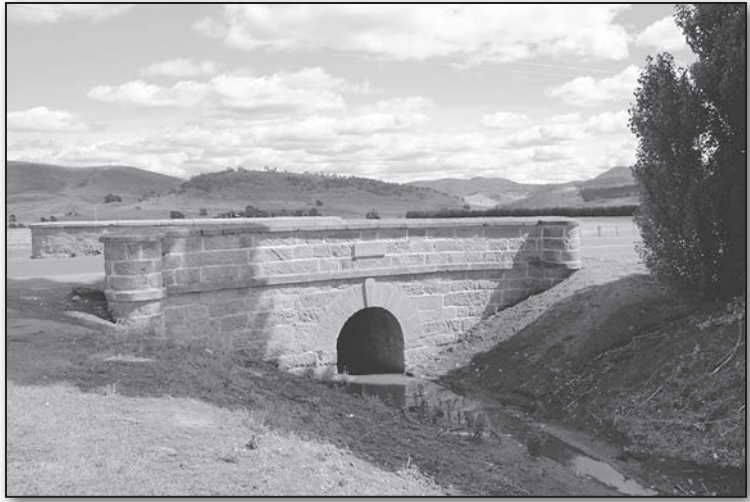
¹¹⁵ See for example, Matthew Shaw, *Great Scots. How the Scots Created Canada* (Winnipeg: Heartland, 2003) and Ken McGoogan, *How the Scots Invented Canada* (Toronto: Harper Collins, 2010).

¹¹⁶ Clark Blaise, *Time Lord* (Toronto: Vintage Canada, 2001), xi.

¹¹⁷ See for example, "Postscript," *The Patriot* [Toronto], 7 December 1838 and Mark L. Harris, "The Meaning of Patriot: The Canadian Rebellion and American Republicanism 1837-1839," *Michigan Historical Review*, 23:1 (Spring, 1997), 45.

¹¹⁸ Andrew Bonthius, "The Patriot War of 1837-1838: Locofocism with a Gun?" *Labour/Le Travail* 52

Image 7: This bridge at Green Ponds (Kempton), built by Aitchison and the other North American prisoners in 1840, is still in use today. Credit: Ian Hundey



lands' war in the Upper Canada-Great Lakes region.¹¹⁹ Or, were they "Owenite Socialists" caught up in a new social movement of the 1830s?¹²⁰ Such questions require complex answers. Within that complexity the motivations behind Aitchison's involvement with the Patriots needs to be included. More generally, both his Scottish and North American experiences 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, when exploring historical events.

Second, Aitchison's life in Van Diemen's Land illustrates systemic weaknesses in convict policy (and conversely a redeeming feature of it), as well as the human impact of transportation itself. Aitchison experienced the consequences

of a newly introduced probation system that had not been thought through by British officials. He and his fellow convicts were marched along barely constructed roads, to incomplete probation stations, to be administered by incompetent and malicious officials. Lieutenant-Governor Franklin himself had identified these flaws. He had warned British officials that for the probation system to work not only were passable roads and proper accommodation required, but also that there was a significant barrier to overcome: "an almost total absence of a properly qualified class of persons to fill the situations of superintendents and overseers."¹²¹ Despite these flaws there

(2003), 4. <<http://www.historycooperative.org/journals//lt/52/bonthius.html>> (accessed on 5 July 2012).

¹¹⁹ Tom Dunning, "The Canadian Rebellions of 1837 and 1838 as a Borderland War" A Retrospective," *Ontario History* 101: 2 (autumn 2011), 130.

¹²⁰ Albert Schrauwers, "Tilting at Windmills: The Utopian Socialist Roots of the Patriot War 1838-1839," *Labour/Le Travail*, 79 (spring 2017), 56-57. <doi:10.1353/lt.2017.0002> (accessed on July 19 2021).

¹²¹ British Parliamentary Papers, Controllor-General Report, Crime and Punishment-Transportation, Irish University Press, 6, 871-72 as quoted in John Thompson, *Probation in Paradise. The Story of Convict Probationers on Tasman's and Forester's Peninsula, Van Diemen's Land, 1841-1857* (Thompson, 2007), 74-75.

was one redeeming feature of the system: Aitchison and his fellow convicts left a physical legacy in what is now Tasmania. “Towns now occupy places where stations once sat in deliberate isolation.... Roads and pathways follow courses hewn from rock and soil by their picks and shovels. Buildings and bridges stand as testament to the labour power and skills of convict probation gangs.” (See Image 7)¹²²

It is unlikely that Aitchison and the other Patriot convicts thought in terms of their physical legacy. They were too busy focusing on surviving the sentence of transportation—a fate they considered worse than death. Indeed, his fellow Windsor convict Elijah Woodman wrote that those Patriots who had been executed were “better off than we are now.”¹²³ Aitchison’s personal experiences certainly reflected the cruelty and finality of transportation faced by all the North American convicts. Not only was he physically exiled far from the Proudfoots in Upper Canada and his immediate family in Scotland, but he was isolated and estranged from them all. The prisoners were denied mail from home,

at least in the early years.¹²⁴ Aitchison’s beloved Mary Proudfoot married after he was transported and he may never have heard from her again.¹²⁵ His eldest brothers in Scotland obtained an arrest warrant against him. Some of his siblings tried to excise him from family history by falsely swearing in an 1852 court petition that he was somewhere in America and they did not know if he was dead or alive.¹²⁶ Aitchison’s 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. Thus, Aitchison became one of many pardoned convicts who went to the main island of Australia, where they wandered from place to place, and job to job looking for better lives as free men.

Third, James’ story offers insights into historical research. 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 only evidence of Aitchison as a Patriot raider at the Battle of Windsor would have provided only a sliver of

¹²² Richard Tuffin and Martin Gibbs, “Uninformed and impractical? The convict probation system and its impact on the landscape of 1840s Van Diemen’s Land,” *History Australia* 17:1 (2020), 113. <<https://doi.org/10.1080/14490854.2020.1717352>> (accessed on July 10, 2021)

¹²³ Landon, *An Exile*, 160.

¹²⁴ *Ibid.* 222. For example, Woodman received his first letter from his family in August 1843.

¹²⁵ The Revd. William Proudfoot officiated at the marriage of Mary Proudfoot and James Coyne from Yarmouth Upper Canada, 16 January 1841. See AO, MS 248, Return 419, London/ Middlesex District Marriage Register 1832-1853, Coyne-Proudfoot, 16 January 1841. The couple settled in St. Thomas according to Landon, *An Exile*, 238.

¹²⁶ NRS, NAS02024, CS313/256, Edinburgh Court of Session, First Division, Petition, Mrs. Robina Aitchison or Stodart and Others, 12 June 1852, 00001. The siblings must have known James was alive in Australia through communication with Proudfoot, legal actions against James by John Aitchison, and letters between James and their mother.

insight into his role in that event. Only after gathering evidence from Scotland, Upper Canada, Michigan, Tasmania, and Victoria would the full story become clear by taking into account his back-story before the raid, his part in the incursion, and the impact on the remainder of his life. The importance of pursuing the whole story also applies to assessing the character of a historical figure.

To look only at Aitchison's lives in Scotland, Upper Canada, and Detroit would lead to the conclusion that he was either a tragic or comedic figure—a man who could not avoid “low company and drinking.” After all, he had disappointed his immediate family, alienated his cousin Mary, committed fraud against his uncle, and fled his creditors. Then he had fallen in with dangerous radicals, taken part in the fiasco at Windsor, and been found guilty of lawless aggression. To bring a wider lens to the assessment might lead, however, to a more balanced judgement. Consider these instances: on the *Buffalo*, his intercession with the captain on behalf of the prisoners; in Van Diemen's Land, his success as a convict overseer, his contribution to the built landscape of the island, his kindness in tending to an ill Woodman, and his

boldness in launching his legal action; in Victoria, his support for a fellow colonist suing for lost wages, his ‘reformed’ behavior at Tara Vale, and his careful plan for a dairy there. To look at the whole story suggests that besides the negative moments—many of them the result of alcohol use disorder—there were both positive interludes and also positive contributions in Aitchison's lives.

As well, Aitchison's case highlights the wide range of primary evidence that may survive for studying an individual: family letters, birth records, trial records, census records, legal depositions, ships' logs, convict documents, contemporaneous newspapers, historical maps, drawings and prints, buildings and other physical evidence. In researching since 1973 the life-story of Aitchison, this author has consulted all of these resources in archives and libraries, or on the ground in Scotland, North America, and Australia.¹²⁷ Yet, there is more to history work than formal research. Serendipity can come into play.

In 2019 Angus Horne of Bridge of Weir in Scotland rescued a box of decaying family documents from a relative's damp and unoccupied house. Horne dried the papers and added them to

¹²⁷ The author gratefully acknowledges the assistance he has received from the many researchers, archivists and librarians in North America, Britain, and Australia over the course of his almost fifty years of research on Aitchison. In addition he thanks the following individuals: David Kent for his advice and his assistance with research at the University of New England, Armidale, NSW, Australia; Neville and Susan Crowther for their enthusiasm for the search for Aitchison, and their support related to on-site research in Scotland; John C. Carter for his encouragement of the ‘Aitchison project’ and his provision of links to a number of sources; Angus Horne for saving and then generously sharing the cache of Aitchison documents; finally, my wife, Linda Hundey, for her work as a research assistant, for her helpful comments as a friendly reader of the many drafts of my various writings on Aitchison, and for her decades of unfailing support.



Image 8: The Aitchison documents were rescued from this abandoned Scottish house. Credit: Angus Horne

the Aitchison family history archive (Horne's mother was an Aitchison.) He was surprised to see that some of the papers referred to James Milne Aitchison as having lived in Australia—something that the family knew about only vaguely. That could have been the end of the matter. However, Horne and his sister undertook an internet search for more information. They discovered an article on Aitchison in an Australian journal that this current author had written. Horne made contact and kindly emailed photographs of the letters and papers

that provided new details about James' lives in Scotland, Upper Canada, and Australia. What was particularly exciting was that there was considerable evidence about his life in the colony of Victoria, about which almost nothing had been known previously. Given the state of the damp and exposed papers, as well as the condition of the house, with its "vulnerability to intrusion," all of this evidence easily could have been lost. In fact Horne noted that his rescue of the documents "was very much just in time."¹²⁸ Because of his rescue, a good deal of the material

¹²⁸ Angus Horne email to the author, 13 July 2021.

in Angus Horne's 'cache' could be used in this article.

Finally, research into Aitchison's lives illustrates the elusiveness of historical evidence. At the end of the previous section, Victoria Colonist, there is reference to a "tantalizing possibility" as to what happened after Aitchison received his inheritance in Melbourne in February 1856. That possibility is based on the 'found' evidence showing that a man aged 45 sailed on the ship *Sultan* from Melbourne to Liverpool in the week after Aitchison received his money. The passenger was James' exact age. The ship was one that Aitchison was familiar with, having used it to send his letters home. Liverpool was the city where Aitchison's younger brother Hugh's family lived. The name on the passenger list was James Aitchison.¹²⁹ The *Sultana* reached Liverpool safely on 20 May 1856.¹³⁰ Based on this evidence, one might well conclude that James returned to Britain.

Yet there is one problem. Is this James *Milne* Aitchison? In the course of his re-

search this author has unearthed dozens of James Aitchisons, but only one James Milne Aitchison. Moreover every letter signed by him or addressed to him uses his full name, including the "Milne"—or at least the middle initial "M." The same is true, with the occasional variant spelling of "Milne" (for example Mylne), for every reference to him in every official document from Scotland, England, Canada, and Australia. Did James *Milne* Aitchison sail to Liverpool? Supposing it was him (and on balance that seems to be the case), where did he end up? Did he stay in Liverpool or elsewhere in England; or did he return to Scotland? A search of passenger arrivals, census data, records of death, and genealogical sites has turned up nothing about a James Milne Aitchison in the UK in or after 1856. Did he leave the country for Canada, Australia—or even California? Perhaps there is 'unfound' evidence in one of these places about yet another life of James Milne Aitchison waiting to be discovered.

¹²⁹ PROV, VPRS 948/P1, Outwards Passenger Lists to UK Ports, (1851-1953). <<https://prov.vic.gov.au/explore-collection/explore-topic/passenger-records-and-immigration/outwards-passengers-lists>> (accessed 26 June 2020).

¹³⁰ "Australia," *Northern Daily Times* [Lancashire], 21 May 1856. <<https://britishnewspaperarchive.co.uk/searchresults/1856-05-21?newspaperTitle=Northern%20Daily/%20Times>> (accessed 23 February 2021).