

the means by which it might be invested by the enemy, with intent to communicate it to the enemy :

(11.) That possessed of the information and knowledge set forth in the two last mentioned overt acts, he left the Province for the purpose of communicating both to the enemy :

(12.) That he returned into the Province clandestinely under the assumed name of Jacob Felt :

(13.) That he conspired with others to take the walled and garrisoned City of Quebec by surprise, to cause a miserable slaughter of the King's subjects, and to deliver it into the hands of the enemy : and,

(14.) That with these views and intentions he entered the City of Quebec on the 10th day of May last.

The indictment was opened by Mr. CARON.

The ATTORNEY GENERAL entered fully into the case of the prisoner : He said, the duty of the office which he had the honor to hold under His Majesty's Government called him to support the indictment which had just been opened—that it charged the prisoner with the highest crime on which a Canadian Jury could give their verdict, and required from those who were impanelled the most serious attention, to the interests of the Crown on the one hand, to those of the prisoner on the other. He felt, he said, most sensibly what his own official situation required from him, and he wished he might discharge his duty, as well as he was confident the Jury would discharge theirs ; for whatever their verdict might be, he was convinced it would be that, which the justice of the case would dictate. He then stated that the Indictment consisted of two Counts, which he observed were two distinct species of treason, compassing the King's death, and adhering to his enemies ; both of which were founded on the ancient statute of 25. Edward III ; that treason was distinguished from all other crimes which (generally speaking) consisted in the Act of the criminal, while treason consisted in the intention, and that hence came the necessity of overt acts, in order to prove the treasonable intent. Human intellect could only judge of the operations of the mind by the actions of the body ; and it was therefore upon the proof which he should offer of the several overt acts laid in the indictment that the Jury must form their opinion, whether the prisoner was guilty, or not guilty. He then enumerated the several overt acts charged, on which he commented at length, observing that they resolved into this, that the prisoner had done the utmost in his power to excite a rebellion and to assist the Republic of France in an intended invasion of Canada, with a view to depose his Majesty from the Government of the Province—and that this intention in the prisoner was not only an adherence to the King's enemies, but a compassing of his death ; for that the political or civil death as well as the natural death of the Sovereign were both within the purview of the Statute—an attempt to destroy the political existence of the King tended not only to destroy the Sovereign himself, but to annihilate the constitution of his government ; great therefore and abominable as all attempts against the person of the King were, the crime of compassing his political destruction was in its consequences to society equally atrocious. He wished not he said to infer that the prisoner was guilty because he was accused of the complicated treason charged in the indictment, he certainly stood (till proved to be guilty),