

# **The Law Society of Upper Canada Archives**

John Smith fonds

PF15

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## TABLE OF CONTENTS

Biographical Sketch

Custodial History

Scope and Content

Series Descriptions:

|        |                             |
|--------|-----------------------------|
| PF15-1 | Correspondence and notebook |
| PF15-2 | Financial records           |
| PF15-3 | Legal records               |
| PF15-4 | Published material and poem |
| PF15-5 | Sketches                    |

Appendix: Listing of Correspondence

## **Biographical Sketch**

John Smith (fl. 1843-1880) was a businessman and attorney in Campbellton, Dereham Township, Oxford County, Ontario.

## **Custodial History**

The records in this fonds appear to have been owned by Alexander R. Duncan, grandson of Robert Gourlay. At an unknown date, Duncan transferred the records to Justice William Renwick Riddell. The records were received by the Archives of the Law Society of Upper Canada Archives in 1984.

## **Scope and Content**

1759-1891; predominant 1842-1880  
13 cm of textual records

Fonds consists of records created and maintained by business agent and attorney, John Smith. The fonds primarily documents his dealings with two clients, Robert Gourlay, and his daughter, Helen Gourlay. These dealings centre on land transactions and disputes with tenants over land owned by the Gourlay's in Dereham Township, Oxford County, Ontario. The fonds documents the lives of Robert Gourlay and his family, through correspondence and various publications maintained by Smith. There is a possibility that Alexander Duncan or Justice Riddell added records to those originally maintained by Smith.

The fonds is divided into five series based on format: correspondence and notebook, financial records, legal records, published material and poem, and sketches. The arrangement of the fonds was imposed by the Archivist, as there was little distinguished order to the records as originally received.

The records in the fonds were previously known as: Robert Gourlay Papers, M27.

**John Smith fonds**

**PF15**

**Correspondence and notebook**

**PF15-1**

1759-1891; predominant 1850-1880  
3.5 cm of textual records

Series consists of correspondence created or maintained by John Smith, primarily in his capacity as a business agent and attorney. The correspondence focuses on his business dealings with several individuals, including Robert Gourlay, Helen Gourlay, and Alexander R. Duncan, grandson of Robert Gourlay. The correspondence also documents the personal relationship between Helen Gourlay and Mrs. Smith. Also included is correspondence from Robert Gourlay to Helen Gourlay, which was maintained by Smith. The series also includes transcribed copies of correspondence sent by Alex Hamilton to his aunt, Jean Hamilton Henderson, mother of Gourlay's first wife. Also included is a letter by Robert Gourlay to King George IV, written while incarcerated in Cold Bath Fields House of Correction. Several files contain the original envelope in which the correspondence was mailed. The series also includes a notebook containing transcribed religious texts, as well as an 1824 letter by Robert Gourlay, written while incarcerated in Cold Bath Fields House of Correction. The creator of the religious text transcriptions is unknown.

The files in this series were created from loose records. Files are arranged alphabetically. A list of file contents is available at the end of the finding aid.

| <u>Reference code</u> | <u>Title</u>  | <u>Dates</u> |
|-----------------------|---|--------------|
| 984045-001            | Copies of correspondence sent by Alex Hamilton<br>(1813,1827) | [186-?]      |
| 984045-002            | Copies of correspondence sent by John Smith                   | 1857-1866    |
| 984045-003            | Correspondence received by Helen Gourlay                      | 1850-[186-?] |
| 984045-004            | Correspondence received by John Smith                         | 1853-1880    |
| 984045-005            | Correspondence received by Mrs. Smith                         | 1870-1891    |
| 984045-006            | Notebook  | 1759-1824    |
| 984045-026            | Letter from Robert Gourlay to King George IV                  | 20 Oct. 1825 |

**John Smith fonds**

**PF15**

**Financial records**

**PF15-2**

1855-1864

1.5 cm of textual records

Series consists of financial records created and maintained by John Smith, in his capacity as a business agent and attorney. The series primarily documents his business and legal dealings with two clients, Helen Gourlay and Robert Gourlay. The series includes promissory notes, bills, lists of account transactions, receipts, a list of lands and names of tenants, a valuation of land for rents, and a cheque.

The financial records and legal records were separate when received by the Archives. Files in this series were artificially constructed from these loose records. Files are arranged alphabetically.

| <u>Reference code</u> | <u>Title</u>                         | <u>Dates</u> |
|-----------------------|--------------------------------------|--------------|
| 984045-007            | Financial records re: Helen Gourlay  | 1859-1864    |
| 984045-008            | Financial records re: Robert Gourlay | 1855-1861    |
| 984045-009            | Miscellaneous financial records      | 1860         |

**John Smith fonds**

**PF15**

**Legal records**

**PF15-3**

1855-1868

3 cm of textual records

Series consists of legal records created and maintained by John Smith, in his capacity as a business agent and attorney. The series documents his legal dealings with two clients, Helen Gourlay and Robert Gourlay. These dealings centre on land transactions and disputes with tenants over land owned by the Gourlay's in Dereham Township, Oxford County, Ontario. The series includes leases, powers of attorney, subpoenas, affidavits of disbursement, admissions, a bond to sheriff, a report, an arbitration bond, an examination and award for court case, and a writ.

The financial records and legal records were separate when received by the Archives. Files in this series were artificially constructed from these loose records. Files are divided by client, and arranged alphabetically within each grouping.

| <u>Reference code</u> | <u>Title</u>  | <u>Dates</u>  |
|-----------------------|---|---------------|
| 984045-010            | Leases re: Helen Gourlay  | 1860, 1866    |
| 984045-011            | Legal documents re: Helen Gourlay   | [186-?], 1864 |
| 984045-012            | Power of attorney - Helen Gourlay and Jean Gourlay<br>to John Smith and Samuel B. Freeman | 1864          |
| 984045-013            | Legal documents re: Robert Gourlay  | 1855-1868     |
| 984045-014            | Power of attorney - Robert Fleming Gourlay to<br>John Smith                               | 1861          |

**John Smith fonds****PF15****Published material and poem****PF15-4**

1840-1879

5 cm of textual records

Series consists of published material maintained by Smith, the majority of which was authored by his client, Robert Gourlay. The series consists of published booklets, published correspondence, broadsides, a newspaper, and a legislative amendment. The back cover of the booklet Wrongs in Canada contains an 1863 letter to John Smith by Robert Gourlay. The series also includes a poem in Robert Gourlay's hand, bearing the notation as Robert Gourlay's last poem.

Files are arranged alphabetically.

| <u>Reference code</u> | <u>Title</u>   | <u>Dates</u>     |
|-----------------------|--|------------------|
| 984045-015            | The banished Briton and Neptunian. No. 1.  | 1843             |
| 984045-016            | Chronicles of Canada: being a record of Robert Gourlay, Esq. now Robert Fleming Gourlay, "The Banished Briton". No. 1.                             | 1842             |
| 984045-017            | Circular re: Edinburgh town council proceedings  | [1856?]          |
| 984045-018            | The Commonweal, and Canadian Farmer's Joint Stock Press  | 21 May 1842      |
| 984045-019            | First prize design for laying out the Meadows - Edinburgh, as a public park, compared with a design yet unprized.                                  | [1855?]          |
| 984045-020            | Legislative amendment re: Act to define the Elective Franchise, to provide for the registration of votes, and for other purposes therein mentioned | 1858             |
| 984045-021            | Published correspondence re: Robert Gourlay  | [1854?], [1859?] |
| 984045-022            | Robert Gourlay's "last poem"   | [1863?]          |
| 984045-023            | The Spectator  | 22 Mar. 1879     |
| 984045-024            | Wrongs in Canada   | 1863             |
| 984045-027            | The banished Briton, mediator & appellant  | 1 Aug. 1840      |

**John Smith fonds**

**PF15**

**Sketches**

**PF15-5**

[186-?]  
3 items

Series consists of three pencil sketches maintained by John Smith. The sketches depict the Scotch Church at Queenston from the veranda of Mrs. A. Hamilton's house; house of Dr. Hewat, the Indian doctor at Tuscarora; and, a view of Brock's Monument at Queenston Heights.

| <u>Reference code</u> | <u>Title</u> | <u>Dates</u> |
|-----------------------|--------------|--------------|
| 984045-025            | Sketches     | [186-?]      |

## Appendix : Listing of Correspondence

| File       | To   | From   | Date                            |
|------------|--|--|---------------------------------|
| 984045-001 | Aunt [Jean Henderson]                              | A. Hamilton  | 4 July 1813;<br>Copied [186-?]  |
|            | Aunt [Jean Henderson]                              | Alex Hamilton and<br>H.O. Hamilton   | 21 Dec. 1827;<br>Copied [186-?] |
| 984045-002 | R.F. Gourlay                                       | W. Smith and Andrew<br>Stuart [report of John<br>Smith, W. Smith, Andrew<br>Stuart and James Williams] | 11 Dec. 1856                    |
|            | Miss Gourlay                                       | John Smith   | 2 Apr. 1860                     |
|            | Miss Gourlay                                       | John Smith   | 9 Aug. 1860                     |
|            | Carroll & Beard                                    | Robt. F. Gourlay by John<br>Smith  | 9 Aug. 1860                     |
|            | S.B. Freeman                                       | John Smith   | 1 Oct. 1860                     |
|            | Miss Gourlay                                       | [unsigned]   | 26 Oct. 1860                    |
|            | Miss Gourlay                                       | John Smith   | 15 Dec. 1860                    |
|            | Miss Gourlay                                       | [unsigned]   | 25 Feb. 1861                    |
|            | Miss Gourlay                                       | [unsigned]   | 29 Oct. 1861                    |
|            | Reeve and Councilors of<br>the Township of Dereham | Helen Gourlay by John<br>Smith   | [1863?]                         |
|            | S.B. Freeman                                       | John Smith   | 1864-1866                       |
| 984045-003 | Helen [Gourlay]                                    | R.F.G. [Robert Fleming<br>Gourlay]   | 22 June 1850                    |
|            | Helen [Gourlay]                                    | Rob. F. Gourlay  | 1 July 1850                     |
|            | Helen [Gourlay]                                    | John Duncan  | [186-?]                         |
| 984045-004 | Mr. Smith  | A.R. Duncan  | 14 May [186-?]                  |
|            | Sir [John Smith]                                   | H.B. Beard   | [186-?]                         |
|            | Sir [John Smith]                                   | W. Haliday   | 7 May 1853                      |

|                         |                            |                 |               |
|-------------------------|----------------------------|-----------------|---------------|
| 984045-004<br>continued | John Smith                 | James Kintrea   | [1857?]       |
|                         | John Smith                 | Rob. F. Gourlay | 12 May 1857   |
|                         | Sir [John Smith]           | Rob. F. Gourlay | 15 May 1857   |
|                         | Sir [John Smith]           | Rob. F. Gourlay | 12 Nov. 1857  |
|                         | Sir [John Smith]           | Rob. F. Gourlay | 22 Apr. 1859  |
|                         | Sir [John Smith]           | Carroll & Beard | 11 June 1859  |
|                         | Sir [John Smith]           | Helen Gourlay   | 5 Sept. 1859  |
|                         | Sir [John Smith]           | H.B. Beard      | 10 Dec. 1859  |
|                         | Mr. Smith                  | Helen Gourlay   | 28 Feb. 1860  |
|                         | John Smith                 | Mary Gourlay    | 19 Mar. 1860  |
|                         | John Smith                 | Mary Gourlay    | 28 Mar. 1860  |
|                         | Sir [John Smith]           | H.B. Beard      | 3 Apr. 1860   |
|                         | Sir [John Smith]           | Carroll & Beard | 4 Apr. 1860   |
|                         | Sir [John Smith]           | Carroll & Beard | 4 June 1860   |
|                         | Sir [John Smith]           | H.B. Beard      | 18 June 1860  |
|                         | John Smith                 | M. Marwood      | 14 July 1860  |
|                         | Miss Gourlay or John Smith | I.W. Woodward   | 16 July 1860  |
|                         | Sir [John Smith]           | H.B. Beard      | 18 Sept. 1860 |
|                         | Sir [John Smith]           | Rob. F. Gourlay | 22 Oct. 1860  |
|                         | Mr. Smith                  | Helen Gourlay   | 22 Nov. 1860  |
|                         | [John Smith]               | Helen Gourlay   | 12 Jan. 1861  |
|                         | Sir [John Smith]           | David White     | 7 Aug. 1861   |
|                         | John Smith                 | S.B. Freeman    | 9 Jan. 1862   |
|                         | Sir [John Smith]           | Wm. Cork        | 13 Oct. 1863  |
|                         | John Smith                 | S.B. Freeman    | 4 Aug. 1866   |
|                         | John Smith                 | S.B. Freeman    | 24 Aug. 1866  |
|                         | John Smith                 | Alex. R. Duncan | 19 July 1867  |

|                         |            |               |               |
|-------------------------|------------|---------------|---------------|
| 984045-004<br>continued | Mr. Smith  | A.R. Duncan   | 10 May 1870   |
|                         | Mr. Smith  | Helen Gourlay | 13 Mar. 1871  |
|                         | Mr. Smith  | A.R. Duncan   | 10 Apr. 1872  |
|                         | Mr. Smith  | Helen Gourlay | 6 Aug. 1880   |
| 984045-005              | Mrs. Smith | Helen Gourlay | 13 Jan. 1870  |
|                         | Mrs. Smith | Helen Gourlay | 28 Oct. 1871  |
|                         | Mrs. Smith | Helen Gourlay | 6 Oct. 1876   |
|                         | Mrs. Smith | Helen Gourlay | 28 Sept. 1891 |