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VOL. XII., No. 24 TORONTO, THURSDAY, JUNE 2, 1904 PRICE FIVE CENTS

CHRONICLES OF AN OLD-TIMER

More of Theller's Memoirs—The Trials of the Patriots Begun—The U. S. Government Interferes With Further Incursions on the Border—Sir George Arthur Supersedes Sir F. B. Head as Governor, but There is Little Change in Policy—General Theller Told He Must Hang—Gen. Sutherland, of the Invaders, Attempts Suicide—Conviction of Lount and Matthews—John Montgomery Found Guilty—Theller Ill in Toronto Jail.

Chicago, May 28, 1904.

Editor Catholic Register:

Following are more of Theller's most interesting memoirs:

The grand jurors were now summoned, and as they had intelligence from the spies along the frontier that nothing more would be attempted, as a mutual understanding existed between the officers of the United States and the Canadian governments who were in command, notwithstanding the outrage of the Caroline, so that every movement of the patriots should be made known to the Tories, they began to work their hellish system of revenge. We were visited daily by members of the most ruffianly looking characters, hired to swear against us, for the purpose that they might "see the prisoners," so as to be able to recognize them before the grand jury. Woe to the prisoner who had the least valuable property to be confiscated; for these perjurers were told they were to have the property if they could swear sufficiently to have them convicted. They were generally the vilest of the vile Orange faction, who thought no more of an oath than they would of the most trivial affair, and particularly when there was anything to be made out of the matter. At first, and at the commencement of affairs, there was evidently some doubt as to the manner the home government would wish the prisoners to be treated. The English papers had come out in severe terms against Sir Francis Bond Head's proceedings, and insisted on his recall; a report became current that he was to be recalled, and his place to be supplied by another in the person of Sir George Arthur. For a while people appeared to act undecided; but as soon as the character of Sir Geo. Arthur was known, and judging from what had been said of him and the ministry sending him out, that nothing but harsh measures would be resorted to, they began in earnest. Bills of indictment were formed and placed in the hands of those in prison every evening by a Mr. Sherwood, who acted in the capacity of queen's counsel, at the same time bringing with him two persons to witness the delivery.

A law had been passed at that time, giving the power to the colonial government to pardon any person accused of treason and indicted, if he would, before the trial, confess his guilt, together with the condition that his property both real and personal, should be confiscated forever; or the person could be banished from the province for a given period or perpetually, on such forfeiture of his property. This was said to be owing to the vast number of persons indicted who could not be tried, as the time of their trials would occupy the whole summer, being not less than from three hundred to four hundred in the neighborhood of Toronto alone that were indicted, besides the great expense they were under in maintaining the prisoners, "fattening them for the gallows," as the Montreal Herald remarked, and the numerous guard required to watch over them; and, above all, the necessity of not driving the people to desperation, in the present state of the province. A list of those who need not expect mercy was made out, and the attorneys being all, with few exceptions, of the Tory school, their interests were looked to. They received fees from prisoners to plead for them; they directed them to petition for pardon to save life with loss of property, stating that if tried they would be executed. All the judicial talent at the bar was secured by the government, and the others charged exorbitantly for their services. One hundred dollars was thought nothing of as a retaining fee, and that, too, in a place where there were such a number to be tried.

Indictments were coming in continually. Still there was none found against us. We could not imagine what they would do with us. Knowing that, as American citizens, they could not try us for treason, not owing allegiance to the queen; and they appeared to be of the same opinion. A few days after we were taken a law was passed that all citizens of the United States taken in arms, fighting against her majesty or aiding or abetting the rebels, should be tried by court martial, and if found guilty should suffer death. This law being de facto a law made after we were taken prisoners, they could not well try us under it; but as they cared little what they did, they found laws as the emergency required. We were called brigands and pirates; yet, as such, we couldn't lawfully be tried; for in the first place, we had not committed any act of piracy; and again, they had no laws in the province to punish that offence, had we been guilty; nor had they any court of admiralty, and it was the opinion of the lawyers that we would have to go to England, and there be tried; but it would not satiate their love of blood to let us slip out of their hands. They feared England, against the crown of which they said the offence was committed, might be too lenient with us, and they would not be able to have their vengeance glutted. On the 24th of March, however, the question so far as their right to try us was settled. In the evening of that day I was presented with a copy of an indictment by the queen's counsel, setting forth that "whereas, Edward Alexander Theller, of the township of Malden, in the western district, Stephen B. Brophy, of the township and district of the aforesaid, and Walter Chase, of the Township of Yarmouth, in the London district, not having the fear of God before their eyes, and instigated by the devil, nor weighing the allegiance they owed to her majesty the queen, did, on the ninth day of January, traitorously assemble with wicked and evil designing men to the number of five hundred or upwards, armed with swords, pistols, muskets, cannon, dirks, bowie-knives and other warlike weapons, and traitorously devised the death of her majesty the queen, and with force and arms did then and there, etc., etc.,

* * *

This was a grave charge, certainly, but we could not but laugh in the face of the learned counsel in giving us a domicile at Malden, and traitorously devising the death of a little girl in England, three thousand miles off. It was rather insulting to Brophy and myself as Irishmen, who are proverbial for their love of the ladies, that we, of all the rest, should be accused of such an offence. None of the other prisoners taken on board of the schooner were mentioned, unless they were thought to be part and parcel of the five hundred wicked and evil-designing mob, with whom we had traitorously conspired to rob her dear little majesty of her life, "against her sovereign will, her crown and dignity."

As Sutherland was taken after the "act of trying citizens of the United States taken in arms," was passed, he was not brought to prison, but confined at the garrison, where the court martial was to sit. He was furnished with quarters there, and guarded by the regular soldiers who were in the garrison. The evening previous to the court martial convening, he obtained an interview with Sir Francis, when he wanted, as was natural with a man in like circumstances—Midshipman Easy like — to reason the matter with him, with regard to the absurdity of taking his life. It was said of him that he offered, in case his life should be spared, to make certain disclosures that would implicate gentlemen in the province who were not even suspected by the government, who had aided and assisted in the matter, together with some of the state authorities of New York and Michigan, and also of the United States; but not having any documents with him to substantiate the matter, the government lent an unwilling ear. The papers by which he could prove those facts, he said, were stolen from him in Detroit, and in the pursuit of which he had been when taken. The governor informed him that he could not interfere with what he termed the "due course of law"; at the same time plainly and politely informing him—for Sir Francis prided himself much on his politeness—that the court would find him guilty and that he would be hanged; and concluded by saying that he, Sutherland, was old enough, had made his selection, and must now suffer the consequences. There is not a doubt in my mind that if Sutherland had been tried the next day, as was anticipated, the court, composed as it was, and from the tone of the official papers, would have found him guilty; and that immediately after their sentence, he would have been executed. But he foiled them. On retiring to his quarters he obtained some warm water to bathe, as he said, his feet, and when the constable, who remained in the room to watch him, had fallen asleep, he sat on the bed, placed his feet in the water, tied up his arm and his feet, and with a pen-knife, which he had borrowed from one of the guards to make a pen, he opened a vein in each foot, and in his arm. When the blood began to flow he leaned himself back on the bed, which aroused the officer, who, on finding his prisoner did not answer him when spoken to, thought he had fallen asleep and attempted to arouse him, but perceiving the blood flowing freely, he gave the alarm. Now as the soldier could not leave his post, and the length of time ere the sergeant of the guard could arrive, and then go for the surgeon, was longer than was anticipated, Sutherland had fainted in reality, and had likely to have carried the joke further than he intended. On the arrival of the surgeon and the officers of the guard, with others of the mess, they did what was necessary to arrest the hemorrhage. The officers on looking about, discovered some letters which Sutherland had written before the affair, and directed them unsealed, to the care of the commanding officer. They were read by the officers to find if they could not throw some light on the matter. In them were found the reasons for committing the act, as well as conveying his last wishes, with some trifling bequests which he had made to certain individuals, as well as some insinuations as to the fate that awaited him when tried by militia officers, with, of course, some complimentary remarks in regard to the regular officers; which last, knowing there was no goodwill existing between them and the militia, was a most politic move, and he therefore secured an interest in his favor which he knew would have its effect. It was some time before he recovered from his weakness so as to have his trial, during which time, however, he had every care taken of him, so as to be able to, as soon as possible, undergo the trial. Meanwhile the new governor, Sir George Arthur, arrived; and as soon as Sutherland was able the trial proceeded. He had the assistance of able counsel, George Ridout, Esq., and others, volunteering their aid; and on his trial it was said he showed considerable tact in cross-examining the witnesses, and in the defence before the court. The court differed among themselves in regard to the constitutionality of the law, or at least the carrying into execution of such a measure, until the law was sanctioned by the home government, they wisely agreed that if according to that law they should hang him, and the imperial parliament not concur in the right assumed by the legislature of Upper Canada in passing it, discretion would be found the better part of valor. "If he be hung," said one, "we cannot recall him to life again." So they agreed, and gave their verdict "that the prisoner, Thomas Jefferson Sutherland, be transported as a felon, to one of His Majesty's penal colonies, for the term of his natural life."

There seemed to be among the Tories a great deal of dissatisfaction on the subject of the verdict, which had been kept secret for several days; but to palliate the matter, the Patriot (the official paper) came out with a statement that Sutherland would be useful to them, having made important disclosures to the governor. Whether he had or not I do not know, but that there were warrants issued for the authorities, and who absconded the next morning, are facts well known to all those who at that time were in Toronto.

* * *

The trials of those indicted now began to come on, and as numbers were petitioning the governor for pardon, Messrs. Lorent, Matthews, Brophy, Anderson, Montgomery, Durand and others, petitioned. They received for answer that the governor and counsel had examined into their cases, and were of the opinion they must stand their trial and abide the issue, as the government could not interfere to save them from the offended laws of their country. I did not apply for pardon for the following reasons: First, I knew I had been set down on the black list as one who must be executed; and, secondly, that as an American citizen, I was resolved never to degrade myself by saying that I could be or was guilty of treason, thereby tacitly admitting myself to be a subject of Great Britain. I spurned the thought, as unworthy of my birth and my adopted country, and expecting nothing from their mercy, only had hope founded upon their fears, which, as the sequel proved, was well entertained.

The first intimation I had of what I might expect, was from a Tory gentleman from Detroit, who was said to be a spy, and which after circumstances convinced me to be a fact. He called to see me, and as he was the first person who had leave to call upon me from my home, I was anxious to hear some news from my family. After little conversation, which on my part was gay and cheerful, I perceived that he was laboring under some very unpleasant errand. I made some enquiry about what was going on in Michigan, and in badinage remarked that I hoped to see him ere long in Detroit, and over a bottle of wine we would canvass these strange affairs.

"You will never see Detroit."

"Never! indeed; and from whom have you that information?"

"From good authority."

"Well, what do they intend to do with me—hang me, I suppose?"

"Yes. I am sorry to say that you must be hanged. I had it from the governor himself, who said it must be done as an example to our people to prevent their interference with what you know they have no right to interfere."

"We will not argue that matter now," said I, "but I would like to know how it is you are so intimate with the governor that he tells you what must be my fate, even before I am tried. But, on reflection, I understand the matter. You may go and tell the governor I will see Detroit again, and I will live there long enough to expose you. Good morning Sir."

I had some idea from what I had witnessed, of the feeling towards me, but still I was puzzled and surprised that the governor should so far commit himself as to state what must be the fate of one, who by their own law must be considered innocent until he was proved guilty. I saw, however, how matters stood, and prepared myself to act accordingly. I perceived that the only alternative I had was to follow the bend of my natural inclinations—fight it out to the last. If they tried me as a subject of Great Britain, notwithstanding my citizenship, they gave me a powerful appeal to my own government, and if they succeeded in carrying their plan into execution, I would be sacrificed, but my death would do more for the freedom of Canada than I could if living. It would be another strong argument for the United States to demand redress and which, from the nature of our people in general, and of naturalized citizens in particular, the president would be obliged, whether willing or not, to notice. To be sure, it would put me out of the way of doing mischief, but there would be the consolation of there being added thousands of better men to the standard, who would rally and teach England, if she must have us for her subjects for hanging, they could sow their own hemp and reap it with their own sickles, and from British soil too.

* * *

The first of the state trials were those of Lount and Matthews. They were advised by their counsel to plead guilty to the indictments and throw themselves on the mercy of the government. As the new governor had not yet had time to mix with the cabal that had wrought upon the passions of his vain fopling of a predecessor—and from the opinion, that although the present governor was of the ultra Tory school of politics—his recent arrival with instructions from the home government, as they were informed, to act as pacificator to the Canadians, and also thinking that he brought with him the manly frankness of the old soldier, the wish to show the people that England was strong enough to be merciful to a fallen enemy, as he had stated in answer to an address congratulating him on his arrival among them, by the citizens of Toronto; and, in fact, that as the revolution had now ceased, and no measures which the people might have anticipated for vengeance, would be resorted to, mercy might be extended.

I was much opposed to my friend Lount pleading guilty to the charge, as I was certain that other things which they could not prove, and of which he was not guilty, would be laid to his charge; and, as to any faith in the mercy of the government, I had never dreamed of. However, he, as well as Mr. Matthews, followed the wishes of their legal advisers, one of them a Tory and the other a very timid Reformer, who, in fact, was almost afraid to take their cases in hand, or speak on the subject for fear of offending the ruling powers. They, by so doing, virtually, I thought then, and still think, threw away their lives.

On the 29th March they were called upon to receive their sentence, which was that they should be executed on the 12th April, 1838. Although we expected it, yet it took us by surprise, that there was no more time allowed them. It had been the opinion of all that the governor would at least take time to have the British government notified, and receive its advice. When they returned from the prison they were chained anew and removed from our room to the condemned cells.

After the sentence of Messrs. Lount and Matthews, the court adjourned for some days; when John Anderson of Toronto was called; and he, also, by the advice of his legal advisers—Tories—pleaded guilty. Gilbert F. Morden stood his trial, and was found in arms at Montgomery's, and on his way to the United States, with some letters found on him from some of the patriot leaders, to certain influential citizens, begging the aid of Americans for some future rising, which was thought a matter so heinous that he could not expect mercy. John Montgomery's trial lasted a whole day. Nothing could be proved against him, but that his tavern stand, a short distance from Toronto, and which he, as a public tavernkeeper, had given them food, when they demanded and paid for it. It was not proved that he had been in arms, advised with the revolutionists, or aided them in the slightest degree. But he had been a Reformer—was a man of wealth; his buildings valued at $20,000, had been burnt by order of Sir Francis Bond Head; and, if not found guilty, the property of a man who had always been the supporter of Mackenzie, would have to be refunded, as the burning had taken the legislature, called the indemnity she legislature, called the indemnity act. This act was to indemnify and keep harmless, justices of the peace, officers of the militia, and other persons in authority in the province, as well as divers loyal subjects, against being harrassed by actions at law, or complaints of any kind, for illegal arrests, and detention or destruction of property of persons suspected of treason, misprison of treason, or treasonable practices. So, Montgomery, on these grounds, was found guilty, and his property thereby confiscated. He was, however, recommended to mercy by the jury. Mercy! Ye gods, how merciful to rob, plunder and burn, and cast an honorable man's family upon the cold charity of the world, and then console him by saying, we will recommend to the chief of our banditti that your life be spared; but let him doom you to chains and slavery "for the remainder of your natural life."

Note by the Editor.—Henry Sherwood, the crown prosecutor here mentioned, was afterwards member of parliament for Toronto under the Union Act, and was one of the Conservative leaders during the battle for responsible government. The Montreal Herald, which was a rabid Tory organ during the rebellion, afterwards changed front—and became the organ of the English Lower Canadian Reformers, led by Hon. Luther H. Halton. Where were the Reform lawyers in those days of trial and tribulation, such as the Hon. Robert Baldwin, John Henry Dunn, Jas. Harvey Price and others? John Montgomery was one of those sufferers who received compensation in 1849, through the Rebellion Losses Bill, by the Baldwin-Lafontaine administration, passed that year, for the wanton destruction of his property; but the Tories had their revenge for the passage of this Act by burning the parliament house in Montreal, rotten-egging Lord Elgin for signing the Bill, and starting a Tory annexation movement. The judge that presided at those trials, I think, was Judge Hagerman, a died-in-the-wool Tory.)

WILLIAM HALLEY.

Former Ottawa Priest Dead.

Lowell, Mass., May 31.—Rev. Joseph N. Guillard, O.M.I., at one time the foremost oblate in the country, died at the Tewksbery Novitiate this morning of paralysis. He had been pastor of St. Joseph's Church of Ottawa.

St. Joseph's Rector Gone to His Reward

Rev. Father Philip Henry Hauck Passed Away in St. Joseph's Hospital After Long Illness

Hamilton, May 30.—Rev. Father Philip Henry Hauck, rector of St. Joseph's parish, this city, and one of the best known and most beloved priests of the Catholic diocese of Hamilton, passed into his last long rest shortly after 3 o'clock yesterday afternoon, in St. Joseph's Hospital. Father Hauck had not been well for a long time, but had been in the hospital only about three weeks, being taken there on May 10. It was thought at first that he might recover, but during the past week his condition was such that death was daily expected. He took a turn for the worse on Saturday, and passed away peacefully yesterday afternoon.

Father Hauck was in the prime of life, being 41 years old. He was born in New Germany, Ont., and when five years of age the family moved to Formosa. In 1886 he entered St. Jerome's College, at Berlin, and began his studies for the priesthood. He completed his classical and philosophical studies, and afterwards pursued the study of theology at the Grand Seminary in Montreal. In 1894 he was ordained a priest by His Lordship Bishop Dowling in St. Mary's Cathedral. He was first attached as assistant in his native parish, Formosa, and afterwards did duty on the Cathedral staff for a year. About six years ago he took charge of the parish of Markdale, which included the missions of Durham and Glenelg. When Father Hauck began his work there was a large debt, and he started to wipe it off. By his hard work and excellent management it was considerably reduced, and a great many improvements were made. Chief among these was the erection of a fine parochial priest's house. Father Hauck was made rector of St. Joseph's Church, this city, last December. It was with deep regret that the people of Markdale parted with him, for during the time he was there the reverend father made hosts of warm personal friends. During his short stay here he had not only endeared himself to the hearts of the people of his own church, but also the other congregations and denominations. His cheerful manner and genial disposition made him a general favorite. He was kind hearted and generous, and his removal will be deeply regretted by hosts of friends all through the Hamilton diocese. The dead priest was a good speaker and a goodly man. His hard work while at Markdale caused the illness which resulted in death.

The following were at his bedside when the end came: Rev. Father Mahoney, rector of St. Mary's Cathedral; Rev. Dr. Feefy, President of St. Michael's College, Toronto; Rev. Father Ferguson, city; three brothers, Joseph and Inglebert, of Formosa, and Henry of Mildmay; two nieces, Misses Anna Hauck and Margaret Mesmer, and a nephew, Inglebert Fritz, of this city.

The remains were removed from the hospital to St. Joseph's Presbytery last evening, and his death was announced in all the Catholic churches last evening. The bell at the church tolled while the remains were being removed. Prayers for the repose of his soul were offered up by the priests and congregations. All his old parishioners, as well as many others, viewed the remains, and regret was expressed on all sides over his death. R.I.P.

It was arranged at first that the remains would be sent to Formosa, his former home, for interment, but by the expressed wish of the deceased in his will the remains will be deposited in the priest's plot, beside the chapel, in Holy Sepulchre Cemetery.

At 8 o'clock this evening the body will be removed from the Presbytery to the church. Members of the I.C.B.U. will be the pall-bearers. The office of the dead will be chanted by the clergy. The solemn funeral mass will be celebrated in the church at 10 O'clock to-morrow morning, and the funeral will take place immediately after.

This parish has been rather unfortunate in one sense with its priests. Rev. Father Hinchey passed away a couple of years ago, after a long illness. Rev. Father Donovan, who was next appointed, was obliged to retire, though, happily, he is now in better health.

(Continued on page 5.)

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