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Résumé de l'article

Cet article s'intéresse à un participant plutôt ordinaire à la rébellion de 1837 dans le Haut-Canada. William Alves était un jeune charpentier qui, pris dans la tourmente de l'époque, s'est porté volontaire avec enthousiasme et, par conséquent, a gravement souffert. Son histoire a été reconstituée à partir de nombreux fragments - des lettres familiales, des journaux contemporains, des centaines de documents gouvernementaux archivés et diverses références historiques, y compris les inscriptions sur deux petites boîtes - et peut être racontée ici.

It is a Glorious Cause and I Will Die for It – William Alves

by Chris Raible

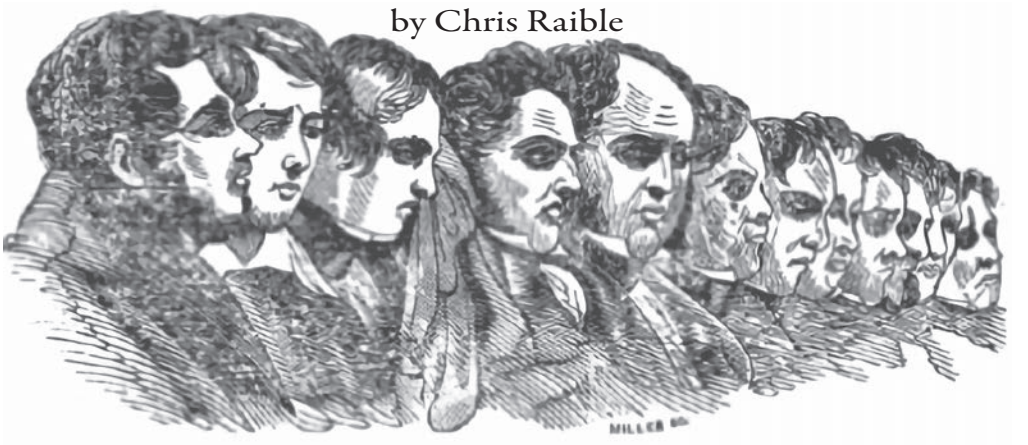

Image 1: *Twelve Canadians on Trial in London—the London True Sun, 25 January 1839. William Alves is the ninth image from the left—the fifth is John G. Parker*

Note

While most histories of the 1837 Upper Canada Rebellion focus on its leading characters—Mackenzie, Head, Rolph, Lount, and Gibson—this paper looks at one rather ordinary participant. William Alves was a young carpenter who, caught up in the turmoil of the time, eagerly volunteered and, consequently, suffered severely. Pieced together from many fragments—surviving family letters, assorted contemporary newspapers, hundreds of archived government documents, and various historical references, including the inscriptions on two little boxes—his story can here be told.

Before the Rebellion

Born in the northern Scottish town of Torres, William Alves was the youngest of several brothers who, in the 1830s, left their economically depressed town to seek their fortunes elsewhere. One of them, James, moved to Upper Canada. In 1836, William, along with brother John, sisters Helen and Janet, and his elderly parents, followed James to Upper Canada and settled on a farm in the London District. After two seasons of poor crops, William left home to seek paid employment in Toronto, where James, a carpenter, was by then living.[1]

[1] Upper Canada Sundries [hereinafter: UCS] 112098-9, letter from Alves to Lt.-Gov. Arthur, 22

Abstract

This paper looks at one rather ordinary participant in the 1837 Rebellion in Upper Canada. William Alves was a young carpenter who, caught up in the turmoil of the time, eagerly volunteered and, consequently, suffered severely. Pieced together from many fragments—surviving family letters, assorted contemporary newspapers, hundreds of archived government documents, and various historical references, including the inscriptions on two little boxes—his story can here be told.

Résumé: *Cet article s'intéresse à un participant plutôt ordinaire à la rébellion de 1837 dans le Haut-Canada. William Alves était un jeune charpentier qui, pris dans la tourmente de l'époque, s'est porté volontaire avec enthousiasme et, par conséquent, a gravement souffert. Son histoire a été reconstituée à partir de nombreux fragments - des lettres familiales, des journaux contemporains, des centaines de documents gouvernementaux archivés et diverses références historiques, y compris les inscriptions sur deux petites boîtes - et peut être racontée ici.*

Life was not any easier in the city. In a letter to the eldest Alves brother, Alexander—living in Glastonbury, England as a draper and tea dealer—James vented his Canadian frustrations: "Money scarce... All the banks that we have here are a curse to this province... Governor [Bond Head] is the greatest curse that Upper Canada ever had."

James also wrote about William Lyon Mackenzie:

> The tories have managed to get a Jury libel verdict against Mackenzie, our great reformer... He spoke for seven hours in court... The Jury was 2 days and 2 nights before they gave their verdict:... guilty for two shillings and costs... As they went out they were hissed in all parts of the court... £35 was raised for Mac in less then 5 minutes in the courthouse.[2]

By early December 1837, William had found work as a carpenter; he was employed by John Montgomery and he boarded at the Tavern on Yonge Street, nearly four miles north of the city.

The week of Rebellion

Early Monday morning, 4 December, the young carpenter's life suddenly changed: Mackenzie burst upon the scene. The Tavern abruptly became the rendezvous for troops arriving from all parts of the Home District. They planned to march on the city, take over the government, and free the province from British colonial rule.[3] This news came as a complete and unwelcome surprise to John Montgomery. But young William Alves, totally captivated by his fellow Scot, the charismatic Mackenzie,

August 1838.

[2] James Alves to Alexander Alves, 19 October 1837, Letters of Alves family, Queen's University Archives.

[3] For details of events during the week of the Toronto Rebellion (3-7 December 1837), the most

eagerly joined the rebel cause.[4]

That evening, Richmond Hill Colonel John Moodie, a firm loyalist, learned of the planned uprising and resolved to ride to Toronto to warn the government: *The rebels are coming! The rebels are coming!* When Moodie reached Montgomery's Tavern, he refused a rebel guard's demand to stop, and was fatally shot—a witness was William Alves.

The next day, Tuesday, 5 December, the first rebel march on the city was halted by three emissaries bearing a white flag of truce. Lieutenant Governor Francis Bond Head sent them to meet rebel leaders William Lyon Mackenzie and Samuel Lout to negotiate possible terms. No agreement was reached—the Lieutenant Governor may have been stalling for time. Present at the meeting was William Alves, guarding the rebel leaders.[5]

Later that same day, Mackenzie led a band of rebels to the house of a prominent government supporter, Dr. Robert Horne, and demanded that they be fed. Much to the dismay of his men, Mackenzie then ordered them to torch the Horne house. One member of the rebel band was William Alves.

In the evening, a rebel army headed by Mackenzie again marched on the city. They were met by armed loyalists standing guard. Both sides fired—both sides rapidly retreated. One of the armed rebels was William Alves.

In the course of these two days, rebel guards stopped numerous would-be-loyalist volunteers heading for Toronto and imprisoned them at the Tavern. On Wednesday, Mackenzie, with a large party of his followers, rode off to interrupt and rob the Royal Mail coach that had been travelling west from the city. Left at the Tavern in charge of guarding the prisoners was newly-appointed-Captain William Alves.

On the final day, Thursday, 7 December, several hundred men (reluctantly led by Colonel Anthony Van Egmond, who had only arrived the night before) marched toward the city in a last desperate attempt to take over the government. "It is a glorious cause and I will die for it,"[6] declared one of Samuel Lount's riflemen:[7] William Alves.Met by a large and well-armed Government militia force,

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comprehensive works are Charles Lindsey, *The Life and Times of William Lyon Mackenzie and the Rebellion of 1837-38* (Toronto: P.R. Randall, 1862); Charles Dent, *The Story of the Upper Canada Rebellion*, vol. 2 (Toronto: J. Blackett Robinson, 1885); Edwin C. Guillet, *The Lives and Times of the Patriots* (Toronto: University of Toronto Press, 1968—originally published Toronto: Thomas Nelson & Sons, 1938); Ronald J. Stagg, *The Yonge Street Rebellion of 1837: An Examination of the Social Background and a Reassessment of Events.* (Ph.D. thesis, University of Toronto, 1976); and Colin Read and Ronald J. Stagg, *The Rebellion of 1837 in Upper Canada: A Collection of Documents* (Ottawa: Carleton University Press, 1988).

[4] Unless otherwise indicated, the details of William Alves' involvement during this week of rebellion are from the "Letters of the Alves Family," Queen's University Archives, Kingston, Ontario, and/or from an unpublished 2008 paper based on the letters by descendant Helen Alves, "The Story of William Alves."

[5] For more on this controversial "Flag of Truce" incident, see section below.

[6] UCS 99588-91 Deposition of Archibald Macdonell, 20 December 1837.

[7] Some accounts say he was part of a company led by David Gibbons.

the rebels were quickly beaten back and, at the Tavern, totally defeated. Two rebels were killed and a number were captured, but most, including Mackenzie and the other leaders, managed to escape. Lt.-Gov. Bond Head ordered the tavern to be burned down. William Alves, despite his dramatic declaration, did not die—he escaped capture but was not free for long.

Arrest and imprisonment in Toronto

Within hours of the defeat, Lt.-Gov. Bond Head issued a proclamation offering rewards for the capture of Mackenzie and four other leaders. Its final wording seemed to promise amnesty to rebels who voluntarily surrendered:

> And all, but the leaders above-named, 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.[8]

In response to this offer, he would later insist, William Alves turned himself in.[9] (A bit of Alves family oral history suggests that he was captured "because he went to see his girl friend before fleeing.")[10]

Within two weeks of the rebel defeat, several hundred men—arrested or voluntarily surrendered—were imprisoned.[11] The sudden influx of prisoners overwhelmed the Home District Jail, packed the nearby market, and jammed the parliament building a few blocks east. The government hastily appointed a special commission—later referred to as the Treason Commission or the Jameson Commission (headed by Vice Chancellor Robert Jameson). Within a few days of arrest, each prisoner was interviewed. Eventually, more than half of them were released.[12] The rest were crammed into jail cells and held for trial.

William Alves was especially harshly treated—he was chained and locked in a damp, dark, cold cell on the jail's lower level (as were Colonel Van Egmond, Peter Matthews, and—captured in mid-January—Samuel Lount). All these rebel prisoners were held without due process—no bail, no specific charge, no legal counsel, and no set date of trial or judgment.

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[8] The Proclamation offered rewards for the capture of Mackenzie and four other Rebellion leaders. Its full text is in Read & Stagg, *The Rebellion of 1837,* 189.

[9] UCS, 112098-99, Petition of William Alves, Fort Henry, 22 August 1838. Also, UCS 115279, letter, Alves to Capt. Peter Lawrence, 15 October 1838.

[10] Helen Alves, "The Story of William Alves."

[11] Toronto Branch, Ontario Genealogical Society, editors. "Persons Arrested for Insurrection or Treason," [7 December 1837 to 1 November 1838] based on Appendix I of Charles Lindsey, *The Life and Times of William Lyon Mackenzie* (Toronto: P.R. Randal, 1862, reprinted Toronto: Coles Publishing Co., 1971).

[12] From the Home District in December, 298 men were arrested, and 152 were discharged; in January, 70 more were arrested, and 53 were discharged—calculations based on prisoner lists in Toronto Branch, Ontario Genealogical Society, editors. "Persons Arrested for Insurrection or Treason" [7 December 1837 to 1 November 1838] based on Appendix I of Charles Lindsey, *The Life and Times of William Lyon Mackenzie* (1971).

By early January of 1838, fears of domestic insurrection had greatly diminished, though dangers of border insurgencies by escaped Canadians and their American sympathizers would continue for many months. The Upper Canadian Parliament was called into session to enact emergency legislation clarifying the powers of Upper Canadian authorities to deal with acts of insurrection. Three new laws were quickly passed by large majorities and immediately sanctioned. The title of each suggests its scope and intent:

> An Act to Authorize the Apprehending and Detention of Persons suspected of High Treason, Misprison of Treason and Treasonable Practices; An Act to Enable the Government of this Province to Extend a Conditional Pardon in Certain Cases to Persons who have been Concerned in the Late Insurrection; An Act to Protect the Inhabitants of this Province against Lawless Aggressions from Subject of Foreign Countries at Peace with Her Majesty.

The new laws, according to modern legal scholar Rainer Baehre, "effectively suspended habeas corpus. In addition to denying bail to accused traitors... [it] extended to persons suspected... of having knowledge of treasonable activities and not reporting them."[13]

For the next three months, the incarcerated rebel prisoners were kept waiting. At some point, Alves' chains were removed and he was moved to a less dark, less damp, and less cold cell.

In early March, the Provincial Parliament enacted another law:

> An Act to Enable the Government of this Province to Extend a Conditional Pardon in Certain Cases to Persons Who Have Been Concerned in the Late Insurrection.

This new law, according to Baehre, "allowed indicted prisoners (only those involved in the 'late insurrection,' not those captured in subsequent disturbances) to petition for a pardon before arraignment." In effect, the new law confirmed the intention of Head's 7 December Proclamation. Consequently, on 8 March 1838, 178 prisoners were formally indicted.Legal advisors (employed by the government) began to visit prisoners to help them petition for release—in the course of the next few weeks, nearly all the prisoners did so.[14]

Thus, on March 15, William Alves voluntarily signed and submitted a petition:[15]

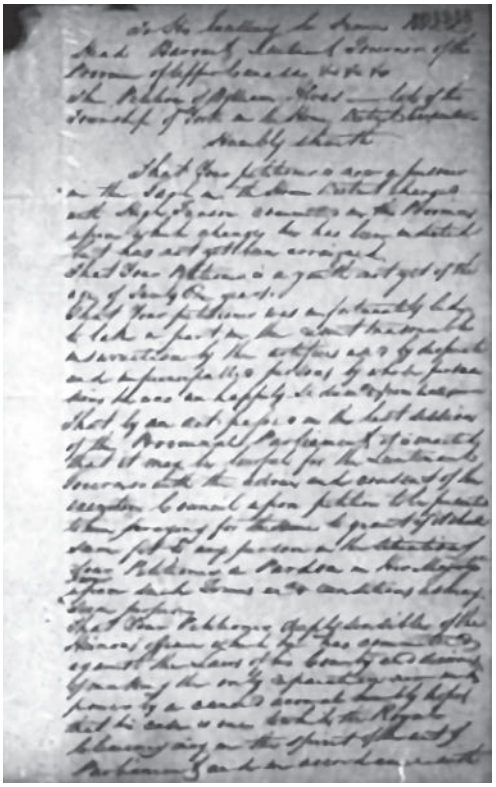
Alves Petition for Pardon, 15 March 1838, Upper Canada Sundries 104948-9

> To His Excellency Sir Francis Bond Head Baronet Lieutenant Governor of the Province of Upper Canada, &c, &c, &c. The petition of William Alves—late of the Township of York in the Township of York in the Home District Carpenter.

[13] Rainer Baehre, "Trying the Rebels: Emergency Legislation and the Colonial Executives Overall Legal Strategy in the Upper Canadian Rebellion," chapter 1 of F. Murray Greenwood and Barry Wright, *Canadian State Trials, Volume II, Rebellion and Invasion of the Canadas, 1837-1839* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2002).

[14] UCS 104652-8 lists 178 prisoners indicted and whether they petitioned their confessions of guilt.

[15] UCS 104949.



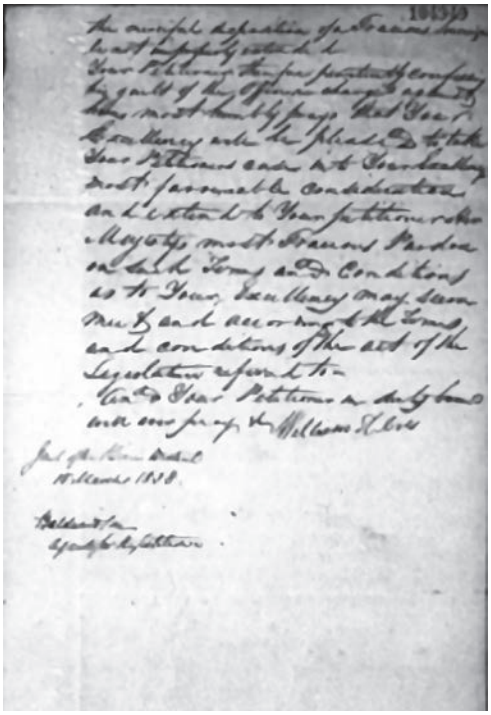


Image 2: Alves Petition to Head

He began by identifying himself:

> That Your petitioner is now prisoner in the Gaol of the Home District charged with High Treason committed in this Province upon which charge he has been indicted but not yet arraigned.
>
> That Your petitioner is a youth not yet of the age of Twenty One years.

He immediately confessed his guilt:

> That your petitioner was unfortunately led to take a part in the recent treasonable insurrection by the artifices used by desperate and unprincipled persons of whose persuasions he was unhappily Seduced from his allegiance.

Next, Alves referred to the recent legislation:

> That by an act passed in the last session of the Provincial Parliament it is enacted that it may be lawful for the Lieutenant Governor with the advice and consent of the executive Council upon petition to be presented to him praying for the same to grant if it shall seem fit to any person in the situation of your Petitioner a Pardon in Her Majesty's Name upon such Terms and conditions as may seem proper.

Consequently, he pleaded:

> That Your Petitioner deeply sensible of the Heinous offence which he has committed against the Laws of his Country, and desirous of making the only reparation now in his power by a candid avowal humbly hopes that his case is one to which the Royal Clemency may in the spirit of the act of Parliament and in accordance with the merciful disposition

> of a Gracious Sovereign be not improperly extended.

He summarized his case:

> Your Petitioner therefore penitently confessing his guilt of the Offences charged against him most humbly prays that Your Excellency will be pleased to take Your Petitioner's case into Your Excellency's most favorable consideration and extend to Your petitioner Her Majesty's most Gracious Pardon on such Terms and Conditions as to Your Excellency may seem meet and according to the Terms and conditions of the act of the Legislature referred to.

Finally, Alves closed his plea:

> And Your Petitioner as in duty bound will every pray &c.
>
> Jail of the Home District
> William Alves
> 15 March 1838

It is worth noting that Alves' confession of guilt and profession of penitence offered no details as to what he had done, where, when, or with whom. Nor did Alves name any of the "desperate and unprincipled persons" who had "unhappily seduced his allegiance." (After such a miserable winter, Alves would probably have been willing to sign almost anything to be freed to go home.) This government-drafted petition (not in his handwriting) required only his signature, witnessed by "Baldwin & Son agents for the petitioner."[16]

Over the next few weeks, almost all his fellow prisoners submitted similar petitions. At last, they could hope for freedom.

However, the early March mood of the jailed men abruptly changed. Brought to trial were the most prominent of the jailed rebels: Samuel Lount and Peter Matthews. (Lount had helped plan the rebellion, recruited many participants, and led many into the final battle. Matthews had also recruited many rebels and, on that fatal day, led an attempt to burn the Don River bridge, thus preventing loyalist recruits from the east from reaching the city.) Both men pleaded guilty and were sentenced to be hanged in two weeks.

Several more trials quickly followed—most of the accused men were convicted, but their fate was uncertain. If not hanged, they would be transported—sent halfway around the world to the British penal colony in Van Diemen's Land.[17]

On Thursday, 12 April, a large crowd gathered in the open area between the jail and the court house. A scaffold had been erected, and they were there to witness the public hanging of Lount and Matthews. Some rebellion prisoners,[18] locked in a large upper room, witnessed the hanging through the room's large windows. One of them[19] penned a poign-

[16] The firm of W.W. Baldwin and his son, Robert Baldwin—the witness could have been one of them, but more likely was a lesser employee of the Baldwin firm.

[17] Now the Australian province of Tasmania.

[18] Alves, indeed most of the jailed prisoners could not witness the hanging, but descriptions of it undoubtedly spread through the building.

[19] Almost certainly, John G. Parker.

ant reflection:

> Their minds were tranquil and seren
> No terror in their looks were seen
> Their steps upon the Scaffold strong.
> A moments pause—their lives are gone.[20]

Every prisoner now waited to learn his fate. The Jameson Commission reviewed all their petitions and the sworn statements of various witnesses. Formally indicted were 119 men—they were divided into three classifications:[21]

> Class 1— 22 prisoners "whose guilt is of the highest and for whose character little can be hoped."
>
> Class 2— 32 persons of suspect "moral character" and "hostility to the British government," should be transported for "short periods" to ensure the "future peace of the province"—or if more appropriate, banishment.
>
> Class 3: Penitentiary—65 prisoners in 2 groups:
>
> (1) 10 prisoners—chiefly Americans, strangers, without property "anxious to plunder" not political, treat as ordinary felons to serve in Kingston penitentiary;
>
> (2) 55 Upper Canadians "excited by seditious publications" joined out of "fears" failed to understand "the object for which they had been seduced to assist in the insurrections,... to whom the Queen's gracious pardon might be extended, without forfeiture of property.

Alves name led the list[22] in Class 1:

> "1. William Alves one of Lount's riflemen, in arms and exceedingly active throughout the Rebellion. He was one of the party who assisted McKenzie and Lount at the robbery of the Western Mail, and was present at the burning of Dr. Horn's House. He was for some time entrusted with the custody of the prisoners retained at Montgomery's. They represent his conduct in a very unfavourable light."

His sentence:

> "Transportation to Van Dieman's Land for fourteen years."

As a result of this review, in early May, fifty-three prisoners were admonished and—subject to their providing sureties for good behaviour—released.[23] William Alves was not one of them.

In early June, a number of rebellion prisoners sentenced to Transportation were transferred to Fort Henry, the first leg of their journey to Van Diemen's land. William Alves, however, remained in Toronto's jail.

With its population radically reduced, the jail was far less crowded. Although there is no known record of the cell or room in which a prisoner might be confined, Alves was apparently transferred to one of the larger upper-level rooms (originally designed not as prisoners' cells but as debtors' apartments). It

[20] The verse is inscribed on more than a dozen little box mementoes crafted by jailed prisoners in the weeks that followed.

[21] Rainer Baehre, "Trying the Rebels: Emergency Legislation and the Colonial Executive's Overall Legal Strategy in the Upper Canadian Rebellion" in F. Muddy Greenwood and Barry Wright, *Canadian State Trials Volume II: Rebellion and the Invasion of the Canadas 1837–1839* (Toronto: University of Toronto Press for the Osgoode Society for Canadian Legal History, 2002).

[22] The prisoners in each class were listed alphabetically.

[23] "Fifty-three prisoners ... released," *The* (Kingston) *British Colonist* (17 May 1838).

Image 3: Two small boxes crafted by William Ives in Toronto Jail. June 1838. Boxes YP049 and YP050—Images by Darryl Withrow.

was in these rooms that prisoners—initially brothers Charles and Jesse Doan—had, in March, begun crafting small wooden boxes and sending them home to family and friends. Many of these boxes were inscribed as memorials for martyred Lount and Matthews. Many had messages of love, faith, and hope—and of anger and determination.[24]

Thus, in June, William Alves joined others in crafting boxes. Two of the boxes bear his name. Though not identical, they are similar in shape and size—each about three and a half inches long, two inches wide, and two inches high. One of his boxes is inscribed as a present to Miss Sophia Kelley (possibly the "girl friend" he reportedly visited before trying to escape arrest). The intended recipient of the other box is unknown—the box was damaged in its more recent history, and its top inlay, on which a name may have been inscribed, is missing. Though crafted a little later than most boxes, Alves' are not unusual. One is a memorial to Lount and Matthews.[25] Both boxes quote Robert Burns.[26]

Five months at Fort Henry

Alves, under a sentence of transportation, did not remain in Toronto much longer. In mid-July, he and thirty-three other prisoners were shipped to Kingston—half of them were bound for the Penitentiary; the other half, including Alves, went to Fort Henry.[27] He arrived in time to add his name to a joint

[24] More than 150 such boxes have been identified. See Chris Raible, John Carter, and Darryl Withrow, *From Hands Now Striving to Be Free: Boxes Crafted by 1837 Rebellion Prisoners* (Toronto: York Pioneer and Historical Society, 2009); and Chris Raible, "'Uncertain as to Future Fate 1837 Upper Canadian Rebels Incarcerated in 'John Montgomery's Room' in Toronto's Jail in 1838," *Ontario History*, 113:2 (Autumn 2021).

[25] A third of all the known boxes are memorials to the two rebellion martyrs.

[26] The three Burns' poems "Epistle to a Young Friend," "Anna, Thy Charms," on box YP049, and "Inscribed in A Lady's Pocket Almanac," on YP050. Two of these verses were also inscribed on other boxes crafted by other prisoners).

[27] *Kingston Chronicle and Gazette*, 18 July 1838.

petition to Lord Durham.[28] The prisoners noted that they had been confined for seven months and that, as recommended by their legal advisors, they had petitioned the Lieutenant Governor and Council for pardon, but

> so far from this expectation being realized they have not as yet received any official answer to any of their petitions... [had been], conveyed to this place without having received any sentence, and still remain in that ignorance of what fate the Governor and Council has devised for them.

They were thus appealing to Lord Durham, noting that most of them had

> each a numerous family of small children entirely dependent on the united actions of their parents for substance and many of whom must suffer very severely should their natural supporters to be much longer detained from them.

They also noted that

> 1st That many who were more deeply engaged in the late Treasonable proceedings in the Home District by far, than any of your petitioners, have been liberated from Toronto Gaol... some even without giving any security at all.
>
> 2nd From hearing of the grand amnesty and happy liberations...with so few exception of the numerous prisoners confined on a similar charge in Lower Canada,... your petitioners were led to form the most exalted idea of your Lordship's leniency, and the most lively expectations of being placed at least, on a footing of equality with those in this province who have been released from confinement...
>
> 3rd That in consequence of the proclamations issued by Sir Francis B. Head [on] December 7th, 1837 your petitioners relying on the good faith of the Government went home fully intending to return... to their allegiance. However, on hearing afterwards, that many were being apprehended, some of your petitioners went voluntarily forward and delivered themselves up to the legal authorities, and other remained quietly at home, without attempting an escape until arrested.
>
> 4th That there is neither a leader nor plotter of rebellion amongst your petitioners.

If Lord Durham replied, there is no known record.

Ten days later, more than a dozen rebellion prisoners at the Fort escaped. Alves, imprisoned in a different room, was not one of them.[29]

In August, fifteen men captured dur-

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[28] UCS 109898-9; misdated July 9—seven of the eleven signers did not arrive at Fort Henry until 14 July.

[29] The escape episode is well documented. Shortly after, escaped prisoner Stephen Brophy described it in detail in *The* (Watertown) *North American*, 7 August 1838—an account often reprinted since. In 1862, John Montgomery's memories of the escape were published as an appendix to Charles Lindsey's biography, *The Life and Times of William Lyon Mackenzie.* In 1894, Thomas Sheppard's memories were published in John Ross Robertson's *Landmarks of Toronto, Vol. 1.* Two other accounts are a report of Fort Henry Major R.H. Bonnycastle to his superior Colonel Wright, commander of the Royal Engineers, Canada, dated 30 July 1838 (LAC document C-6ll) and a modern "Fort Henry Guide Manual: Background information for Fort Henry Guard Training" section "Montgomery's Escape, 29 July 1838," unpublished. The most comprehensive modern review of the escape is John C. Carter, "Some Period Reflections Regarding the Mass Escape from Fort Henry on 29 July 1838," *Historic Kingston*, 64 (2016). See also his "Tangible Evidence of the 1837 Upper Canadian Rebellion and the Fort Henry Connection," *Thousand Islands Life Magazine*, 7:8 (August 2012).

ing an attempted invasion in the Niagara area in June—the so-called "Short Hills" affair—joined the Toronto prisoners at Fort Henry. Subsequent trials led to the hanging of their leader, James Morreau, while the death sentences of the others were commuted to transportation.[30] Two of these newcomers would later publish lengthy accounts of their experiences[31] which—along with John G. Parker's published journal chronicling his imprisonment, travel to England, and trials in London[32]—provide similar stories of the Fort Henry imprisonment and subsequent journey to England. For example, Miller wrote:

> [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.[33]

Despite confinement, life at Fort Henry had its moments—Wait noted:

> 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 portfolios, small wooden boxes, or other mementoes for friendly presents.[34]

As in Toronto's jail, religious observance was very much a part of the prisoners' lives. Every Sabbath, Randal Wixson,[35] a Baptist minister as well as a political reformer, preached and commented on passages of Scripture, thereby, in Wait's words, "contributing largely to our spiritual good and temporal quiet."

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

[30] For details of the Short Hills raid: E.A. Cruickshank, "A Twice-Told Tale (The Insurrection in the Short Hills in 1838)," *Ontario Historical Society Papers and Records*, 23 (1926); E.A. Cruickshank, "The Insurrection in the Short Hills in 1838," *Ontario Historical Society Papers and Records*, 8 (1908), Colin K. Duquemin, *Niagara Rebels: The Niagara Frontier in the Upper Canada Rebellion 1837-1838* (St. Catharines, Ontario: Norman Enterprises, 2001), and Colin Read, "The Short Hills Raid of June, 1838, and its Aftermath," *Ontario History*, 68:2 (June 1976).

[31] Linus W. Miller, *Notes of an Exile to Van Dieman's Land* (Fredonia: W. McKinstry & Co., 1846); Benjamin Wait, *Letters From Van Diemen's Land Written During Four years Imprisonment for Political Offences Committed in Upper Canada* (Buffalo: A.W. Wilgus, 1843).

[32] Unless otherwise indicated, all Parker quotes in this paper are from John Goldsbury Parker, "John G. Parker's Journal," *The Rochester Gem—A Semi-monthly Journal of Literature, Science, Tales and Miscellany*, 11:6 (23 March 1839).

[33] Miller, *Notes*, 100.

[34] Wait, *Letters*, 88–91.

[35] He spelled his name "Wixson"—often erroneously used "Wixon."

> 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.

(Unfortunately, except for Miller's several listings of the names of all his fellow prisoners, neither he nor Wait made specific reference to William Alves.)[36]

A month later, Alves pleaded his own case again. Lt.-Gov. Arthur had visited the Fort and had met many prisoners, including Alves. In response, he wrote thanking Arthur[37] "for the kind manner in which you spoke to me... [and submitting] a few facts for your Excellency's favorable consideration."

Alves sought sympathy. He was Scottish and twenty-two years old. With his elderly parents, he came to Canada in 1834 and settled in the London district.

> In the month of May 1837 I came down to Toronto to procure work at the carpenter's and joiner's grade to which I had been bred, to assist my parents who were in great need and who were and still are dependent on me for support, my fathering being upwards of seventy years of age.

He was working for John Montgomery on December 4 when

> McKenzie and Gibson called on me there with a party of men, saying they were going into Toronto to pay a visit to the Tories—that there would be no fighting—that it was all well understood by the people of the city, and that they only waited there to receive them in a joyful manner.

Alves continued to plead his gullibility:

> In my youthful inexperience and foolishness I was led to believe their false statements and that the principle and leading men of the city were acting in concert with them; and consequently I fell into this unfortunate and deplorable affair, without reflection under a multitude of intreaties [sic] and great promises and assurances of rewards and favors.

He skipped over his eager participation in the events of that December week. Instead, he sought sympathy for his losses when the Tavern burned: "my chest of tools, my clothes, and the little money that I had earned and saved since leaving my parents which I had laid by for them."

He again asserted that, on learning of Head's proclamation, "I was induced thereby to give myself up to the authorities, which I did that day, since which time I have been in prison and my health greatly impaired."

There is no record of Arthur's reply.

On 14 September, Attorney General Christopher A. Hagerman visited Fort Henry and met many prisoners. The next day, seventeen of them, including Alves,

[36] Miller, *Notes*, 107, 131–32.

[37] UCS 112098-9.

wrote, expressing their gratitude for his visit and for "the very kind and obliging manner in which you were pleased 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."[38]

Not surprisingly, they expressed their hope that

> you will feel it compatible with your highly responsible station, 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.

Nor is it surprising that nothing came of their request. They continued to await their dreaded journey to Van Diemen's Land.

Alves, however, was nothing if not tenacious. In mid-October, he wrote to militia Captain Peter Lawrence—the officer to whom Alves had voluntarily surrendered ten months earlier—pleading with him to confirm this action. Lawrence kindly did so: "I do Certify that William Alves gave himself up to me under the Proclamation of Sir F.B. Head and that I considered that he would be safe in so doing."[39]

It was all in vain. Arrangements for the Fort Henry men to be transported were nearly complete, thus dashing Alves' hopes for release.

Lt.-Gov. Arthur was determined to get these prisoners out of the country. He and Lord Durham had agreed that they would not recommend "the most guilty and dangerous of the Traitors" for "any further remission of their sentences" and, therefore, "should be removed to England forthwith, for transportation."[40] The officials wanted the men shipped beyond the reach of any attempt—by force or by legal maneuver—to free them. (Arthur and Durham did not anticipate, of course, that in England, Alves and the eight other Toronto prisoners would indeed be liberated.)

The journey from Fort Henry to England

The trip to Quebec was a marked contrast to the prisoners' relatively easy existence at Fort Henry. Prisoner Parker recorded:

> 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."

[38] UCS 113925.

[39] UCS 115279 and UCS 115280.

[40] Charles R Sanderson, editor, *The Arthur Papers: Being the Canadian Papers Mainly Confidential, Private and Demi-official of Sir George Arthur, K.C.H., Last Lieutenant-Governor of Upper Canada* (Toronto: Toronto Public Libraries and University of Toronto Press, 1937), 300.

> 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 lie down between the horses feet, among the dung and filth.[41]

The men were taken to Prescott and transferred to the steamer *Dolphin* to move to Cornwall and its jail. The *Neptune* took them to a fort at Cote du Lac, then by Durham boat, they proceeded to the Cascades, and finally, aboard the *Dragon,* they arrived at Montreal on November 16. With their manacles removed, the prisoners were marched to the guardroom of the garrison. The next day, they moved on to Quebec.

Meanwhile, even as the prisoners travelled, the Canadian Rebellion erupted anew. In Lower Canada, there was fierce fighting only two days after the prisoners had moved. In early December, an invasion took place at another location they had passed by, just above Prescott—the "Battle of the Windmill," as it came to be called. A band of "Patriot Hunters," a volunteer army of American sympathizers, crossed from New York into Upper Canada, hoping to rekindle the fires of Rebellion. Three days of fighting ended in disastrous defeat.[42]

Arriving at Quebec, Alves and his fellow prisoners were locked in the city jail, not the Citadel. They learned, to their surprise, they were to be sent to England immediately. 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. (A few weeks earlier, rebellion prisoners Edward Theller and Stephen Brody, aided by sympathizers in the city, had dramatically escaped the Citadel and been escorted across the border to the freedom of the United States.)[43]

Alves himself was not the source of any records. However, in his (later published) journal, Parker well documented the voyage to England of the *Captain Ross* with its rebellion prisoners.

On November 28, six days after their departure, Parker wrote:

> ... 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 lie (not sleep) until 8 or 9 o'clock next morning.
>
> ... 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.[44]

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[41] Parker, *Journal*, 9 November 1838.

[42] The most comprehensive account is Donald E. Graves, *Guns Across the River: The Battle of the Windmill, 1838* (Toronto: Robin Brass Studio, 2001). See also, John C. Carter, "Patriot Chronicles: Remembrances of the Battle of the Windmill," *Thousand Islands Life Magazine*, 8:11 (November 2013).

[43] E.A. Theller, "Escape of General Theller and Colonel Dodge from Queen Victoria's Fortress at Quebec," *Mackenzie's Gazette* (17 November 1838). See also Colin Read, "Edward Alexander Theller, the 'Supreme Vagabond: Courageous, Honest and True'," *Ontario History*, 84:1 (March 1992).

[44] Parker, *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... A number still sick on board. My health, through God's mercy, is still good.[45]

And the day following:

> Snows 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.[46]

It all sounds cramped, calm, cold, but endurable.

However, Linus Miller and Benjamin Wait wrote books describing in detail their own ordeals in Canada en route to Van Diemen's Land and their several years in the penal colony before eventually returning to North America. According to them, on the voyage to England, they were part of prisoners' attempt to disable the captain and crew and sail the ship to safety on an American landing. But at the eleventh hour, they were betrayed by one of their own numbers.[47]

Parker's journals make no mention of the incident. He refers to occasional sickness, pleasant chats with the captain, visits from the chaplain on board, sketching gulls and porpoises, and his constant consolation found in the love of Christ. His last journey before arriving in Liverpool: "... 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."[48] (It may well be that the tale of a failed mutiny was excessively dramatized by Miller and Wait. Several years later, each of them wrote detailed descriptions of their ordeals in books published for the market of American readers.) On the other hand, in Liverpool a month later, Parker noted "a false report" of an "attempted mutiny" was in circulation—he declared it was "without the least foundation."[49] Apparently, something happened aboard the *Captain Ross*. Several days into the voyage, Parker was subjected to the severe discomfort of heavy shackles:

> A bar of round iron is fastened round my ankle; which, at the smallest place, measures 3¼ 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 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.Parker offered no reason for this harsh restraint—it was simply a discomfort he had to endure:
>
> [W]e carry them about very well, though we find some difficulty in getting our ancles

[45] *Ibid*., 29 November 1838.
[46] *Ibid*., 30 November 1838.
[47] Miller, *Notes*, Chapter XIII; Wait, *Letters*, Letter VIII.
[48] Parker, *Journal*, 17 December 1838.
[49] *Ibid*., 2 January 1839.

> [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.[50]

(Parker knew that his letters home would be read in England by the very authorities he was hoping to placate. Understandably, he might have wanted to paper over any evidence that he was neither innocent nor penitent.)

What role, if any, William Alves may have played in this shipboard drama is unknown. As one of the nine prisoners imprisoned for nearly a year,[51] his shipboard experience was presumably similar to Parker's.

Seven months in England

On 19 December, the *Captain Ross* docked in Liverpool. The rebellion prisoners were immediately transferred to the city's jail, "an old prison, built for the French prisoners during the late war." Alves and the other Canadians were quartered in their section of the jail, three men sharing a cell, and all well-fed and well-treated.[52]

Their case quickly became a cause célèbre to British political radical leaders—Joseph Hume, John Arthur Roebuck, and others. Seeking the Canadian prisoners' release, they immediately applied for a writ of habeas corpus filed in the Court of Queen's Bench and Exchequer, Hillary Term 1839.[53] The challenge of eleven men who had taken part in the failed Short Hills invasion in June was quickly denied—they were transferred to prison hulks at Portsmouth to await transportation to Van Diemen's Land.

In January, Alves and eleven others were moved to Newgate prison in London. According to Parker, they were treated well: "[The] officers are all kind and obliging—satisfying our wants and making us comfortable.... [We] occupy a large parlor, with a good fire. ... we are allowed light until 8 o'clock."[54]

A few days later, the twelve men were brought to court at the Old Bailey. Their case focused on the details of the warrant for their imprisonment, signed by Sir John Colborne (as military commander in Canada) and presented to the Liverpool jailer when the prisoners landed. Parker describes:

> 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

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[50] *Ibid*., 12 December 1838

[51] William Alves, Ira Anderson, Paul Bedford, James Brown, Finlay Malcolm, John G. Parker, Robert Walker, Leonard Watson, and Randall Wixson had all been arrested for their rebellion activities in December 1837.

[52] Parker, *Journal*, 19 December 1838.

[53] Albert A. Fry, *Report of the Case of the Canadian Prisoners, with an Introduction on the Writ of Habeas Corpus* (London: Maxwell, 1839). See also John Macdonell & John Edward Power (eds.), "The Canadian Prisoners' Case, 1839," in *Reports of State Trials* (London: Eyre & Spottiswoode, 1891).

[54] Parker, *Journal*, 9 January 1839.

Image 4: London's Newgate Prison ca 1839.

> no trial or sentence passed [upon us].... [U]ntil now, we have not been apprised in any way what was determined against us." [55]

The Attorney General, acting for the Crown, relied on past rulings that upheld the Pardoning Act. The lawyers for the prisoners noted defects in some of the documents issued by Upper Canadian authorities. They also called attention to how limited the evidence presented was to the prisoners' supposedly traitorous actions. Moreover, 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.[56]

A week later, the judges ruled against the prisoners. They had lost round one—but the battle was far from over. Parker recorded: "[Our supporters] are determined to do everything that can be done. They have consulted some of the ablest lawyers in England, and will endeavor to obtain a new writ of habeas corpus."[57]

The lawyers for the prisoners launched an immediate repeal but would not be heard until the Easter Term of the Court which convened on May 6. The case was entitled, "The Queen v. William Alves and others, the Canadian Prisoners,"—the public focus was on William Alves simply because his name headed the alphabetical list. Nevertheless, for a few days, he was famous. This nobody was now a somebody.

Alves and his Canadian comrades had applied for a writ of habeas corpus—that is, for their release. They appealed the January court ruling. His lawyers presented five different objections:[58]

> (1) the Upper Canadian act which empowered the Lieutenant Governor to pardon prisoners was repugnant to the law of England—only the Crown had such power;(2) even if the act is valid, its construction is repugnant—the prisoner's liberty was disposed of without his having either trial or conviction;(3) even if the prisoner assented, the act did not give him a control over his

[55] *Ibid*., 29 December 1938.
[56] See Romney & Wright, "Toronto..."
[57] Parker, *Journal,* 21 January 1839.
[58] Montagu Chambers, editor, *The Law Journal Reports for 1839* (London: E.B. Ince, 1839), Easter Term, 229–33.

> own person and property which, by law, he had not before;(4) the Governor of Upper Canada had no power of transporting prisoners beyond the territories of Upper Canada; [and]
>
> (5) the return in this case is insufficient—it does not have all the documents, warrants and instruments of every kind necessary for the transfer of prisoners from one custody to another before they reached Liverpool.[59]

In due course, the Court responded:

> All these topics have been elaborately argued on both sides, and have received due attention from the Court, but in the view which we take of the case, we do not think it necessary to pronounce any opinion upon them....
>
> If the condition upon which alone the pardon was granted be void, the pardon must also be void. If the condition was lawful, but the prisoner did not assent to it, nor submit to be transported, he cannot have the benefit of the pardon.
>
> ...The position of the prisoner appears to be this, that he had been indicted for high treason, committed in Canada against her Majesty; that he has confessed himself guilty of that treason; that he is liable to be tried for it in England; that he cannot plead the pardon which he has renounced and that he is now in the custody of the gaoler of Liverpool... How then can we order the gaoler of Liverpool... to let him go at large? If the prisoner cannot lawfully be transported under his present circumstances, it is to be presumed that the government... will take proper measures for prosecuting for the crime of treason in England... the prisoner must be remanded.

In other words, Alves and the others would be held in jail, awaiting the government's decision as to what to do next.

By this time—June 1839—back in Canada, all the other men held prisoner for participating in the December 1837 rebellions had been released; most pardoned, a number banished, and all those in the penitentiary released. The prisoners in England were, therefore, released and pardoned with one condition: they do not return to Upper Canada.[60]

Alves Returns to North America

Alves travelled back to North America, to Ohio, to join his brothers James and John, who, following the failure of the Rebellion, had abandoned Upper Canada and settled in Cincinnati—the Alves' parents stayed on the family farm near London. In 1844, William married Hannah Taylor, and the couple had three daughters. Alas, Hannah and one daughter died in the cholera epidemic of 1849. In 1852, from St. Louis, he wrote home to his father, saying he had married "a woman from Glasgow," Elizabeth Wright, [61] and was "living comfortably... planning to move to California... if we could sell... the house." Nothing more is known.[62]

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[59] From Upper Canada to Lower Canada to the ship captain to the Liverpool jailor.

[60] In fact, over the next few years, some of them did return home to Upper Canada.

[61] According to Alves family genealogy.

[62] Helen Alves, "The Story of William Alves."

Alves' Role in the "Flag of Truce" Controversy

But there is one more episode in this William Alves narrative. En route to Ohio in October 1839, Alves (probably travelling with Parker) stopped in Rochester, New York, where he visited Mackenzie, who, by then, was in jail, having been convicted of violating American neutrality laws.[63] Nonetheless, he continued to publish his *Mackenzie's Gazette* newspaper. At the editor's urging, Alves recorded his memories of the historic first week of December 1837 and left the document with Mackenzie. The degree of detail in the account indicates Mackenzie himself wrote much of it. (It includes details Alves cannot have known and refers to events at which Alves was not present.) Its central message: the rebellion's failure was not Mackenzie's fault but—though not named—John Rolph's.

In November, Mackenzie sent a copy of the account to the editor of the *New York Reformer*, who published it, naming Alves


HEAD'S FLAG OF TRUCE.

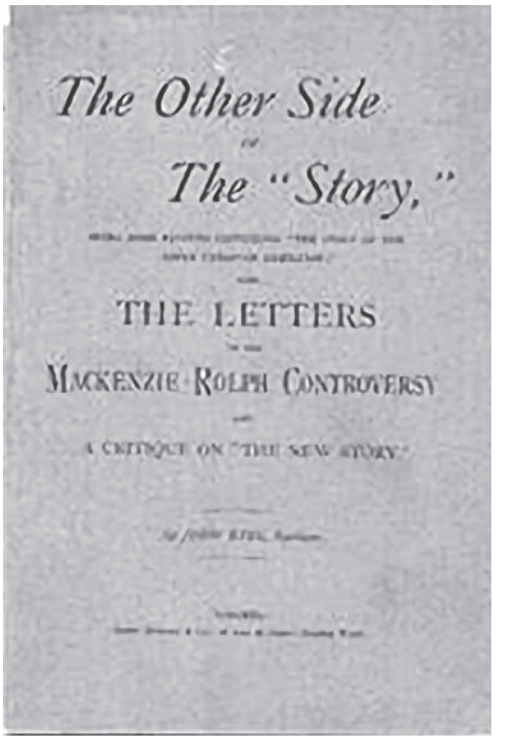
The Other Side
or
The "Story,"
THE LETTERS
MACKENZIE-ROLPH CONTROVERSY

Image 5: Mackenzie Pamphlet: Head's Flag of Truce, 1854, John King Pamphlet: The Other Side of the Story, 1886

[63] For details of this chapter in Mackenzie's life, see "The months of imprisonment," chapter 4 of Lillian F. Gates, *After the Rebellion: The Later Years of William Lyon Mackenzie* (Toronto: Dundurn Press, 1988).

as its author.[64] Other American newspapers proceeded to republish it—in December, Mackenzie himself published an abridged version in his *Caroline Almanac*.[65]

The controversy did not end there. One incident of the Rebellion week became the focus of disagreement. On Tuesday, 5 December, as the rebel army led by Lount and Mackenzie advanced on the city, they met, carrying a flag of truce, three emissaries of Lt.-Gov. Bond Head. One of them, to the rebels' surprise, was one of their own leaders, John Rolph. Which side was he on? According to Alves' version of the incident, Rolph urged the rebels to advance on the city immediately—to delay would be disastrous—forces loyal to the government were on their way.

The rebel army did not advance on Toronto on Tuesday. The rebellion collapsed on Thursday. However, the controversy over Rolph's actions did not end. It erupted in the 1850s. Mackenzie, in his newspaper, repeated his (possibly Alves') version of the "Flag of Truce" tale. It erupted again thirty years later with Charles Dent's published history of the Rebellion with its praise of Rolph and critique of Mackenzie and John King's immediate defence of his father-in-law. The controversy remains unsettled. It was reviewed again in the 1930s but has attracted little attention since.[66]

Conclusion

William Alves was an ordinary man living in an extraordinary time. In early December 1837, the twenty-one-year-old carpenter had been in Upper Canada less than three years—in Toronto but a few months—when he was abruptly plunged into the middle of an armed rebellion.

"It is a glorious cause and I will die for it," William Alves reportedly declared as a motley crew of a few hundred men gathered for their final, fatal attempt to replace British rule in Upper Canada. In truth, it was a lost cause, and mercifully, few died for it.

Alves, like nearly all his rebel comrades, fought, failed, suffered, and survived. He was born but uprooted from Torres near Glasgow, employed but unsettled in Toronto, jailed and moved to Fort Henry. Alves' transportation to Van Diemen's Land was interrupted in Liverpool. He was judged, freed, and abandoned in London. Eventually, he returned to North America and settled in Cincinnati. Alves married and moved to California. About him, nothing later is known.

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[64] William Alves, "Strictures on Mr. Mackenzie's Conduct at Toronto During the Insurrection, 1837, Answered," *New York Reformer*, 19 October 1837.

[65] William Lyon Mackenzie, *Caroline Almanac and American Freeman's Chronicle for 1840* (Rochester: Mackenzie's Gazette office, 1839).

[66] William Lyon Mackenzie, "Head's Flag of Truce", *Mackenzie: Weekly Message Extra* (7 April 1854); Charles Lindsey, *The Life and Times of William Lyon Mackenzie* (1862), 81–86; Charles Dent, *The Story of the Upper Canada Rebellion,* vol. II, chapter 3; John King, *The Other Side of the Story* (Toronto: James Murray, 1886). See also John Rolph, "The Flag of Truce 1837", Library and Archives of Canada, John Rolph Papers, Mg24, B24, Vol. 2," and C.B. Sissons, "Dr. John Rolph's Own Account of the Flag of Truce

Rebellion—overthrowing the establishment, altering the status quo—was a cause now lost and nearly forgotten. But Alves himself ought not to be totally forgotten. This tale of an ordinary man caught up in "a glorious cause" is worth recalling and retelling.Inscribed on a box he crafted nearly two centuries ago, but preserved and cherished by a descendant, are lines of Robert Burns:

> I long have thought my youthful friend
> A something to have sent you.
> Tho' it should serve another end,
> Than just a kind memento.[67]

Incident," *Canadian Historical Review* 19:1 (March 1938).

[67] Robert Burns, "Epistle to a Young Friend."

Note: Researching and writing this paper would not have been possible without the assistance of Alves descendant Helen Alves, the suggestions of two anonymous reviewers, the shared knowledge of colleagues Darryl Withrow, Linda Corupe and Robert Harvey, and the advice, knowledge, and encouragement of John C. Carter.