

Treason, which they averred did not extend to the case of the Prisoner—the other that he was an Alien and was not av rred to be a British subject on the face of the Indictment.—This motion in arrest of Judgement, was however, after solemn argument over ruled on both points—and the Prisoner having nothing further to offer, the *Chief Justice* proceeded to pronounce sentence in the following words :

David McLane,

You have been indicted for the crime of High Treason, to which indictment you pleaded not guilty, and for your trial put yourself on God and the country, by which country you have been found guilty. You have been tried by a respectable and intelligent Jury, many of whom have heretofore served on the grand inquest. Your trial has been attended with such circumstances of fairness, openness and lenity, as do not obtain in any country upon earth except where the laws of England prevail. More than twenty days have elapsed since you were acquainted with the particulars of the charge brought against you, and of the names of the witnesses to prove it, that you might not be surprised by a sudden accusation, and might have full time to prepare your defence. After the facts charged were fully established by the verdict, your counsel have been heard on every objection that could be brought to the regularity of the proceedings; whereas, had you been accused of the like crime in that country whose government you would wish to impose on this Province, instead of being allowed a period of twenty days, you might have been charged, convicted and executed in less than so many minutes: Reflect, therefore, whether you have not been guilty of a most unjust attempt against this government.

It appears in evidence that you are an alien to the King's government; notwithstanding which, you have been treated with the same indulgence as though you had been a native subject. True it is, that a treaty of amity subsists between his Majesty's subjects and the citizens of the United States, many of whom have borne public testimony to the kindly offices received from the King's subjects: It is an intercourse we wish to cherish, as well with public bodies as with individuals, and as it is not probable that you personally have received an injury from this colony—you have been guilty of an unprovoked attempt against this government.

Having heard of some disturbances that were excited on account of the road Bill, you falsely concluded that His Majesty's Canadian subjects were disaffected to government and ready to join in a rebellion, which you were willing to conduct. You might have known that it is easy to provoke murmurs on a like occasion in the best regulated states; in England similar discontents have taken place and subsided as in this country, for a short experience has convinced the people that the measure was greatly for their benefit; putting conscience out of the question, as a prudent man, you had no grounds to go upon. No one, therefore, but a rash and unprincipled character would have engaged in so desperate an enterprise: and no one but a cruel and inhuman character would have projected such measures to carry it into execution. Consider, then, whether you have not been guilty of a most atrocious and sanguinary attempt against this government.

Perhaps you may think that these terms savour of a spirit of reproach—

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