

The witness, Alaire, has also testified in favour of Rochon, that he was not the person by whom the arms were taken from Normand's store—this is a contradiction by one witness of doubtful credibility, for Alaire was himself one of the rebel party, of the circumstantial statement of two who are obnoxious to no suspicion, and had equal opportunities of observing with the contradicting witness. The balance of evidence here is clearly against Rochon, and the Court will not discredit the evidence which the two witnesses for the prosecution have given on this point. If, however, the fact of seizing the arms were clearly abandoned, there still remains enough to shew that this prisoner was a zealous, active, and unscrupulous partizan of the rebel force.

Prieur has endeavoured to establish, and we think not without success, that menaces of a violent and alarming character were made use of on the night of the third, by a band of armed men, to induce him to join them; it appears, also, that on the night of the sixth or seventh, he returned home, and slept out of his house for fear of being again forced away. We give him the full benefit of these facts, in mitigation of his guilt; but we must, at the same time, remark, that his activity and general conduct, while at Beauharnois, established by Feeny, Cousins, Wilson and Thompson, is utterly destructive of the most remote presumption, that he was acting otherwise than from his own volition. The case against him is no wise impaired.

Wattier dit Lanoie has proved that he was at his farm or store at St. Timothé, nine miles from Beauharnois, on the fourth of November, all of the fifth, and has accounted for himself there from ten o'clock till two, on the sixth. The woman, Sophie Julien, further states that, at two o'clock, he went to the Cedars, and returned on the morning of the seventh, when she saw him again at seven o'clock. Her husband went with him to the Cedars, and from him she derived her knowledge that Lanoie was there. This latter statement is clearly not evidence; and when we consider the inconsiderable dis-