

## XII.

### A TRIAL FOR HIGH TREASON IN 1838.

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The extraordinary fiasco of Mackenzie's Rebellion in 1837 had unhappy results for many real lovers of their country: some misguided persons lost their lives, many were exiled, many lost their lands, and not a few were in deadly peril of death or exile, but fortunately escaped the worst.

It is of some of these last that this paper is intended specially to deal.

Mackenzie's attempt to take possession of Toronto occurred early in December, 1837,<sup>1</sup> and rumours of his operations ran like wildfire throughout the Province.

In the Township of Eramosa a meeting was called of the inhabitants at the Central Schoolhouse about seven miles from Guelph to consider what was to be done. The meeting, held on December 7, was attended by some sixty or seventy persons of all politics. James Benham was called to the chair—a man of high standing in the community and one who desired reform in the Government; he appears to have called the meeting. James Peters was appointed secretary—the Township Clerk and of equally high standing and like views.<sup>2</sup> Benham addressed the meeting and a paper was largely signed by those present. At once the story went abroad that some of those who had been at the meeting had there plotted armed insurrection and were about to carry out their treasonable scheme.

Walter King, who had spoken at the meeting, laid an information against James Benham, James Peters and others before "Squire" John Inglis, a Justice of the Peace in Guelph.<sup>3</sup> Inglis was a warm supporter of the Government and took proceedings at once. Following the old practice of Fielding and other English magistrates he gathered some thirty men under arms to "break up the rebel nest in Eramosa." Before daybreak, December 14, 1837,<sup>4</sup> a detachment under Inglis arrested Peters and scarcely gave him

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<sup>1</sup>The outbreak was arranged for Thursday, December 7, 1837; but Monday, December 4, the Rebels were advancing and Col. Moodie was killed. Tuesday morning was spent in parleying and that evening all was over.

<sup>2</sup>Of James Peters it is said that he was one of the very few in this most drunken Province who never used alcoholic beverages, even at "bees." An "active, energetic, consistent Congregationalist, a Deacon in the Church at Speedside from its formation, always in the front ranks of the progressive, liberal-minded citizens of his time." *Guelph Weekly Mercury and Advertiser*, Aug. 2, 1906. The late Dr. George Peters, of Toronto, was a grandson; and Dr. Janet Armstrong, of Cobourg, is a granddaughter.

<sup>3</sup>At that time, and for years thereafter, in the country places of this Province the title "Squire" was given popularly to an active Justice of the Peace; the custom is not yet dead. They have not yet attained the title of "Judge."

<sup>4</sup>James Peters, in an account in the *Guelph Weekly Mercury and Advertiser*, Aug. 2, 1906, says he was arrested "before daylight one morning, that is on the 13th of December, 1837"; but Benham in an almost contemporary statement says, "on the night of the 13th or the morning of the 14th December, 1837, John Inglis, Esquire, one of Her Majesty's Justices of the Peace, with a body of armed men amounting to 30 or more entered our dwelling houses, with fixed bayonets and arrested James Benham." etc.