

Mr. H. Black rose and said that he had another objection to urge of a totally different character from those on which the opinion of Mr. Justice Cochrane was given, and one which must at once set aside the indictment. The prisoner was charged with stealing 228 notes of one dollar each, 292 of two dollars each, 1370 of five dollars each and so on to the \$100 notes. Now the Bank had never issued a note for one dollar, two dollars, five dollars or any other number of dollars, they were too knowing to do any such thing. The one dollar notes, as they were commonly called, were promises to pay five shillings, the 25 cent shillings, 5's one pound five shillings &c. If the Bank promised to pay one dollar they would have to give a dollar. This variance was fatal to the indictment and must at once stop further proceedings. The notes issued by the Branch Bank had been proved in the course of the prosecution and one of each denomination was in possession of the Court, and he (Mr. B.) craved reference thereto. He (Mr. B.) was surprised that the accusers of the learned counsel on the other side had not discovered the object with which the notes had been produced and proved by the counsel for the defence.

Mr. Justice Cochrane.—The note I have in my hand has "one dollar" on it in several places.

Mr. H. Black.—That is only the ornamental part of the note, that is the flourish on the margin. The note is distinctly a note drawn for five shillings.

Mr. Justice Duval.—The objection is that the allegations in the indictment are not descriptive of the character of the notes.

Mr. Aylwin.—Exactly.

After a few more words had passed, Mr. Aylwin argued the question at some length. Among other observations he noticed the fact that the value of the "dollar" is continually fluctuating while the value of a "pound" is always fixed. The variance was thus rendered not literal but substantial.

Mr. Primrose replied: The objection could not be sustained. These notes had not been read to the Court, and were, consequently, not proved. The prisoner in his *horedereu* admitted that he had in his possession a certain number of "dollar" notes of various denominations, and Mr. Simpson had proved that the Bank had been robbed of "dollar" notes. Until it could be proved, therefore, that the notes lost were not of that description the objection must fall. I object to answer the objection until the prisoner has entered upon his defence. The notes have not been read.

Mr. Aylwin.—They were read by Mr. Simpson. Mr. Primrose.—The notes have not been read as evidence. They were not produced for the prosecution, and were not read with the other documents produced on our side.

Considerable discussion ensued, in the course of which it appeared that some difference existed in the notes of the Judges with regard to a portion of the testimony of Mr. Simpson, who was again called, and shown the notes previously produced.

Examined by the Court.—The \$1 note is one of the new issue. There is a difference between the notes of the old and new issues, as stated by me in the second day of my examination. Some of the old notes were worded "one dollar," "two dollars," others were for "five shillings," "ten shillings"—some of them I think mentioned both *deux piastres* and "ten shillings" in the body of the note. There have been a great many plates of the \$5 notes of the old issue; the one now produced is for one pound five shillings, some of them were for five dollars. There were also many plates of the old issue of 10 dollar notes, the wording of some of them two pounds ten shillings, the other notes above that amount were worded twenty dollars, fifty dollars, hundred dollars, there may have been some worded five pounds, &c.

Mr. Justice Duval, before giving the reasons why the Court could not sustain the last objection, disposed of the question respecting the house which, the learned judge held could not be considered a dwelling house in the eyes of the law as it exists in this country. Mr. Bolton, it appeared from the evidence, was a mere tenant at will, liable to be turned out *de die in diem*, without receiving any remuneration from the Bank. The capital part of the charge must therefore fall.—In this opinion Mr. Justice Cochrane concurred.—Mr. Justice Duval then explained at considerable length his reasons for overruling the various objections raised by the prisoner's counsel to the case being submitted to the Jury

Mr. Aylwin addressed the Jury on the defence in a very powerful speech, in the course of which he commented with severity on the manner in which it had been proved that the affairs of the Branch Bank of Montreal at Quebec had been conducted. It was impossible, the learned gentleman stated, to convict the prisoner of the charge preferred against him, as specific notes or sums having been proved to have been lost by the Bank at all. With regard to the £10,000 received from Montreal it had been admitted that it had been handed over on the 1st March, by the prisoner.

Mr. H. Black followed, and in a speech of great eloquence commented on the evidence adduced. In the course of his remarks he observed that the defalcation of £13,000 would only amount to four pence per hundred pounds on the total amount that had passed through the hands of the prisoner since he entered the Bank. Mr. B. also dwelt with much force upon the fact that during nine years, the floating balance in the hands of the prisoner had been counted on by an solitary occasion by the officer whose duty it was to do so twice a month.

No witnesses were called for the defence. The Judges retired for a short time. On their return to Court, Mr. O. Stuart contended that the counsel for the prosecution had a right to reply.

This was overruled on the established principle, that when no witnesses are examined there can be no reply.

Mr. Justice Cochrane then summed up. At about six o'clock the Jury retired, and remained absent for one hour and ten minutes. On their return, they were asked the usual question, "Are you agreed upon your verdict, and who shall speak for you?" To this the reply was that they were agreed, and that Mr. Charles Phillips would speak for them.

The sound of a pin falling on the floor might now have been heard throughout the apartment, but when the Foreman of the Jury pronounced the words "NOT GUILTY," an exhalation of feeling ensued, which was very unseemly in a Court of Justice.—Cheers, stamping of feet, and the violent contact of sticks and umbrellas with the floor and the benches, raised a noise that appeared to astound the very walls of the venerable chamber in which the unusual sounds were emitted. As soon as order was restored by the Officers of the Court, Mr. Justice Duval reproached, in very strong terms, the flagrant breach of decorum—the insult to a Court of Justice—which it had then been his misfortune to witness. He assured those present that he would spare no exertions in endeavouring to bring the offenders to punishment for their outrageous and disgraceful conduct; and he strictly charged the Officers of the Court to employ themselves actively in endeavouring to discover the delinquents—and until this was done he should hold all the Officers, from the Sheriff downwards, responsible for the outrage.

Notwithstanding the length to which the report of this trial has extended, much has, of necessity, been omitted, not of the evidence—for that is pretty full—but of the arguments of Counsel on an infinity of points of law mooted during the progress of the case. The defence could not have been better conducted, we think, than it was by Messrs. Black and Aylwin, who contested every debatable point of the case with great ability.

The persons convicted of high treason in Montreal and Upper Canada, arrived here yesterday, and are now on their way to Van Diemen's Land, the *Buffalo* having sailed this morning. The editor of the *Canadian* thus chronicles the arrival of his friends:—

Finis coronat opus.

THE POLITICAL EXILES.—58 of these unfortunate victims have arrived here from Montreal, and have been put on board the *Buffalo*.

The following is a list of those convicted at Montreal:—

- Jean Louis Thibert, Yeoman;
- Jean Marie Thibert, do.;
- Léandre Ducharme, Clerk;
- Joseph Guzman, Labourer;
- Louis Guerin dit Dussault, alias Blanc Dussault, Baker;
- François Maurice Lepailleur, Bailiff;
- Charles Haot, Yeoman;
- Achille Morin, Gentleman;
- Joseph Jacques Hébert, Labourer;
- Hubert Drossin Leblanc, Yeoman;
- David Drossin Leblanc, do.;
- Pierre Hector Monin, Gentleman;
- Joseph Paré, Yeoman;
- Paschal Pinsonneault, do.;

- Théophile Robert, do.;
- Jacques Longtin, do.;
- Ignace Gabriel Chevreuil, do.;
- Joseph Dumouchel, do.;
- Louis Dumouchel, Interpreter;
- Jacques Goyette, Yeoman;
- Toussain Rochon, Bailiff;
- Frs. Xavier Prieur, Merchant;
- Jean Laberge, Carpenter;
- François Xavier Touchette, Blacksmith;
- Pierre Lavoie, Yeoman;
- Antoine Coupal dit Larcene, do.;
- Théodore Béchard, do.;
- Théodore Riguesse dit Beaucaire, do.;
- Joseph Marceau dit Petit Jacques, do.;
- Louis Turcot, do.;
- Leino Bourbonnais, Labourer;
- Charles Roi dit Lapensee, Senior, Yeoman;
- François Xavier Prevost, Interpreter;
- André Papineau dit Montigny, Blacksmith;
- David Gagnon, Yeoman;
- Jean Bourdon, do.;
- Jean Baptiste Bousquet, Miller;
- Joseph Guérin, Yeoman;
- Charles Guillaume Houe, do.;
- Edmond Paschal Rochon, Carriage-Maker;
- Louis Defaillet, Yeoman;
- Jacques David Hébert, alias David Jacques Hébert, Yeoman;
- Hypolite Lanctôt, Notary;
- Moyse Longtin, son of Jacques, Yeoman;
- René Pinsonneault, do.;
- Etienne Longueoeil, Labourer;
- Moyse Longtin, son of Jacques, Yeoman;
- Nichol Alary, Joiner;
- Joseph Goyette, Carpenter;
- Basil Roy, Yeoman;
- Joseph Roy dit Lapensee, son of Louis, Labourer;
- Frédéric Hudson, Bailiff;
- C. Bergeron dit Langevin, Yeoman;
- Jean Baptiste Trudel, Labourer;
- Samuel Newcomb, Doctor;
- Jérémie Rochon, Wheelwright;
- Benjamin Mott, Yeoman.—Total, 58.

QUEBEC BRANCH, CITY BANK.
The Bank is now open for Discounts and Deposits.
 EXCHANGE ON LONDON
 AND DRAFTS ON NEW YORK SOUTH AND AFRICA.
G. GETHINGS,
 Cashier.
 27th Sept.

SURGEON DENTIST.
S. SPOONER, partner of Dr. W. Spooner, having arrived in Quebec, professes his professional services to the Ladies and Gentlemen of Quebec and its vicinity.
 He will be found constantly at the Allion Hotel, Room No. 13. Hours from 9 to 12, and from 2 to 5 o'clock.
 He is well furnished with superb Mineral Teeth, Tooth Brushes and Powder, &c.
 Quebec, Sept. 16th, 1839.

FOR CHARTER.
THE A 1 Brig HARMONIS,
 JOHN ARNETT, Commander, 232 tons, will accept of a Charter to any safe Port in Great Britain or Ireland.—Apply to
WM. PRICE & CO.
 11th September.

R. C. TODD, HERALD PAINTER,
 No. 16, St. Nicholas Street,
AUCTION SALES.
Rice, Tobacco, Tea, Coffee, Whiskey, &c.

BY PETER SHEPPARD.
 On WEDNESDAY next, the 2nd October, at TWO o'clock, at the Stores of JOHN YOUNG, Esq., Gibb's Wharf, (late Goudie's.)
THIRTY-FOUR Tierces best Rice,
10 Kegs, Plug Tobacco,
 60 half do.
 24 Boxes Cavendish Tobacco,
 12 Tins Honey Dew do. 37½,
 32 Chests Souchong Tea,
 54 Boxes do do.
 95 do do do 30 lbs each,
 96 do Pecco Tea, 17 lbs each,
 62 Chests Hyson Skin Tea,
 24 Boxes Gunpowder do.
 40 Bags Roasted Coffee.
 54 Barrels do Java Coffee, very fine,
 9 Bags superior Green Coffee,
 10 Puncheons Whiskey, 17 per cent overproof.
 150 Barrels Rosin,
 100 do Pitch,
 100 do Tar,
 20 do Spirits of Turpentine,
 140 Boxes Digby Herrings,
 150 dozen Corn Brooms,
 25 Boxes assorted fancy Soaps,
 1 Case Liqueur,
 12 dozen Painted Pails,
 14 Barrels Cayenne Pepper,
 10 do Hemp and Canary Seeds,
 60 Boxes Bunch Muscated Raisins,
 40 Half Chests Fir-oil.
 Quebec, 27th Sept. 1839.

THEATRE ROYAL.
THE THEATRICAL CLUB.
 ON MONDAY THE 7TH OCTOBER,
 WILL BE PERFORMED
THE FLOATING BEACON.
 After which the laughable farce of the
VILLAGE LAWYER.
 And on TUESDAY EVENING THE FLOATING BEACON will be repeated with the soul-stirring and romantic Drama, called
GILDEROY, OR THE BONNY PET.
 Upper and Lower Boxes, 5s.—Pit, 2s. 6d.
 Doors open at seven.—Performance to commence at eight.—For further particulars see small bills.
 VIVAT REGINA.
 27th September.

NOTES UPON THE South Western Boundary Line OF THE BRITISH PROVINCES OF LOWER CANADA AND NEW BRUNSWICK, AND THE UNITED STATES OF AMERICA.
 A few copies of the above pamphlet, pp. 2s. 6d., just received and for sale by
WM. COWAN & SON.
 27th September.

ST. GEORGE'S SOCIETY.
 THE MEMBERS are requested to take notice, that (Michaelmas day falling Sunday) the general Quarterly Meeting of the Society will be held on SATURDAY NEXT, the 28th Inst. at the Allion Hotel at 3 P. M.
 Members are particularly requested to punctual in their attendance, as it is proposed that, before entering upon the business of the day, the Society shall proceed in a body to view the Portrait of HER MAJESTY, by the receipts arising from the exhibition of Painting, being in aid of the funds of the *Charitable Society of the Sons or St. George at Philadelphia*, for whom the Pictures originally painted.
 Wm. PATTON,
 27th Sept. President.

SWOLLER BROS.
THE Durham Lodge of Independent Fellows, will meet at the Tiger Upper Town Market (Mrs. Corbett's) MONDAY EVENING NEXT, at 7 o'clock P. M., and it is requested members will attend as business of import will be brought before the Lodge.
 By order,
 M. N. G.
 27th September.

NOW LANDING, AND FOR SALE BY THE SUBSCRIBERS FOUR HUNDRED Bbls. FLOUR, (of different qualities.)
 20 Tierces Rice,
 25 bbls. Roasted Coffee,
 10 bags superior Cuba Green Coffee,
 20 kegs superior Plug Tobacco.
 AND IN STORE:—
 Jamaica Rum, Hamburg ditto, 10 Leaf Tobacco, sweet Malaga Wine, Arrow Root, Spirits Turpentine, &c.
HENDERSON & CO
 Quebec, 23rd Sept. 1839.

WATER-PROOF COATS.
A LARGE ASSORTMENT OF MAC TOSH COATS, Cloaks and Caps, received by
ROBERT CAIRNS
 No. 20, Mountain St.
 25th Sept.

J. BOOMER & CO.
Cabinet-Makers, Upholsters, Undertakers, &c. &c.
 MOST respectfully intimate to the public that they have commenced business at the house, No. 12, St. John Street, St. J. Suburbs, (lately occupied by R. Bouché) where all orders will be received and executed in a superior manner, and at prices far less than usual.
 Picture Frames neatly manufactured.
 Quebec, 4th Sept. 1839.