THE CANADAS.

NEW INSURRECTION.

From the Montreal Morning Courier Nov. 5.

The spirit of rebellion has again manifested itself in this Province, by deeds of violence and bloodshed. The slumbering embers of hatred to the British race, and of revenge for the discomfiture last winter, which have been smoldering during the summer in the breasts of the disaffected, have at length burst into a flame, and threatens destruction to the loyal inhabitants, as far as insane wickedness can prevail against a just and good cause, supported by the flower of the British army, and the energy and courage of British Volunteers.

Besides all this, a change seems to have come over the Executive of the Province; and we have an earnest in the prompt manner in which Martial Law has been proclaimed, that it will also be rigorously followed up. We candidly confess that we had our honest doubt of SIR JOHN COLBORNE acting with adequate rigour in the punishment of the rebels, but we are now happy to state our belief, from all that we can learn, that His Excellency will this time fearlessly mete out to them their deserts.

It appears, that at *La Tortue*, about 7 or 8 miles above Laprairie, a number of rebels attacked, on Saturday night last, the scattered loyalists in that quarter, and we regret to state that two respectable farmers of the names of WALKER and VITREY were murdered in cold blood. Several others who lived in the neighbourhood made their escape with great difficulty; and conveyed intelligence of the attack to Laprairie, from which place a party of the Hussars were, on the instant, despatched to *La Tortue*, and were fortunate enough to come upon the rebels unawares, and dispersed them with a few shots—with what damage it could not be ascertained, as the cowardly scoundrels took immediately to the woods, leaving behind two loyalists, they had made prisoners. The deceased WALKER's widow and child, as well as many more families from near Laprairie, came to town yesterday.

In Beauharnois a rising of the rebels took place on the same night, and they succeeded in surprising the loyalists of the village, and made prisoners of Messrs. ELLICE BROWN, NORVAL and ROSS. This information was conveyed to town by some of Mr. ELLICE's servants who had made their escape, and who stated that the family were confined in the cellar. The steamboat *Henry Brougham* with the mail and passengers from Upper Canada, having called at Beauharnois, as usual, was also captured. It is said that the rising had extended up the Chateauguay River, and that Mr JOHN M'DONALD, the Magistrate, had been seriously wounded.

On the River Richelieu, we understand, the rebels have risen from St. Marys downwards, and by the last accounts, they had mustered at St. Charles, about 400 strong.

The most gallant achievement that yesterday's news furnish remains to be told. While the Loyalists of Chaughnawaga were at public worship on the morning of yesterday, an alarm was given, that a party of rebels had surrounded the church, upon which they immediately turned out and the Chief, setting an example, which was promptly followed by all, raised the *War Whoop*, and seized the rebel next him and wrested from him his musket. The others being panic struck, were made prisoners, to the number of 64, and were brought into town yesterday afternoon, in charge of a party of the Lachine Cavalry. After their committal to Gaol they made some important disclosures of the plans of their leaders. This exploit of the Indians ought to give the most timid every confidence for it shews what energy and decision can do in the greatest emergency; they did not number one half of their enemies, and yet unarmed as they were, they paralyzed the scoundrels by their *War Whoop*, and daring.

The steamer *Princess Victoria* made an extra trip on Saturday afternoon, for the purpose of taking over four pieces of Artillery, with the men, horses, &c., for St Johns, in consequence of the late hour at which she reached Laprairie, it was deemed imprudent to forward the artillery that night. During the night an attempt was made to burn the boat, by conveying combustibles into the berths in the forecastle. Fortunately it was discovered before any material damage had been done. The circumstance of the artillery being detained at Laprairie, was probably the means of saving the boat, if not the village, from being destroyed, as an attack was meditated.

The cars had not proceeded far from Saint Johns yesterday morning, when it was discovered that about thirty feet of the rail way had been torn up, which, however, was repaired in the course of an hour.

The driver of the Quebec mail was detained by about 20 armed rebels at Bout de L'Isle, on Saturday night and yesterday morning, but was allowed to bring on the mail from below, it being the one for Quebec they wished to possess themselves of, as they imagined it might contain despatches for Sir JOHN COLBORNE. It however, had passed before they expected.—They expressed a confident hope that their friends would stop it at Berthier.

In the course of yesterday the following persons were arrested.—

D. B. Viger	L. M. Viger
Charles Mondelet	Dexter Chapin
L. H. Lafontaine	Francois Pigeon
—— Harkin	——Labonto
John Donegani	J. J. Girrouard
Francois Desrivieres	J. A. Labadie
—— Goulet	H. B. Weilbrenner
—— Labelle	George Dillon

besides several others whose names we did not learn.

FROM CANADA.

News—much of it exaggerated, or entirely untrue, begins to pour in upon us from Canada. It is impossible to tell what to believe, and what to disbelieve—our readers can judge on this point as well as we can.

M'Kenzie says that he has seen Dr Nelson within a week, and knows that a rising was to take place. He further says that he has had handbills printed in his office announcing the fact, for three days past. After all, we have no doubt but the statements in the letter are greatly exaggerated, and in some respects wholly unfounded. For instance, it is impossible that an attack should have been made upon Malden, and the first news of it reach us by way of Montreal.

Rouse's Point, Nov. 5, 1838

As the time has again arrived when you will be overwhelmed with reports and news from Canada, I will now commence and continue to give you such information as I can rely upon. There is no doubt that there is a general rise amongst the canadians in Canada, and that they are generally provided with arms and ammunition that have been introduced from the States during the Summer; and that they will succeed in getting possession of some of the frontier settlements and holding them for a few days is most likely, but that they will eventually be annihilated, there is but little doubt in my mind.

They made their rise at Napierville on Saturday last, said to be 1000 strong, and it is supposed that they will attempt to take Odletown this afternoon or to night, it is most likely they will succeed, as the force to oppose them is but a small one of volunteers. They took at Napierville, on their rise, a number of prisoners, and laged them in the Jail, among whom was Henry Webb, my clerk, who happened to be there on business, and two of the American citizens. It will of course throw business into confusion and suspend it with Canada at least for a few days; but our American Citizens are giving such aid and assistance to the brigands, that I fear it will get our Government into trouble in the end.

LORD DURHAM AND THE PROSPECT OF THE CANADAS.

When Lord Durham returns the doom of the present ministers is sealed. Ere the next session of Parliament has been open a month, if not before, we venture to predict that the man whom they have thus ignobly abandoned, will be PREMIER. If he had never been in America we should tremble for our country's fate at such an event, but we do not now. He will yet we hope, be the savior of his native land, as he might have been of this, from the time to this dominion apparently impending of a hideous and unrestrained democracy. But what is to become of us here, in the mean time? "Ay, there's the rub!"

We are aware that many think he can be of greater service to this unhappy country in his place in parliament than he can be here. But also, they forge, what a tearful counteraction will be going on here in the interval. The bitterness of unpalatered will enter like iron into the souls of our divided people, and who can tell the result? Let those who have the courage to look at it calmly, do so—we cannot—dare not!

We are not, like some people, any believer at all in the infallibility of Lord Durham.—We think that the importance of his staying or going depends far more on the circumstances by which he is now surrounded than any inherent quality of his own—great man as he unquestionably is. To talk of him being the "only man," as the address from his town has it, in a piece of nonsensical or rather idolatrous idolatry—which he is far to proud not to despise as he ought. No man stands on an unapproachable eminence—none can go where another cannot follow. But in the mean time he is our man—emphatically *the man of this people of whatever party*, and the deep malediction of a suffering, and apparently doomed country, rests on the guilty heads of those who have thus extinguished all its hope of renovation by driving him from his post at this most inauspicious period.

Since writing the above we see that the last despatches from Downing Street are addressed to Lord Durham or "the person administering the government." So that he is virtually recalled, and therefore stands acquitted of any unworthy motive in resigning the reigns of government.

Charleston free of Yellow Fever.—The Charleston papers of the 20th announce that the yellow fever has left the city, and that business is reviving. Strangers, however, from what has just happened at New Orleans, had better be cautious in returning thither, and wait a few days longer in this cooler north. The Mercury says the wharves are presenting a lively appearance, cotton arriving, the drays in motion, the laborers at work on the new buildings in the burnt district, the temperature of the air cool and bracing. The wooden building burnt down in the centre of the awful fire in King street, are being replaced by substantial brick edifices, and there are plenty of houses and stores for all those who wish to come.

Report

of the trial of JOSEPH COATES for murder,

(Concluded from last Standard.)

In reply to a question put by Mr. A. L. Street to the Court, Judge Botsford said that altho' the practice might be altered elsewhere yet in this Province, Counsel had not been allowed to address the Jury, in criminal cases, in favour of the prisoner. Mr. Street then called

James Aug. Parnell; sworn. Came mate in the Kingston from Demerara—now commands that brig—the prisoner then commanded her—never knew him before joining the vessel, which was on the day of sailing. John McAlister & Co. of Demerara are the owners—a brother of the prisoner is one of the firm. Mr. McAllister asked me if I was going back to New Brunswick, I said yes, for a change of air, having been sick; he asked me if I had any objection to go mate of the Kingston, and I asked what he would give me for coming on; but that having been a master I would not continue mate after arriving—we agreed on forty dollars for the run paid down. My brother asked me if I knew who I was going with and told me the Captain was both mad and deaf—he had known him for some time—my brother then went to Mr. McAllister and told him that if anything happened to me or to the vessel which was heavily insured, he would protest against her as the Captain was not fit to go in her. The owners said they would give me anything if I would go in her and get her attended to.—I signed articles under condition that the captain was not to interfere between me and the people—when I first went on board I informed him of this arrangement. He acted like a madman during the voyage—I think he is insane at times—when irritated he does no know what he does, and when highly excited he knocks about, foams at the mouth and blows strongly with his breath—in this state he does not know right from wrong—his frantic fits frequently occurred which made me believe that all I heard of him at Demerara was true, and the crew must have known them. I heard Kempster examined to-day and was surprised at what he said, I also heard Troubridge and was more surprised at his evidence—I do not think the captain's pistols were loaded before he came into port; he is good hearted and when sane he would not commit murder. His quarrel with Reeves and Troubridge as detailed in evidence to-day would be sufficient to drive him into a state of frenzy. Troubridge was very troublesome, would put him into a passion readier than any other person, and often excited him by not doing anything to please him or any body else. When in a frenzy I think he would as soon shoot his friend as his enemy. Charles Reeves was the only man in the vessel he spoke highly of, and on the voyage he gave him twelve yards of canvas for trowsers and was a favourite all the time I was on board—I left the vessel four or five hours after we arrived here and went to St. John next day. The Prisoner is very suspicious and wishes to know every thing people are saying; he gets furious when he sees people contending and I think the row on board must make irritated him very much. (On the cross Exd of the Wy by the Sol. Gen. his evidence was not in the slightest degree altered.)

James H. Baillie (sworn, Exd by Mr. A. L. Street;) I command the barque Rose—I know Messrs John McAlister & Co, the owners of the Kingston—I know the prisoner to be; he is a partner in that firm.—The Kingston left Demerara two days before the Rose. When there, these vessels lay near each other; the prisoner was then master of the Kingston. I saw him daily, I had to miss his vessel on going to the wharf, and had frequent opportunities of forming an opinion of his conduct. I was intimate with him early in August last, and from thence to the middle of September we met several times a day, and were sometimes together for hours. I perceived something in him different from what I had ever observed in any other person; his actions were like those of insanity—he would grind his teeth, compress his eyes violently, foam at the mouth, seemed to lose all consciousness of what he was about, and at length he would sit down greatly exhausted—there was something peculiarly striking in the sound of his voice; his words gradually became indistinct and went off into a sort of hiss until he became quite inarticulate; at such times he has no knowledge of what he is doing and is then incapable of judging between right and wrong. I know that the prisoner was in the East India Company's service, it is a generally known fact that by the breaking of a boom he was struck on the head and knocked from the prop down the afterhatchway; previously to this accident he was not deaf or blind of an eye as he is now. He held a very high character as a seaman and officer and was then chief mate; since that time he has not sailed any where until he took charge of the Kingston; the accident happened in 1836, and he was laid up by it for 9 months. His brother is a very respectable man, is of very old standing in Demerara and has recently gone home to England. The Prisoner is a very kind man when in his sane moments, and discovers a humane disposition particularly to the lower animals. When relating any striking account he would become raised, but does not exhibit the same kind of anger which would be shown by a violently tempered person, but gets into paroxysms like a madman. I heard the evidence given in court to day, and think the difficulties with the 2d mate, cook, and Reeves were sufficient to drive the prisoner into one of his frenzies—I have known less cause at Demerara put him into a passion and deprive him for a time of his reason. When he was in the E. I. Co's service several mutinies occurred, and he was at one time stabbed in the eye and otherwise maltreated; the recollection of these scenes always excited him, and it is highly probable that the disturbance on board of the brig might lead him to think the people were rising against him; he is exceedingly susceptible, and would start at a figure passing the cabin door. I think he entertains suspicion of every one he has any thing to do with.

On his cross examination by the Sol. Gen. his narrative was merely confirmed with the additional avowal that he did not know personally what occurred in the E. Indiaman; the prisoner told him about the mutineers—he never saw him attempt to take any one's life in his frenzies. On re examination by Mr. A L Street, thinks prisoner would use arms if at hand on a disturbance occurring, as he had very strict ideas of duty.

[Capt. Baillie's evidence was given in a clear and explicit manner in good language and made an impression on the auditory creditable to his talents and feelings.]

William Thompson, (sworn) I reside at St. Stephen—am a surveyor of lumber—know the prisoner at the bar—knew him first on the 30th of last May—he was then master of the Kingston lording at the Ledge; I was ten days there taking an account of her cargo; think the Capt was at times not of sound mind, he got into excitements about his lumber, said its quality was not as purchased, very trivial things caused his fits; his manner was unnatural but at other times he was kind and anxious for the comfort of his people. When under a fit he was incapable of controlling himself and disqualified from knowing what he did or distinguishing right from wrong. I have a brother who received a blow on his head by the falling of a tree about fifteen or sixteen years ago, in consequence of which his mind was affected, he got into a state of extreme excitement, and would be so anxious about his business that he would not spare time to take his meals. When the hot weather advanced he became raving mad and would destroy his best friend if he could. During the intervals when he was not excited, he was docile and easily managed: but he was always liable to relapse, and the malady encreased so seriously that we had to place him in an asylum. He once endeavoured to choke me altho' I was the only person that attended him at the time.—I heard part of the evidence today and think the "row" mentioned was enough to excite the Prisoner and drive him into those fits of frenzy when he does not know what is right or what is wrong.

James Rait Esq., (sworn, exd by Mr. A. L Street) knows Capt. Coats the prisoner at the bar; knew him first about the 20th of May last; has had a good deal of business to do with him and saw him very frequently, as the Kingston which he commanded was consigned to witness and loaded by him. Thinks that at certain times when the least cross circumstance turns up against the prisoner, he acts the part of a perfect madman; his words are vociferous, and the tones of his voice are of the most peculiar nature; Witness has known him to be uneasy under the effects of having suffered under one of these excitements, and to forget that the fit had been on him: does not think that during these frenzies the prisoner is capable of distinguishing right from wrong. Witness is of opinion that these aberrations do not arise from the excitement of temper alone; never knew a person on whom such instantaneous effects were produced by the least exciting circumstance as on Capt. Coates. Here the witness recounted some instances of the sudden transition of the prisoner from a placid state to that of actual frenzy; on one occasion he went off while under a severe paroxysm and returned in about half an hour perfectly quiet. On Witness writing down "are you in a better humour now?" he seemed surprised, appeared to have forgotten the occurrence altogether, and would not admit that he recollected a word of it. Witness wrote to the House in Demerara that if they sent the same Captain back with the vessel, he would have nothing to do with her. Thinks Prisoner is a benevolent and well informed man when in his proper mind. Has heard the evidence to day and thinks the disorder stated to have been on board the brig, sufficient to throw the Prisoner into a fit of frenzy.

Charles Brisco (sworn, exd by Mr. A. L. Stree) is a clerk in the Custom House; when the Prisoner cleared out his vessel, he came to the Custom House with Mr. Rait, when Mr. Rait was preparing the necessary papers, the prisoner walked about the room, talking furiously or rather shouting, he refused to sign as to quarthy; Mr. Rait wrote sentences to him and before he read them thro' he would break out afresh; witness thought from his whole demeanour that he was out of his senses and incapable of appreciating right from wrong.

Malcolm Brown, sworn, testified to the frenzied ebullitions of the Prisoner and that on one occasion he brought a bible and bottle of rum to the captain, gave each a glass, and swore all hands about the lumber.

John Bray (sworn, exd by Mr. G. L. Stree;) is a river pilot and stower; was employed to bring up the Kingston from Oak point to the Ledge between the 11th and 15th of October; Witness presented a bill to Capt. Coats for piloting him last voyage; he flew into a violent passion, refused to pay it but said he would see about it. Witness left the brig, but was afterwards induced by Mr. Kelcher to go down and bring her up; when he got on board there were not hands enough to weigh the anchor, and when the Capt. and crew arrived the tide had ebbed so that it was not prudent to move the ship. About 3 o'clock in the morning the Capt asked if I intended to get under weigh—I gave him to understand not till day light—he said "shall I knock them up?" I signified no, but he instantly went forward and called the people up. I called to them not to turn out—he called them a second time—Second mate came up & informed him the pilot did not want the people till day light—Prisoner said "d——d lood! if he were an English pilot and it was as thick as hell he would run her through it." At Nobles cove brig missed stays and not having room to wear dropt anchor; proceeded to run the Ledge out, when Prisoner (who had been all the time on deck) came up to Witness and aimed a blow at him which he warded off; "a second blow struck me and he aimed a third which I guarded; he was very violent, stript, and came at me again; we exchanged blows until he fell across the hatch, I held him till two of the crew hauled him up and took him away. In a short time he came out of the cabin with a large pistol and a small one, offered me the small one and kept the other himself; I declined and tried to pacify him by signs and the motion of the lips; he said, you scoundrel I'll blow your brains out, when the second mate and two men took him away. I proceeded to place the vessal in safety." The Prisoner afterwards spoke calmly to Witness and said that he was very violent when any thing touched him but it was soon over and he hoped there would be no more about it. Thinks Prisoner out of his reason, is often perfectly frantic and yells; thinks if he had provoked him he would have taken his life. (Cross Exd by the Sol. Gen.) when Prisoner saw the chain going and being deaf, he might have thought the ship had struck; he did not fire the pistol but raised it in a threatening manner.

Capt. Parnell recalled, says the small pistol, has a screw barrel and was half full of something but he could not get it drawn.

Samuel Frye (sworn) is a practising physician here; boarded the Kingston as health officer on the 8th of October and saw the Prisoner; was told he was quite deaf, and therefore he communicated with Mr. Parnell the mate. The Captains manner was agitated and disturbed; witness asked thro' the mate how long he had been deaf, he answered since 1836, but his manner was so peculiar that I declined putting other questions; he twitched his clothes and shewed a restlessness that evinced aberration of mind; thought him of unsound intellect; did not know he had suffered concussion of the brain; deafness might ensue from that—and if the brain were affected, a slight excitement would produce a frenzied state.

W. C. McStay (sworn) practices surgery here; has only seen the prisoner as he passed on the street; has not heard any evidence in the case before the court; concussion of the brain is a cause of insanity—the brain is the organ of the mind and suffers corporeal disease as well as the body. The brain has a physical effect on the body; when the feelings or affections of persons whose brains have been injured are excited, they will be carried to extremes of passion which may properly be designated insanity; injuries inflicted on the brain may produce deafness, because the tympanum of the ear may concomitantly be destroyed; and inflamation from similar injuries may affect the eye.

W. McT Dorsey (sworn) is a Surgeon; visited Capt. Coates in prison on Sunday week, and has since then seen him daily; has heard most of the evidence given on the present case. Witness made a minute examination of the prisoner's head; wishes to avoid technical expressions and will therefore endeavour to convey his meaning in the plainest terms; found a wound on the prisoners forehead, and felt with his finger an indentation of the bone, the injury is on the left side, and the left eye is also affected, the account the prisoner gave him of the cause of these injuries corresponds exactly with what has been given in evidence; he was under the care of the Surgeon of the ship and unable to perform his duties for some months, he was in one of the Honorable Company's fourteen hundred ton ships trading between London and China. Spoke of the merits of medical men, and mentioned with much approbation the talents of a surgeon in London under whose care he had been placed, which led to a statement of his case. Found him very flighty in his conversation—breaking off suddenly from serious subjects to those of a comic or ludicrous nature at which he would heartily laugh.—"In order to engage his attention I mentioned that I had been two voyages to India as surgeon, but instead of this awakening any interest in him, he described a ridiculous scene between a surgeon and some Chinese about a skull, and went on in a senseless and incoherent manner and came to no conclusion that conveyed any meaning." found his pulse range between 90 and 100; on touching the cicatrix on the forehead, an involuntary twitching of the appendages of the eye takes place; he sailed under Capt. Larkins who was a very strict officer and severe disciplinarian. Witness is of opinion that the prisoner is never perfectly sane; all his acts are influenced more or less by the effects of the injury his brain received from the fall; the brain is liable to organic disease, the prisoner suffers under moral insanity from organic disease, and as a natural consequence he is excited and irascible at trifles that persons of sane intellects would disregard. (cross exd by the Sol. Gen.) admits that the prisoner may have a casual collection of his faculties, but thinks he is momentarily liable to break out into madness; has seen him cry over some recounted circumstance, and instantly burst into immoderate laughter; when he is excited and in a frenzy his mind is gone and he cannot then distinguish between right and wrong.

The evidence having been gone through, Mr. A. L. Street addressed the Court in proof of the insanity of the prisoner, and occupied some hours in reading an immense number of authorities in support of his position, a great many of which (contrary to common law cases) were very interesting. The Solicitor General then addressed the Jury on the whole case and admitted that there can be no doubt of the Prisoner's temporary derangement, and that it was their duty to weigh well the circumstance of permanent derangement as borne out by the opinion of Dr. Dorsey. He replied to and commented on many of the authorities quoted and concluded by observing that he could only be acquitted on the score of insanity, in which case the authorities of the Country would take care of him.

The Judge having read the whole evidence, made such explanations as circumstances required. The Jury after retiring for a short time brought in a verdict of "Guilty of murder under a state of insanity."

SHERIFF'S SALE.

To be sold at public Auction at the Court House in St. Andrews, on Friday the 31st Day of May next between the hours of Noon and four o'clock p. m.

ALL the right, Title, Interest, Claim and demand of THOMAS MOSES, in and to the small Island on which he now resides, situate in Passamaquoddy Bay, and lately the residence of Cavalier H. Jouett Esq. together with the Dwelling House, Out Houses, and all and singular the Improvements thereon, the same having been taken by Virtue of an Execution issued out of the Supreme Court of this Province to satisfy Moses H. Perley in a debt of £218 12 5, together, with Sheriffs fees &c.

COLIN CAMPBELL.
Sheriff of Charlotte.

St. Andrews, Nov. 12. 1838.

COALS TO ARRIVE.

By the Brig Frederick, hourly looked for, 130 TONS warranted best ORRELL.

J. M'LACHLAN.

Nov. 17, 1838. 45w1

HERRINGS.

40 Barrels Grandmanan HERRINGS for sale by

JOHN LOCHARY.

St. Andrews, Nov 16 1838.

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