

ty,) entitled to the full presumption of innocence, but he thought himself justified in calling the attention of the Jury to what must have been the situation of the Province had the attempt imputed to the prisoner succeeded but in part—a suspension of all civil rights, the horrors of war, and a daily expectation of something worse were the unavoidable consequences—but said the Attorney General “if success had ultimately crowned the attempt, our properties, our lives, and what is still more valuable than either, the happy Constitution of our Country, all that man can value in civil society, all that attaches us to existence; ourselves, our nearest and best connections, our Government, our Religion, our rational Liberty which we boast as British Subjects, all must have laid at the mercy of the French Republic—what that mercy is, let the black annals of the Republic tell: it is there indelibly recorded for the horror and execration of posterity in the blood of their lawful Sovereign, in the blood of their nobility, in the blood of their clergy, in the blood of thousands of the best and most innocent of their citizens.”

He observed that the Prisoner was generally supposed to be an alien—a subject of the United States—but that this was immaterial—all persons within the Province owed a natural or local allegiance and if they acted contrary to the duty of either, they were guilty of Treason—in the scale of legal consideration no distinction was to be found. If we were traiterously betrayed whether by a subject or a foreigner, the injury to the public was the same—He then opened the evidence which he intended to produce, of the war he said he should not offer any proof, it was a fact of public notoriety—to support the remaining allegations of the indictment, he should call six witnesses, (*here the Attorney General stated what would be proved by William Barnard, Elmer Cushing, François Chandonet, Thomas Butterfield, Charles Fricchette and John Black, but as what he stated, these witnesses did prove, we think it unnecessary to repeat what he said as we mean to give the substance of their respective depositions.*)

He then stated the various facts, that had been adjudged, to be overt Acts of Treason, laying it down as a principle that all measures which manifest the Treasonable intent were such—it was not he said, his Province to state the Law upon the present case (which he conceived however was perfectly settled) *That* the Jury would receive from much higher and most certain authority, but he would advert to the excellent and learned Charge which had been given to the Grand Jury, at the opening of the Court, in which an intention to promote an invasion of the King's Dominions, by his enemies, followed by the actual entry of the party, into those Dominions, for the purpose of accomplishing his intention, was declared to be High Treason—and in which also words coupled with Acts, were recognized to be legal evidence of treason. These he observed were points of Law, undeniably settled and strongly applicable to the case of the Prisoner.

After some further observations, the Attorney General concluded a Speech of two hours, in these words:

Gentlemen,

“I trust we shall lay before you, clear and full proof of all the overt Acts charged in the indictment, but if one of them only, is established
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