

CORONER'S INQUEST CONTINUED.

On Thursday, the 30th ult., the following witnesses were examined:—

Jean Baptiste Simard, Police Constable—Was on duty at the Haymarket on the evening of the 9th ult. At first the police drove back the mob; when driven back, the mob commenced throwing stones at the police, by which Captain Ermatinger was struck. Saw some persons come, armed, out of the church; one of whom ran towards the Engine-house, with a revolver, and, to his knowledge, discharged three or four shots; another person, with a double-barrelled gun, discharged two shots. After the second shot, a man bent down, and afterwards fell to the ground. Ascertained that the name of this man was Walsh. The person who discharged this fire-arm was a considerable distance in front of the others who rushed out of the church. Witness was about 200 feet from Walsh when he saw him fall. Walsh was doing nothing whatever at the time he was shot; he was standing near the Weigh-house. The man who shot Walsh afterwards returned to the church. Witness said to Police Constable Lacroix, "I will take him prisoner." Lacroix replied, "Do not do so; we are only two, and we shall get shot ourselves." Knows the person who shot at Walsh, though not by name; he resides in town; witness would recognise him, if he saw him. About a quarter of an hour after Walsh was shot, pointed out the person who shot him to Mr. Schiller. Walsh had been on the steps of the church a short time before he was shot, and he gave one or two yells. Police sent him away, and he went off quietly. There was a shot fired from the crowd before Walsh was shot; thinks it was directed, either at Colonel Ermatinger, or, perhaps, towards Captain Ermatinger. Walsh was pushing as actively as others at the police; but he had nothing in his hands when he was shot. The police had been driven back before Walsh fell; but he (witness) could not state the names of any of the rioters, for he was in front of the church, and, consequently, not near them. Did not see Walsh throw any stones, or pick up any stones to throw, or use any stick. Knows some of the persons who rushed, armed, out of the church. They were Mr. Morrison, the lawyer, and the elder Mr. Boyd, the gunsmith. Morrison had a pistol in each hand. Boyd had a gun, though witness could not distinguish whether it were double or single. There was no attack made upon the church while witness was there. In his opinion there was not the slightest necessity for those who came out of the church firing upon the mob. The people fired upon, were one hundred yards from the church, or more.

In answer to questions from Mr. Mulholland, the witness replied—that it was about five minutes after the police ran away that the people from the church fired; and they fired upon the police, as well as upon the mob; none of the latter were wounded. Before the firing commenced, Mr. Morrison was crying out, "Come out section one—come out section two." Cannot say what were the objects of the mob; cannot say whether they wanted to pull Gavazzi out of the church.

In reply to Mr. Savage, who asked why witness had prevented Walsh from entering the church, witness replied—because he (Walsh) was shouting. Walsh asked why he could not be allowed to go in, when he was willing to pay his quarter dollar like another; but in order to prevent noise, Walsh was removed. Police had no authority to stop him, but merely recommended him to keep away; Walsh did not seem to be intoxicated. The people were very quiet when they were fired upon from the church. Does not know that the mob wanted to break into the church, had they succeeded in beating the police. It was a fact to his (witness) knowledge that no party, or person endeavored to force themselves into the church. Did not see Morrison, or Boyd, fire any shots; they might have fired without his seeing them, as there were about ten shots discharged all at once.

Charles Schiller, Esq., Deputy Clerk of the Crown—Was at the Haymarket on the evening of the 9th ult. Saw a large mob in the vicinity, and heard about 15 or 20 shots fired by persons who rushed out of Zion church; heard two or three shots fired by the mob; but saw no persons fall from the effects of the shots. Saw a policeman—Jean Baptiste Simard—the last witness who came up, and pointed out the individual who had fired upon Walsh; that person was a Mr. Esdaile, of Montreal, Broker. Simard also pointed out the same person in court on the first day of the investigation. Mr. Esdaile was near the Weigh-house, in front of the upper division of troops, when pointed out to witness; but he had no fire-arms on him then. Did not recognise Mr. Esdaile amongst those whom he saw firing from the church; was too distant to identify any person below the church; but saw a mob rushing out of the church with George M'iver, a hatter, at their head. These people rushed riotously out of the church, and that is why witness called them a mob. There was not the slightest necessity for those persons who came out of the church to fire upon the people. There was no attack on the church while he was there. Witness then described the dress of Mr. Esdaile, who was standing close to Mr. Henry Lyman; witness was quite certain as to the identity of Mr. Esdaile, as he went close up to him. Before the mob rushed from out of the church, saw a rencontre between the police, and a mob below Latour street; there was a good deal of noise, scuffling and blows; it was quelled by a greater fight between those who came out of the church, and the people who were below Latour street. When the people rushed out of the church, they commenced firing immediately, which had the effect of dispersing the mob, and the police as well. Did not see any shots fired by the mob at the police. In his opinion, the police force could have quelled the mob, if they had done their duty. He (witness) saw one man from the church kneel down to fire; did not see the others fire, but heard the reports; could not distinguish which side fired first.

Dr. Sutherland testified that the deceased, Charles Austin Adams, died from the consequences of a wound inflicted by a musket ball.

Louis Lacroix, Police Constable—was on duty on the night of the 9th. The row commenced by the police pushing back the people from the vicinity of Zion church. A good many stones were thrown, but no shots were fired by the mob at the police. Saw several men, armed, coming out of Zion church: one of them had a revolver, and going down fifteen or twenty paces below Latour Street, he discharged it on the crowd. Another person then came down below Latour Street armed with a double-barrelled gun, and fired upon a man who was running away. This man immediately fell, from 30 to 50 feet below the Weigh-house, about twenty feet from the foot path. As

this man was trying to rise, a second shot was discharged at him by the same person. Several persons then cried out "Walsh is killed," and he was carried away. When Walsh received the first shot, he turned round, and then fell back. Saw no one fire into Walsh whilst lying on the ground. Knew the man who shot Walsh; his name is Howard, or Heward; he stops in St. Sacrament street, opposite Mons. Cuvillier's; he is a wine merchant, and keeps an Insurance office. Witness described the dress and appearance of the person who shot Walsh, in whose identity he could not be mistaken, as the same person had come up and spoken to the captain of the police force in the course of the evening; and as he (witness) had seen him standing in front of the church with his gun in his hand. Saw Mr. Morrison the lawyer, with pistols in his hand. Saw Walsh that evening before he was shot, not among the rioters, but on the steps of the church; supposed he had been waiting to get in. This was before the police had a row with the people. Mr. Atwater took him by the shoulder, and said he would arrest him; but Mr. Homier said it would excite a row. Walsh had no fire-arms in his hand when he was shot; cannot say whether Walsh took an active part in the riot, or not. There were no shots fired by the mob before the people fired from the church. If there had been, would have observed it.

The Inquest was then adjourned to Friday at 1 P. M., in the Circuit Court Room.

On Friday, Alfred Perry, Fire Engine Maker, deposed—That he was in the vicinity of Zion church on the evening of the 9th; that the shouting inside excited the people outside, who were numerous below the church. Two persons seemed to be troublesome, and the authorities tried to arrest them, whilst their friends seemed inclined to rescue them. The name of one was Briette. This increased the excitement of the crowd, and somebody cried out to go in to the church and have Gavazzi out. There was an encounter with the police, and witness said to some one, "this is a Protestant place of worship." Witness exchanged blows with this man. A party then sallied out of the church and he, witness, got them all to go in again. Stones were thrown at an angle of the church; then parties rushed out of the church again, and attacked the others. Shots were exchanged, by one of which Walsh was shot. Patton is the name of one man who was on the ground; another was Briette, another O'Neill, another was one who was sworn to erroneously, as Walsh. Witness saw Mr. Hanly doing all in his power to keep the mob back. Saw Morrison the lawyer with pistols, and a man called Buchanan, did not know if it was the lawyer of that name! Knew a great many by sight, who came out of the church armed, but could not name them.

The witness then described the firing of the troops, but his evidence was objected to, as irrelevant. In answer to questions he stated that he had seen Mr. Heward—a man named Hill, an auctioneer; another by name M'iver, a hatter; but had not seen Mr. Esdaile. There was no serious damage done to the church: the attack was a very slight one, but might have been serious.

Mr. Springle, Architect—Testified to the wounding of Mr. Adams.

James Holmes—deposed, that he went to Zion Church on the evening in question. That he heard shouting outside. That a number of the audience rose and went out into the vestibule followed by witness. That he saw fifteen or twenty persons trying to force their way into the church, and that there might have been more whom he did not see. No injury was inflicted upon the church, and no one inside was injured. From the looks of the persons outside, did not think their intentions were lawful or peaceable.

Louis Lacroix was put into the box, and his examination continued. Did not know Mr. Heward's name until he read it on the sign over his office in St. Sacrament Street. The witness here described the position of the sign, and the situation of the office. When Walsh was shot there was no confusion. The rest of this witness' evidence, was but a repetition of that which he had given on the previous day.

On Saturday the enquiry was resumed; Francis Monnette—Police constable—deposed, that he was on the ground doing duty on the 9th ult.—that a number of persons were assembled in the vicinity of Haymarket Square. There was a scuffle with the police, and stones were thrown. A person rushed out, and fired a revolver; there was at that time no fighting between the police and the crowd. Did not know the name of the person who fired; he fired upon the people as they were running away; before he fired, the police had beaten back the crowd. After the person with the revolver had fired several times, another person, with a double-barrelled gun, rushed out, and shot James Walsh, who staggered: the man fired a second time, and Walsh fell, rolling over. Walsh had nothing in his hand; neither stick nor stone. Before the firing Walsh had tried to go into the church, but was sent back: he appeared to have been drinking, but was not too intoxicated to walk. Did not know who fired the gun.

John H. Isaacson—Notary—deposed to the troops firing, and to having heard the officer reprimand the men for so doing.

John Ostell—Provincial Land Surveyor—produced a plan of the ground.

Benjamin Delisle—High Constable of Montreal—deposed that he was on the ground on the evening in question with ten special constables. A number of persons attempted to make a breach in the police. There was a conflict—a man struck Capt. Ermatinger, who rushed upon his assailant, but was not followed by the police. If the latter had done their duty, the row might have been quelled. Immediately some persons came rushing from the church; amongst them witness distinguished Morrison the lawyer, armed with two pistols—another had a revolver which he was firing off as he came along; behind him came a man with a double-barrelled gun, who fired twice at a man running away. At the first shot, the man staggered, and at the second, fell. The man who fired took deliberate aim, as he, witness, would do at a pigeon. Did not recognize the man who shot Walsh. After the firing, the man returned towards the church. Did not see Morrison fire. Knows Mr. A. Heward by sight—The man who was shot, was running off as fast as he could. Knows Mr. R. Esdaile by sight. The mob was pressing towards the church when the row began, but not when the persons came from the church and fired. Did not perceive any necessity for the people coming out of the church and firing upon the crowd; there was no row sufficient to warrant the firing. Could not see all that took place in front of the church. Did not know the intentions of the crowd, but saw no attack made on the church whilst he was there. There were no stones thrown at it, that he saw. Did not arrest

the man who shot the man running away, because he did not think it safe to do so, having heard that there were a number of persons up from Quebec, and armed, in the church, and he had not a sufficient force with him to make such an arrest in the presence of these armed men.

By a Juror. How did the mob behave when masters of the field?

A.—They did not seem much agitated.

George Spence deposed—that he was in Zion church on the evening in question, next to Mr. A. Heward—that they left the house together in company with several others—that though the party had fire-arms they did not fire—that Mr. Heward returned with him (witness) to the church, and remained there till the lecture was over. Would swear that Mr. Heward did not leave the church except in his (witness') company—that he (witness) was close to Mr. Heward all the time—Mr. Heward and Mr. Collis had guns. Did not know the names of others who were armed. Did not see any one leaving the church before hearing shots fired. There was so much confusion near the door that he could not well tell what was going on. The witness swore positively that he saw no persons—armed with firearms—leave Zion church and discharge them—that Mr. Heward did not fire when they went out of the church together. Could not say what sort of a gun Mr. Heward had.

On Monday, Alderman Atwater was examined; he deposed that—On the night of the 9th ult. he proceeded to the Haymarket Square, where he found the Mayor, and a large body of police under Captain Ermatinger keeping back a crowd who were blocking up the street. Saw a tall man, apparently somewhat intoxicated, go up to the door of the church. Witness removed him quietly, at which another person seemed annoyed, but refused to give his name; witness wished to have him arrested. Saw a person named Hanly who came up and told him he would keep the man quiet: his name was, he thought O'Neill. Advised the Mayor to call out the military to drive the people off the streets; this the Mayor refused to do, upon the ground that there was no riot. Captain Ermatinger endeavored to make an arrest in the crowd who were making a noise. Witness ran for the troops in the Engine-house, and at the request of the Mayor returned for more. When witness came back the firing was over; saw the Mayor much excited who said he might have given orders for the lower division to fire, but that he had not done so to the upper. A day or two previous to the lecture, in company with the Mayor, Councillor McCambridge remonstrated indignantly against granting the City Concert Hall to a man whose object was to insult Catholics. Mr. Sadlier came up, and said that if a public building that had already been refused to Catholics, were granted for that purpose it would be torn down; but if the lecture were given in another place he, and many others, would do all in their power to keep the peace. The Mayor censured the violence of the language, and advised that a memorial should be sent to him on the subject. Witness had been told that the name of the tall man who went up to the door of the church was Jim Murphy; knew it was not Walsh. Saw several Catholics on the ground exerting themselves to keep the peace.

William Curran, Grocer—Was on the ground; saw a scuffle with the police, and some stones thrown amongst them. A lot of boys were cheering near the Weigh-house. Two or three men came out of the church, and almost immediately after, a number of men, armed, rushed out and fired on the crowd; one went down on his knee to take aim; witness rebuked Mr. Homier of the Corporation, for not interfering, and said to the persons whom he saw firing from the church, "you are a pretty set, to shoot at a number of little children. One of them replied, "I am an old Quebecer, and a true Orangeman. I've come to have a fight, and I've often fought before." Witness did not see any attack made on the church; the people were peaceable, and there appeared no necessity for firing upon them.

John Esdaile, Broker—deposed, that, on the evening of the 9th June, he left St. James Street, shortly after six o'clock, in company with his brother, and accompanied him to his house in Durocher Street. About eight o'clock his brother's wife told him that her husband had gone to town in consequence of the firing. Saw his brother in town about nine o'clock, who said he had been at a Mr. Allan's. The lecture had not commenced when they left town; thought it impossible that his brother could have been at the lecture. In answer to a question, the witness said, that it took him about twenty-five minutes to walk from his brother's house in Durocher Street, to Zion church.

Louis J. Lyons, merchant—Was in the church on the night of the lecture. Saw a number of persons armed. Some one thrust a gun into his hands, which he immediately put back. Did not know the names of the persons who were armed with fire-arms.

Michael Renaud, Police constable—Was on duty near Zion Church. Saw two shots fired from the windows. Saw persons with fire-arms rush out of the church and fire upon the crowd: one of them had a revolver—another a double-barrelled gun. The latter took deliberate aim at a man named Walsh, who was running away, and shot him. Recognised Morrison the lawyer, and Boyd a gunsmith in Notre Dame Street, amongst the persons who came out of the church with arms. Does not know the name of the man who shot Walsh, but knows him well by sight. Saw him in Court about 2 P.M., but did not see him then. Would have arrested him when he shot Walsh, but was warned by Simard and others, not to do so, as if they did the people from the church would shoot them. Did not see any necessity for the people from the church firing on the crowd outside.

Jean Baptiste Simard—Testified to having seen the man who shot Walsh in Court that afternoon. The rest of this witness' testimony was of no importance.

On Tuesday, William Bristow, Esq., editor of the *Pilot*, deposed—That he was in Zion Church on the evening of the lecture, that there was cheering inside the building, which was responded to by cheering outside. Some persons rushed out of the church, and presently returned, crying "Turn out." A number of the congregation then rose, armed with bludgeons, thick sticks, life preservers, guns, and pistols. This notion of the congregation flocked to the door way, blocking up the passage. Witness heard a considerable noise, and the report of shots, but did not see any discharged. The conduct of part of the congregation was riotous in the extreme. Part of the congregation was drunk, and very disorderly; was afraid of being shot himself in consequence. Saw one man of the congregation brandishing a pistol over his head, and crying out for the "face of some damned or bloody rebel." This was near the door of the church; in the

galleries, and other parts of the church, the congregation did not seem to be drunk, or disorderly. Witness would say, that, from what he saw, there was no attempt to force an entrance into the church.

Francois Cantin, late Chief Constable of Police, deposed—That he was at the lecture; that he heard shouts inside the church, and groans outside. Soon after there was a row between the police and the mob, who threw stones, one of which struck Colonel Ermatinger. The police dispersed the mob, and drove them back as far as Craig street. A lot of armed men rushed out of the church and commenced firing on the crowd. This witness then described the killing of Walsh, who was running off at the time, and 200 feet from the church. Witness knew one of the men that shot Walsh; he had seen him in court, and in the streets, and had learned that his name was Robert Esdaile. When he first saw him in court, he recognised him at once, and exclaimed—"There is the man who fired the revolver." Took particular notice of this person as he was returning to the church, in order that he might know him again; just before he went into the church, saw this man take off his hat, and wipe his brow with his handkerchief; observed that the upper part of his head was slightly bald. The only man he saw in the crowd attacking the police was a man named Devany, who keeps a tavern; saw this man jump. Witness swore that there was not the least necessity for the people inside the church firing upon those outside. Distinguished Morrison, M'iver, and Boyd amongst the persons who rushed out of the church with fire-arms, but could not swear that they fired. Saw Boyd hand a gun to another man, and tell him to go out with it.

John Broomer, from Quebec—Was in Zion church on the evening of the lecture, and left it before it closed, to be in time for the Quebec boat. As he went out, stones were lying, and there was wrestling with the Police. Heard Captain Ermatinger call to the people in the church to turn out and defend themselves. Witness was struck on the head with a stone; heard cries of "Fear him out." Saw a pistol shot fired towards the church door. Shots were fired at the church, but not from the church. This witness declined stating whether he had fired on the crowd; did not know any body in Zion church who had come up from Quebec; came up in the boat with Gavazzi, but did not know how many came up with Gavazzi from Quebec; did not know whether any person from Quebec spoke on the platform; did not know who had fire-arms; did not know there was a single person from Quebec but himself in Zion church, when the firing commenced.

John Sloan, Shoemaker—Was in Zion church; heard a row outside; met a party armed, coming into the church, one of whom said "It is all right, we have chased them away," and added that one man "jumped before he fell, and would not be troublesome again." Witness went out on the steps, and received a pistol shot in his hat; does not know who fired it, or where it came from, but thinks from near the Weigh-house. Did not know any body he saw armed in the church; did not know the man who spoke to him about the man "jumping before he fell." It was not Robert Esdaile nor Mr. Heward. The question was put to this witness, "Did you see any necessity for the people inside the church firing?" After a deal of trouble he answered. That in his judgment he could not say.

On Wednesday, Robert Halliwell, Merchant—deposed—that he knew a broker named Robert Esdaile, who told him, about 6 p.m. on the 9th ult., that he was not going to the lecture; after which, he (witness) accompanied Mr. Esdaile home as far as City Councillor Street. Felt satisfied that Mr. Esdaile was going home.

John McKenzie—Lived with Mr. Esdaile; about 8 p.m. on the 9th ult., heard shots; Mr. Esdaile went into town with Mr. Muir; about 25 minutes later, heard the firing of the troops; Mr. Esdaile came back a little after nine.

One of the Jurors—Neil Doherty—remonstrated against the interruptions that were being continually offered to Mr. Devlin, by Mr. Mulholland and others; and to the obstacles that were thrown in Mr. Devlin's way, whilst discharging his duty.

D. Cannelle, servant at Mr. Esdaile's, testified that Mr. Esdaile came home on the evening of the 9th about 7 o'clock, and left between 8 and half-past 8. The soldiers had not fired when he left.

George Colville, gardener, deposed to having seen Mr. Esdaile going into town a little before 8 o'clock, in company with another gentleman. About 8 1/2 Mr. Esdaile coming home near St. Catherine Street; thought the troops fired about 8 o'clock, and that Mr. Esdaile could not have reached town by that time.

Charles Tuggey—Met Mr. Esdaile near Mr. Mathiason's gate about a quarter past 8, going towards the Haymarket. Spoke to him, and about ten minutes after, the troops fired.

George Mathieson—12 years old, son of Dr. Mathieson—Saw Mr. Esdaile, at about 20 minutes past 8, going towards the Haymarket, about ten minutes before the troops fired. It must have taken Mr. Esdaile eight minutes to walk, from where he (witness) saw him, to the Haymarket. Mr. Esdaile was walking quick.

A. Cross—Met Mr. Esdaile a little after 8 o'clock, near the top of Beaver Hill Terrace. Soon after, within a few seconds, heard volley from the troops.

James Mitchell—Saw Mr. Esdaile going down Beaver Hill towards the Haymarket, after Walsh was shot. Saw Walsh lying wounded about half-past 7 p.m.

Messrs. H. Lyman, and Wm. Blakely deposed, not having seen Mr. Esdaile in the church during the lecture. The former witness saw Mr. Lloyd of the Bank armed with a pistol.

Mr. Constant—This witness who said he had identified Mr. Esdaile, swore that, to the best of his belief, Mr. Esdaile was the man who fired the revolver; but he could not swear positively.

R. S. Oliver—Saw Mr. Heward in Zion church, but did not see him with fire-arms in his possession. Mr. Heward never left the church but in company with witness. Saw strangers leave the church with fire-arms.

Samuel Wilson, printer—Was standing close to the left hand file of the upper division of troops; heard an officer give a military word of command; to the best of his belief the words were—"ready—present"; was not competent to judge if the regular military movements were made. The officer who gave the command had been pointed to him as Captain Cameron. Some of the troops fired at the word, "present," but not all, instantaneously.

The Inquest was adjourned until the 7th inst.

* Captain Ermatinger swears most positively that he did not see such thing.