The Weekly Observer.

Established in 1818, Under the title of "The Star." } Whole No. 703.

ST. JOHN, TUESDAY, OCTOBER 25, 1831.

Vol. IV. No. 16.

THE WEEKLY OBSERVER,
PUBLISHED ON TUESDAYS, BY
DONALD A. CAMERON.

Office—In Mr. Hatfield's brick building, west side of the Market-Square, St. John, N. B.

Terms—City Subscribers ... ... 15s. per annum;
Country do. (by mail) ... 17s. 6d. ditto;
Country do. (not by mail) 13s. ditto;
(half to be paid in advance.)

Weekly Almanack.

October—1831.	Sun Rises.	Sun Sets	Moon Rises.	Full Sea.
26 Wednesday	3 51	5 9	0 4	2 09
27 Thursday	3 53	5 7	11 9	4 2
28 Friday	3 44	5 6	morn.	5 18
29 Saturday	3 55	5 5	0 17	6 43
30 Sunday	3 57	5 3	1 25	7 56
31 Monday	3 58	5 2	2 29	8 54
1 Tuesday	7 0	5 0	3 34	9 40

Last Quarter 27th, 7h. 38m. evening.

THE GARLAND.

STANZAS BY WILLIS GAYLARD CLARK.
(From the London British Magazine.)

"How great are his signs, and how mighty are his wonders! His kingdom is an everlasting kingdom, and his dominion is from generation to generation."—Daniel.

I marked the spring as she passed along,
With her eye of light and her lip of song;
While she stole in peace o'er the green earth's breast.
While the streams ran out from their icy rest:
The buds bent low to the breeze's sigh,
And their breath went forth in the scented sky;
When the fields looked fresh in their sweet repose,
And the young dews slept on the new-born rose.

I looked upon summer;—the golden sun
Poured joy over all that he looked upon;—
His glance was cast like a gift abroad,
Like the boundless smile of a perfect God!
The stream shone glad in his magic ray—
The fleecy clouds o'er the green hills lay:
Over rich, dark woodlands their shadows went,
As they floated in light through the firmament.

The scene was changed. It was Autumn's hour:
A frost had discoloured the summer bower;
The blast wailed sad 'midst the cankered leaves,
The reaper stood musing by gathered sheaves;—
The mellow pomp of the rainbow woods
Was stirred by the sound of the rising floods;
And I knew by the cloud—by the wild wind's strain
That Winter drew near, with his storms again!

I stood by the Ocean; its waters rolled
In their changeful beauty of sapphire and gold;
And Day looked down with its radiant smiles,
Where the blue waves danced round a thousand isles;
The ships went forth on the trackless seas,
Their white wings played in the joyous breeze;
Their prows rushed on 'midst the parted foam,
While the wanderer was wrapt in a dream of Home!

The mountain arose with its lofty brow,
While its shadow lay weeping in vales below;
The mist, like a garland of glory lay,
Where its proud heights soared in the air away;
The eagle was there on his tireless wing,
And his shriek went up like an offering;
And he seemed, in his sunward flight, to raise
A chant of thanksgiving—a hymn of praise!

I looked on the arch of the midnight skies,
With its blue and unsearchable mysteries:
The moon, 'midst an eloquent multitude
Of unnumbered stars, her career pursued:
A charm of sleep on the city fell,
All sounds lay hushed in that brooding spell—
By babbling brooks were the buds at rest,
And the wild-bird dreamed sweet on his snowy nest.

I stood where the deepening tempest passed;
The strong trees groaned in the sounding blast;
The murmuring deep with its wrecks rolled on,
The clouds overshadowed the mighty sun;
The low reeds bent by the streamlets side,
And hills to the thunder-peal replied—
The lightning burst forth on its fearful way,
While the heavens were lit in its red array!

And hath man the power, with his pride and his skill,
To arouse all Nature with storms at will?
Hath he power to color the summer cloud—
To allay the tempest when hills are bowed?
Can he waken the spring with her festal wreath—
Can the sun grow dim by his lightest breath?
Will he come again, when Death's vale is trod?
Who then shall dare murmur "*there is no God!*"

MISCELLANEA.

Starving Juries.—We do not recollect to have seen the antiquated absurdity of *starving* Juries into unanimity of opinion better hit off than in the following paragraph from the London Times:

"We are ashamed to look posterity in the face, and acknowledge this law. Of some peculiar fashions of the present day, we can hardly imagine how they will be regarded when they are out; but of this trick of ancestorial wisdom, we can have no doubt how it will be regarded. Our only hope is that posterity will not believe it. They will certainly say, if they have any regard for the memory of their grandfathers that it is absolutely impossible, that a nation so wise as the English, in the nineteenth century, could ever have been guilty of the absurdity of shutting men up, without food or fire, to *compel* them to be unanimous. Moreover, it is not fair to the jurymen among each other; for some men can fast longer than others, and peradventure, some of the party may be better prepared than others. The swearing of the jury, under these circumstances, is ridiculous as well as profane. If they swear to judge according to evidence, they must be supposed to exercise their judgment; but, suppose that they were requested to take an oath that they would all be of the same opinion, would not the proposal be a mockery of the solemnity of an oath, and an insult to a man's common sense and understanding? One might be tempted to imagine, that, requiring unanimity of a jury, and enforcing it by such a dreadful penalty, was done to render trial by jury absurd and unpopular. It is a sad thing for a man, when he is summoned on a jury, to think that he is in danger of having to choose between starvation and perjury."

Monument to Sir David Baird.—In preparing a foundation for the classical monument which Lady Baird is about to erect on Tom-a-Chastel, to the memory of Sir David, the workmen discovered in excavation on the summit of the hill, in which were found a variety of articles, which rendered it extremely probable that this spot, now consecrated to the memory of one of the bravest and most distinguished officers his country has produced, was at an early period of Scottish history the residence of the Earls of Strathearn, the scene of many a bloody fray. The name of the hill, which in Gaelic denotes the "Hill of the Castle," is borne out by the present appearance of its summit, over which are scattered the remains of an extensive edifice, intermixed with a blackish mould, in which human bones frequently occur, with stirrups buckles, and other decayed fragments of ancient armour. In the excavation referred to were found a quantity of black earth, the debris of animal matter; some human bones, a bracelet, and a considerable portion of charcoal, from which it may be concluded that the individuals whose remains were discovered, had perished during a conflagration of the castle. The tradition of the country is that three ladies had been burnt to death on that occasion; and as it is known, that the lady of Meliss, Earl of Strathearn, a daughter of the Earl of Orkney, involved herself in the quarrels between Bruce and Baliol and was, after the ascendancy of the former, in a Parliament held at Scone in 1320, doomed to perpetual imprisonment for the crime of *laesæ magistatis* it is no violent stretch of conjecture to come to the conclusion that this very lady may have been one of the unhappy victims whose remains have been thus accidentally brought to light. The excavation, for whatever purpose it was intended, is undoubtedly artificial; and the most probable supposition that can be made concerning it is, that it was the Dungeon Keep of the Castle. The monument to be erected on this interesting spot is to be a copy of Cleopatra's Needle, a structure whose situation is associated with some of the most important services rendered to his country by the gallant officer it is intended to commemorate. It is to be composed externally of Aberdeen Granite, many of the blocks of which, now unloading at the Quay of Perth, weigh upwards of 4 tons, and as it is to be an exact copy of the original, both with respect to form and magnitude, it will be one of the most conspicuous objects in the vale of Strathearn. Tom-a-Chastel, on the summit of which the monument is to be placed, though only about 400 feet above the level of the sea, overlooks the whole of the Strath, and is even visible from Dundee. The choice of so fine a site for a monument to her Lord, does much credit to the good taste of Lady Baird.—*Perth Courier.*

Province of New-Brunswick.

From the Fredericton Royal Gazette, Oct. 19.

REPORT

Of the Trial of Barnabas Hannawell, Jesse Wheelock, and Daniel Savage, before the Supreme Court of the Province of New-Brunswick, at Fredericton, on Saturday, the 15th October, 1831; being in Michaelmas Term, in the second year of the Reign of King William the Fourth.

SUPREME COURT.

Michaelmas Term, 2d William IV.

On Thursday, the 15th October, in this Term, the Grand Jury for the County of York presented a Bill of Indictment against Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, as follows:

SUPREME COURT.

Of Michaelmas Term, in the second year of the Reign of King William the Fourth.

York, to-wit.

1st. The Jurors for our Lord the King, upon their oath, present, that Barnabas Hannawell, late of the Parish of Kent, in the said County of York, labourer, John Baker, late of the same place, labourer, Walter Powers, late of the same place, labourer, Jesse Wheelock, late of the same place, labourer, Daniel Savage, late of the same place, labourer, Randal Harford, late of the same place, labourer, John Harford, late of the same place, labourer, Nathaniel Bartlett, late of the same place, labourer, Augustin Webster, late of the same place, labourer, and Amos Mattocks, late of the same place, labourer, being pernicious and seditious men, and greatly disaffected to our Lord the now King and his government, within this His Majesty's Province; and also of unquiet and turbulent dispositions, and devising, practising, and falsely, unlawfully, unjustly, maliciously, turbulently and seditiously intending to disturb, molest, and disquiet the peace of the said Lord the now King, and the public tranquillity of this His Majesty's Province of New-Brunswick; and, as much as in them lay, to move, stir up, and procure sedition within the same; and to subvert *His said Majesty's authority within the same, and to set up and establish a Foreign Power and dominion in place thereof*; they the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, to fulfil, perfect, and bring to effect, their most wicked, detestable and seditious intentions aforesaid, on the twentieth day of August, in the second year of the reign of His Majesty the now King William the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, &c.; and at divers other days and times, as well before as after, with force and arms &c. at the Parish of Kent, in the said County of York, unlawfully, unjustly, maliciously and seditiously did assemble, meet, conspire and confederate themselves together, and with divers *other* evil disposed subjects of the said Lord the King, to the Jurors aforesaid unknown, and with the same did treat of and concerning the executing, perfecting, and bringing to effect their wicked and seditious compassings, imaginations, and purposes aforesaid.

2d. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, further to fulfil and bring into effect their most wicked detestable and seditious devices, practices and intentions aforesaid, then and there to-wit, on the twentieth day of August aforesaid, in the second year of the reign of our said Lord the now King aforesaid, and at divers other days and times, as well before as after, at the Parish aforesaid, in the County aforesaid, with force and arms &c. unlawfully, maliciously and seditiously, did consult, counsel, conspire, and confederate to disturb the public tranquillity of the Province, then and there, under the pretended authority of a certain instrument or paper, purporting, as they declared, to be an act of the Legislature of a foreign government called the State of Maine, and one of the United States of America, and of a certain other instrument or paper, in writing, purporting to be, as they declared, a warrant under the hand and seal of a person by the name of William D. Williamson, as a Justice of the peace for the said foreign government of the said State of Main, did elect and choose from among themselves the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster and Amos Mattocks so being then and there unlawfully, unjustly, maliciously, and seditiously assembled together, certain persons to be and act as officers under the said foreign government and to execute and perform the duties thereof as such officers under the said foreign government of the said state of Maine, there to-wit: in the said Parish of Kent, in the said County of York, to-wit: the said Barnabas Hannawell to a certain office under the title or denomination of Moderator; the said Jesse Wheelock to a certain office under the title or denomination of Town Clerk; the said Amos Mattocks, Daniel Savage, and John Harford, respectively, to offices under the title and denomination of Select Men; and the said Randal Harford and Barnabas Hannawell, respectively, to office under the title and denomination of Constables; and did then and there unlawfully, unjustly, maliciously, and seditiously administer or cause to be administered to the said Amos Mattocks, Daniel Savage, and John Harford, as such Selectmen, a certain oath of office; which same oath of office was then and there by the said Amos Mattocks, Daniel Savage, and John Harford received and taken.

3d. And the Jurors aforesaid, on their oath aforesaid, do further present that the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, further to fulfil and bring into effect their most wicked, detestable and seditious devices, practices and intentions aforesaid, then and there to-wit, on the twentieth day of August aforesaid, in the second year of the Reign of our said Lord the now King, and at divers other days and times, as well before as after, at the Parish aforesaid, in the County aforesaid, with force and arms &c. unlawfully, maliciously and seditiously did consult, counsel, conspire and confederate, to disturb the public tranquillity of the Province, and then and there giving out and pretending to act by authority of a foreign government, to wit: the State of Maine, one of the United States of America, and of one William D. Williamson, as a Justice of the Peace of and for the said foreign government did elect and choose from among themselves, the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock, Daniel Savage, Randal Harford, John Harford Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, so being then and there unlawfully unjustly, maliciously and seditiously assembled together, certain persons to be and act as officers under the said foreign government, and to exercise and perform the duties thereof under the said foreign government, there, to-wit: in the said Parish of Kent, in the said County of York, to-wit:—the said Barnabas Hannawell, to be a certain officer under the said foreign government, by the title of Moderator; the said Jesse Wheelock, to be a certain officer under the said foreign government, by the title of Town Clerk; the said Amos Mattocks, Daniel Savage, and John Harford, respectively, to be officers under the said foreign government, by the title of Select-Men; and the said Randal Harford and Barnabas Hannawell to be officers under the said foreign government, by the title of Constables; and did then and there unlawfully, unjustly, maliciously and seditiously administer or cause to be administered to the said Amos Mattocks, Daniel Savage, and John Harford, as such Select-Men, an oath of office, which same oath of office was then and there by the said Amos Mattocks, Daniel Savage, and John Harford, received and taken.

4th. And the Jurors aforesaid, on their oath aforesaid, do further present, that the said Barnabas Hannawell, John Baker, Walter Powers, Jesse Wheelock; Daniel Savage, Randal Harford, John Harford, Nathaniel Bartlett, Augustin Webster, and Amos Mattocks, further to fulfil and bring into effect their most wicked and seditious devices, practices, and intentions aforesaid, then and there, to-wit, on the twentieth day of August aforesaid, in the said second year of the reign of our said Lord the now King, and at divers other days and times, as well before as after, at the Parish aforesaid, in the said County of York, unlawfully, maliciously and seditiously did assemble, meet, conspire and confederate themselves together, to molest and disturb the peace and common tranquillity of this Province, and to bring into hatred and contempt our said Lord the King and His Government, and create false opinions and suspicions in the minds of the subjects of our said Lord the King of and concerning the Government of our said Lord the King, and of the Royal Power Prerogative and Sovereignty of our said Lord the King, within this Province in very great contempt of our said Lord the King and to His Laws, the evil example of all others in the like case offending, and against the peace of our said Lord the King, His Crown and Dignity.

CHARLES J. PETERS,
Atty. General.

On the motion of the Attorney General, the Defendants, Barnabas Hannawell, Jesse Wheelock and Daniel Savage who had been arrested and were then in confinement in the Gaol at Fredericton, for want of Bail, were brought into Court, and arraigned on the Indictment: to which they severally pleaded not guilty, and said they were realy for the trial. The expediency of entering into recognizance to appear at the next Term and traverse the Indictment being stated to the Defendants they retired for a few minutes into an adjoining room to consult together, and on their return, the Defendant Barnabas Hannawell said, that as he did not think that it would be in their power to procure bail, they were desirous the trial should proceed without delay. The Court thereupon appointed the ensuing Saturday for the trial, at the same time intending that if the Defendants were desirous to have the trial postponed, it would be quite open to them to do so at any time before the Jury were impannelled. They then asked what security would be required, and the Court determined that the recognizance should be themselves in £100 each, and two sureties in £50 each.

Saturday, 15th October, 1831.

PRESENT.
His Honor the Chief Justice,
Mr. Justice Bliss,
Mr. Justice Botsford,
Mr. Justice Chipman.

On motion of the Attorney General, the said Defendants, Barnabas Hannawell, Jesse Wheelock and Daniel Savage, were brought into Court by the Sheriff—and being asked by the Court whether they were ready for their trial, replied in the affirmitive.

The Attorney General said that the Defendants being indicted for a misdemeanor only, it was not according to the ordinary practice that their trials should take place at the same Term; that for many reasons he thought it desirable that the present case should stand over until the next Term; that it was the wish of the Crown Officers to postpone it, but, that as the Defendants were in custody, he was willing to comply with their request and proceed immediately if they persisted in desiring it.

The Defendants again said, that as they did not think they could procure the requisite security, they wished the Trial to proceed:

The Attorney General then moved for trial, and intimated to the Defendants who conducted their own defence without the aid of Counsel, that they might challenge any of the Jurors as they were called for cause.

Donald McLeod, one of the Jurors called, was objected to, and thereupon set aside.

No other objection was made, and the following Jurors were called and sworn:—

George Nevers,	Asa Coy,
James Tibbits,	Thomas Gardiner,
James Cameron,	Robert Gowan,
William Miller,	William J. Esty,
John Russell,	Thomas Stewart,
Holland Esty,	John Payson.

The Clerk of the Crown read the Indictment and stated the pleas and issues joined thereon.

The Attorney General opened the case on the part of the prosecution, and stated briefly and generally the substance of the Indictment and nature of the Charge and the evidence requisite to support it, that the main allegation was that of conspiring and confederating together to subvert His Majesty's Government in this Province. The Defendants and others, in pursuance of this design had been guilty of various Acts of sedition, particularly detailed in the indictment, which would be fully proved by the witnesses he should call. This was an ordinary Indictment found by the Grand Jury; he should not anticipate the grounds of defence, but leave the Defendants to show, if they could, any sufficient justification for their conduct. It would be the duty of the jury to decide on the facts under the Law, which would be stated to them by the Court.

The Attorney General then proceeded to call the Witnesses.

Leonard R. Coombes, *sworn* and examined. I know the Defendants; have known Defendant Wheelock ten or twelve years, have seen Hannawell some years ago, but had no particular acquaintance with him till I went to Madawaska, never saw savage till I went there. Hannawell lives near John Baker's Mill in the Madawaska settlement, Wheelock lives near the mouth of the River St. Francis, Savage lives on the Fish River, which is a large stream making in from the west side of the Main River, I reside in the Madawaska settlement, on the east side of the River St. John, about 12 miles above the Grand Falls, have lived there nearly two years and am a captain in the militia of this Province: having heard that there was a notice posted up in the settlement of a meeting to be held at Captain Peter Lizotte's on the 20th August now last, I set off on the morning of that day to go there; went up by water, and stopped at Ferman Thibideau's, on the way, where I saw John Baker, Amos Mattocks, John Harford, and Randal Harford, and went in company with them to Captain Lizotte's.—The three Defendants were there, also Walter Powers and several other persons, among them Mr. Rice and Mr. Beckwith, and some of the French inhabitants, the intent of the meeting as I understood, and as was declared by some of the persons present, was to elect Town Officers for Madawaska under an act of the State of Maine. Captain Lizotte called the Frenchmen out of the door, and spoke to them in French which I do not understand, on his return I heard Walter Powers say, let us go into the field and see what we can do there; he then went out to a cart which stood in a field near the house, and the defendants and the other Americans went with him, Mr. Rice and I also went. Walter Powers commenced by taking out a book; he said he had not his spectacles and requested one of the others, I think it was Webster, to read the Corporation act. I asked Powers by what authority he was going to read that act; he replied under the authority of a warrant he had; I asked him to shew me the warrant, he said he would when he had read the act. I replied, that he should not read the act until he had shewn me the warrant. he hesitated about producing it, but did so on my pledging my honor to return it, he then shewed it to me and I read it and handed it to Mr. Rice to look at it, after seeing the contents of the warrant I told Powers that this was a part of the Province of New-Brunswick, and that, at all events, the British law was then in force; that the laws of New-Brunswick were those we depended on for our rights in any case, that if he should proceed I should take the earliest opportunity of reporting it and have them dealt with according to law, that they might depend upon it the British Government would not allow such acts to be carried on in that part of the country, that we were British subjects and could not allow such proceedings. They went on to read the act, and then the warrant, I think Webster read them, they were read under Power's order, they then proceeded to elect a moderator, the election was by ballot, each writing on a piece of paper, folding it up, and throwing it into a hat; the defendant Barnabas Hannawell was declared by Powers to be chosen moderator, and then took charge of the meeting in that capacity. I then told Hannawell he had better desist, as the British Government would proceed against him; his reply was I am willing every man should be persuaded in his own mind he then said he was elected into an office, and his government would support him in it. They next elected a Town Clerk, select-men and constables, John Harford, Daniel Savage, and Amos Mattocks were chosen select men, Jesse Wheelock town clerk, Randal Harford and Barnabas Hannawell, constables. Paul Crock, otherwise called Paul Cere, one of the French, was first chosen a Select-Man, I advised him not to act, and he thereupon declined; Romaine Micheau, another Frenchman, was chosen a Constable, but he also, by my advice, declined. They then proceeded to swear in the Select-Men. The same persons being appointed Assessors, I cannot say whether the oath was as Assessors or Select-Men the oath was read from a book or a paper in a book, the form was, holding up their right hands and bowing their heads. A conversation then took place between John Baker and myself, in the presence of the party, about the governments, Baker said their government had to stand and were not going to deviate from it, I understood he meant the State of Maine; he expressly denied the authority of the British Government, and said they considered themselves in the County of Penobscot in the State of Maine one of the United States of America; Baker seemed the most zealous of the whole, it is the same Baker who was tried here before, he was the chief spokesman, but refused at that time to take any Office, the other Americans seemed to acquiesce but said little, Baker and Powers were the warmest the defendant Hannawell said little or nothing till he was chosen Moderator, he said he would take no part till he was put into office that would indemnify him; about half the number present were of the French inhabitants, Baker tried hard to persuade them to vote, and I tried hard to dissuade them, I think it was the interference of Mr. Rice and myself that prevented the French voting; Peter Lizotte's house is on the western side of the river, about two miles below the Chapel, and about 30 miles above the Great Falls, he is a Captain of the Militia of this Province, I have done duty with him, he is an old man to appearance upwards of 70; Baker lives on a point of land called Bubear's Point, near the junction of another river, on which he has a mill, he is on the east side of the River St. John.

The witness was then cross-examined by the defendant Hannawell—He was asked what Mr. Maclauchlan, the British Agent, had told him about the line. [The question was objected to by the Attorney General, who stated that he intended calling Mr. Maclauchlan as a witness, and the defendants would have an opportunity of examining him, and might, if they pleased, re-call Mr. Coombes after Mr. Maclauchlan was examined.] To other questions put to the defendant, the witness stated that he never knew of any of the Defendants present ever meddling or interfering with the difficulties existing before this; did not hear them using any solicitations to the French, neither did they interfere with his protesting against the meeting, witness said he did not address himself to them, Walter Powers was the only person who opposed his making a protest, he was the only one who spoke till Hannawell was chosen moderator, Hannawell never opposed witness in saying what he liked to the French or English neither did the other two defendants, never knew any of the defendants resisting the execution of the British or Provincial laws, except in this instance.

To a question from the Court, witness said he did not read the act till after the meeting was over; to one put by a juror, he said it was Hannawell who called them to come forward and take the oath which was administered by Hannawell or Wheelock, but which of the two witness cannot say.

Francis Rice, Esquire, sworn.—I know the Defendants have known Savage 4 or 5 years; Hannawell better than 3; Wheelock about 3 years. About 12th August received information from Mr. Obert that there was to be a meeting at Captain Lizotte's house on the 20th; was told there was a notice posted up at the house of Baptist Jousse, and went there and saw it. I went to the meeting at Peter Lizotte's on the 20th August; the Defendants were all there, also Bartlett, John Baker, John Harford, Webster and Mattocks, also a number of French, about half—I understood the object was to appoint Town Officers for Madawaska, as belonging to the State of Maine, one of the United States of America; Walter Powers declared the object of the meeting, and took the most active part—Captain Lizotte asked me in the presence of the defendants whether I thought there could be any harm in his allowing the Town Meeting to be held in his house; I replied that as a British subject, I should not allow it in my house; but that he was master there and might do as he thought proper. Capt. Lizotte then left the room, and I concluded, from what afterwards took place, that he had objected to the meeting; they then assembled in a field near the house. Captain Coombes, who was present, asked Powers for his authority, Powers handed him a paper, which he read and handed to me. I asked Powers for a copy of the warrant so shown; he said he did not know what right I had to demand a copy; I then told him I would keep the original and send it on.—He then concluded to let me have a copy, which I got, and sent to Mr. Maclauchlan; I am a Justice of the Peace for the County of York, and in that capacity protested against the meeting, in the King's name, and required them to desist, finding that the Americans were determined to go on, I left them and went home, the place where they met is in the Parish of Kent, in the County of York; Lizotte is a Captain of the Militia of the Province; I am a Captain and Adjutant, and have acted with him; John Baker is the same who was tried here two or three years ago, he now lives on the same land he then did; the Americans all appeared to be acting in concert with the same purpose; the French settlers attend the militia trainings, and turn out as regularly as the other inhabitants of the Province.

Cross examined by Defendant Hannawell.—I never knew any of the Defendants to interfere with me as a magistrate, or take part in any of the difficulties which occurred previous to this time: have heard you say you were in opposition to Baker and his proceedings; this was before the last meeting; I never have been molested since the meetings, never knew or heard of any of the Defendants molesting any of the Officers or Magistrates of the Province before or since the meetings.

Re-examined.—I speak of two meetings, there was a second meeting, at their second meeting, Hannawell resisted me and bid me defiance, and I think at this meeting he endeavoured to influence the French.

Michael Tigle sworn.—I know the Defendants, have known Wheelock and Savage 3 or 4 years, and Hannawell 2 or 3 years, was present at the meeting spoken of by Mr. Rice, the first meeting, I understood the object of the meeting was to choose Town Officers under the Government of the State of Maine; Powers took the lead in the first instance, all three Defendants were present; I have been in Court and heard the evidence of the other two witnesses, believe what they have stated to be correct, can say nothing in addition.

Cross-examined by Defendant Hannawell.—I did not hear any of the Defendants at the first meeting endeavour to influence the French.

Romaine Michean called, but not speaking English, Francis Rice was sworn Interpreter, the witness was then sworn and examined. I know the defendants, have known them over three years, I have lived about 3 years and a half in Madawaska, on the west side of the River, near Green River below the Chapel, a paper was then shown to the witness which he said was the same one so put up, the paper was then read and is as follows:—

NOTICE.

☞ By a Warrant to me directed, from W. D. Williamson, Esq. in the County of Penobscot, and State of Maine—This is to notify to the inhabitants of the Town of Madawaska, qualified to vote in Town Affairs, to assemble at the dwelling house of Mr. Peter Lizotte, on Saturday, 20th day of August, 1831, at 1 o'clock in the afternoon, to act on the following articles, viz:

1. To choose a Moderator of said meeting.
2. To choose a Clerk of said Town.
3. To choose Select-Men.
4. To choose Constables and other Officers.

WALTER POWERS.
By order of the said Justices.

I attended the meeting and was chosen Constable, but declined to act.

Edward W. Miller, Esq., sworn. I am High Sheriff of the County of York, have been so since 1814, have lived in the Province over 40 years, have always considered the Madawaska Settlement in my Bailiwick, have constantly executed the King's Process there, have taken the votes of the inhabitants there at Elections, have never met with any resistance or obstruction in the execution of my duty at all there; I knew Capt. Lizotte's house, have always considered it in the Madawaska Settlement, and within my Bailiwick.

The Attorney General here put in an Exemplification, under the Great Seal of the Province of Letters Patent, dated 1st October, 1790, granting to Joseph Muzeroll and 48 others, 51 several Lots in the district of Madawaska in the County of York, being 16,709 acres, which was read. In this Grant Lot No. 36 is granted to Pierre Lizotte.

John Roberts sworn, stated that he was a Clerk in the Surveyor General's Office of this Province in the drafting department; that it was within his department to have charge of the Papers, he produced a Book containing the original record of the plan of survey of the Land mentioned in the Grant to Joseph Muzeroll and others, which he said came from among the Records in the office. The plan was put in.

Francis Rice recalled, the plan exhibited to him, Peter Lizotte lives on the Lot called No. 15 granted to John Martin, his house is within the limits of the grant to Muzeroll and others, I am quite sure of it, Simon Aubear, Junr. lives on the Lot which was granted to Pierre Lizotte

Peter Fraser, Esq. sworn. I have lived in the Province since the year 1784, am acquainted with the Madawaska settlement, have been there frequently, have known some of the settlers since 1787 or 1788, have always considered them under the Government of this Province, I am Lieut. Col. of the Militia in the district of Madawaska, and a Justice of the Peace for the County of York, have been so nearly 24 years, I was a member of the Assembly for the County from 1809 to 1827, the inhabitants of Madawaska have voted at every election at which I was chosen, there was formerly a difficulty in their voting on account of the Elector's oath, as they were Catholics, this was removed by the Legislature, they have done Militia duty in the settlement, Parish Officers have been appointed there by the Sessions constantly. I have known Captain Peter Lizotte since 1792 or 3, he was a Half Brother of Captain Duperre the founder of the Settlement, I know Captain Lizotte's house, have been there, he has lived for 14 or 15 years where he now lives to my knowledge.

James A. Maclauchlan, Esq. sworn. I have known defendant Hannawell 7 or 8 years, he lived at the Oromocto when I first knew him, have known the other two defendants over two years, was not present at the meetings, know nothing of them except from correspondence.

Cross examined by Defendant Hannawell. I have no recollection of talking to the Madawaska settlers and telling them I had orders not to interfere if the Americans confined their proceedings to one side of the river.

Question by Defendant Wheelock. Did you not tell Captain Coombes that you had instructions from the Chief Justice of the Province, that if the Americans confined their proceedings to one side of the river, not to interfere with them?

The witness hesitated to answer the question, as he considered it improper to mention the instructions he received while acting as an officer of the Government, but on being informed that the question was a