

time to dress. Next the cavalcade of two sleighs went to the residence nearby of James Parkinson, and after getting breakfast there arrested one of his sons of the same name. The elder Parkinson had been a staunch supporter of the Government, but that did not help his son. James Benham, John Butchart, Hiram Dowlan, Calvin Lyman and William Armstrong were arrested in the same way. They were taken to Guelph and four of them, Parkinson, Dowlan, Lyman and Armstrong, had a formal examination there before Inglis and were admitted to bail;⁵ but those who were considered the ringleaders received no such courtesy; they were sent at once without examination of any kind to Hamilton Gaol, and Benham, Peters and Butchart, after a long sleigh ride, arrived at Hamilton at 10 o'clock p.m. There they lay until the session in April, 1838, of the Commissioners under a Special Commission of Oyer and Terminer and General Gaol Delivery for the District of Gore.

We are so fortunate as to have at Osgoode Hall the original notes made by the presiding judge.

The Honourable James Buchanan Macaulay was the presiding Judge at this Special Assize; he had been a Puisne Justice of the Court of King's (Queen's) Bench since 1829 and was in 1849 to become Chief Justice of the Court of Common Pleas when it was formed in 1849, and Sir James and a Judge of the Court of Error and Appeal in 1857. He was a sound lawyer and a fair and impartial judge. When the Special Court of Oyer and Terminer and General Gaol Delivery for the District of Gore opened at Hamilton, Thursday, March 8, 1838, Mr. Justice Macaulay had as his associates, Hon. James Crooks, James Racey and Richard Beasley, but these gentlemen had no real authority or voice in the proceedings. A Grand Jury was sworn, Mr. Kirby chosen as foreman; the Grand Jury was charged and the Petit Jury sent home until Friday, March 23. The Grand Jury began at once to find True Bills amongst them—one against the seven men from Eramosa; while fifteen accused were released as nothing was found against them.

The first of those accused of High Treason to come before a Petit Jury were the seven from Eramosa who on Tuesday, March 27, 1838, were placed at the Bar to be tried for their lives.

The Crown Counsel was the new Solicitor-General, William Henry Draper;⁶ of English birth and descent he had run away to sea when a lad and arrived in Canada in 1820, not yet twenty years old. Abandoning the sea he came to Port Hope and entered the Law Society: by diligence and natural ability he achieved his call in 1828. Almost at once he obtained a place in the office of the influential Attorney-General, John Beverley Robinson, and soon entered politics on the Tory or Government side. He was a very sound, if somewhat narrow and technical, lawyer; and he

⁵Peters in the *Mercury* article says, "after being bled, in the pocket of course"—I assume he means paying costs of the Bail-bonds, etc.

⁶He had succeeded Henry John Boulton as Solicitor-General in March, 1837, when Boulton succeeded in the Attorney-Generalship Robert Symptom Jameson, who was made our first Vice-Chancellor.

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