

Montreal, 15th September 1832.

To Joseph Roy, Esquire, one of His Majesty's Justices of the Peace.

Sir,

The Judges of the Court of King's for this district, request that you will lay before them between this and Monday morning next, by ten o'clock, any depositions you may have taken or that may be in your possession, on which the warrant issued by you against Lieutenant of McIntosh and Captain Temple, of the 15th Regt. for murder, was grounded.

I have the honor to be,  
Sir,  
your most obedient and  
humble servant,

(Signed) JNO. DELISLE, Clk. Cr.

A true Copy.  
Jno. Delisle, Clk. Cr.

Montreal, 17th December 1832.

Sir,

I have the honor of acknowledging the reception of your letter of the 15th inst. whereby you inform me that the Judges of the Court of King's Bench, require me to transmit to them the affidavits upon which I issued a warrant against Lieutenant Colonel Macintosh and Captain Temple; I must observe to you that this warrant not having been executed, I do not conceive I ought to deliver up these documents, in as much as from the moment they will have been given, I will be charged with a duty of which I have not yet acquitted myself. So soon as this warrant shall be executed, I will hasten to transmit the affidavits in question.

I have the honor to be, &c.

(Signed) JH. ROY.

John Delisle, Ecuyer,  
Montreal.

A true Copy.  
Jno. Delisle, Clk. C.

DISTRICT OF } TO WIT: --  
MONREAL. }

[L. S.]

WILLIAM THE FOURTH, by the Grace of God,  
of the United Kingdom of Great Britain and Ireland  
King, Defender of the Faith,

To Benjamin Delisle, High Constable of the District  
of Montreal, Greeting:

We command you that the bodies of Alexander

Fisher McIntosh and Henry Temple, in your custody, as it is said detained, together with the day and cause of the capture and detention by whatsoever name they may be called in the same you have before the Honorable James Reid, our Chief Justice of our Court of our Bench, immediately after the receipt of this writ, to demand and receive what our said Chief Justice shall then and there consider concerning them in this behalf, and have you then and there this writ.

Witness the Honorable James Reid, our Chief Justice of our said Court, at Montreal, this fifteenth day of September, in the year of our Lord one thousand eight hundred and thirty two.

(Signed) JNO. DELISLE, Clk. Cr.  
True Copy.  
Jno. Delisle, Clk. Cr.

Of the warrant under which I have arrested and obtained the within named persons, I have herewith annexed a copy, and the said warrant is my sole authority for their arrest and detention, all which I do humbly certify and return, and also that I have their bodies here ready, as within I am commanded.

Montreal, 15th September 1832.

(Signed) BENJ DELISLE,  
High Constable.

True Copy.  
Jno. Delisle, Clk. Cr.

The within named Alexander Fisher McIntosh and Henry Temple, having been brought before us, the Honble. James Reid and George Pyke, Justices of the Court of King's Bench for the District of Montreal, by virtue of the within writ of Habeas Corpus, sued out in this behalf, and having heard the parties thereon and seen the proceedings had before the late Court of King's Bench, holding Criminal Jurisdiction in and for the said District, by which it appeared that Bills of Indictment had been presented against the said Alexander Fisher McIntosh and Henry Temple, to the Grand Jury of the said District, in that Court for the same offence and accusation as stated in the annexed return and warrant certified to us, which said Bills of Indictment had been ignored by that Grand Jury, & the said Alexander Fisher McIntosh and Henry Temple, had thereupon on the first day of September instant, been discharged by the said Court from that accusation.

We do hereby order and direct by and with the consent, and at the request of the Solicitor General appearing on behalf of the Crown, that the said Alexander Fisher McIntosh and Henry Temple, be forthwith liberated and discharged from their arrest under the aforesaid warrant without bail or main prize.

Montreal, 17th September, 1832.

(Signed) J. REID, Ch. J. K. B.  
GEO. PYKE, J. K. B.

True Copy.  
Jno. Delisle, Clk. C.