

Of the twenty-one others tried for high treason at this Assizes ten were acquitted and eleven convicted;³³ of the latter class, one died in gaol one escaped and the statute of March 6, 1838, 1 Vic., c. 10, saved the life of one of the rest.

That statute provided that before arraignment every person charged with treason might petition for pardon; and, if pardoned, the effect would be the same as on an attainer; and the pardon might be on condition of transportation or banishment for life or for a term of years. In all the other cases there were pardons either conditional or otherwise, so that no one was executed.

I here subjoin copies of letters of the time, kindly furnished me by Dr. Janet M. Armstrong, of Cobourg, granddaughter of James Peters and of George Armstrong, brother of William Armstrong. I have also to thank Dr. Armstrong for copies of the *Guelph Mercury and Advertiser* to which I have referred.

Wednesday, March 25	Horatio Hills, Guilty. Willard Sherman, Not Guilty
Thursday, March 29.....	Stephen Smith, Guilty. Nathan Town, Guilty.
Friday, March 30.....	Charles Walrath, Guilty. William Lyons, Not Guilty. Oliver Smith, Not Guilty.
Saturday, March 31.....	Adam Yeigh, Not Guilty. George Rouse, Not Guilty. John Leonard Ulme, Not Guilty. Samuel Marlatt, Not Guilty. Isaac B. Malcolm, Guilty. Finlay Malcolm, Not Guilty. Norman Malcolm, Not Guilty. Peter Malcolm, Guilty. Ephraim Cook, Guilty. Elias Snyder, Guilty.
Monday, April 2.....	William Webb, Guilty. John Tufford, Guilty. John Hammill, Guilty.
Tuesday, April 3.....	Solomon Lossing, J.P., Not Guilty.

Those found guilty were sentenced Wednesday, April 4, and the Court adjourned.

Horatio Hills died in gaol after his sentence had been commuted to banishment for life; Charles Walrath escaped from gaol; Stephen Smith was pardoned on giving security to keep the peace and be of good behaviour for three years; Isaac B. Malcolm is said to have petitioned under 1 Vic., c. 10, and received a pardon on the same terms; Nathan Town who was an unlicensed physician, Peter Malcolm, Elias Snyder, William Webb, John Tufford and John Hammill were treated in the same way as Stephen Smith; Ephraim Cook, a physician, was banished for life; he had received his license to practise only in April, 1831.

See Lindsey's *Life of William Lyon Mackenzie*, Toronto, 1862, Vol. II, pp. 391, 392, 393. There is an evident error on p. 392, as Nathan Town is said to have been acquitted; Lindsey's "Civil Court" means this Special Oyer and Terminer, and he frequently makes a mistake in the dates.