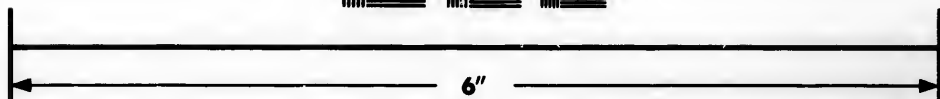
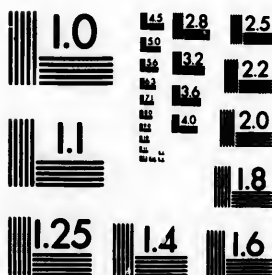


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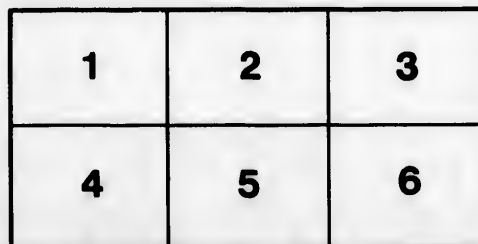
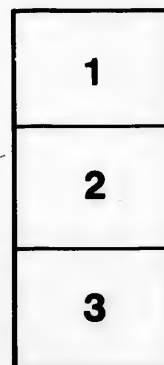
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W. B. Beers

THE STATE TRIALS

BEFORE

A GENERAL COURT MARTIAL

HELD

AT MONTREAL IN 1838-9:

EXHIBITING

A COMPLETE HISTORY

OF

THE LATE REBELLION IN LOWER CANADA.

VOLUME II.

MONTREAL:

**ARMOUR AND RAMSAY, SAINT FRANCOIS XAVIER STREET.
1839.**

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MONTREAL: PRINTED BY ARMOUR AND RAMSAY.

THE QUEEN
VS.
CHARLES HINDELANG.

PROCEEDINGS
OF A
GENERAL COURT MARTIAL,

HELD IN PURSUANCE OF AN ORDER AND BY VIRTUE OF A WARRANT FROM
HIS EXCELLENCY LIEUT. GEN. SIR JOHN COLBORNE,
G. C. B. & G. C. H.

GOVERNOR GENERAL* OF ALL HER MAJESTY'S PROVINCES ON THE CONTINENT OF
NORTH AMERICA, AND OF THE ISLANDS OF PRINCE EDWARD AND NEWFOUND-
LAND, AND CAPTAIN GENERAL AND GOVERNOR IN CHIEF IN AND OVER THE
PROVINCES OF LOWER AND UPPER CANADA, NOVA SCOTIA, NEW BRUNSWICK,
AND THE ISLAND OF PRINCE EDWARD, AND THEIR SEVERAL DEPENDENCIES,
VICE ADMIRAL OF AND IN THE SAME, AND COMMANDER OF ALL HER MAJESTY'S
FORCES IN THE SAID PROVINCES OF LOWER AND UPPER CANADA.

{ MONTREAL, LOWER CANADA,
January 22, 1839.

Members of the Court and Deputy Judge Advocates, the same as in
the case of the Queen against Cardinal and others—(see vol. I. page
17)—are duly sworn.

The prisoner having been brought into Court, the warrants are
read, and the names of the President and members called over. The
prisoner does not object to any of the members of the Court.

* His Excellency Sir John Colborne, having received the commission of Go-
vernor in Chief, in that capacity, on the 22d January, 1839, issued two new
warrants—one constituting a Court Martial, and the other appointing Deputy
Judge Advocates. These warrants correspond, in all respects, with those pre-
viously issued by him as Administrator of the Government—(see Vol. 1, pages 12
to 16.)

COURT MARTIAL.

The President, members, (with the exception of Lieutenant-Colonel Sir John Eustace, absent, and reported sick,) and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of

Charles Hindelang, late of the parish of St. Cyprien, in the district of Montreal, in the Province of Lower Canada, gentleman.

By order of His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and their several dependencies, Vice Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Provinces of Lower and Upper Canada.

For offences committed between the first and tenth days of November, in the second year of the reign of our Sovereign Lady the Queen, in furtherance of the rebellion which had broken out, and was then existing in the said Province of Lower Canada.

First charge, to wit : For that the said Charles Hindelang, on the fourth day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said parish of St. Cyprien, did aid and assist in the rebellion, to wit, the said rebellion which had broken out, and was then existing, in the said Province of Lower Canada, and was then and there, to wit, on the day and year last aforesaid, in the parish of St. Cyprien aforesaid, actively engaged in the said rebellion and in the furtherance thereof, against the laws in force in the said Province of Lower Canada.

Second charge : For that the said Charles Hindelang, on the fourth

day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said parish of St. Cyprien, together with divers others, whose names are unknown, then and there assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did, in furtherance of the rebellion, to wit, the said rebellion which had broken out, and was then existing, in the said Province, prepare and levy public war against our said Lady the Queen, and was then and there taken in open arms, against her said rule and Government, in the said Province, in furtherance of the said rebellion, and against the laws in force in the said Province of Lower Canada.

Third Charge, Murder: In this, that the said Charles Hindelang, and divers other persons, whose names are unknown, on the seventh day of November, in the second year of the reign of our said Lady the Queen, at Odelltown, in the said District and Province, being armed with guns, loaded with leaden shot, bullets, and gunpowder, did, in furtherance of a rebellion—to wit, the said rebellion which had then broken out, and was existing in the said Province—make an assault upon one Charles M'Allister, and then and there, in furtherance of the said rebellion, feloniously, wilfully, and of their malice aforethought, did shoot and discharge the said guns, so loaded as aforesaid, upon the said Charles M'Allister, and him, the said Charles M'Allister, with the leaden shot and bullets, aforesaid, by the force of the gunpowder, aforesaid, discharged and sent forth, then and there, in furtherance of the said rebellion, did, feloniously, wilfully, and of their malice aforethought, strike, penetrate, and wound, in the right breast, giving to the said Charles M'Allister, then and there, with the leaden bullets and shot, aforesaid, by means of shooting off and discharging the said guns, as aforesaid, and by such striking, penetrating, and wounding the said Charles M'Allister, as aforesaid, one mortal wound in the right breast of the said Charles M'Allister, of which mortal wound the said Charles M'Allister then and there instantly died.

Fourth Charge, Murder : In this, that divers persons, unknown, on the seventh day of November, in the second year of the reign of our said Lady the Queen, at Odelltown, in the said District and Province, being armed with guns, loaded with leaden shot, bullets, and gunpowder, did, in furtherance of a rebellion—to wit, the said rebellion, which had then broken out, and was existing in the said Province, make an assault upon one Charles M^cAllister, and then and there, in furtherance of the said rebellion, feloniously, wilfully, and of their malice aforethought, did shoot and discharge the said guns so loaded, as aforesaid, upon the said Charles M^cAllister, and the said Charles M^cAllister, with the leaden shot and bullets, aforesaid, by the force of the gunpowder, aforesaid, discharged and sent forth, then and there, in furtherance of the said rebellion, did, feloniously, wilfully, and of their malice aforethought, strike, penetrate, and wound, in the right breast, giving to the said Charles M^cAllister, then and there, with the leaden bullets and shot, aforesaid, by means of shooting off and discharging the said guns, as aforesaid, and by such striking, penetrating and wounding the said Charles M^cAllister, as aforesaid, one mortal wound in the right breast of him the said Charles M^cAllister, of which mortal wound the said Charles M^cAllister then and there instantly died, and that the said Charles Hindelang, in furtherance of the said rebellion, then and there, feloniously, wilfully, and of his malice aforethought, was present, aiding, helping, abetting, comforting, assisting and maintaining, the said persons, whose names are unknown, in the felony and murder, in the manner and form aforesaid, to do and commit.

The prisoner being called upon to plead, hands in a document, marked A. annexed to these proceedings.

The application contained therein is overruled by the Court.

The prisoner is again called upon to plead, and hands in two documents, hereunto annexed, marked B. and C.

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The prisoner is a third time called upon to plead, and pleads Not Guilty, to all the charges.

JOSEPH SARAULT, of Napierville, Parish of St. Cyprien, surgeon, having been called into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner, Charles Hindelang ? State what you know of him, in connection with the charges which have been read to you.

Answer—I do know him ; I saw him arrive at Napierville on the fourth November last, with Dr. Robert Nelson, one of the rebel leaders. Dr. Nelson declared, in the presence of the prisoner, that the time had arrived, when the arbitrary and tyrannical Government of Great Britain would be overthrown. In speaking to an assembly of eight hundred or nine hundred rebels, Dr. Nelson said, “ I here introduce to you two French officers, one on my right, and another on my left.” These two officers were, one Touvre, and the prisoner, Hindelang. Dr. Nelson added, that when these officers learned the state of Canada, they determined to come “ to our assistance, and guide you in the enterprise in which you had embarked.” Speaking of the prisoner, Dr. Nelson said, “ He was one of those who had figured in the glorious revolution of July, 1830.” The prisoner, Dr. Nelson, and Touvre, then went and took up their residence at Dr. Cote’s house, another of the rebel chiefs in Napierville. He (the prisoner) was actively employed, in connection with Drs. Nelson and Cote, in furnishing plans to the rebel army, and acting as Brigadier to the same ; I saw him, armed with a sabre, on Thursday, the eighth, going to Odelltown battle, in company with Dr. Nelson ; he was in the midst of a rebel force of five hundred or six hundred armed men, whose object, I have no doubt, from the words of Dr. Nelson, was to subvert the British Government ; I hold a pass from him, with his own signature, as Brigadier, which is annexed to these proceedings, marked No. 1. It was written by the prisoner, in my presence, on the day

mentioned on it—the seventh November, 1838; I am the person mentioned in the paper writing, by the name of Mr. Sarault. He (the prisoner) remained at Napierville, from the fourth to the ninth of November, except the time when he was absent with Nelson.

Q. by the same—Look at the paper writings, marked 2, 3, 4, annexed to these proceedings, and state in whose handwriting the said papers are, and whose signature is affixed at the bottom thereof?

A.—The handwriting and signature are those of the prisoner, Hindelang, of the papers marked 3 and 4, and No. 2 is not in his handwriting, but it is the signature of the prisoner.

Q. from the Court—Did the prisoner appear in uniform, as an officer, and describe how he was dressed and armed in Napierville?

A.—He wore no other dress, but that which he now wears. I only saw him armed on the day he went to Odelltown, viz.—the eighth.

Q. from the same—Do you know when and where the prisoner was taken? and was he in arms at the time?

A.—I do not know where he was taken.

JEAN BAPTISTE TRUDEAU, of Napierville, scrivener, having been brought into Court, and the charge read to him, he is duly sworn and states as follows:—

Question from the Judge Advocate—Do you know the prisoner, Charles Hindelang? State what you know of him, in connection with the charges which have been read to you.

Answer—I know the prisoner Hindelang to be one of the two French officers who accompanied Dr. Robert Nelson when he entered Napierville, on the fourth November last; he was on horseback, and wore a sword; there was a large assemblage of armed men on the market-place there; they formed a square; he rode on the right of Dr. Nelson; this was a body of rebels, and, from Dr. Nelson's address, I knew their object was to subvert Her Majesty's Government; I saw the prisoner entering Napierville on the fourth, and I saw him

there, from that time, until the eighth, when he left with a body of armed men, who said they were going to Odelltown ; the prisoner was on horseback and armed with a sword ; I have seen documents signed by him, some as Brigadier-General and some as Brigadier only ; I saw him write a pass for Dr. Sarault, addressed to the jailor at Napierville, to permit him (Dr. Sarault) to pass out and in when he chose ; the paper hereunto annexed marked No.1, is the same which I saw him write ; the said paper is in the handwriting of the prisoner, and signed by him in my presence, on the seventh of November last, at about eight, P. M. ; on the same evening, I heard the prisoner state, in my presence, that he would like to be wounded, but not in such a scrape as that at Lacole ; Dr. Robert Nelson was called President by the body of armed men assembled at Napierville.

Q. from the prisoner—Did you ever hear me excite the Canadians to levy war against Her Majesty's Government ?

A.—Never ; I never heard you excite them to rebellion.

LEON LEDUC, of Napierville, Carter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoner in the month of November last, and where ? and state how he was employed.

Answer—I saw him at Odelltown, on Friday, the ninth of November last, at the battle there, between eleven and two o'clock ; the battle was between loyalists, on one side, and the patriots, or rebels, on the other ; the prisoner was among the rebels, holding a command ; I do not exactly know the rank he held, I think he held the principal command of the fighting men ; he was armed with a sword ; I heard him give the order to his men to advance, and not to be afraid ; I saw a number of those who were with the prisoner fire on the church in which the loyalists were posted ; I saw a Canadian wounded there, I saw some others afterwards, who were wounded there ; the men

engaged in the battle were armed, some with guns, some with pikes ; I was present in the battle, from eleven till two o'clock, and left before the engagement was over ; the prisoner commanded the company that I was in, generally, among other things, to advance ; this company consisted of about fifty or sixty ; there were a great number of people on our side, perhaps seven hundred or eight hundred, more or less ; some were not armed.

Question from the Court—Did you see the prisoner at any other time between the fourth and eighth November ? If so, state when, where, and what doing.

A.—I do not recollect.

Question from the prisoner—Have you been arrested and in prison upon a charge of high treason ?

A.—I was taken by the troops at Napierville, and, after a brief detention, was discharged.

Q. from the same—Did you hear me give the word to the rebels to fire ?

A.—No.

JOHN M'CALLUM, corporal in the Odelltown Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Were you acquainted with one Charles M'Allister, deceased, in his lifetime Captain of a Company of Volunteers ; where did you see him last, and how did he meet with his death ?

Answer—I was acquainted with Charles M'Allister, Captain of Volunteers ; I saw him for the last time at the Methodist Church, at Odelltown, on Friday, the 9th November last ; I saw him alive about noon on that day ; he was engaged against the rebels, commanding his company in the engagement there, between Papineau's men and the British men ; I saw those whom I call Papineau's men, (namely, the rebels,) fire on the loyalists ; they fired on Captain M'Allister's party,

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who happened to be at the door of the church, and a ball came and struck him in the breast, which same ball grazed my right arm, and left a black mark on my skin ; Charles M'Allister fell down, and died instantly ; I saw him immediately after he was dead ; I saw the wound which caused his death ; I had no time to examine it, but I am certain it caused his death, and his death was occasioned by the firing from the rebel party ; the rebels engaged might have been about a thousand. From first to last, I think this engagement lasted about two hours, and the firing was general. The rebels fired on the church, in which we were, from every side.

JOHN MACNALLY, private in the Odelltown Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Were you acquainted with one Charles M'Allister, deceased, in his lifetime Captain of a company of Volunteers ; when did you see him last, and how did he meet with his death ?

Answer—I knew Charles M'Allister ; I saw him last at the church door in Odelltown, on the day of the battle at the church ; there was but one battle at the church ; I do not recollect the precise day. He (Captain M'Allister) was Captain of a company of Volunteers ; I was standing close to him at the church door, and his head fell across my leg when he fell ; I saw the blood issuing from a wound in the right side of his breast, of which wound he died instantly ; this was about noon, or one in the afternoon ; hot firing lasted for about two hours ; I saw Corporal M'Callum (the preceding witness) close to Captain M'Allister in the battle, when he was killed ; the battle was between the rebels on one side, and the loyalists on the other ; Captain M'Allister was killed by the fire from the rebels ; I suppose there were thirteen or fourteen hundred men on the side of the rebels.

JAMES LUCAS, junior, private in the Odelltown Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner before the Court; where did you see him between the first and tenth of November last?

I do know him; I saw him on Saturday, the tenth, as I was coming up from Champlain village, and I saw a man come out of the wood and look about; afterwards the prisoner came out, and I went to one Ling's house, and got him and his gun, and went up right across the field and took these two men prisoners, of which two men, the prisoner before the Court is one; we took them to Lacole, and delivered them up to one of the Captains, as prisoners; he (the prisoner) had a belt on, but no sword; this was between the fifth and sixth concession from Odelltown, and about three lots from the lines.

Q. from the prisoner—Was not the house where you were, distant from the wood, and was it not with my own free will that I waited for you and surrendered myself, requesting you, at the same time, to take me to some English officer; you did not understand, but I repeated the same request at Lacole.

A.—It was distant; you did not wait and deliver yourself up of your own free will; we were between you and the lines, and intercepted you; I cannot say that you requested me to take you to an English officer; I did not understand you; the other man who was with you, spoke good English, and requested to be allowed to go home, as he was carrying some money to his father.

Q. from the same—Could I not see you from a great distance, and might I not easily have returned into the wood, and concealed myself there?

A.—I do not think you could have seen us, and you continued your way to the lines; you were separated from the wood by the distance of two lots.

Q. from the same—Was not the space clear between you and us?

A.—Yes.

Q. from the same—While still at a great distance from us, did you not hail us, and ask whether or not we were armed?

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A.—Yes, we hailed you ; you both stretched out your arms, to show that you were not armed.

Q. from the Court—What reason had you for taking the person before the Court prisoner ; had you ever seen him before ; if so, say when and where ?

A.—We had never seen him before ; we thought he had just come from the battle of Odelltown, and we took him.

ABRAHAM LING, labourer, of Odelltown, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner before the Court ; where did you see him between the first and tenth of November last ?

Answer—I do know him ; on the Saturday after the second skirmish, James Lucas (the preceding witness) came and asked me if my gun was at home—that he had seen two men coming out of the wood ; I accordingly went with him to the road between the fifth and sixth concession, and there we saw two men making towards the lines ; they were walking ; I commanded them to surrender as prisoners, that I might take them to Odelltown, and there put them in the custody of the guard ; the other person, with the prisoner, pleaded very hard to be allowed to go to Champlain, to see his father ; I had to press my bayonet on the breast of the prisoner before the Court, and my hand on his shoulder, to turn him about to go to Odelltown ; Lucas took charge of the other prisoner ; we conducted them to Odelltown, and afterwards to Lacole, where we delivered them into the hands of the Captain commanding ; I saw no arms upon the prisoner.

Q. from the prisoner—Did I not advance towards you, when I saw you coming up, and surrender myself voluntarily to you ?

A.—You did not advance ; you pleaded with the other to go over the lines—that we should take your word and let you pass.

Q. from the same—What did I say when I pleaded to go over the lines, and in what language did I speak ?

A.—You spoke with your mouth, and in English, as well as you could, and asked me to take your word, and not take you to Odelltown, that you were not a runaway from the rebel army.

Q. from the same—At what distance was I from you when you first saw me ?

A.—About a quarter of a mile.

Q. from the same—Did I alter my direction on seeing you advance to intercept me ?

A.—You did not ; I do not know whether you saw me.

Q. from the same—Was not the space clear between you and us ?

A.—It was.

Q. from the same—While still at a great distance from us, did you not, or your companion, hail us and ask us whether or not we were armed ?

A.—I did not, but my companion did.

NOEL LAURENT AMIOT, curé of St. Cyprien, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows ;—

Question from the Judge Advocate—Do you know the prisoner ; did you see him at Napierville, between the first and tenth November last, and how was he engaged ?

Answer—I do know him ; I saw him at Napierville on the sixth of November last, at my own house ; he told me then, that he intended to send four or five officers to be lodged at my dwelling ; I understood that he passed for a General of the patriot service ; I remarked to him, that having been plundered of my flour and pork, it would be rather too much that I should be required to board four or five persons ; he said, “ you will not be required to do so long, as we are on the point of starting to take St. Johns ; ” the prisoner was unarmed at this time ; he told me that he would take possession of the church bell, and use it

for the purpose of assembling the men for military exercise ; I saw him a second time on the Friday, after the battle of Odelltown ; he was at my house (the parsonage) with one named Medard Hebert, another of the rebel chiefs ; in this conversation he acknowledged having been at Odelltown battle, and he, at the same time, complained of the cowardice of the Canadians ; in speaking of this he said, that they were occupied more in praying than fighting, particularly one, who was shot whilst kneeling ; he added, that for himself, he had made his will before leaving New York, and that he was well prepared to die ; at the time of this conversation, there were still at Napierville between seven and eight hundred rebels.

LOOP ODELL, of Napierville, merchant, being called into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoner before the Court at Napierville, between the first and tenth November last, and more particularly in your store at the said place ; state what took place on that occasion ?

Answer—I did see him on Sunday, the fourth ; on the seventh, I saw him in my store, and he was taking down things from my shelves ; I asked him by what authority he was doing this, and he replied, that he was a Frenchman, and had come with the President, Dr. Nelson, and had his authority for doing so ; I spoke to him in English, and he appeared not to understand me ; I told him that Dr. Côte had given permission that the things taken from my store should be measured, and I believe my clerk did so ; he then gave me the bon marked No. 4 for the goods he had taken, now exhibited to me, and which I recognize as the same ; what I said to the prisoner in English, the rebel serjeant who had charge of me explained to the prisoner in French ?

The prosecution is here closed, and the prisoner begs for delay until the 25th instant, to prepare his defence.

The Court is closed to deliberate, and the prisoner is given until Thursday next, the 24th, at twelve o'clock, noon.

SECOND DAY, 12 o'clock, THURSDAY, 24th January.

The Court meets, pursuant to adjournment. Present, the same members as on Tuesday, the 22d.

The prisoner is called upon for his defence. It is admitted that he is an alien, and subject of a foreign state.

By permission of the Court, the assistant of the prisoner, Mr. Drummond, reads his written address, which is annexed to these proceedings, marked D.

The prisoner himself reads the document, marked E, annexed to these proceedings.

The Judge Advocates' Address, marked F, is here read, and annexed to these proceedings.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges preferred against the prisoner, together with what has been read in his written defence, is of opinion, that he, the prisoner, Charles Hindelang, is guilty of the first charge, that he is guilty of the second charge, that he is not guilty of the third charge, that he is guilty of the fourth charge.

The Court having found the prisoner, Charles Hindelang, guilty as above stated, of the first, second, and fourth charges, the same being for offences committed since the first day of November last, in furtherance of the rebellion existing in this Province of Lower Canada, do sentence him, the prisoner,

Charles Hindelang, to be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,

CHAS. D. DAY,

ED. MULLER, *Capt. the Royal,*

Joint and severally Deputy Judge Advocates.

A

MONTREAL.

DOM. REGINA.

vs.

CHARLES HINDELANG.

Charles Hindenlang, who is now before the Court, indicted or charged, under the name of Charles Hindelang, saith that he was ever, and now is, called and known by the name of Charles Hindenlang, and not Charles Hindelang.

Therefore, without waiver of any exception by him made; or hereafter to be made, he prays judgment of the Court, if he should answer the said charges, and further prays that the said charges be declared null and void.

Montreal, 22d January, 1839.

B

PROVINCE OF }
LOWER CANADA, }

THE QUEEN

vs.

CHARLES HINDENLANG.

The prisoner, who has been brought forward for the purpose of being tried, upon a charge or charges of levying war against the Government, and of murder, begs leave to urge upon the attention of the Court, that, according to the practise of Courts constituted as the present, a person accused of any offence which may involve a penalty affecting either life or limb, is entitled to, first, a list of the witnesses to be produced against him; such has been withheld from the prisoner. Secondly, a list of the persons appointed to sit in judgment upon him; no such list has been furnished to the prisoner.

The prisoner, accordingly, requests that all proceedings may be deferred until the benefits which the practise of Courts Martial, constituted as the present, and for the like purposes, afford the accused, shall have been extended to him.

Montreal, 22d January, 1839.

C.

MONTREAL.

DOMINA REGINA,

vs.

CHARLES HINDENLANG.

The prisoner respectfully, but firmly, excepts to the competence of the tribunal now assembled, under the designation of a Court Martial, to take cognizance of the offences with which he stands charged, or to sit in judgment upon him, for the said offences, because, he says, that by the Act of the Imperial Parliament, of the 14 Geo. III. c. 83, it is enacted, that the Criminal Law of England shall continue to be administered, and shall be observed as law in the Province of Quebec, as well in the description and quality of the offence, as the method of prosecution and trial, to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon.

That by virtue of the Common and Statute Law of England, having reference to criminal offences, and forming part of the law of this Province, a party charged with murder, or with any of the supposed crimes laid against the prisoner, is entitled to be tried by a Jury of his peers, empannelled before the ordinary criminal tribunals, to the exclusion of every other mode of trial.

That, by the Act of the Imperial Parliament, of the 1st Victoria, c. 9, (under the supposed authority of which, an Act, as it is said, hath been passed by the Administrator of the Government, by and with the

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consent of a pretended Special Council, constituted under the said last mentioned Act of the Imperial Parliament, authorising the trial by Court Martial, of all persons who, since the first day of the month of November last, had been, or were, or thereafter might be acting, or aiding, or in any manner assisting in the rebellion,) it is expressly provided that it shall not be lawful, by any law to be passed by the Governor and Council to repeal, suspend, or alter, any Act of the Imperial Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as then constituted, repealing or altering any such Act of the Imperial Parliament.

That it was not, and is not, competent to any local Legislature, created by the said Act of the Imperial Parliament, of the 1st Victoria, c. 9, to sanction any departure from the practice of administering the Criminal Law of England, as introduced in this Province by the said Act of the Imperial Parliament, of the 14 Geo. III. c. 83, or to abrogate any part of the Common or Statute Law of England, existing and in force at the time of the passing of the said last mentioned Act.

The prisoner further excepts to the legality of the pretended Ordinance of the Administrator of the Government and Special Council, known as the 2d Victoria, c. 3, because, he says, firstly, that the Council firstly constituted, under the Act of the Imperial Parliament, of the 1st Victoria, c. 9, was lawfully dissolved by Letters Patent of His Excellency the Earl of Durham, the then Governor General of the Province, on the first day of June last, and that the said Ordinance of the 2d Victoria, c. 3, was enacted with the sanction and advice of the persons composing the Special Council so dissolved, as aforesaid, without the said Special Council having been reconstructed; and, secondly, that the said Ordinance of the 2d Victoria, c. 3, purports to have been enacted on the eighth day of the month of November last, whereas the pretended Special Council, by and with whose sanction the said Ordinance was enacted, was convened by Proclamation to meet only on the ninth day of the month of November last, and therefore the prison-

er denies that there was any Legislature in session on the said eighth day of November, when the said Ordinance purports to have been passed.

And the prisoner further alleges, that supposing the said pretended Ordinance of the 2d Victoria, c. 9, to be legal, still the said Ordinance could not, nor can it be so construed as to render the prisoner amenable to any military tribunal, organized, as the present is, under colour thereof. Because, he says, that the said alleged Ordinance pretends only to empower the Governor of the Province, or the Person Administering the Government, to organize Courts Martial, "*for the punishment and suppression of all rebels,*" in the District of Montreal, whereas the prisoner, who is an alien in this country, cannot be considered as a rebel against the British Government, to which, as a subject of the Crown of France, he owes no allegiance.

Upon these grounds, the prisoner humbly contends, that he is not bound to answer the charge preferred against him, and prays that he be remanded to the prison, to await his trial according to law.

Montreal, 22d January, 1839.

No. 1.

Vous laisser entrer et sortir, quand on lui semblera, Mr. Sarault, et rester dans la prison le temps qui lui semblera convenable.

{ Quartier Général,
 { le 7 Novbre. 1838.

C. HINDELANG,
Brigadier.

No. 2.

I authorise Monsr. Joseph Hebert, and his assistants, to take out all the lead, pewter, or any other, to wit, of metal for military purposes, that he may find in the store or house of Loop Odell.

{ Head Quarters, at the Cotés,
 { this 6th November, 1838.

C. HINDELANG,
Brigadier.

No. 3.

Deux pieces de Gros.

Octre. 6 Nov. 1838.

C. HINDELANG.

No. 4.

J' ai pris dans le magasin de Mr. Hodel,
6 yds. Serg Jaune.
3 do. do. Rouge.

le 7 9bre. 1838.

C. HINDELANG,

Brigadier.

D.

Gentlemen of the Court,

Few men, if any, have ever risen in a Court of Justice under disadvantages so great as those which militate against me at this moment. A stranger in a foreign land—a soldier of France, cited before a tribunal composed of British Officers—separated by the vast ocean from all whom the ties of blood or friendship might induce to take an interest in my fate, and supported by those alone who abhor injustice and feel that misfortune has an inalienable claim to the protection of every noble mind, that a generous error should ever find a generous advocate to defend it. I rise, nevertheless, with confidence, to address you, knowing well, that, as Officers of that great nation whose elevation to the acme of power is due alone to its known respect for the great principles of law and justice, you will not allow yourselves to be swayed, in your deliberations, by that tide of prejudice which has been raised against me, and will not condemn me without being convinced that you are authorised by law to do so. To that conviction, gentlemen, if I have not judged too highly of your character and wisdom, you can never come.

You have been organized, as a Court Martial, under the supposed authority conferred, by an alleged Ordinance of the Governor and the, so called, Special Council of His Excellency Sir John Colborne, for the *punishment and suppression of all rebels in the District of Montreal*. That this is the limitation of that power, must be evident from a fair and impartial perusal, not only of that pretended Ordinance, but, also, of the proclamation which forms its basis.

After premising that a traitorous conspiracy had broken out and had manifested itself in acts of open rebellion, His Excellency proclaims as follows :—" Now, therefore, I have thought fit, by and with the advice and consent of Her Majesty's Executive Council of this Province, to issue this Proclamation, to the end that it be made manifest, that I shall arrest and punish, and cause to be arrested and punished, all persons who have been hitherto, or who now are, or hereafter may be, any wise acting, aiding and assisting in the said conspiracy, and in any other conspiracy and rebellion within the said District of Montreal, according to Martial Law, either by death or otherwise, as to me shall seem right and expedient, for the punishment of all rebels in the said District."

The pretended Ordinance, after premising in the same manner, and noticing the Proclamation, enacts as follows :—" That from and after the passing of this Ordinance, it shall and may be lawful for the Governor of the said Province, or the person administering the Government thereof, from time to time, during the continuance of the said rebellion, whether the ordinary courts of Justice shall, or shall not at such time, be open, to issue his orders to all officers whom he shall think fit to authorize in that behalf, to take the most rigorous and effective measures for suppressing the said rebellion, in any part of the said District of Montreal which shall appear to be necessary for the public safety, and for the safety and protection of the persons and properties of Her Majesty's peaceable and loyal subjects, and to punish all persons, who, before the passing of this Ordinance, that is to say,

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since the first day of the present month of November (1838), have been, or were, or hereafter may be, acting, or in any manner assisting, in the said rebellion, or maliciously attacking the persons or properties of Her Majesty's loyal subjects in furtherance of the same, according to Martial Law, either by death or otherwise, as to him shall seem expedient for the punishment and suppression of all rebels in the said District of Montreal."

The Governor and supposed Special Council, in passing that Ordinance for the sole purpose of carrying into effect the proclamation of Martial Law, felt that they could not go beyond the intentions of that Proclamation; and we consequently find that the closing words of the Proclamation are repeated in the Ordinance.

That I owe no allegiance to the Crown of Great Britain, being an alien, a subject of the Crown of France, and having never sought for the protection of the British Government, is a self-evident proposition. But as in times like these, when, for political purposes, we see the most sacred principles called in question, I deem it advisable to cite an authority from Foster, p. 185. This author, after having divided allegiance into two branches, *natural* and *local*, defines the latter as follows: "Local allegiance is founded in the protection a foreigner enjoyeth for his person, his family, or effects, during his residence here, (meaning in the British Empire,) and it ceaseth, whenever he withdraweth his family and effects." And in another passage he states, that "the allegiance which an alien may owe to the British Government, is founded solely on the protection he receiveth." I sought no protection from the British Government, and in verity, I have hitherto found none, save that which the roof of the prison house has afforded me against the inclemency of the elements.

If any more were required to convince you that I cannot be considered as a *rebel* to the British Government, the fact that the charges of High Treason, which I was first summoned to answer, were withdrawn, after a deliberation of nearly two months, and replaced by the

laboured accusations now prepared against me, will, assuredly, suffice. It appeared strange to me, that the learned Judge Advocates, who ought to understand the language of legislation, should have urged in opposition to the exceptions filed by me when arraigned before you, that the words "all persons aiding and assisting in the Rebellion," referred to aliens as well as British subjects, although in the legislature of every civilized power in the world such expressions are meant to apply solely to its subjects.

Opinions like this, when proceeding from a source so worthy of respect, can only be accounted for by the lamentable facts, that in the political storms of society, the minds of the best and most enlightened men, warped by the prejudice, or distorted by the fever of the moment—too often forget the great truths of law and justice—as in the tempests of the natural world, the purest waters cease to reflect the hues of heaven.

But the question is of such vital importance, not only to the humble individual who addresses you, but to yourselves, Gentlemen, and to the honour of the British nation, that I feel convinced that you will not, in your decision, allow yourselves to be swayed solely by the opinions of those learned gentlemen, who are, doubtless, prepared to support, with even more than their ordinary ingenuity, the proceedings which they themselves have devised.

I trust, Gentlemen of the Court, you will fully understand, that when I thus contended, I was not amenable to your tribunal. I do not urge, nor yet waive, any objection to the legality of the supposed Ordinance, under colour of which the honourable Court is organized; but merely maintain, that the authority you hold, from the power conferred by it upon His Excellency, cannot extend itself to the case of an alien. You can, therefore, have no hesitation in deciding this question; and the overruling of my preliminary exception on this ground can form no bar to a more serious consideration of the subject, inasmuch as you cannot have conferred upon yourselves a jurisdiction which you did not originally possess.

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I come now to the charges preferred against me.

In the first, I am accused of having aided and assisted in the rebellion which recently took place in this Province.

In the second, of having prepared and levied public war against Her Majesty the Queen of England.

In the third, of having, in furtherance of the rebellion, and with divers other armed men, committed murder upon the person of one Charles M'Allister.

In the fourth, of having aided and abetted in the murder of the said Charles M'Allister.

Gentlemen of the Court, I trust you will not impute to me a want of candour in denying *all* the charges. It was not to be expected I should plead guilty of the two last. *I am no assassin.* But were such offences as those imputed in the first and second charges recognized in the criminal code of England, I should not have hesitated to avow my culpability. A lover of liberty, not only as a Frenchman, but as a disciple of that reformed religion, to the influence of which many wise men have attributed the downfall of despotism in civilized Europe, still full of the remembrance of the glorious days of July, when my services entitled me to a decoration, which, I trust, I have not yet disgraced, I rushed to the aid of the Canadian insurgents, not with any sordid object in view, but solely because I believed them to be in a state of servitude, and all prepared and willing to assert their independence. In this alone was I deceived. If I have erred, (and my conviction that no revolution, however justifiable on other grounds, should be attempted without an almost certainty of success, shews me that I have), I mean not to conceal my error, I should not have concealed it, even though a confession extorted from me in a moment of physical prostration, had not already been heralded forth to the world, with a view to prejudice the public mind, and favour decisions in regard of me, but I could not, I repeat, plead guilty to a charge which forms no legal ground of accusation. I am prepared to see the learned Judge Advocates revert to

one of the darkest periods of the dark ages for a solitary precedent in support of an accusation against an alien for levying war against England.

The annals of modern legislature in England offer, however, no instance of a prosecution of that species; and in the case of the English officer Boyd, who was tried, sentenced, and executed by Moreau, the Spanish general, for having levied war against the recognized authorities of Spain, it was considered, by the first jurists of the day, that Moreau had committed murder, and, on his first visit to England, he was, consequently, indicted for that crime—a true bill was found against him; but the Spanish chief secured himself from conviction by a speedy flight. The fact that the levying war by an alien is not a crime known to the criminal code of England, seems to have been fully understood by the Legislature of Upper Canada, inasmuch as we find that it was deemed necessary to pass a specific Act for the trial and punishment of such foreigners, as might be found levying war against the Government in that Province.

The third charge, which goes to accuse me of having committed murder on the person of Charles M^cAllister, is totally unsupported by evidence; in fact, the proof of my having levied war against the British Government, renders the accusation of murder, during the time I was so engaged, a palpable absurdity. If I am guilty of having fought, at Odelltown, against the Queen's troops, I cannot have committed murder; which can never be perpetrated on the field of battle, in fair and open fight. The same objections obtain to the fourth and last charge. Aside, from the impossibility of fastening the imputation of murder upon one who slays another on the field of battle, it would have been necessary to prove, in support of the last charge, as stated therein, that I was present, aiding, animating, or encouraging the person who may have inflicted the fatal wound; but, so far from any such evidence having been adduced, both of the persons who told you they saw Mr. M^cAllister fall, have stated that they did not see me present. It

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has only been proved by one witness that I was present at the battle of Odelltown, and even he has been unable to state that I was within sight, or even on any part of the field of battle, when the wound was inflicted.

To resume ; as an alien, I am not amenable to any tribunal organized as this is, under colour of the supposed Ordinance, and, assuming that I were, yet the offences imputed to me in the first and second charges form no legal ground of accusation, and the third and fourth charges are not only incompatible with the two first, but are, also, wholly unsupported by evidence.

If, however, you are of opinion, that you are entitled to sit in judgment upon me, and that the two first charges form a matter of legal accusation, you will yet remember, Gentlemen of the Court, that the Mutiny Act forbids Courts Martial from subjecting any person to be transported, or to suffer any punishment extending to life or limb, except for crimes which are, by that Act, made liable to such punishment, and that such offences as those charged against me are not contemplated by that Act.

E

Qu'il plaise à cette Honorable Cour :

En matière politique, il est un cas malheureusement prouvé par les faits que la saine raison des gouvernements et des parties se trouve dominée par des sentimens injustes de torts supposés et par le manque de succès, heureux encore l'accusé quand un esprit d'animosité et de vengeance n'empire pas encore sa position. J'espère et je crois fermement que les décisions de cette Cour ne seront influencées par aucun de ces sentimens ; les deux derniers surtout sont incompatibles avec la dignité de juges impartiaux d'un gouvernement éclairé. C'est donc plein de confiance en sa justice que je pense qu'une exposition sincère, et cependant respectueuse de mes idées et de ma conduite sera considérée par la Cour, non pas comme un moyen d'éluder la responsabilité

que j'ai assumée par mes actions, mais bien comme une défense franche et détachée de toute arrière pensée.

L'histoire de tous les âges et tous les peuples nous apprend que tous ceux qui ont pris part à un mouvement politique quelconque, lorsqu'il a été couronné de succès, ont acquis avec la gloire, l'approbation, et l'estime des nations ; mais qu'au contraire, lorsque la fortune a trahi leurs efforts on leur a donné les noms de traitres et rebelles, jamais chez les peuples civilisés, ceux infâmes de brigands, voleurs et pirates. C'est avec un chagrin bien vif que j'ai vu ces qualifications honteuses s'adresser à moi même. J'en suis d'autant plus surpris que j'étais loin de m'attendre qu'un peuple aussi policé que celui de la Grande-Bretagne flétrirait de ce nom un homme un étranger dont les actions qu'on lui impute à crime sont semblables à celles qui ont fait et font encore la gloire d'une foule de leurs grands hommes. Le gouvernement Anglais ira-t-il par ses actes déclarer que l'immortel Lord Byron était un brigand—que Lord Cochrane était un pirate—que le Comte Dundonald, les Capitaines Napier et Elliot méritaient d'être pendus. Sa Majesté n'a t'elle pas décoré des insignes de l'Ordre du Bain, Sir de Lacy Evans, pour ses services en Espagne. Loin de moi la vaniteuse pensée de me comparer à ces illustres personnages, mais le rang et la position dans le monde ne changerait rien aux actes de chacun. Comme eux, j'ai cru la cause que j'embrassais la plus noble et la plus juste ; comme eux, je suis étranger et soldat ; si, comme tant d'autres, j'ai été trompé par le seul traître, l'infâme et lâche Dr. R. Nelson, le traître envers les deux partis, dois-je moi, qui n'y suis pour rien, participer à la honte et à l'opprobre qui ne sont le partage que de la lâcheté et du vandalisme.

Ce serait injuste, et c'est à des cœurs Anglais à des officiers que je m'adresse ; j'en appelle à la justice et à la conscience des juges, et je me sens fort. J'ajouterai de plus, que je défie qui que ce soit de me citer une seule révolution, une seule insurrection préparée, une seule commotion politique qui ait eu lieu dans les temps modernes, où, avec

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toute autorisation et aide de leur gouvernement, il ne soit pas trouvé des officiers Anglais. Loin de les regarder comme des brigands, le monde entier applaudit à leur courage, il est vrai d'ajouter que la plus grande partie de ces entreprises fut menée à bonne foi ; mais ce serait un étrange et bien faux raisonnement que celui d'après lequel la tentative serait punie plus sérieusement que l'action même. Que fit il y a bientôt deux ans le despote du nord lorsqu'il s'empara d'un navire chargé d'armes et d'officiers Anglais, et destiné à aider les Circassiens dans leurs projets d'indépendance. Après avoir retenu armement et officiers pendant quelque temps à Sebastopol, il renvoya hommes et navire avec chargement en Angleterre, et le gouvernement de ce pays qui savait fort bien que le tout était adressé à des soi-disant rebelles, trouva, cependant, mauvais le parti prudent que prit l'Empereur de Russie, et cette affaire fut encore le sujet de longs débats pendant la dernière session du Parlement Impérial. L'Angleterre serait-elle donc moins juste qu'un prince absolu et cruel ? ou voudrait elle n'imiter de lui que ces actes sanguinaires dans la malheureuse Pologne.

C'est, messieurs, à quelques arpents seulement de Champlain, que de ma propre volonté j'ai quitté une douzaine de personnes qui toutes sont immédiatement entrées aux Etats-Unis, et suis venu, sans armes, me rendre à un enfant, à qui j'ai demandé à être conduit devant un officier de l'armée Anglaise. J'avais confiance en la justice du gouvernement. Je suis Français, et j'ai compté que comme tel je serais traité impartialement ; si je me suis trompé, je suis homme à supporter les conséquences de mon erreur. Ce que je voulais, c'était de dévoiler la conduite dégradante de R. Nelson ; c'était encore pour rejeter la honte de ses actes, car en fuyant on nous accuse d'avoir partagé sa lâcheté.

Soldat, c'est devant un conseil d'officiers que je parois sous le poids d'une accusation dont je ne puis voir le résultat ; mais qu'il en soit fait suivant que vous le jugerez. C'est avec joie que j'ai vu le jour de mon procès, franc et sincère ; j'ai la conviction d'avoir agi

en homme d'honneur; je ne puis donc redouter un arrêt, quelque'il soit il sera regu sans crainte comme sans faiblesse; ma conscience pure et sans tache suffirait seule pour me soutenir, si je ne me sentais pas un cœur assez fort pour remplir jusqu'à la fin le rôle d'homme et de soldat.

F

May it please the Court,

The accusations against the prisoner, consist of various charges, for offences committed between the first and tenth of November, one thousand eight hundred and thirty-eight, in furtherance of the rebellion which had broken out, and was then existing, in the Province of Lower Canada. The first charge states, that on the fourth of November last past, and on divers other days, as well before as after, the said C. Hindelang did aid and assist in the rebellion which had broken out, and was engaged in the said rebellion. The second is, for preparing and levying war, at the same time, against our Lady the Queen, and for being taken in open arms against her rule and Government, in furtherance of the said rebellion.

The third is for murder, on the seventh of November, at Odelltown, in having killed one Charles M^cAllister.

The fourth is for having, at the same time and place, aided, helped, abetted, comforted, assisted, and maintained persons unknown, in the murder of the said Charles M^cAllister.

By the evidence of Sarault and Trudeau, the two first witnesses on the part of the prosecution, it is established, that the prisoner arrived at Napierville, in the parish of St. Cyprien, on the fourth of November last, in company with Dr. Robert Nelson, the chief leader of the rebels, and a French officer, by the name of Touvre— that the object of Dr. Nelson and of those with whom he was acting, was the subversion of Her Majesty's Government—that while at Napierville, from the fourth to the eighth, with a large assemblage of armed rebels,

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the prisoner was engaged in arranging plans for the organization of the rebel army—that he held the rank of Brigadier General among these men, and that he was seen riding on horseback, armed with a sabre or sword, and that several loyalists were laid under contribution by him, as appears by several documents produced in this case, written and signed by the prisoner.

By this evidence, and by the testimony of Mr. Amiot, Curé, of St. Cyprien, and of Mr. Loop Odell, in substance to the same effect, the first and second charges are fully proved, namely, the crime of having aided and assisted in the rebellion which had broken out, and was then subsisting in this province, and of being actively engaged in the said rebellion, and in furtherance thereof; and secondly, of having prepared and levied a public war against Her Majesty, and having been taken in open arms against her rule and Government in this province, in furtherance of the said rebellion.

In support of the third and fourth charges, of having been guilty of the murder of Charles M^cAllister, and of having aided and assisted in the commission of this crime, we have the testimony of Leon Leduc, who was in the engagement which took place at Odelltown between Her Majesty's subjects and the rebels. The prisoner is proved to have held a command among the combatants on the rebel side, to have urged his men to advance against the loyalists, who were fired upon by the party of rebels, with whom the prisoner was. The loyalists are stated by him to have been posted in the church, and the fire of the rebels to have been levelled in that direction.

If, in connection with this testimony, we take up the evidence of M^cCallum and M^cNally, two Volunteers, engaged in the skirmish at Odelltown, we find the deposition of Leduc corroborated, in respect of the relative position of the loyalists and the rebels; the latter being posted at the church, and the others directing their fire against that point. Both witnesses concur in stating that Charles M^cAllister stood at the door of the church, where he received a wound from the

fire of the rebels, which caused his instant death. They, it is true, did not recognize the prisoner, nor any other individual in the rebel ranks. It is not in the nature of things that they should ; it is enough for the support of the prosecution, that firing from the party, among whom the prisoner was, should have been established—that this firing should have been directed against the spot in which McAllister stood, and that he should have lost his life in consequence. The presence of the prisoner at Odelltown does not rest on the testimony of Leduc, although in law it would furnish sufficient evidence of that fact. Mr. Amiot relates a conversation with the prisoner, in which the latter gave a circumstantial account of the engagement of Odelltown, with a full acknowledgment of his participation in that transaction. There is, besides, strong circumstantial proof of the fact, in the prisoner's absence from Napierville at the time when the engagement took place, and in his departure from that place for Odelltown, for the purpose, as Sarault and Trudeau have stated it, of proceeding to Odelltown.

In our opinion, therefore, no doubt can be entertained as to the sufficiency of the evidence by which the charges have been supported. Neither do we find reason to hesitate in advising the Court, that the legal guilt of the prisoner rests on strong authority, notwithstanding his admitted character of an alien. The learned commentator on the Laws of England, thus expresses himself on this question : “As to foreign pirates or robbers, who may happen to invade our coasts, without any open hostilities between their nation and our own, and without any commission from any prince or state at enmity with the Crown of Great Britain, the giving them assistance is also clearly treason, either in the light of adhering to the public enemies of the King and Kingdom, or else in that of levying war against His Majesty, and most indisputably, the same acts of adherence or aid, which, (when applied to foreign enemies) will constitute treason under this branch of the statute, will (when afforded to our fellow-subjects in ac-

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tual rebellion at home) amount to high treason, under the description of levying war against the King."

We regret, in conclusion, not to have it in our power to allude to any circumstance calculated to mitigate the criminality of the prisoner. If a participation in acts, like those which constitute his guilt, admit of no justification when committed by subjects of our own state, who, having an interest in the working of its government, will occasionally mistake the true course pointed out by the constitution for remedying real or pretended grievances, what can be urged to palliate the insolent interference of foreigners in our internal affairs; and have we not a right to presume that the basest motives alone have called forth their mischievous exertions?

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THE QUEEN

vs.

PIERRE REMI NARBONNE AND OTHERS.

GENERAL COURT MARTIAL.

{ MONTREAL, LOWER CANADA,
January 26, 1839.

Members of the Court and Deputy Judge Advocates, the same as in the case of the Queen against Cardinal and others—(see vol. I. page 17)—are duly sworn.

The prisoners having been brought into Court, the warrants are read, and the names of the President and members called over. The prisoners do not object to any of the members.

The President, members, (except Lieutenant Colonel Sir John Eustace, 2d Batt. Grenadier Guards, reported sick,) and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of the following persons, with the exception of Constant Bousquet, on the following charge:—

Pierre Remi Narbonne, of the parish of St. Remi, in the District of Montreal, and Province of Lower Canada, bailiff of the Court of King's Bench; Amable Daunais, of the parish of St. Cyprien, in the District and Province aforesaid, farmer; Constant Bousquet, of the said parish of St. Cyprien, farmer; Pierre Lavoie, of the said parish of St. Cyprien, farmer; Antoine Doré, of the parish of St. Jacques

Lemineur, in the District and Province aforesaid, merchant ; Antoine Coupal dit Loraine, of the parish of St. Marguerite de Blairfindie, in the District and Province aforesaid, farmer ; Theodore Bechard, of the said parish of St. Marguerite de Blairfindie, in the District and Province aforesaid, farmer ; François Camyré, of the parish of St. Constant, in the District and Province aforesaid, farmer ; François Bigonnesse dit Beaucaire, of the said parish of St. Cyprien, farmer ; Joseph Manceau dit Petit Jacques, of the said parish of St. Cyprien, farmer ; and François Nicolas, of the parish of St. Athanase, in the District and Province aforesaid, gentleman.

By order of His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain General and Governor in Chief in and over the Provinces of Lower and Upper Canada, Nova Scotia, and New Brunswick, and the Island of Prince Edward, and their several dependencies, Vice Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Provinces of Lower and Upper Canada.

To wit, Treason against our Sovereign Lady the Queen, between the first and tenth days of November, in the second year of the reign of our Sovereign Lady the Queen, in furtherance of the rebellion which had broken out, and was then existing, in the said Province of Lower Canada.

In this, that the said Pierre Remi Narbonne, Amable Daunais, Constant Bousquet, Pierre Lavoie, Antoine Doré, Antoine Coupal dit Loraine, Theodore Bechard, François Camyré, François Bigonnesse dit Beaucaire, Joseph Manceau dit Petit Jacques, and François Nicolas, being subjects of our said Lady the Queen, on the third day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said parish of St. Cyprien, did meet, conspire, and agree among

themselves, and together with divers others, whose names are unknown, unlawfully and traitorously, to subvert and destroy, and cause to be subverted and destroyed, the legislative rule and Government now duly established in the said Province of Lower Canada, and to depose, and cause to be deposed, our said Lady the Queen from the royal state and Government of this Province, and did, for that purpose, then and there incite and assist in the said rebellion, in the said Province, and then and there being assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did, in furtherance of the said rebellion, traitorously prepare and levy public war against our said Lady the Queen, and were then and there found in open arms against her said rule and Government in this Province, against the peace of our said Lady the Queen, her Crown and dignity, and against the form of the Statute in such case made and provided.

It is ordered, that the abovementioned Constant Bousquet be omitted in the trial to be had on the foregoing charge, and that his name be withdrawn therefrom.

The prisoners before the Court having been called upon to plead, make certain objections, in a document hereunto annexed, marked A, which are overruled by the Court.

The prisoners before the Court having been again called upon to plead, make certain objections, in a document marked B, hereunto annexed, which are overruled by the Court.

The prisoners before the Court having been a third time called upon to plead, severally plead, Not guilty.

JOSEPH SARAUULT, of Napierville, surgeon, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Do you know any of the

prisoners before the Court ; did you see any of them, at any time between the first and tenth of November last ; if yea, state when and where, and how they were engaged, and with whom you saw them ?

Answer—I know Pierre Remi Narbonne, the prisoner before the Court ; I saw him at Napierville, in the parish of Saint Cyprien, every day, from the sixth to the ninth of November last, inclusive ; I saw him armed with a sword, as Captain of the rebel force assembled at Napierville, with Dr. Côte, the chief of the rebels ; there were about one thousand armed men assembled in the village of Napierville ; I saw him also with Dr. Nelson, another chief of the rebel army ; he was very active, and commanded a strong company. I saw the prisoner, Amable Daunais, three times, between the fifth and the ninth of November last, (I cannot precisely state the days) ; he was at Napierville ; he was armed with a gun, acting as a soldier among the rebels ; I cannot say that he was particularly active ; he was on guard in the village. I know the prisoner, Pierre Lavoie ; I saw him on the seventh of November last, at Napierville ; he was armed with a sword ; he was alone in the village when I saw him, and the rebel force was then in possession of the village. I know the prisoner, Antoine Doré ; I saw him on the fifth or sixth of November last, (I cannot be certain as to which day) ; he was alone, and was doing nothing when I saw him ; the rebel force was then in possession of the village ; he was not armed. I know the prisoner, Antoine Coupal dit Loraine, and I saw him in the village of Napierville every day, from the fifth to the ninth of November last ; he was armed with a sword ; he was very active among the rebels, but I do not know that he had a command ; he was among them, but doing nothing in particular. I know the prisoner, Theodore Bechard, and saw him on Wednesday, the seventh of November, unarmed, at Napierville ; he was alone, passing by. I know the prisoner, François Camyré ; I saw him at Napierville, on Wednesday, the seventh of November last, unarmed ; the rebel force was then in possession of Napierville, but he was alone when I saw him. I know the prisoner, François Bigonessé dit Beau-

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caire, and saw him two or three times at Napierville, between the fifth and ninth of November, but I cannot precisely state the day ; he was armed with a sword ; he was with the rebel force ; I did not see him giving any orders. I know the prisoner, Joseph Marceau dit Petit Jacques, and saw him at Napierville, every day, from the fourth to the ninth of November ; he was armed with a sword ; he was commanding a company of fifty men of the rebel force, and appeared to be very active. I know the prisoner, François Nicolas, and saw him at Napierville three or four times, between the fifth and ninth of November ; I saw him on the ninth, after the last battle, at Odelltown ; I saw him in Dr. Côte's house ; he was armed with a sword, and was active ; I did not see him commanding.

Question from the Judge Advocate—Do you know whether the prisoners Doré, Bechard, and Camyré, were, or were not, connected with the rebel force at Napierville, or why they were present there at the times you mention ?

A.—I cannot say ; they were doing nothing.

Q. from the same—What did you understand to be the object of the armed men assembled at Napierville, and what was their ultimate design ?

A.—To overthrow the British Government. I understood this from the words of Dr. Nelson, the chief of the rebels, uttered in a public address to the rebel force, to which I have alluded in my answer to the first question.

Q. from the Court—Did you hear Nicolas speak of the battle of Odelltown, or say that he had been at it ?

A.—I heard him speak of the battle of Odelltown, in the house of Dr. Côte, but I did not hear him say that he was there.

Q. from the same—How long was the village of Napierville in possession of the rebels ?

A.—From the third to the ninth of November last.

Q. from all the prisoners—On what day did you hear Dr. Nelson

state, that the object he, and those who acted with him, had in view was to overthrow the British Government?

A.—On Sunday, the fourth of November last.

Q. from all the prisoners—Did not Dr. Côte leave the village of Napierville before the arrival of Her Majesty's troops? if so, state on what day?

A.—He did; he left on Tuesday, the sixth, between ten and eleven, A. M., to go to the battle of Lacole; I did not see him after that.

Q. from the prisoner Daunais—At what particular place in the village, and on what day, do you pretend you saw me on guard at Napierville?

A.—I saw you on guard before the prison, on Wednesday, the seventh November, between nine and ten o'clock, A. M.

Q. from the prisoner Doré—Did you not see me in the prison at Napierville, about the tenth or eleventh of November last, and kindly tell me you would exert your influence to obtain my release, because you knew I had done nothing?

A.—I have no knowledge of that.

Q. from the prisoner Narbonne—On what day do you pretend you saw me at Napierville, for the first time?

A.—On Tuesday, the sixth of November, between ten and eleven o'clock, A. M.

Q. from the same—How long have you known me? how was I dressed when you saw me?

A.—I did not know you before I saw you at Napierville; you wore a hunting coat, checked black and white.

Q. from all the prisoners—Did you not act as surgeon to those who you say composed the rebel force, while they remained at Napierville?

A.—No; I acted as surgeon to the loyalists in the prison; I was appointed to do so by Dr. Côte.

JEAN BAPTISTE TRUDEAU, of Napierville, scrivener, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

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Question from the Judge Advocate—Do you know any of the prisoners before the Court; did you see any of them at any time between the first and tenth of November last; if yea, state when and where, and how they were engaged, and with whom did you see them?

Answer—I know Pierre Remi Narbonne, the prisoner before the Court, and I saw him, on Tuesday, the sixth, and on Wednesday, the seventh of November last, at Napierville, at the head of a large company of the rebel force, of about sixty men, all armed with guns, except three or four, inspecting his company before our house, preparing to go to Odelltown battle; he was on horseback, and wore a sword, and was very active. I know the prisoner, Pierre Lavoie, and saw him at Napierville, on the fifth, sixth, and seventh of November last; he called himself Captain of a company, and wore a sword; I saw him generally with a large body of the rebels, all armed; his company consisted of fifty men; he was very active. I know the prisoner, Antoine Doré, and saw him at Napierville, on the fifth and sixth of November last, passing before our house, unarmed, but during the time the rebel force was in possession of Napierville; he was alone each time I saw him. I know the prisoner, Antoine Coupal dit Lareine, and I saw him at Napierville, on the fifth, sixth, and seventh of November last; he was Captain of a company of about sixty men, partly armed; he wore a sword, and was very actively engaged. I know Theodore Bechard, the prisoner before the Court, and I saw him at Napierville, on the fifth and sixth of November last; he came to our house, but was unarmed; he said he was Captain of a company; I understood it was a company of the rebel force; he came to the office of Charles Huot, the Quarter Master of the rebel force, to get rations for his company. I know the prisoner, François Camyré, and I saw him at Napierville, on the sixth and seventh of November last; he was unarmed, and came to see Mr. Lukin. I know the prisoner, François Bigonessé dit Beaucaire, and I saw him at Napierville,

acting as Captain of a company, on the fifth, sixth, and seventh of November last ; he was armed, and came to the Quarter Master's to get rations for his company ; I have seen him pass with his company. I know the prisoner, Joseph Marceau dit Petit Jacques, and saw him at Napierville, on the fifth, sixth, and seventh of November last, commanding a company of fifty men ; he wore a sword, and was very active. I know the prisoner, François Nicolas, and saw him at Napierville, on the sixth and seventh of November last, and I believe on the fifth ; he wore a great coat and a sword, and said he commanded a company of fifty men ; he was very active ; I never saw him commanding ; he came to the Quarter Master's to get rations for his company ; I knew the number of men in these companies from the rations the captains of them drew.

Q. from the same—Do you know whether the prisoners, Doré and Camyré, were or were not connected with the rebel force at Napierville, mentioned by you, or why they were present there, at the times you saw them ?

A.—With regard to Doré, I do not know ; Camyré came to Napierville at the same time, with certain rebel parties from St. Remi, La Pigeonnaire, and other places ; they all came together.

Q. from the same—Were any of the loyal inhabitants at Napierville, at large during the time that the rebel force occupied the place, and while you saw the prisoners, Doré and Camyré there ?

A.—I know but one loyalist who was not under constraint, and he was under guard at his house, and could not leave it without the attendance of the guard ; he was Loop Odell, Esquire.

Q. from the same—From the general expressions among the body of armed men assembled at Napierville, as you have stated, and from their conduct, what did you understand to be their intention and ultimate object ?

A.—From the address of Dr. Nelson, publicly made to the rebel force on Sunday, the fourth November last, I believe their intention

and object were to overthrow the British Government, and establish an independent Government instead. I gathered the same belief from the general expressions and conduct of these men ; Nelson was repeatedly cheered by them during his address ; he said, that last year they had no arms—that this year they must conquer or die.

Q. from the same—Examine the paper writings, marked 1, 2, 3, 4, 5, 6, 7, 8, hereunto annexed, and declare by whom they are written and signed, and declare also whether you have a personal knowledge that they were delivered by any person, and whom, to any of the prisoners before the Court, and which of them ?

A.—They are all in my own handwriting, and signed by Charles Huot, the Quarter Master of the rebel force ; Nos. 1 and 2 were delivered by the said Huot to the prisoner, Joseph Marceau dit Petit Jacques ; Nos. 3 and 4 were delivered by the said Huot to the prisoner, Francois Bigonesse dit Beaucaire ; Nos. 5 and 6 were delivered by the said Huot to the prisoner, Antoine Coupal ; and Nos. 7 and 8 were delivered by the said Huot to the prisoner Theodore Bechard. They were all delivered on the days of their respective dates. I was there all the time, acting as a clerk to Huot ; they had taken possession of the office of Mr. Lukin, whose clerk I was, and I was compelled to write by Huot, as Quarter Master ; the bons were delivered, as I have stated, to the several Captains, upon their personal application to the Quarter Master.

Q. from the same—Do you mean to say, that all the bons exhibited to you, eight in number, are signed by Huot ?

A.—They are all signed by him, except No. 5, which is not signed at all ; that one is in my handwriting, however.

Q. from all the prisoners—Did you not frequently deliver bons yourself, and even sign orders for Huot ?

A.—I never signed any bons whatever ; I have delivered bons, but only by the orders of the Quarter Master, and in his presence.

Q. from the prisoner Nicolas—Did I not tell you or the Quarter

Master, that I was not a Captain, and that that title did not belong to me ?

A.—When you arrived at Napierville, you were an officer in the company of one Longevin, who was the Captain, but upon his going away, you came to get the rations, like the other Captains, and said you had been appointed Captain in the absence of the other. It was on the Wednesday morning that you started for Odelltown battle with the rebel force that you said this.

Q. from the same—What is the Christian name of the Longevin you refer to in your last answer, and to what parish does he belong ?

A.—To the best of my recollection, it was Joseph Longevin, inn-keeper, at St. Cyprien, and a prisoner now in Montreal gaol ; there were two Captains Longevin, one Michel and another Joseph, and I cannot be positive which of the two it was.

Q. from the prisoner Narbonne—At what hour do you pretend you saw me on the sixth November last ; state how long you have known me ?

A.—To the best of my recollection, you arrived with the other companies from St. Remi, La Pigeonnaire, and other places, on the evening of Tuesday, the sixth November last, and it was on the following morning, about ten o'clock, that I saw you inspecting your company, dressed in a checked jacket, green and yellow, or something of that kind ; you were on horseback, and wore a sword ; I did not know you before I saw you on these occasions, and I was attracted by every person saying, " what a fine company Narbonne has ; they are all armed."

Q. from the prisoner Camyré—On the oath you have taken, did you see me arrive at Napierville, in company with any rebel party ?

A.—On the oath I have taken, you arrived at Napierville at the same time with the other rebels, coming from St. Remi, St. Peter, and La Pigeonnaire, but I did not see you in the ranks at any time.

Q. from the prisoners Camyré and Doré—Were you not at liberty, in the village of Napierville, from the third to the tenth November last ?

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A.—I did not consider myself as being so.

Q. from the same—Did you not go whithersoever you pleased during that time?

A.—I never stirred from the house during the whole rebellion, but once or twice, to go to Mr. Wilson's for snuff; I did not dare to go out.

Q. from all the prisoners—Did you not state, upon oath, on a former occasion, that you never left Mr. Lukin's house during that time?

A.—I cannot recollect precisely what I said, but my intention was to say, that I never went out to meddle, directly or indirectly, with the rebels; a man cannot always be in the house.

Q. from the same—Did you not remain a whole night out of Mr. Lukin's house during that time?

A.—Not to my recollection.

Q. from the same—In what manner did the Quarter Master, Huot, compel you to act as his assistant?

A.—He ordered me to make the bons; I was afraid at the time, and obeyed his order; all loyalists at that time might be afraid; Huot was not armed; I was afraid, in consequence of the village being in possession of the rebel army.

Q. from the prisoner Camyré—At what hour did you see me on the sixth?

A.—I cannot exactly say; it was towards the evening; on Wednesday morning, you came to the Quarter Master's office, to the best of my recollection; you came, as I said before, to see Mr. Lukin.

Q. from the Court—How far was Lukin's house from Mr. Wilson's, where you say you went to get snuff?

A.—Just across the market, about an acre and a half.

FANNY SWITZER, wife of James Dalmage, having been brought into Court, and the charge read to her, she is duly sworn and states as follows:—

Question from the Judge Advocate—Do you know any of the prisoners before the Court; did you see any of them at any time between

the first and tenth of November last ; if yea, state when and where, and how they were engaged, and with whom they were ?

A.—I know the prisoner, Amable Daunais, and I saw him in my own house, which is between two and three miles from Napierville ; he was armed with a pistol ; it was on Wednesday, the day on which the first engagement took place at Odelltown ; it was in the commencement of the month of November last ; he came with about fifteen or twenty men, who did not, however, all come into the house ; four or five came with him into the house, one of whom was armed with a sword ; the others went into the barn and other out offices, searching for arms ; he came and demanded the property of John Douglas, a loyal volunteer, saying he had been informed it was placed under my charge, and concealed in my house ; he held the pistol pointed towards me, with his finger on the trigger ; I cannot say whether he intended any harm, but he held it in that way until a young man came and ordered him to point it downwards ; I do not know what property he meant ; Douglas had brought down a good many articles of apparel, provisions, and bedding, (I cannot say precisely what,) towards our house, and hid them, I believe in the woods ; I denied having any of Douglas's property, and Daunais then demanded my son and his arms ; my son was one of the loyal volunteers, and was then at Odelltown with his arms ; Daunais left the house, saying, if I recollect right, he would come and search again, but he did not ; Daunais was the only one who spoke to me, because he spoke English ; there was another man outside, on horseback, whom they called Captain ; a body of armed men were then in possession of Napierville, and of Captain Douglas's house ; I do not know who they were, I expect they were the rebels ; Daunais came to my house in the forenoon, I cannot say at what hour ; Captain Douglas commanded the company of loyal volunteers ; he was the brother of John Douglas.

Q. from the Court—In what parish is your house situated, and is it on the road from Napierville to Odelltown, where the first battle was fought ?

A.—I cannot tell the parish ; it is not on the road from Napierville to Odelltown, but on the east road from Captain Douglas' house to Napierville.

Q. from the prisoner Daunais—How do you say I was dressed, on the occasion you have alluded to ?

A.—You wore a short grey round jacket, and grey pantaloons, with black leather gloves on ; I cannot tell what kind of a cap you had on.

LEON LEDUC, carter, of Napierville, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know any of the prisoners before the Court ; did you see any of them between the first and tenth of November last ; if yea, state when, and where, and how, they were engaged, and with whom you saw them ?

Answer—I know the prisoner, Pierre Lavoie ; I saw him at Napierville, in the parish of St. Cyprien, on the sixth or seventh of November last ; he was armed with a sword, and was with the rebel force ; he was not commanding or drilling, but moving about the village. I know the prisoner, Antoine Coupal dit Lareine, and saw him at Napierville, to the best of my recollection, on the sixth or seventh ; he was with the armed body ; I cannot say whether he was armed or not, or had any command. I know the prisoner, Bechard, and saw him with the same body, and at the same time, unarmed ; the only time I saw him was going into Rodrigue's house, who is a loyalist, and had been in prison. I know the prisoner, Bigonesse dit Beaucaire, and saw him at Napierville, on the fifth of November last ; he was armed with a sword, and was with the armed body there ; I did not then see him commanding ; I saw him afterwards, at Odelltown, on the following Friday ; he was on horse back, armed with a sword, at about one or two o'clock, P. M., and came there with the rebel force ; it was during the engagement, which

took place then and there, that I saw him. I know the prisoner, Marceau dit Petit Jacques, and saw him in the village of Napierville, on Tuesday or Wednesday, the sixth or seventh November last, (I cannot exactly say as to the day, but it was during the week); he was armed with a sword, and on horseback, with the armed body in the village. I know the prisoner, Francois Nicolas, and saw him at Napierville, on the fifth or sixth of November last; he was then unarmed, but with the armed force there; I saw him also at Odelltown, on the ninth of the same month; he was armed with a sword, and on horseback, and it was during the battle there, that I saw him.

Q. from the same—Did you see any other of the prisoners, besides Bigonesse dit Beaucaire, and Nicolas, in the battle of Odelltown; if so, state which of them?

A.—I saw none of the others.

Q. from the Court—You say you saw Bechard with the armed body; do you mean to say he was actually moving with them.

A.—I do not mean to say that I saw Bechard with the armed body of men; I only saw him going into Rodrigue's house, coming from the upper part of the village.

Q. from the prisoner Beaucaire—What were you doing at Odelltown when you pretend you saw me; were you engaged in the battle, and if so, on what side?

The witness, by permission of the Court, declines answering this question, the witness having been warned not to criminate himself.

Q. from the same—Where do you pretend you saw me at Odelltown—in the engagement—or at any and what distance from the field?

A.—You were on the high road, at a distance of nine or ten acres from the field of battle.

Q. from the same—Have you been induced, either by promise of pardon for any and what supposed offence, or by the expectation of any and what reward, to give testimony against the prisoners, or any of them?

A.—No.

Half-past three o'clock, P. M.—The Court adjourns until Monday the 28th instant, at ten o'clock, A. M.

{ SECOND DAY, *Monday, January 28, 1839,*
10 o'clock, A. M.

The Court meets, pursuant to adjournment. Present, the same members as on Saturday, twenty-sixth.

LOOP ODELL, Esquire, of Napierville, merchant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Do you know any of the prisoners before the Court; did you see any of them between the first and tenth of November last; if yea, state when, and where, and how they were employed, and with whom you saw them?

Answer—I know the prisoner, Pierre Remi Narbonne, and saw him at Napierville, in the parish of St. Cyprien, on the eighth or ninth of November last; he came with a number of armed men from Chateauguay, as they said; he was armed with a sword; very early on Saturday morning following, about four, A. M. he was at my house with a number of the rebel Captains; they came for the purpose of surrendering themselves, and asking me to go to the British force, to see if they would receive them; I said if they would put their proposals in writing, I would take the paper and deliver it, upon which Narbonne said to some of the other Captains, “Don’t put any thing in writing, or it will be brought in evidence against us.” I had seen him before this time, on the eighth and ninth, as I have stated; I do not know, precisely, what rank he held; I heard some of the party call him Colonel; I took him to be one of the chiefs, as he appeared to have authority. I know the prisoner, Amable Daunais, and saw him on the fifth or sixth of November last, about eleven, A. M.; he was on horseback, and wore a sword, and had a pistol; I saw him,

on the road leading from the house of Captain Douglas to Champlain, about three miles from the village of Napierville ; he was, apparently, acting as a patrol ; Pierre Theophile Decoigne, who has already been tried before this Court, for high treason, ordered him to be vigilant and keep a good look out ; this was about a mile and a half from the house of an individual, named James Dalmage ; it was farther from the village of Napierville than Dalmage's house ; he was alone when I, with Decoigne, and another of the rebel party, approached him on the road ; he was evidently connected with the rebel force at Napierville. I know the prisoner, Pierre Lavoie, and saw him at Napierville several times from the fourth to the tenth of November last ; I am positive I saw him on Monday, fifth ; I saw him almost every day between the dates mentioned ; he wore a sword and was on horseback part of the time, and appeared to be one of the troopers ; I cannot say whether he held any command ; he was in company, and riding about with the rebel force there ; I cannot say that he exhibited any particular activity. I know the prisoner, Antoine Doré, and saw him at Napierville on Friday, the ninth of November last, three or four times ; I saw him several times before that date, from the fourth of November, but I cannot say on what days ; I did not see him armed ; he was in the street when I saw him, and about with the rebel party, evidently in connection with them ; I cannot say that I saw him exercising any authority. I saw the prisoner, Antoine Coupal dit Lareine, at Napierville, several times from the fourth to the tenth November last, I am positive I saw him between those dates, but I cannot specify the precise day ; he came to my store frequently, with orders from C. Huot, Quarter-Master of the rebel force ; he had a sword, and answered to the title of Captain. I saw the prisoner, Theodore Bechard, at Napierville, two or three times between the fourth and ninth of November last, and on the evening of the ninth, he came into my house there, to get some liquor, which he got, and, I believe, paid for ; he was about with the rebels, but I did not see

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him armed ; he appeared to have a command among them. I saw the prisoner, François Camyré ; he came to Napierville on Wednesday, the seventh November last, with the party of rebels which came from the west, (Chateauguay) ; he said, in a conversation which I had with him, that his house and barn had been burned by the British troops and volunteers, who had come out from Laprairie, and that they (meaning the party with which he came) had retreated thence ; he was going about with the rebel force after he arrived at Napierville, and lodged chiefly with Huot, the Quarter-Master, at Lukin's house ; I saw him frequently going and coming from that house. I saw the prisoner, François Bigonnesse dit Beaucaire, at Napierville, every day from the fourth to the ninth of November last ; I also saw him on the ninth, when he had a sword ; on this or the preceding day, he started with his company from Napierville, to go to Odelltown ; there were two companies who left at the same time, and they had but four muskets among them all ; I saw him after the battle of Odelltown, returning from that quarter. I saw the prisoner, Marceau dit Petit Jacques, at Napierville, on Monday, the fifth November last, and several times from that day to the tenth ; he was armed with a sword, and commanded a company ; I did not see him exhibit any particular activity among the rebel force, farther than parading his company. I saw the prisoner, François Nicolas, at Napierville, at first on the fifth or sixth of November last, conversing with Dr. Robert Nelson, at which time, the whole rebel force was drawn up in line, before the church ; he wore a sword at that time ; I saw him several times between that time and the ninth, and on the afternoon of that day, I saw him coming from the direction of Odelltown, with a concourse of the rebel force, of which the road was full ; he was on horseback, and armed with a sword ; on this afternoon, I was informed by some of the rebels, that the British troops were approaching, and at the suggestion of several of the loyal prisoners, I went with Mr. Lukin, to the

house of Dr. Côte, to inquire what they intended to do ; two persons, one named Levesque, and the other P. H. Morin, (who have already been tried before this Court, for treason,) sent for Nicolas, the prisoner, to advise what was to be done ; he came, and on its being asked by Morin who was to take the command, and what they were going to do, Nicolas said he would never surrender alive, that if taken, he would be hanged ; “ Mr. Odell,” he said, “ wishes to save his property, but I do not care a d—n about that—I wish to save my life” ; I turned to leave the house, when he flourished his drawn sword over his head, apparently in a passion, and enquired where my guard was, and then directed Mr. Lukin to see that I returned to my house and was kept in it ; he was addressed by the title of Major, and answered to it.

Q. from the same—From all that you heard from the body of men, alluded to in your first answer, and from their general conduct, what did you understand to be their ultimate object and design ?

A.—Their declared object was to overthrow the British Government, and establish an independence ; Côte, one of their leaders, said that a general rise would take place from Nova Scotia to Malden, Upper Canada ; that the fifth of November was the day appointed, but that in consequence of some arrests, it had taken place on the third, in that part of the country ; I was informed by Côte, at the same time, that forty thousand had taken the secret oath ; the object stated was generally avowed and spoken of among the rebel party ; Côte further stated to me, that they must succeed, for that the majority in almost every parish, had taken the secret oath.

Q. from the Court—Do you recognize among the prisoners any of the Captains who accompanied Narbonne to your house, on the morning of the tenth November last ?

A.—To the best of my recollection, the prisoners Beaucaire, Petit Jacques, and Lareine, were among them.

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Q. from the same—When you saw the whole rebel force assembled on the square, at Napierville, on the fifth or sixth of November last, did you see Antoine Doré there ?

A.—No ; I do not recollect of seeing him.

Q. from the same—Did you see Antoine Doré at Dr. Côte's house, when you went there on the afternoon of Friday, the ninth, to speak about saving the village ?

A.—No ; I do not recollect of seeing him.

Q. from the prisoner, Daunais—In speaking of one Douglas, in your examination-in-chief, did you allude to Captain Wheeler Douglas, who resides within three miles of Napierville, between St. Phillippe and the village ?

A.—Yes ; he resides two miles from Napierville.

Q. from the prisoner Bigonnesse dit Beaucaire—Do you speak positively when you say I was one of the Captains who went to your house on the 10th November last, offering to surrender ?

A.—I say, to the best of my belief, you were one.

JEAN DUTEAU, of Napierville, in the parish of St. Cyprien, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know any of the prisoners before the Court ? did you see any of them between the first and tenth November last ? if yea, state when and where, and how they were engaged, and with whom you saw them.

Answer—I saw the prisoner, Pierre Lavoie, at Napierville, in the parish of St. Cyprien, one day, between the first and tenth of November last ; it was on Sunday, the fourth ; he was commanding a party of the patriots to proceed to the house of one Meritzé ; I did not see him armed. I saw the prisoner, Bigonnesse dit Beaucaire, at Napierville, every day, from Saturday, the third November, to the Friday following ; on Sunday, the fourth November, he was commanding the patriots to go to Odelltown ; he was armed with a sword. I saw the

prisoner, Marceau dit Petit Jacques, at Napierville, on Friday morning, the ninth November last ; he was then causing two barrels of gunpowder to be carried from Napierville to Odelltown, for the purpose of making cartridges ; this was between seven and eight, A. M. I saw the prisoner, François Nicolas, at Odelltown, on Friday the ninth November last, during the battle there ; he was commanding the patriots ; he held in his hand a cocked pistol, and threatened to shoot those who attempted to escape, among others, he threatened myself ; he was on horseback ; he ordered them to storm the church with the bayonet, and placed himself on the road to intercept the retreat of the fugitives.

Q. from the prisoner Nicolas—What were you doing at the battle of Odelltown when you pretend you saw me ?

The witness, having been warned not to criminate himself, declines, by permission of the Court, to answer this question.

JOSEPH COUPAL dit LAREINE, of St. Phillippe, habitant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocates—Do you know any of the prisoners before the Court ? did you see any of them between the first and tenth of November last ? if yea, state when and where, how they were engaged, and with whom you saw them.

Answer—I saw the prisoner, Antoine Doré, once or twice, at St. Cyprien, positively on Friday, ninth November last, and once, either on Wednesday or Thursday, seventh and eighth ; I saw him pass with a cane in his hand ; it was during the time the rebels were in possession of Napierville ; he was always alone when I saw him ; I never saw him with the armed party.

Q. from the same—Does the prisoner Antoine Doré reside at Napierville ? if not, how far from it ?

A.—No ; he resides in the parish of Blairfindie, about two leagues from Napierville.

Question from the Court—Did the prisoner Doré exercise any authority among the rebel force at Napierville.

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A.—I did not see him exercise any authority, or even speak with any one.

The prosecution is here closed, and the prisoners are called upon for their defence.

They apply for delay until Friday next, the first of February, by a paper writing hereunto annexed, marked C.

The Court is closed to deliberate thereon.

The Court grants delay until Thursday next, the 31st instant, at ten o'clock, A.M.

Two o'clock, P.M.—The Court adjourns until Thursday, the 31st instant, at ten, A.M.

THIRD DAY, 31st January, 1839.

The Court meets pursuant to adjournment. Present, the same members as on the 28th.

The prisoners are called upon for their defence.

CHARLES PLANTIER, labourer, of L'Acadie, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Coupal dit Lareine—Do you know me ; how long have you known me ; where have you resided for two years past ?

Answer—I have known you for several years, and resided in your house for the last two years, and been in your employment during that time.

Q. from the same—Were you in my house on the third November last ; if so, state what occurred ?

A.—I was ; on the night of Saturday, the third, several persons came to your house, armed with pistols and swords, on horseback, and enquired for you ; on being told that you were absent, they enquired where you were ; we told them we did not know, and they said, it was

absolutely necessary you should march with them ; if you did not, they said, they would break your head and confiscate and burn your property ; they came twice, and made the same threats ; towards six, A.M. of Sunday, you returned to your house, and shortly after, the same body of armed men came, and using the same threats, compelled you to march in spite of yourself ; I did not see you afterwards.

Q. from the same—Do you know where I was during that night, or for what purpose I had left my house ?

A.—No, I do not ; you quitted your house in fear.

Q. from the same—What did you understand me to be afraid of ?

A.—You were afraid of being taken to Napierville.

Q. from the same—Did I advise you not to take up arms against the Government ?

A.—You did.

Q. from the same—From the conversations you had with me previous to the late disturbances, did it appear to you that I was favourable or opposed to the revolutionists ?

A.—I knew you to be a loyalist.

Q. from the same—How was I occupied immediately previous to the late disturbances, and up to the evening of the third November last ?

A.—At your work.

Q. from the same—Did you not hear me say that I would never take up arms against the Government ?

A.—I did.

Q. from the Judge Advocate—Why was the prisoner Lareine afraid of going to Napierville on the night of the third November ?

A.—I do not know ; I heard him say he preferred staying at home.

Q. from the same—Was it before or after the armed men came ?

A.—It was before.

Q. from the same—On what occasion was it that he declared he preferred not going to Napierville ?

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A.—He had heard during the day (of Saturday) that people were moving thither.

Q. from the Court—When Coupal dit Lareine marched on Sunday morning, the fourth, did he take any arms with him, and how was he addressed by the armed body which came to take him away ?

A.—He took no arms ; the party addressed him by his name.

Q. from the same—Did the armed party take nobody from Lareine's house but the prisoner, or did they not use threats against you, to induce you also to march ?

A.—They took him alone ; I was not present when they took him, but in the barn ; I was present during the two first visits of the armed party ; they asked only for Coupal, and did not use any threats to induce me to march ; I was present in the house when they came on Sunday morning, at six, A.M., and heard them use the same threats, but was in the barn when Coupal dit Lareine left with them.

Q. from the same—Who were the persons that took him away ; were any of the prisoners among the armed party ?

A.—I did not know any of them, for it was dark, nor do I see any of them among the prisoners.

CATHERINE COUPAL, spinster, daughter of the prisoner, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Coupal dit Lareine—Did I leave my house on the evening of the third November last ; if so, state why I left it, and where I went to ?

Answer—You left it through fear of the patriots, and left to go I know not where.

Q. from the same—What was the cause of my apprehensions with regard to the patriots ?

A.—You were afraid that they would come and burn your house.

Q. from the same—Had I heard that the patriots intended that night to compel the people to go to Napierville ?

A.—You had.

Q. from the same—Did any armed men come to my house that night ; if so, how often did they come, and what did they say and do ?

A.—Some armed men came twice ; they threatened to break your head, destroy your property, and burn your house.

Q. from the same—Why did they make use of those threats towards me ?

A.—To take you to Napierville.

Q. from the same—When did I return to my house ?

A.—On Sunday morning, the fourth, about six o'clock.

Q. from the same—Did the armed men return to my house after my arrival ; if so, state what they did and said ?

A.—They did, and used the same threats as before, and took you with them.

Q. from the same—How were the men you refer to armed ?

A.—With swords and pistols.

JUDIQUE COUPAL, daughter of the prisoner, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Coupal dit Lareine—Did I leave my house on the night of the third November last ; for what purpose did I leave it, and where did I go to ?

Answer—You did, through fear of being taken by the patriots ; you concealed yourself, I do not know where.

Q. from the same—What caused me to be afraid of the patriots ?

A.—You were afraid of being taken away.

Q. from the same—Had the patriots threatened the people to go to Napierville, and when ?

A.—They had, on the night of Saturday, the third.

Q. from the same—Did any armed men come to my house on the night of Saturday, the third ; if so, how often did they come, and what did they say and do ?

A.—They did, twice during the night, and threatened your life if you refused to march.

Q. from the same—Did they return after my arrival at the house in the morning, and if so, what did they say and do?

A.—They came a third time a few minutes after you returned,—towards six o'clock in the morning, and repeating the same threats, they took you away with them.

Q. from the same—How were the men you refer to armed?

A.—With swords and guns.

Q. from the same—Did you ever hear me approve of the movements of the patriots?

A.—Never.

Q. from the Judge Advocate—How far does your father live from Napierville?

A.—Nine miles.

Q. from the Court—How many armed men came to your house on the occasion you speak of, and were they the same who came each of the three times you have spoken of?

A.—There were five or six, and I believe they were the same who came each time.

MARGUERITE COUPAL, daughter of the prisoner, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows:—

Question from the prisoner Lareine—Did I leave my house on the evening of the third November last; if so, state why I left it, and where I went to?

Answer—You did, for fear of being taken by the patriots, and hid yourself, I know not where.

Q. from the same—Did any armed men come to my house; how often, and what did they do?

A.—They came twice, and threatened to burn your house and take

away your lands ; they came a third time, at six, on Sunday morning, the fourth November, and took you away in spite of yourself.

Q. from the same—Did you ever hear me approve of the movements of the patriots ?

A.—No, you always discouraged them.

MOYSE DAJES, farmer, of the parish of L'Acadie, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Coupal dit Lareine—How long have you known me ; during your acquaintance with me, have you been enabled to ascertain my political inclinations ; if so, state what you conceived them to be ?

A.—I have known you for the last twelve years ; I have always known you to be a loyalist.

Q. from the same—Did you see me on the third of November last ; if so, state on what occasion, and what conversation took place between us ?

A.—I did, on the third November ; I was standing in a crowd on the road to your own house, in the afternoon, when you passed, going in that direction ; it was on a road between L'Acadie and Napierville ; you said, “ My friends, for what side (*de quelle part*) are you here ? ” and some replied, “ We are going to join Nelson and Côte ; ” you said, “ if you take my advice, you will go home ; ” you passed towards your own house.

PIERRE DANDURANT, of the parish of St. Cyprien, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Coupal dit Lareine—Did you see me at Napierville during the late disturbances ? if so, state under what circumstances.

Answer—I did ; you appeared to be in favour of the government ;

you were unarmed, and assisted me to make my escape once ; it was on the Wednesday of the week of the troubles, that I saw you, and on two other days besides, unarmed ; you deserted three times, I cannot say whether you were brought back, but I know that, on one occasion, you were told, that, if you deserted again, you would suffer for it ; you concealed your assisting me, from the rebels, knowing that, if you did not, you would be punished.

Q. from the same—Have you any knowledge that I was prevented from escaping on any and what occasion, and how ?

A.—I cannot say, precisely, on what day they hindered you from deserting, by telling you, that, if you did so, you would be brought back and punished ; it was about the middle of the week.

Q. from the same.—Were there any guards placed round the village of Napierville during the time I was there ? if so, for what purpose.

A.—There were guards placed round the village to prevent desertion.

Q. from the same—Have you any knowledge that, during the time you were at Napierville, the patriots went in search of, and brought back, persons who had deserted ?

A.—I know they went in search of deserters, but am ignorant whether they brought any back.

Q. from the same—Did I appear distressed by being compelled to remain in the camp ?

A.—You did.

Q. from the prisoner Narbonne—Do you know J. B. Trudeau, writer, of Napierville ? if so, state what are his habits and character ?

A.—I do ; he has the habits of a drunkard, and his general character is bad.

Q. by all the prisoners—From his general character, and from your acquaintance with him, would you believe him on his oath ?

A.—I would not ; because he is a man who is mostly always drunk, and, when sober, is wandering in mind.

Q. by the same—Do you know Joseph Sarault, of Napierville ? what are his habits and general character ?

A.—I can only say of his habits, that I saw him drunk once last spring ; I know little about him ; he had the reputation of being a drinker.

Q. from the Judge Advocate—How many days did you remain at Napierville, during the week it was occupied by the rebel force ? and how were you engaged then ?

A.—At different times during the week, I remained about three whole days there, or the amount of three days ; I did as the others did, I remained in the village, because I could not always find an opportunity to escape.

Q. by the same—Did you see Jean Baptiste Trudeau there during that time, during the week Napierville was in possession of the rebels ; if so how was he occupied ?

A.—I saw him, but do not know how he was occupied.

Q. from the Court—Do you know if Coupal had any command at Napierville ; if so, what rank had he ?

A.—I do not know.

Q. by the same—Are you related to any of the prisoners before the Court ?

A.—I am son-in-law to Coupal dit Lareine, but not allied to any of the others.

Q. by the same—Have you, at any time, been arrested on charges connected with the late troubles ?

A.—I was arrested in the parish of St. Cyprien, by the rebels, but never by the Government.

Q. by the same—Did you see any of the prisoners before the Court, when you were at Napierville, besides Coupal, and if you did, name them ?

A.—I saw the prisoner Bechard, once during the week at Napierville ; also, the prisoner Bigonessé dit Beaucaire twice during the week.

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I saw the prisoner, Marceau dit Petit Jacques, twice. I saw the prisoner, Nicolas, two or three times, at Napierville, during the week. I saw the prisoner Doré, three times during the week, at Napierville.

Q. by the same—What was Doré doing at the time you saw him ; was he alone, or otherwise ?

A.—He was alone, carrying a cane in his hand.

Q. by the Court—Have you been in Court any time during this trial ?

A.—I was in and out, but I could not hear much of what passed, because I was behind.

Q. by the same—On your oath, did you not hear one of the evidences say, he saw the prisoner, Doré, at Napierville, with a cane in his hand ?

A.—On my oath, I did not.

TIMOLEON QUESNEL, physician, of L'Acadie, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Marceau—Do you know me ; how long have you known me ; what are my habits, character and disposition ?

Answer—I have known you for the last fifteen years ; before the last troubles your character was that of a sober, peaceable, and generally good man.

Q. from the prisoner Beaucaire—Do you know me ; how long have you known me ; what was my character up to the late troubles ?

A.—I know you but by sight.

KELLY RICE, of Blairfindie, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Marceau—How long have you known me ; what are my habits and disposition, and what was my character previous to the late troubles ?

Answer—I have known you from your childhood ; I knew nothing against you, until I heard you were a prisoner in Montreal gaol.

ANDRE ROI, farmer, of St. Valentine, having been brought into Court and the charge read to him, he is duly sworn, and states as follows :—

Q. from the prisoner Bechard—Did you see me on Sunday, the fourth of November last ; if so, state under what circumstances ?

A.—I met you on Sunday, the fourth, and you told me you were going to hide yourself.

Q. from the same—What did you understand me to be afraid of ?

A.—I was present on that day when a man threatened you with death and destruction of property, if you did not march with the rest to the Côte, (Napierville) ; the person was Lucien Gagnon ; he was in advance of others, and armed with a rifle ; this occurred on the road from Point à la Mule to Napierville, about three miles from Point à la Mule.

Q. by the same—Did Gagnon pass for one of the leaders of the patriots, and is he not a man of determined character ?

A.—He did ; and he is a man of determined character.

Q. by the same—Have you any and what knowledge that I advised the people of my neighbourhood to remain quiet ?

A.—I know that you did so often, and told me, in particular, to hide myself, and not to meddle with these disturbances.

Q. by the same—Did you ever hear me blame Gagnon for the mischief he had caused ; if so, state when, and what you heard me say of him ?

A.—Yes, I often have heard you blame him, and say he was a man to be avoided, that he was capable of disturbing a whole parish ; you said this to me and others, both before and after the troubles had commenced.

Q. by the same—Were not the people in our neighbourhood generally in dread of Gagnon and his followers, at the commencement of the late disturbances ?

A.—Yes.

HYPOLYTE BRAULT, of the the parish of L'Acadie, labourer, having

been brought into Court and the charge read to him, he is duly sworn, and states as follows :—
 Q. from the prisoner Bechard—Did you see me on Sunday, the fourth of November last ; if so, state under what circumstances ?
 A.—I met you on Sunday, the fourth, and you told me you were going to hide yourself.
 Q. from the same—What did you understand me to be afraid of ?
 A.—I was present on that day when a man threatened you with death and destruction of property, if you did not march with the rest to the Côte, (Napierville) ; the person was Lucien Gagnon ; he was in advance of others, and armed with a rifle ; this occurred on the road from Point à la Mule to Napierville, about three miles from Point à la Mule.
 Q. by the same—Did Gagnon pass for one of the leaders of the patriots, and is he not a man of determined character ?
 A.—He did ; and he is a man of determined character.
 Q. by the same—Have you any and what knowledge that I advised the people of my neighbourhood to remain quiet ?
 A.—I know that you did so often, and told me, in particular, to hide myself, and not to meddle with these disturbances.
 Q. by the same—Did you ever hear me blame Gagnon for the mischief he had caused ; if so, state when, and what you heard me say of him ?
 A.—Yes, I often have heard you blame him, and say he was a man to be avoided, that he was capable of disturbing a whole parish ; you said this to me and others, both before and after the troubles had commenced.
 Q. by the same—Were not the people in our neighbourhood generally in dread of Gagnon and his followers, at the commencement of the late disturbances ?
 A.—Yes.

been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bechard—Are you not a neighbour of mine ; have you any knowledge that threats were held out to me to compel me to join the patriots ; if so, state when and in what manner ?

Answer—I am ; we are separated only by the road ; I know that, on Sunday, the fourth of November last, you were in your own house when Julien Gagnon entered it, armed with two pistols, a rifle, and a sword. You were in your bed-room, without shoes ; he ordered you to march, and, on your refusing, he said he would cut your head off, if you did not ; on the preceding night your house was visited by a party of men, who asked for you ; you were then concealed ; I replied you were not at home ; Gagnon was accompanied by several people ; I do not know whether they were armed.

Q. by the same—Do you know that any and what threats were held out to me, previous to the third of November last, and when ?

A.—I do not know that there were ; about three weeks before the disturbances, a young man came from Point à la Mule, and advised you to conceal yourself, because you would be visited by a party and punished, on account of discouraging the patriot cause.

Q. from the same—Have you any personal knowledge that I advised my neighbours to be peaceable, and avoid all agitators, and more especially Gagnon.

A.—I was advised by you to remain quiet ; I know not if you gave such advice to others.

Q. by the same—Am I not a man of quiet, peaceable habits, and generally esteemed amongst my neighbours ?

A.—You are a peaceable character, and esteemed among your neighbours.

Q. from the Court—Do you know any cause for Gagnon insisting on Bechard marching, more particularly than yourself, or other neighbours ?

A.—I do not know that he did so more particularly to him than the others.

Q. from the same—Are you in the employment of the prisoner Bechard?

A.—I work occasionally as a day labourer for him, and was doing so two or three days before the rebellion broke out.

Q. from the same—Did Gagnon take you with him; if not, why?

A.—He did not; I know not why?

ZOE LEFEBVRE, wife of Antoine Mallette, of Saint Cyprien, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows:—

Question by the prisoner Daunais—Did you see me during the week of the last troubles; say in what place I was during that time?

Answer—I did, at my own house, in the parish of Saint Cyprien, about a league from Napierville.

Q. by the same—What days did you see me there, and during what portions of such days?

A.—I saw you every day at my house, from Sunday to Saturday; you spent the greater part of each day there.

Q. by the same—Was I there on the forenoon of Monday, the fifth of November last?

A.—Yes.

Q. by the same—Did I remain there on the Tuesday of the disturbances, or during what portion of that day?

A.—You came there every day, and slept at my house every night, except three nights, viz. those of Saturday, Sunday, and Monday I think, I cannot say what portion of Tuesday you passed at my house.

Q. by the same—Recollect yourself and say on what part of Tuesday I was at your house?

A.—I cannot say what portion of the day you passed, but I know you were there in the morning and in the afternoon.

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Q. by the same—Do you know that there is a person in my neighbourhood who resembles me much, and is often taken for me ?

A.—I do ; I know his surname is Defaillette.

Q. by the same—How was I dressed during the week of the disturbances ?

A.—In the grey cloth of the country, as you at present are.

Q. by the same—Did you ever see me during that time dressed in a short jacket (*gilet*) ?

A.—Yes, I did.

Q. by the same—Do you mean by "*gilet*," a waistcoat or an outer coat ?

A.—I mean a jacket, with sleeves, such as the habitans usually wear.

Q. by the same—Did you ever see me go out of the house, without the frock coat (*surtout*) which I wear at present ?

A.—I cannot say.

Q. by the same—How did I conduct myself during that week, to your knowledge.

A.—Like a good boy.

Q. by the same—Did you know me to have had any connection with the rebel force then at Napierville ?

A.—I have no knowledge of it.

Q. by the Judge Advocate—Did Daunais reside with you previous to the week of the troubles ? if not, where did he reside ?

A.—He did, at different times, for three years.

Q. by the same—Are you related to Daunais ?

A.—I am not ; I have had him from the age of fourteen or fifteen years.

Q. by the Court—When Daunais left and returned to your house, in what manner did he do it ?—on foot or on horseback ?

A.—Sometimes on foot—sometimes on horseback.

Q. by the same—Do you know James Dalmage or his wife ? and how far do they reside from your house ?

A.—I do not know them.

Q. by the same—You have said the prisoner Daunais was dressed in grey ; can you say what coloured gloves he wore ?

A.—I do not know ; he wore either gloves or mittens, but I cannot say what colour they were.

Q.—During the week you have spoken of, did you ever see Daunais in possession of pistols or a sword ?

A.—No.

Q. by the same—Upon what road out of Napierville do you live ?

A.—On the road from Captain Douglas' house, straight to Champ-lain.

Four o'clock, P.M.—The Court adjourns until ten, A.M. to-morrow.

FOURTH DAY, Friday, February 1st, 1839.

Ten o'clock, A.M.—The Court meets. Present, the same members as yesterday, except Captain Kerr, reported sick.

NOEL MERCIER, of Blairfindie, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bechard—Did you see me on Sunday, fourth of November last ?—if so, state under what circumstances.

A.—I saw you at your own house ; Julien Gagnon arrived there ; I was at the door of your house, about one, P.M. and Gagnon asked if you were at home, and I replied, yes, when he entered and said to you, " How is this, you are not ready to march ?" you replied, " No : I do not intend to march ;" Gagnon was armed with a sword and pistols ; he pointed one of the pistols at you, and said, " If you do not march, I will blow your brains out ;" you then marched under bodily fear ; Gagnon was accompanied by several other persons ; I do not know if they were armed ; Gagnon had also a rifle.

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Q. from the same—Did Gagnon, at the same time, make use of any, and what threats towards yourself ?

A.—He did ; he pointed his pistol at me, to compel me to march.

Q. by the same—Do you believe that, had you refused, Gagnon would have carried his threat into execution ?

A.—I do.

Q. from the same—Do you know that, on a similar occasion, Gagnon fired at and shot a man ?

A.—I do not.

Q. by the same—Where was I on Tuesday, sixth November last, and what was I doing ?

A.—At the Côte (Napierville) ; if you had not been taken there, like myself, you would not have been there ; you appeared to regret very much to find yourself there ; you were doing nothing.

Q. by the same—When was it I went to Napierville, did you accompany me, and where did I remain while there ?

A.—We went there together, on Sunday, the fourth ; you slept with me, at Rodrigue's house, on Tuesday night ; Rodrigue is a bailiff.

Q. by the same—Was Rodrigue a loyalist or a patriot ?

A.—A loyalist ; Rodrigue himself was in prison at this time ; put there by the patriots.

Q. by the same—What did you hear me say, with regard to the imprisonment of Rodrigue ?

A.—I only heard you attempt to console his wife, saying that you were her husband's friend.

Q. by the same—When did I leave Napierville, and what did I do after I left it ?

A.—On Wednesday, the seventh ; you concealed yourself for fear of Gagnon, when you returned to your own house, and I slept with you two nights.

Q. by the same—Are you positive that it was on Wednesday I left Napierville.

A.—I am,

Q. by the same—Were there guards stationed round the village of Napierville ? if so, for what purpose were they placed there ?

A.—There were ; for the purpose of preventing the patriots leaving it.

Q. by the same—Do you live near me ; did you ever hear me advise my neighbours to remain quiet ?

A.—For the last year I have resided within three miles of your house, and I have often heard you advise your neighbours to remain quiet ; you have advised me to do so.

Q. by the Court—Was Bechard tied and marched as a prisoner to Napierville ?

A.—No.

Q. by the same—Was Rodrigue's house occupied by the rebel forces, as a quarter ? if so, how many men were quartered there, and who commanded them ?

A.—It was not ; there was another person who lived there, whose name was Pierre Cartier ; they called him Captain.

Q. from the same—Can you swear that Bechard never returned to Napierville, after Wednesday, when you say he left ?

A.—I cannot swear that he did not.

Q. from the same—Did Bechard remain at home after Wednesday and until Saturday.

A.—No, he left his home to go to the Côte (Napierville), by Gagnon's order, Julien Gaudreau was the person who brought the order, on Thursday.

Q. by the same—How did you, and the prisoner, Bechard, contrive to leave Napierville when guards were placed round the village.

A.—We passed through the guards ; one of the sentries fired on us after we had passed.

Q. from the same—On what day did Bechard return to Napierville ?

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A.—He returned alone, on, I believe, Thursday, but I do not think he reached the village of Napierville, for I saw him again, the next day, at his own house, which is about a league and a half from it.

Q. by the same—What words were used by Julien Gaudreau, when he delivered the order on Thursday, from Gagnon, to return to Napierville ?

A.—“I order you, in the name of Gagnon, to be at the Côte (Napierville), as soon as possible, if you do not come, I will go for Gagnon.”

JACQUES OUMET, of the parish of St. Jacques Le Mineur, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bechard—Had you any and what opportunity of making yourself acquainted with me ; if so, state what were my habits, character and disposition, and, more particularly, what my political opinions were, immediately previous to the late troubles ?

Answer—I have been often in your company ; your habits of life were those of a country farmer, and I knew you to be an honest man ; I cannot say what your political opinions were.

Q. by the prisoner Doré—How long have you known me ; had you any and what conversation with me, on the subject of politics, previous to the late disturbances.

A.—I have known you for three years ; we have often spoken on the subject of politics, and you always told me not to meddle with them.

Q. by the same—Have you a knowledge that I was in the habit of going to Napierville, before the late disturbances ; if so, state for what purpose ?

A.—Yes I have ; you were in the habit of going there to see notaries whom you employed.

Q. by all the prisoners—Do you know J. B. Trudeau, writer, of Napierville ; if so, state what are his habits and general reputation ?

A.—I do ; his habits are bad, and he is often drunk, and has the reputation of being a drunkard.

Q. by the same—From the acquaintance you have with Trudeau, would you believe him on his oath ?

A.—I would not.

Q. by the prisoner Doré—Did you remain in my employ for any and what period previous to the late disturbances ; if so, state whether or not I was in the habit of carrying a cane when I walked out ?

A.—I was in your employ, as a messenger, from time to time, for two or three years ; you were in the habit of carrying a cane when you walked out.

Q. from the Judge Advocate—At what distance from the prisoner Doré's house do you reside ?

A.—About three acres.

Q. from the same—State whether you saw him on Saturday, the third November last, or how long before ?

A.—I saw him on Saturday morning ; he sent me to the small Court of St. Edouard to appear for him.

Q. from the same—State when you returned from St. Edouard, and whether you saw him on your return ?

A.—On the same day, towards half-past three in the afternoon, I saw the prisoner, Doré, on my return, and enquired of him what was the meaning of the movement, and he replied, it was caused by people who were going too fast, (*trop en avant.*)

Q. from the same—When did you see him again after that time ?

A.—I did not see him after that ; he said to me, in addition to what I have stated, " Mr. Ouimet, get out of the way, or hide yourself—I am going to do the same ;" I have not seen him since until now.

Q. from the same—How do you know that Doré was in the habit of going to Napierville to see notaries on business, as you have stated, and what were their names ?

A.—Because I have been myself to Napierville, to get the notaries to come and pass acts at his house ; their names were Huot and Decoigne.

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follows :—

Q. from the same—Do you not know that the prisoner, Doré, previous to the first of November last, administered the secret oath to one or more persons, and is it not true that you have taken that oath yourself?

A.—No, I have always been a loyalist.

Q. from the same—Why would you not believe J. B. Trudeau on oath?

A.—Because I have seen him too often drunk.

Q. from the Court—How often have you seen him drunk, and when for the last time?

A.—So often that I cannot count the times; I saw him very drunk at the house of one Gervais, in Napierville, about Michaelmas last.

Q. from the same—Did you see Trudeau at Napierville during the week of the disturbances; if so, have you any reason to believe that he had been drinking?

A.—No, I did not see him; I was there on the seventh.

Q. from the same—How did you get into Napierville on the day you mentioned, and how did you get away?

A.—I did not enter the village on the seventh; I remained on this side the river.

Q. from the same—Did you see Doré when you went up to the village?

A.—I did not.

Q. from the same—State whose house you went to on the seventh, near Napierville, and what took you there?

A.—I went to the house of one Gargon, to get some money he owed me, which house is five or six acres from the village, on the St. Andrews side of the river, the one opposite to Napierville.

Q. from the same—How did you pass the guards, stationed outside the village?

A.—There were none to pass.

EUSTACE CHAMPAGNE, of L'Acadie, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Doré—Did I, at any, and what time, during last autumn, give you, or any other persons in your presence, any, and what advice, respecting the disturbances which we were threatened with ?

A.—Yes, you advised me to keep myself quiet, a little before the first of November ; I asked you the meaning of the rumours, and you said, “ Do not fear, remain quietly at home.”

Q. from the same—Did you, at this time, hear me say, whether or not I intended to take any part in politics myself ?

A.—You never hinted (*souffler*) anything to me.

Q. from the Judge Advocate—Why did you go to the prisoner, Doré, for advice upon the subject ?

A.—Because I met him accidentally, and the conversation turned upon the subject.

PIERRE LORETTE, of the parish of L'Acadie, shoemaker, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Doré—Did you see me on or about the third November last ; if so, state when, on what occasion, and what conversation took place between us ?

A.—I saw you on the third of November last, about three, P.M. ; you came to my shop to enquire for a pair of boots ; I had remarked a great many people passing, and asked what it meant, and you replied, “ Nothing ; keep yourself quiet at home, as I am going to do” ; on the same Saturday morning, being at Napierville, I saw you at the house of one Gervais.

Q. from the same—Are you positive in saying you saw me on Saturday, the third November, at Gervais' house, in Napierville ?

A.—I am.

[On reading over this evidence to the witness, he corrects himself, and says, it was on the Saturday following that he saw the prisoner, Doré, at Napierville.]

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Q. from the same—Do you know that I had occasion frequently to employ notaries for my commercial business ; if so, state who were the notaries I generally employed, and where they resided ?

A.—I know you had ; you employed Decoigne and Huot, who resided at Napierville.

Q. from the Judge Advocate—At what hour on the Saturday following the third did you see the prisoner, Doré, at Gervais', at Napierville, and declare whether the place was then in possession of the British troops ?

A.—About the dawn of day ; the troops had not arrived.

Q. from the same—Do you know whether the British troops took possession of Napierville on that day, or at any other time, and when ?

A.—I cannot recollect whether it was on the same day ; it was within the week.

Q. from the same—Who was with the prisoner, Doré, when you saw him at Gervais' ?

A.—He was quite alone.

Q. from the same—How long did you remain at Napierville, on the Saturday following the third ?

A.—I went there on Saturday, the third, and I remained there two or three days ; I then left, and returned home ; I did not go there afterwards. Upon recollection, they took me back there, on Wednesday evening, and I remained there until the following Saturday, when the troops arrived, but I was not there when they came ; I left Napierville about seven o'clock in the morning.

Q. from the same—How many times did you see the prisoner, Doré, while you were at Napierville, and how was he employed when you so saw him ?

A.—I saw him seven or eight times ; he was doing nothing ; he was in rear of the patriots, with a cane in his hand.

Q. from the Court—Can you state if the two notaries you have mentioned, Decoigne and Huot, have been placed on their trial for High Treason, before this Court, and convicted ?

A.—I know that they were.

Q. from the same—Was the patriot party, in whose rear you saw Doré, or any of them, armed?

A.—Some were, and some were not.

Q. from the same—Was Doré frequently in company with the patriots, when you saw him at Napierville?

A.—I never saw him in company with any.

ZOE COUPAL, spinster, neice of the prisoner, Coupal dit Lareine, of the parish of St. Cyprien, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows:

Question from the prisoner Daunais—Can you say where I spent the week of the late disturbances?

Answer—You passed the four first days at our house, viz: the fourth, fifth, sixth, and seventh of November last, without going out, and the remaining days of that week, backwards and forwards between your own house and ours.

Q. from the same—How was I dressed, from the third of November to the tenth?

A.—You wore a grey great coat (*capot*) of country manufacture, a black hat, and a sash of a narrow pattern.

Q. from the same—Did you ever see me go out during the week of the disturbances, dressed in any other way than that which you have designated?

A.—No, I did not.

Q. from the same—When I went out during the time, had I any covering, and what, on my hands.

A.—I never saw anything on his hands.

Q. from the same—Is there any person in my neighbourhood who resembles me?

A.—Yes, there is an individual, named Medard Defaillette, who lives farther on, so that some persons might take the one for the other.

Q. from the Judge Advocate—Are you related to the prisoner, Daunais?

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A.—I am not.

Q. from the same—Are you very intimate with him, and have you not lived a long time in the same house with him?

A.—We have lived some time together in Mr. Mallette's house; I live in the house of Antoine Mallette, the husband of Zoé Lefebvre, a league from Napierville.

Q. from the same—Where is the house of the prisoner, Daunais?

A.—About a mile and a half higher up, farther from Napierville, in the direction of Champlain.

Q. from the same—You have stated that Sunday was the fourth of November; who told you it was so?

A.—I understood it was the fourth; I cannot say from whom.

Q. from the same—Why did Daunais come to Mallette's house on the fourth?

A.—He regarded it as his home, and preferred it to his father's house, having lived there already five or six years.

Q. from the same—Are you positive in stating that he did not leave the house at all on the fourth, fifth, sixth, and seventh of November?

A.—I am.

Q. from the same—Where did he sleep during the nights of each of those days?

A.—On each night he slept at Mallette's.

Q. from the same—How can you be positive that he did not go out on either the fourth, fifth, sixth, or seventh?

A.—Because I passed those days with him.

Q. from the same—Do you mean to say, that you were constantly with him during those days, and never lost sight of him for a moment?

A.—Only when he went out to come in again immediately.

Q. from the same—What was he doing so constantly in the house?

A.—He lounged about doing nothing.

Q. from the Court—How far is your house from that of Fanny Switzer, wife of James Dalmage?

A.—I do not know where she lives.

Q. from the same—When did you last see Medard Defaillette, and what age is he ?

A.—I saw him on Monday last, at the house of Albert Titreau, in L'Acadie ; I heard him called about twenty years of age.

ROSALIE LEFEBVRE, wife of Barthélemy Lefebvre, of St. Cyprien, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Daunais—Where did you remain during the week of the late disturbances, at Napierville ; can you state where I was during that week, and more particularly on Monday, Tuesday, and Wednesday ?

Answer—At the house of Antoine Mallette ; you spent the greater part of the week at Antoine Mallette's, and more particularly Sunday, Monday, Tuesday, and Wednesday.

Q. from the same—Had I gone out for any period of the time during those four days, would you not have perceived it ?

A.—I believe I should, for I did not leave the house myself on those days.

Q. from the same—How was I dressed during the week of the late disturbances, in the beginning of November last ?

A.—You wore a grey great coat, a black hat and grey trousers.

Q. from the same—Did you ever see me go out during that week, in any other dress than that which you have just designated ?

A.—Never.

Q. from the same—During the week of the disturbances, did you see me with any covering on my hands ?

A.—Never.

Q. from the same—Is there any person who resembles me in my neighbourhood ?

A.—There is ; one Defaillette.

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Q. by the same—May not those who do not know us well, take the one for the other ?

A.—Yes ; you greatly resemble each other, and dress alike.

Q. from the Judge Advocate—Did Daunais sleep in the house of Antoine Mallette, on the nights of Monday, Tuesday, and Wednesday, of the week of the troubles ?

A.—He did, every night.

Q. from the same—What was the first day in that week on which he went out of Mallette's house, and was he on horseback, and where did he go ?

A.—I believe it was on Thursday, and I heard he had gone to his father's ; he was on foot.

Q. by the same—Did he, at any time, go out on horseback during that week ?

A.—I never saw him go on horseback.

Q. by the same—Did any body of armed men come to Mallette's house during the week of the troubles ?

A.—Yes.

Q. by the same—Was Daunais, the prisoner, there when such armed party came ?

A.—Towards the end of the week, I believe on Thursday, a band of armed men came ; I cannot say whether Daunais was there or not ; I was there when they came, but I was not there when they went away ; this is the only time, to my knowledge, that any came.

Q. by the same—Do you state positively, that no band of armed men came to the house of Mallette on Monday, Tuesday, or Wednesday ?

A.—None came, unless they came in the night.

Q. from the same—Where was Antoine Mallette, and where is he now ?

A.—He was at one of his farms, farther up, and he is now in Montreal.

Q. by the same—How are you enabled to state, that Daunais slept at Mallette's house during the nights of Monday, Tuesday, and Wednesday ; did you sleep in the same room with him ?

A.—I saw him late at night, and early in the morning ; on two occasions, there were so many women and children in the house, that a number of us slept in the same room with him ; on two other nights, I saw him in the parlour, very late at night, lying on a buffalo robe, and early on the following mornings ; we went to bed late, on account of our fears.

Q. by the same—Did Daunais always wear the great coat in the house ; if not, what did he wear ?

A.—He did ; he generally slept in his clothes, and had it on ; I only saw him take it off twice ; he had on a grey jacket under it ; I do not know whether it had sleeves or not.

Q. by the Court—Where did you last see Defaillette ; where is he now ; what is his age ; and is he in health or sick.

A.—I saw him, on Sunday last, at his own door ; he lives about twenty acres from Antoine Mallette's ; he may be about twenty years of age ; he was in good health when last I saw him.

LUCIE DAUNAIS, of St. Cyprien, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Daunais—Where did you see me during the week of the last troubles, at the commencement of November last ?

Answer—You were at Mallette's house ; and on Thursday morning you came to my father's house.

Q. from the same—Where did I live after Thursday, and on Thursday of that week.

A.—At my father's.

Q. by the same—During the week of the troubles that you saw me, how was I dressed ?

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A.—You wore a great coat, waistcoat, and trousers of grey cloth.

Q. by the same—Did you see me, during that time, in any other dress ; and had I gloves on ?

A.—No ; you had no gloves on that I saw.

Q. from all the prisoners—Do you know J. B. Trudeau, and Dr. Joseph Sarault ; what kind of people are they, and what reputation do they bear ?

A.—I do not know them ; I have seen them once, and they were both drunk.

Q. by the prisoner Daunais—Is there any person in our parish that resembles me ?

A.—Yes ; there is a man named Defaillette, who resembles you so strongly, that people who do not know you mistake the one for the other.

Q. by the Judge Advocate—Are you related to the prisoner, Daunais ?

A.—I am his sister.

Q. by the same—How long before the week of the troubles did Daunais leave your father's house to go to Mallette's ?

A.—About eight days before.

Q. by the same—How do you know that, during part of the week of the troubles, Daunais was at Mallette's house.

A.—I am not certain that he was there ; but you have had sufficient testimony to prove that he was there.

Q. by the same—Did you come to town with Rosalie Lefebvre, Zoé Coupal, and Zoé Mallette, or either of them, and which ?

A.—No.

Q. by the same—Have you seen them, or had any conversation with them since you came to town ?

A.—I have seen them, and spoken to them.

Q. by the same—Did you speak with them about the prisoner, Daunais, or about the evidence either of you were to give before the Court ?

A.—I have not spoken to them, or any one else, about Daunais, or the evidence we were to give.

Q. by the same—On what subject did you speak to the persons named?

A.—We spoke on many subjects; my brother's name was not mentioned by either of us, or the object for which we came here.

Q. by the same—How long did Daunais remain at his father's house after the week of the troubles?

A.—From Thursday the seventh to the twelfth; he was arrested at the door of my father's house on the last mentioned day.

Q. by the same—When he came to your father's house, did he come on horseback or on foot?

A.—On foot.

Q. by the Court—Did you ever see him wear a sash during that time?

A.—I saw him wear a sash of a narrow pattern.

Q. by the same—How do you know that the Court has had sufficient evidence on the subject of Daunais being at Mallette's house?

A.—I did not say so; I said that Daunais told me himself he had been at Mallette's.

Q. by the same—Do you know Fanny Switzer, wife of James Dalmage, and how far does he reside from your house?

A.—I do not.

It being four o'clock, the Court adjourns until to-morrow morning, at ten o'clock, A. M.

FIFTH DAY, *Saturday, February 2, 1839.*

Ten o'clock.—The Court meets. Present the same members as yesterday.

TOUSSAINT VITAL TREMBLAY, of St. Philippe, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :

Q. from the prisoner Lareine--Did you see me at any and what time during the late disturbances at Napierville ; if so, state under what circumstances ?

A.—On the seventh of November last I was at Napierville, occasioned by the illness of my brother's wife, and there met you unarmed, in the street alone ; I asked you what you were doing there, and you replied you did not know—that you had been brought there ; having concluded my business, I endeavoured to withdraw from the village, but found I could not, from the close guard ; towards the evening I again met you, and I enquired of you if you could tell me how I could escape from the village ; you advised me to procure the assistance of a friend and force the guard ; you added if you want my assistance you shall have it ; I slept in the same house with you that night ; I saw you frequently on the following day, unarmed. On the eighth, a public meeting was called, I and three or four others concealed ourselves in a barn, but were forced to leave it, by several armed men, who threatened to cut off our heads ; being compelled to go to the meeting, I there saw you with several of your friends, recommending the meeting to disperse and not to take up arms ; on the same evening, being again at your lodgings, I heard you declare to several of your friends that you would remain no longer in the village, and request their assistance to force the guards ; I took no notice of what passed on the ninth ; on the morning of the ninth or tenth, some three or four of us attempted to pass the guard, but not succeeding, we returned to your house, and heard you again declare that you were determined to leave the village at any cost, and again called upon your friends to follow you. Accordingly, from sixty to eighty joined you ; I was one ; we made our way out of the village without opposition, we crossed the river, and at the edge of the wood

you turned round and addressed us, saying : " I am going home, let each man do the same, we are now out of danger."

Q. by the same—Did you see me bearing arms during that time ?

A.—No ; nor did I see any armed men in the house where you lodged.

Q. by the same—Did you on the first day you came, ask me to obtain a pass for you to leave the village ; if so, what was my answer ?

A.—No ; I asked but for what I have already stated.

Q. from the same—Did I, on the first day you saw me, appear to be afflicted at being compelled to remain in the village ?

A.—Yes ; you did by your own declaration.

Q. from the Judge Advocate—You state that you endeavoured to retire from the village of Napierville, but were prevented by the guards, did you find any difficulty in entering the village, or did you endeavour to escape in the night time ?

A.—I entered without difficulty, but we were not permitted to leave our lodgings at night, sentries being posted at the corners of the streets.

Q. from the same—In whose house did the prisoner, Lareine, lodge ; and how many persons lodged in the same house with him ?

A.—I cannot say in whose house he lodged, there were a great many people lodging in the house ; I cannot say how many.

Q. by the same—Why did you apply to Coupal dit Lareine for assistance to leave the village, more than to any other person ?

A.—Because I knew him to be a loyalist ; I had called with some others to talk to him about the troubles some days before, and he refused to say anything on the subject.

Q. by the same—Was the day on which you departed from Napier-ville, as you have stated, the same as that on which the British troops arrived ?

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A.—I cannot say, as I was not there when they arrived ; I left Napierville about half-past four, A. M.

Q. by the same—Was it before or after the last battle of Odelltown ?

A.—I understood the battle had taken place before I left ; I had heard of it before I went.

Q. from the same—On what day was it, that you and others called on Lareine to speak to him about the troubles ?

A.—It was seven or eight days before ; we did not go to speak to him about the troubles, it was on other business ; we asked him about the troubles, as being one who moved about a good deal, and likely to have information ; he refused to listen to us, (*il nous a rejeté.*)

Q. by the same—Are you positive that the prisoner, Lareine, was not armed on the seventh, eighth or ninth ?

A.—I did not see him armed.

Q. by the same—What was the nature of the public assembly you speak of ; by whose order was it convened, and why did you conceal yourself ?

A.—It was a meeting held in front of the Church ; I do not know by whose order it was assembled, nor for what purpose ; I concealed myself because I was afraid.

Q. by the same—Are you related to Coupal, or any of the prisoners before the Court ?

A.—I am not.

Q. by the same—During the time you were in Napierville will you swear that you never saw Coupal in possession of a sword ; and will you swear that he did not hold any command ?

A.—I have no knowledge of either.

Q. from the same—How did you come to know that troubles were going to take place seven or eight days prior to the last break out ; and did you ever attend any meeting where oaths were administered ; or did any one ever ask you to take an oath regarding the troubles about to break out ?

A.—We heard the people from above were coming to do us great damage ; I never attended a meeting where oaths were administered ; nor was I ever asked to take such ; I did not know whether the troubles were coming from above or below, from Upper Canada or the South.

Q. by the same—Will you state upon your oath, if there were any men armed in the assembly before the Church on the eighth instant ?

A.—I did not go near the meeting, and do not recollect of seeing any other arms than sticks and canes.

Q. by the same—During the period of your stay at Napierville ; did you see any armed men at all ?

A.—I saw strangers moving about with arms.

Q. by the same—Did the sixty or eighty men, with whom you say you escaped from Napierville, take arms with them ?

A.—I did not see their arms, or hear them spoken of.

Q. by the same—How did you subsist whilst in Napierville ; and did you not at any time get provisions served out to you ; if so, by whom ?

A.—I had some money with me, and by borrowing some more, I managed to get a meal a day ; no provisions were ever served out to me.

Q. by the same—Do you consider that any other oath or engagement you might have taken, could free you from speaking the truth on the present occasion ?

A.—No.

Q. by the same—Have you ever been in custody, under charges connected with the last troubles ?

A.—No ; nor did I ever apprehend it.

The above witness, Toussaint Vital Tremblay, having, by his foregoing testimony, (notwithstanding that he was duly cautioned) committed himself, by making it appear that he was implicated in the

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offence with which the prisoners are charged, the Court, on the suggestion of the Judge Advocates, do order him to be taken into custody.

GENEVIEVE LEFEVRE, of St. Constant, spinster, having been called into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner, Camyré--Where did you reside at the commencement of the troubles, in November last ?

Answer--At the house of Charlotte Cardinal, in the parish of St. Constant.

Q. from the same--At what distance from my house ?

A.--A mile and a half.

Q. from the same--Did you see me on Monday, the fifth November last ; if so, state how I was occupied ?

A.—I did, at your own house ; you were engaged in your ordinary work ; this was towards one in the afternoon.

Q. by the same--On what day of the week of the late disturbances did I leave my house, and what caused me to leave it ?

A.—You left on Monday, the fifth, about one, P. M. because persons came and told you that the troops were coming to fire the village, and make the inhabitants prisoners ; the troops arrived half an hour after your departure, burned your house and barn, and destroyed your property.

Q. from the Court--Has the prisoner more than one residence ? if so, state where ; or does not the village where Camyré resided go by the name of St. Pierre ?

A.—He has another at St. Remi ; and the village of St. Constant does go by the name of St. Pierre.

Q. by the same--What was the cause of the troops arriving at St. Constant, as you have stated.

A.—I do not know.

Q. by the same—Did any other person run away from the village, besides Camyré, and were any inhabitants made prisoners ?

A.—Almost all the inhabitants fled ; I cannot say whether the troops made any prisoners.

Q. by the same—Were you in the village when Camyré's house was burned, and did you see the troops burn the house ?

A.—I was not in the village when the fire was put ; I had run away, but on my return I saw the flames.

MATILDE CARDINAL, spinster, now of the parish of St. Constant, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Camyré—Where did you reside at the commencement of the troubles, in November last ?

Answer—At St. Pierre, at your house.

Q. from the same—Did you see me on Monday, the fifth November last ; if so, state how I was occupied ?

A.—I did, about ten or eleven o'clock, A.M. at your own house, engaged in your ordinary work.

Q. from the same—On what day of the week of the late disturbances, did I leave my house, and why ?

A.—Towards eleven or twelve o'clock of Monday, the fifth ; people said the troops were coming ; we all ran away, and you among the rest ; you went one way, and I another.

Q. from the same—What was the general report at St. Constant, respecting the object the troops had in view in visiting that place ?

A.—To fire the village.

Q. by the Judge Advocate—Are you related, or in any manner allied, to the prisoners at the bar, or any of them ?

A.—I am the sister-in-law of Camyré.

Q. from the same—Where did you go to on leaving Camyré's house, and do you know where he went ?

A.—I went to one of my aunts, a mile and a half from Camyré's ; I do not know where he went to.

Q. from the same—How far is it from Camyré's house to Napierville ?

A.—I cannot say.

Q. from the same—Have you been in Court any time during this trial ?

A.—Yesterday I entered more than once, for some young woman inside, but did not remain for a moment, nor did I hear any thing.

Q. from the same—What had the inhabitants done in the village of St. Pierre, to cause such a report to be raised, as that British troops were coming to burn the village ?

A.—It was believed by myself, because notice had been given ; I knew nothing about the inhabitants.

Q. by the same—Was there not an unusual assemblage of people in the village, on the day previous to the fifth, when the troops arrived ; and was Camyré at home on that day ?

A.—There certainly was ; Camyré was at home on the fourth.

Q. from the same—How many men, to the best of your belief, were assembled in the village on the fourth, and were any of them armed ?

A.—I cannot say, I was engaged at my work ; I do not know that any were armed ; there were some of them armed.

Q. from the same—Did you see Camyré amongst the crowd on that day, and how was he occupied ?

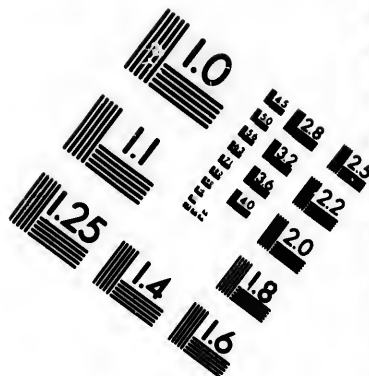
A.—I did not see him ; he was engaged as usual.

Q. from the same—Did you hear what was the intention of the people assembled at St. Pierre, on the fourth, and did you never hear them talk of taking or burning Laprairie ?

A.—No.

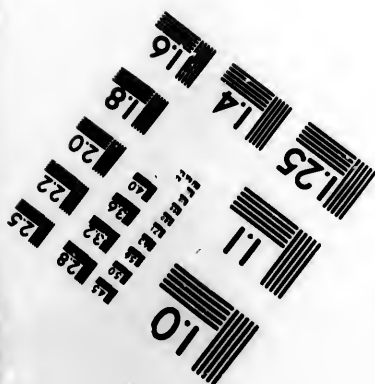
Q. from the same—Did Camyré, or any of your acquaintances





A resolution test chart featuring various patterns of vertical and horizontal lines. The patterns are arranged in a grid-like fashion. Each pattern is accompanied by a numerical value indicating its resolution. The values include 1.0, 1.1, 1.25, 1.4, 1.6, 1.8, 2.0, 2.2, 2.5, 2.8, 3.0, 3.2, 3.6, 4.0, and 4.5. The patterns consist of groups of lines of varying thicknesses and spacings, designed to test the ability of a system to resolve fine details.

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express any fears at so unusual an assemblage of men being collected at the village on the fourth ?

A.—No.

MARIE THIBAUT, of the parish of St. Cyprien, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Marceau, dit Petit Jacques—Did you see me on Friday, the ninth November last, in Napierville ; if so, state where and how I spent that day.

Answer—I did ; you passed part of that day at your cousin's house, and part of it at our house ; I saw you at your cousin's ; you were wandering about during the day.

Q. from the same—Did you see me in the morning, and from what hour, and how long on that day ?

A.—I saw you in the morning, from about ten o'clock, for one hour, at our house.

Q. by the same—Was I sick on that day or disposed to go out ?

A.—You said you were sick, and not disposed to go out.

ANTOINE MARCHAESSAULT, of the parish of L'Acadie, farmer and blacksmith, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Marceau—Have you had any and what opportunities of becoming acquainted with me ; if so, state what are my habits, character, and disposition ?

Answer—I have had opportunities of becoming acquainted with you ; and know you for two or three years, and have seen you several times every week ; have heard you often converse on politics, at my own house, and invariably take the part of the crown ; you are an honest man and have a good character.

Q. from the same—How was I occupied up to the moment of the last outbreak ?

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Q. by all the prisoners—Do you know J. B. Trudeau, writer, of Napierville ; if so, state what are his habits and general character ?

A.—I do ; I know nothing good of him ; I would not believe him on his oath.

Q. by the same—Do you know Joseph Sarault, of Napierville ; if so, state what are his habits and character ?

A. I do ; and would not employ him for any business.

Q. by the same—From the acquaintance you have with Sarault would you believe him on his oath ?

A.—I would not.

Q. by the Judge Advocates—At what distance do you live from the residence of J. B. Trudeau, and Dr. Sarault, and how often do you see them ?

A.—I live about two leagues from Napierville, where they live ; I see J. B. Trudeau once or twice a month, when I go to Napierville, and Dr. Sarault, also, then, besides when he sometimes passes my house.

Q. by the same—Have you ever had any business with them, or any dispute or difference of any kind ?

A.—No.

Q. from the same—Had you ever any communication or conversation with either of them ?

A.—I have spoken with both of them, on different matters.

Q. from the same—What reason have you for saying that you would not believe J. B. Trudeau on his oath, or that Dr. Sarault is a person you would not employ, or believe on his oath.

A.—It is an opinion which I have against them ; I doubt them ; I know nothing against them ; I do not know why I would not believe them ; they are not steady (*solide*).

Q. from the Court—Do you know Pierre Dandurant, and have you had any conversation on the subject of the evidence he has given before this Court.

A.—I do not know him.

Q. from the same—How old are you, and how long have you been acquainted with Trudeau and Sarault.

A.—I don't know exactly ; something about fifty years old ; I have known them for five or six years back.

Q. by the same—Has any body ever spoken of Trudeau and Sarault to you, and prejudiced you against them ?

A.—Many persons have spoken to me against them ; Jean Baptiste Thibeaudeau, last year, said he would not do any business with Trudeau ; I cannot name any person who has spoken to me against Sarault.

Q. from the same—Did you see either Trudeau or Sarault at Napierville, between the third and fourth November last ; if you did, state when, where, and under what circumstances ?

A.—I saw neither ; I was not there.

FRANÇOIS GAMACHE, of the parish of St. Cyprien, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Lavoie—How long have you known me ; how did I conduct myself up to the period of the late disturbances, at Napierville ; and how was I occupied immediately previous to the third November last ?

Answer—I have known you for twenty-five years ; I always saw you conduct yourself as a worthy man, and immediately before the third November last, you were engaged at your work.

Q. from the same—Were you in the village of Napierville during the late disturbances ; if so, state under what circumstances ?

A.—I passed through it ; I was imprisoned there by the patriots.

Q. from the same—Did you see me at Napierville during the late disturbances ; if so, state under what circumstances, and whether you had any, and what conversation with me, during that time ?

A.—I did ; I had no conversation with you ; you appeared to be very much afflicted, and shed tears ; it was on Tuesday, the sixth, during the week of the troubles.

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Q. from the same—Did you hear me say any thing with regard to your imprisonment ?

A.—On the same day, you said to me, with tears, that you would be glad to be in my place (in prison).

Q. from the same—Did you hear me express my political sentiments before the recent troubles ; if so, state when and how ?

A.—I never heard you speak against the Government ; you appeared to be like me, not fond of politics.

JEAN BAPTISTE MOURIE, of the parish of St. Cyprien, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Lavoie—Where do you reside ; at what distance from my late residence ; how often did you see me during the month which immediately preceded the late troubles ; how was I occupied during that time ?

Answer—I reside in the parish of St. Cyprien, about fifteen acres from your late residence, and I saw you often during the month preceding the troubles, during which time you were engaged in your field work.

Q. from the same—Had you any conversation with me during that time about politics ; if so, state whether I approved or disapproved of the conduct of those who were desirous of introducing a change in the Government ?

A.—You often spoke to me about politics, and you were always well disposed towards Government.

Q. from the Court—Do you know J. B. Trudeau ; how long have you known him ; is he a sober man ?

A.—I have seen him sometimes ; he is very fond of drink.

Q. from the prisoner Bigonnesse—Did you hear me, immediately previous to the late disturbances, advise my neighbours to remain quiet, and not to obey those who might command them to take up arms against the Government ; if so, state when ?

A.—You came on horseback to prevent the people obeying orders to march ; the people were eager to march, and you came to prevent them ; I cannot say in what month ; it was at the commencement of the troubles ; I believe it was on the Tuesday or Wednesday of the week of the troubles.

Q. from the Judge Advocate—How old are you ?

A.—Sixty-six years.

Q. from the same—Are you related to any of the prisoners before the Court ?

A.—I am not.

Q. from the Court—When Bigonnesse came on horseback, what did you hear him say, and to whom ; did he wear a sword at the time ?

A.—He said to me, that he came to prevent the people from moving ; I did not hear him say so to any other person ; he had no sword.

FROISINE GODREAU, of the parish of Napierville, and one league from it, wife of Marcelle Sumité, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Bigonnesse dit Beaucaire—Did you see me on Friday, the ninth of November last ; if so, state where you saw me, and at what hour ?

Answer—I did, at six in the evening, three miles on this side of Napierville, on the road between L'Acadie and Napierville.

Q. from the same—How long did I remain at your house, and when did I leave it ?

A.—Until eight o'clock next morning, and then went home.

CHARLES PIGEON, of St. Edouard, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Narbonne—Did you see me on Monday, the fifth, Tuesday, the sixth, and Wednesday, the seventh November last, or on any, and which of those days ; if so, state where you saw me ?

Answer—I saw you on the fifth and sixth, several times ; on the seventh I saw you, about two, P.M., each time on the road in the parish of St. Edouard, near my own house ; you live about an acre and a half from my house ; I have heard that it is three leagues from my house to the Côte ; I have heard of such a place as Napierville, but I have not the least idea where it is.

Q. from the Judge Advocate—Whose house is nearer to the Côte, yours or that of Narbonne ?

A.—That of Narbonne.

Q. from the same—What kind of a horse did Narbonne ride when you saw him ?

A.—A brown horse.

Q. from the same—Was it the same horse each day ?

A.—Sometimes he was on foot, but when on horseback, he rode always the same horse.

Q. from the same—Was he armed, and how ?

A.—I did not see him armed.

AMELIE SENEAL, wife of Dominique Pigeon, of St. Edouard, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Narbonne—At what distance from Napierville do I reside ; where do you reside ?

Answer—I have heard of the village, but never been at it ; I cannot say exactly how far you reside from Napierville, but I believe three leagues and a half ; I live in the parish of St. Edouard.

Q. from the same—Did you see me on the fifth, sixth, and seventh of November last, or any, and which of those days ; if so, state where ?

A.—I saw you on each of those days ; I cannot say how often ; you came to our house, and I saw you passing on the road ; you live about seven or eight acres from our house.

Q. from the same—If I had gone to Napierville, (*au village du*

Côte,) either on Monday, Tuesday, or Wednesday, would you not have perceived it ?

A.—I saw you so often on each of those days, that I do not believe you could have gone there ; I never heard Napierville spoken of.

Q. from the same—Strive to say, as near as you can, how often you saw me on Monday, the fifth, and Tuesday, the sixth November last ?

A.—Twice on Monday, once, positively, on Tuesday ; I cannot say at what hour ; I believe it was in the afternoon.

Q. from the Judge Advocate—How often did you see him on Wednesday ?

A.—Twice.

Q. from the same—Was he on foot or horseback ?

A.—Always on foot.

Q. from the same—At what time on Wednesday did you see him ?

A.—I saw him in the forenoon and afternoon.

Q. from the Court—How was Narbonne dressed when you saw him ; had he a sword.

A.—A chequered over coat and grey trowsers ; I did not see any sword.

Four o'clock, P. M.—The Court adjourns until Monday morning, the 4th instant, at ten o'clock.

SIXTH DAY, *Monday, February 4, 1839, 10 o'clock, A.M.*

The Court meets, pursuant to adjournment. Present the same members as on Saturday, the 2d.

JULIE OULE, of the parish of St. Remi, widow of Francois Loyseau, sister to the prisoner Narbonne, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Narbonne—Where did I reside at the beginning of the late troubles, in November last ; where did you reside ?

Answer—You resided with me, at St. Remi, in the same house.

Q. from the same—At what distance from the house of the witness, Charles Pigeon, who was heard before this Court on Saturday last, do you reside ?

A.—About a quarter of an acre.

Q. from the same—Where was I on Monday, the fifth, Tuesday, the sixth, and Wednesday, the seventh November ?

A.—At home, on each of those days.

Q. from the same—Did I absent myself from home during those three days ; if so, how often, and how long each time ?

A.—You only absented yourself to visit your neighbour, and never for more than a quarter or half of an hour at a time, once a day.

Q. from the same—What distance from your house is the (*Village de Côte*) Napierville ?

A.—I do not know the place ; it is four or five leagues distant.

Q. from the Judge Advocate—Was he on horseback either of the times ?

A.—Always on foot.

Q. from the same—Did he go to Napierville (*Village de Côte*) at any time during the week of the troubles ?

A.—I do not know.

Q. from the same—Did he leave his house for any length of time during that week on any day or night ?

A.—He did not ; he slept every night at home, and only went out during the day to see his neighbours.

ROSALIE LACROIX, of the parish of St. Cyprien, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the prisoner Lavoie—Where were you residing at the commencement of the late troubles ?

A.—I lived at your house, one mile and a half from Napierville.

Q. from the same—Did you hear any person make use of threats to induce me to join the rebels, before or during the late disturbances ; if so, state your knowledge thereof ?

A.—I was present on Wednesday or Thursday, the fourth or fifth of the month, but I cannot say, when a man came to the house and said, that the plot was formed, and that if you refused to join in it, you and your family would be murdered ; you then said, “you greatly afflict me in telling me this, you should know better, for I have never been in favour of that side ;” during the remainder of the day you wept with your wife, until a late hour, when I went to bed.

Q. from the same—Was it in the week before, or during the troubles, at Napierville, that the person came to my house ?

A.—I believe it was some days before the week of the troubles, but I cannot well say.

Q. by the same—Are you sure it was on Wednesday or Thursday ; take time and recollect yourself ?

A.—He came once on Thursday and once on Sunday, in the afternoon.

Q. from the same—Do you know the name of the person who came to my house as you have said ; was he armed when he came ?

A.—Baptiste Auld was his name ; he was alone and not armed.

BAPTISTE LAVOIE, son of the prisoner Lavoie, aged twelve years, having been brought into Court, is duly sworn, and examined on the *voir dire* by the Judge Advocate.

Q.—Do you know the obligations of an oath ; can you state what will happen to you if you do not tell the truth under oath ?

A.—I do ; if I do not tell the truth, I shall not be well off in the next world.

The Court permits the examination of the witness, and the charge is read to him.

Question by the prisoner Lavoie—Did you see any person come to

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my house before or during the late disturbances, to induce me to join the rebels ; if so, state when, who that person was, what he said, and what I replied ?

A.—Three or four days before the week of the troubles a person came to the house, named Baptiste Auld, who has since escaped across the lines ; he said to you that if you refused to join them, you and your family would be murdered, and your house burned ; you answered, “you should rather have remained at home than have come to tell me such things ;” you passed the remainder of the day and night weeping with my mother.

JOHN WOBURN, of the parish of L'Acadie, farmer to Major M'Ginnis, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Petit Jacques—Have you a knowledge of what circumstance gave you an opportunity of ascertaining my political inclinations, immediately previous to the late disturbances ?

Answer—On All Saints' Day, you came to Major M'Ginnis' house, and stated, that you had heard that troubles were threatening, and that you would be glad to join the forces in support of the Crown ; Mr. M'Ginnis is a Major in the service of Government.

Q. from the same—How far from my house do you reside ; can you state what were my habits, disposition, or character, previous to the troubles ?

A.—Twenty-eight acres ; before the troubles, you passed for a man of good disposition, character, and conduct.

Q. by the Court—Was Major M'Ginnis at home when the prisoner came to offer his services ; or to whom did he express his wish to join the forces of the Crown ?

A.—He was ; and to him the prisoner made the offer.

NARCISSE LATURNEAU, of St. Cyprien, cooper, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from all the prisoners—Do you know J. B. Trudeau, writer, of Napierville; how long have you known him; what are his habits and general character?

Answer—I have known him for six or seven years; he is very fond of drink, and seldom knows what he is about.

Q. from the same—From your knowledge of him, would you believe him upon oath?

A.—I would not.

Q. from the same—At what distance from the said J. B. Trudeau's lodgings have you resided since you first knew him?

A.—With the exception of five or six months which he passed at L'Acadie, I have resided six or seven acres from him.

Q. by the same—Do you know Joseph Sarault, of Napierville; if so, state what are his habits and character, and what profession he belongs to.

A.—I know him; he is very few times in drink; he is of the medical profession; I have often seen him giving testimony on oath, and can say nothing against him, nor have I heard him say anything false.

Q. from the same—State the reason why you would not believe Trudeau on oath?

A.—I had some business at Mr. Lukin's, Trudeau kept the accounts, and in three days after, he knew nothing about them; this occurred on a settlement of accounts between one Demers and myself, which was made by Trudeau, when it was ascertained, that a balance of nineteen dollars and four pence halfpenny remained due to me; three days after, on referring to Trudeau, he said he knew nothing about it; I had had some words with Trudeau about it, and there was good reason for it; I must add that he was somewhat in liquor when he made the settlement.

Q. from the same—Where were you during the week that Napierville was in possession of the rebels?

A.—Part of the time at Hemmingford, and part at Odelltown ; I was a loyal volunteer ; the rebels wanted to make me prisoner at my house, and I escaped.

Q. from the prisoner Bigonnesse—Do you know me ; how long have you known me, and what are my habits and character ?

A.—I have known you for fourteen years ; I have always known you as a perfectly worthy man.

Q. from the same—Did you ever know me to be involved in political disturbances, previous to the month of November last ?

A.—I have no knowledge.

JOSEPH CIRE, of the parish of St. Cyprien, annuitant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from all the prisoners—Do you know J. B. Trudeau, of Napierville, writer ; how long have you known him ; what are his habits and general character ?

A.—I have known him for three years ; he is a drinker, to my knowledge.

Q. from the same—What do you mean to say by stating that he is a "*buveur* ?"

A.—One who, by drinking, forgets himself, and incapacitates himself.

Q. from the same—Is he often in a state of intoxication ?

A.—He is, indeed.

Q. from the same—From your knowledge of the said Trudeau, would you believe him on oath ?

A.—I thought you had been talking of another, whose name I do not recollect ; his name I thought had been mentioned to me ; his name is Sarault ; I am hard of hearing ; I would not believe Trudeau on oath, from the knowledge I have had of him ; I had him once on oath, that was enough, for he forgot himself.

Q. from all the prisoners—What is the reason which induces you to say, you would not believe Trudeau on oath ?

A.—Because his head becomes confused by drink.

Q. from the Court—Is it your opinion, that because a man is given to drink, he is not to be believed on his oath when he is sober ?

A.—No ; but he is not often sober.

Q. from the same—Where were you during the week the rebels were in possession of Napierville, and were you at liberty or a prisoner ?

A.—At my house, a league from Napierville ; I was free ; I am an old man, of seventy-one years of age ; the patriots left me alone.

The prisoners declare they have no more witnesses to examine.

The prisoner Doré hands up certain deeds, numbered from one to seven, to shew that he was in the habit of employing notaries at Napierville.

The Judge Advocates apply for permission to examine witnesses in rebuttal of certain evidence produced on the defence.

HENRY WILSON, gentleman, of Napierville, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner, Amable Daunais ; did you see him at any time on the fifth, sixth, or seventh days of November last ; if yea, state when, where, and under what circumstances ?

Answer—I have known him for two or three years ; I did not see him on any of the days mentioned.

Q. from the same—Do you know Jean Baptiste Trudeau, of Napierville ; if yea, state what you know of his character, and whether you would believe him under oath ?

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A.—I would believe him under oath ; he is rather an intemperate man.

Q. from the same—Does he hold any, and what situation, in the Court for the trial of Small Causes in that part of the country ?

A.—He has been Assistant Clerk in the Commissioners' Court for two years ; Charles Huot was formerly Commissioner ; and Messrs. Allen Clarke, and Loop Odell are so now.

Q. from all the prisoners—Up to what period was Charles Huot Commissioner for the trial of Small Causes at Napierville ?

A.—I do not know that his Commission is cancelled yet ; he acted up to the third of November last.

ANNE APPLETON, wife of Timothy Appleton, of the parish of St. Cyprien, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner, Amable Daunais ; did you see him at any time on the fifth, sixth, or seventh days of November last ; if so, state when, where, and under what circumstances ?

Answer—I know the prisoner, Amable Daunais ; I have known him ever since he came out of the prison last year.

[The witness having been called upon to point out the prisoner, Daunais, is unable to do so.]

He came to my house on Monday, the fifth of November, and I spoke to him ; he had then a pistol stuck in his belt ; I saw him ride past on Tuesday, sixth, then also armed ; I saw him riding past on the seventh, and went and asked him for a pass to go to Napierville, to see my husband, which he refused to do ; he was then also armed with a pistol and on horseback ; he was in advance of a party of about thirty men, some of whom were armed ; this was, to the best of my recollection, between eleven and twelve, A.M.

Q. from the same—How do you know that this man was Amable Daunais, since you are now unable to recognize him ?

A.—He has changed so much in appearance, that I cannot recognize him ; I knew him as a neighbour.

Q. from the same—How was the man whom you saw and took to be Amable Daunais, dressed ?

A.—A grey jacket, a blue knitted bonnet, something in the shape of a Scotch cap ; I did not see him with any gloves.

ALLEN CLARKE, of Napierville, merchant, and Commissioner for the trial of Small Causes, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know J. B. Trudeau, of Napierville ; if so, state what is his character, and if you would believe him on oath ?

A.—He is at times rather intemperate, but I believe him to be an honest man, and would believe him on oath ; I have had good opportunities of knowing him, he being assistant in our Court for the trial of Small Causes.

Q. from all the prisoners—Is not J. B. Trudeau an habitual drunkard ?

A.—I cannot say that he is ; he is intemperate, at times, but I have always found him capable of doing business when called on.

Q. from the same—Would you be inclined to give equal credence to the statements of a person, who is in the habit of indulging in spirituous liquors, to those of a sober man ?

A.—I cannot easily give an opinion in this ; I, of course, consider Trudeau capable of business, or I should not have sanctioned his being appointed Clerk.

Q. from the same—Are you in the habit of communicating with him out of Court ?

A.—I am, occasionally.

Q. by the same—Does he not go by the name of Trudeau *Fivrogne*, among the inhabitants of the village of Napierville ?

A.—I cannot say ; he is very capable of doing business when out of drink.

Q. from the Court—Are Trudeau's intellects impaired at all by his habits of drink ?

A.—I think not.

NICOLAS BOURGNON, of the parish of St. Cyprien, Government pensioner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate.—Do you know the prisoner, Amable Daunais ; did you see him at any time on the fifth, sixth, or seventh of November last ; if so, state when, where, and under what circumstances ?

A.—I have known him for five or six years, and I recognize him among the prisoners before the Court ; I saw him on the Wednesday of the week that the rebels were in possession of Napierville ; he was on horseback, with a red sash, and had a sword in his hand ; he came from Napierville, with a body of about thirty armed men ; I cannot say whether he had a pistol ; he had a grey great coat (*capot*) and grey trowsers ; I saw him return on the same day, he having been recalled, I believe, by a courier.

Q. from the same—Do you know Medard Defaillette, and is there more than one person of that name in the vicinity of his place of residence ?

A.—I knew several persons of the name of Defaillette.

The said Defaillette is here brought into Court, and the witness recognizes him.

Q. from the same—Where does he reside ?

A.—He lives on the road leading from the house of Captain Douglas to Lacole and Champlain, about half a league from the house of Douglas ; I know no other Medard Defaillette in that vicinity but the young man I have seen in Court ; Daunais, the prisoner, and his father, reside on the same road as Defaillette.

MICHEL RICHARD, of St. Cyprien, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Do you know the prisoner, Amable Daunais ; did you see him at any time on the fifth, sixth, or seventh of November last ; if so, state when, where, and under what circumstances ?

Answer—I have known him for a year past, and recognize him among the prisoners ; I saw him on Wednesday and Thursday during the time of the troubles, while Napierville was in possession of the rebels ; he was on horseback, and had a pistol ; this was about three leagues on the road from Napierville to Champlain ; I saw him enter a neighbour's house, and he came to my house more than once and went away immediately ; he did not stop for any length of time ; I am not certain I saw him on three days, but I saw him on two.

Q. from the prisoner Daunais—May it not have been on Thursday, and on that day alone, you saw me ?

A.—I saw you on two days successively, and perhaps three.

The Judge Advocates declare the case closed, and the prisoners hand in a paper writing, marked CC, hereunto annexed, applying for delay until Wednesday next, the sixth instant, to prepare their written defence.

The Court is closed to deliberate thereon.

The Court grants delay until Wednesday morning next, at eleven o'clock.

Three o'clock, P.M.—The Court adjourns until Wednesday next, the 6th instant, at eleven o'clock, A.M.

SEVENTH DAY, *Wednesday, 6th Feb. 1839, 11 o'clock, A.M.*

The Court meets pursuant to adjournment. Present, the same members as on Monday, the fourth.

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By permission of the Court, the assistant of the prisoners, Mr. Drummond, reads their written addresses to the Court, hereunto annexed, marked D, E, F, G, H, I, K, L, M.

The Judge Advocate's address is here read, and annexed to the proceedings, marked N.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges against the prisoners, together with what has been stated in their defence, is of opinion, that they, the prisoners, viz : Pierre Remi Narbonne, Amable Daunais, Pierre Lavoie, Antoine Coupal dit Lareine, Theodore Bechard, François Camyré, François Bigonnesse dit Beaucaire, Joseph Marceau dit Petit Jacques, and François Nicolas, are individually and collectively guilty of the charges preferred against them ; and that Antoine Doré is not guilty of the charges preferred against him.

The Court having found all the prisoners guilty, as above stated, with the exception of Antoine Doré, the same being for an offence committed between the first and tenth days of November last, in furtherance of the rebellion which had then broken out and was existing in the Province of Lower Canada, do sentence the prisoners in the manner following, viz :

That Pierre Remi Narbonne be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Amable Daunais be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Pierre Lavoie be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Antoine Coupal dit Lareine be hanged by the neck till he be

dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Theodore Bechard be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That François Camyré be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief and Commander of the Forces, may appoint.

That François Bigonnesse dit Beaucaire be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces may appoint.

That Joseph Marceau dit Petit Jacques be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That François Nicolas be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General Governor in Chief, and Commander of the Forces, may appoint.

The Court having passed judgment, begs leave to recommend the prisoners, Pierre Lavoie, Antoine Coupal dit Lareine, Theodore Bechard, and François Camyré, for a commutation of the sentence of death for a punishment less severe.

The Court having found the prisoner, Antoine Doré, not guilty of the charges preferred against him, it does acquit him thereof.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,

CHAS. D. DAY,

ED. MULLER, *Capt. the Royal,*

Joint and severally Deputy Judge Advocate.

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THE QUEEN

vs.

PIRERE REMI NARBONNE AND OTHERS.

The prisoners, who have been brought forward for the purpose, as they have been informed, of being tried upon a charge or charges of Treason, (respectfully reserving the right of objecting to the competence of the tribunal assembled to try them,) beg leave to urge upon the attention of the Court, that, according to the practice of Courts constituted as the present, a party accused of Treason, are entitled to the following safeguards :—

First, The charge must be furnished in such time, before the meeting of the Court, as that the accused may have full opportunity for preparing his defence. In fact, an Act of the Imperial Parliament of the 3 and 4 Anne, c. 16, has expressly provided, that persons tried by Courts Martial, shall have the benefit of the Act for regulating trials in cases of Treason and misprision of Treason, thus securing to the party charged an interval of at least ten days, between the service of notice of trial and his arraignment; whereas the copies of the charges were only communicated to the prisoners on the twenty-second day of the present month, but three days previous to the day of trial.

Secondly, The accused is entitled to a list of the witnesses against him; such has been withheld from the prisoners.

Thirdly, He is entitled to a list of the persons appointed to sit in judgment upon him; no such list has been furnished to the prisoners.

They have been treated as criminals, whose guilt had been taken by anticipation, and the restraints unjustly and illegally imposed upon them, have impaired their means of defence.

The prisoners accordingly claim the consideration of the Court to the matters submitted, and request that all proceedings may be deferred

until the benefits which the practice of Courts Martial, constituted as the present, and for the like purposes, secure to the parties accused, shall have been extended to them.

Montreal, 26th January, 1839.

B

THE QUEEN

vs.

PIERRE REMI NARBONNE AND OTHERS.

The prisoners respectfully, but firmly, except to the competence of the tribunal now assembled, under the designation of a Court Martial, to take cognizance of the offence of Treason, with which they stand charged, or to sit in judgment upon them for the said offence, because they say: that by the Act of the Imperial Parliament of the 14 Geo. III. c. 83, it is enacted, "that the Criminal Law of England shall continue to be administered, and shall be observed as law in the Province of Quebec, as well in the description and quality of the offence, as the method of prosecution and trial, to the exclusion of every other rule of Criminal Law or mode of proceeding thereon."

That the Statute of the Imperial Parliament of the 25th Edward III. c. 2, commonly called the Statute of Treasons, the Statute of the same Parliament of the 7th William III. c. 3, and the Statute of the same Parliament of the 7th Anne, c. 21, and divers other Legislative expositions of the said Statutes of Edward III. by different laws enacted since that period, formed and form part of the Criminal Law of England, introduced into the said Province of Quebec, by virtue of the said Act of the Imperial Parliament of the 14 Geo. III. c. 83, and are yet in force in the Province of Lower Canada, by virtue of the said Act.

That, by virtue of the Common and Statute Law of England having reference to criminal offences, and forming part of the laws of this

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Province, a party charged with High Treason is entitled to be tried by a Jury of his country, impanelled before the ordinary Criminal Tribunal, to the exclusion of every other mode of trial; to be furnished with a list of the Jury, to give him the benefit of the challenge, at least ten days before the day of the trial; to be furnished with a list of the witnesses for the prosecution, to enable him to detect conspiracy and to prevent perjury, in like manner, at least ten days before the day of trial, and to have at least ten days to procure the assistance of Counsel,

That, by the Act of the Imperial Parliament of the 1st Victoria, c. 9. (under the supposed authority of which, an Act, as it is said, hath been passed by the Administrator of the Government, by and with the consent of a Special Council, constituted under the said last mentioned Act of the Imperial Parliament, authorising the trial, by Court Martial, of all persons who, since the first day of November, had been, or were, or thereafter might be, acting, or aiding, or in any manner assisting, in a rebellion therein referred to,) it is expressly provided, "that it shall not be lawful, by any law to be passed by the Governor and Council, to repeal, suspend, or alter any provision of any Act of the Imperial Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as now constituted, repealing or altering any such Act of the Imperial Parliament."

That it was not, and is not, competent to any local legislature, created by the said Act of the Imperial Parliament of the 1st Victoria, c. 9, to sanction any departure from the practice of administering the Criminal Law of England, as introduced into the Province by the said Act of the Imperial Parliament of the 14 Geo. 3, c. 83, or to abrogate any part of the common or statute law of England, having reference to the offence of high treason, existing and in force at the time of the passing of the said last mentioned Act.

The prisoners further except to the legality of the pretended Ordinance of the Administrator of the Government and Special Council,

known as the 2d Victoria, c. 3, because they say, firstly, that the Council firstly constituted under the Act of the Imperial Parliament of the 1st Victoria, c. 9, was lawfully dissolved, by letters patent of His Excellency the Earl of Durham, the then Governor General of the Province, on the 1st day of June last, and that the said Ordinance of the 2d Victoria, c. 3, was enacted with the sanction and advice of the persons composing the Special Council, so dissolved; and, secondly, that the said Ordinance of the 2d Victoria, c. 3, purports to have been enacted on the eighth day of November last, whereas the pretended Special Council, by and with whose sanction the said Ordinance was enacted, was convened, by proclamation, to meet only on the ninth day of November last, and, therefore, the prisoners deny that there was any legislature in session on the eighth day of November, when the said Ordinance purports to have been enacted.

Moreover, the prisoners say that the said pretended Ordinance, purporting, as it does, to have been passed on the eighth day of November last, cannot render them, or any of them, amenable to any court established in virtue thereof, for any supposed offence alleged to have been committed previous to the tenth day of the said month of November last, inasmuch as no penal law can be made or construed to have or produce a retro-active effect.

Wherefore, the prisoners pray that they may be remanded whence they came, to await their trial according to law.

Montreal, January 26, 1839.

C.

THE QUEEN,

vs.

PIERRE REMI NARBONNE AND OTHERS.

The prisoners respectfully pray the Court to grant them delay until Friday, the first day of February now next ensuing, to summon their witnesses.

They trust that this humble request will not be refused, when the Court will have taken into consideration the fact, that several of their most important witnesses reside at the distance of fifty-five miles from this city. They would, also, humbly submit, that if this delay be granted to them, their Counsel will have an opportunity of examining the greater part of their witnesses, before introducing them into Court, and will thus be enabled materially to curtail the evidence on the defence, and, perhaps, to close the case much sooner than they would be, if compelled to enter upon their defence on an earlier day.

Montreal, January 2, 1839.

CC

DISTRICT OF }
MONTREAL. }

THE QUEEN

vs.

PIERRE REMI NARBONNE AND OTHERS.

The prisoners respectfully move the Court to grant them delay, until Wednesday, the sixth instant, to produce their defence in writing. The number of the prisoners, the immense volume of evidence produced on the trial; and the fact that the whole burthen of their defence falls upon one counsel, will, they trust, offer sufficient consideration to induce the Court to grant a request, the object of which is not vainly to retard the proceedings, but solely to enable the applicants to arrange their defence in an advantageous and proper manner; and this, they firmly believe, they cannot do under the present circumstances, unless the delay now prayed for, be granted.

Montreal, 4th February, 1839.

No. 1.

Bon pour 1 gallon de Rum. Capt. Jos. Marceau.

Par ordre,

6 Nov. 1838.

C. Huot,
Qr. M.

No. 2.

Bon pour 2 mts. patates. Capt. Jos. Marceau.

Par ordre,

7 Nov. 1838.

C. HUOT,
Qr. M.

No. 3.

Bon pour 2 mts. patates. Capt. Frs. Bigonnesse.

Par ordre,

6 Nov. 1838.

C. HUOT,
Qr. M.

No. 4.

Bon pour $\frac{1}{2}$ gall. Rum. Capt. Frs. Bigonnesse.

Par ordre,

6 Nov. 1838.

C. HUOT,
Qr. M.

No. 5.

Bon pour 2 minots de patates. Capt. Ant. Coupal.

Par ordre,

8 Nov. 1838.

No. 6.

Bon pour 1 gallon de Rum. Capt. Ant. Coupal.

Par ordre,

6 Nov. 1838.

C. HUOT,
Qr. M.

No. 7.

Bon pour 3 minots de patates. Capt. T. Bechard.

Par ordre,

Nov. 1838.

C. HUOT,
Qr. M.

No. 8.

Bon pour 1 gallon de Rum. Capt. T. Bechard.

Par ordre,

6 Nov. 1838.

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Qr. M.

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ADDRESS OF THEODORE BECHARD.

Gentlemen of the Court,

The only witnesses who have attempted to prove any connection, on my part, with the insurgents, during the late unhappy revolt, are Trudeau and Mr. Odell. Trudeau states, that although I never appeared in the ranks to his knowledge, nor yet carried any arms, I told him I was a Captain of the rebels, as he understood. I cannot think that the evidence of this individual will be received by the Court; his credibility has been impeached by the witnesses on our defence, in such a manner as would render his testimony nugatory before a Court of civil jurisdiction, and it will not, surely, be said, that less precaution will be taken in a case where the lives or liberties of ten human beings are at stake, than in matters affecting a trifling civil right. That witness' statements before the Court, with regard to himself, ought to be sufficient alone to convince you, Gentlemen, that his testimony is not worthy of belief. Did he not, on a former occasion, swear, before the same Court, that he was a prisoner in Lukin's house, under Lukin's guard, during the disturbances in Napierville, while, on this occasion, he states also upon oath, that he was not a prisoner under Lukin's care, but had been compelled by Charles Huot, to become Assistant Quarter-Master to the rebel forces. When questioned as to the nature of the compulsion exercised over him by Huot, he could only answer, that the presence of the rebels in the village, at the time, had led him to yield obedience to Huot's commands. But I should not dwell so long on testimony which cannot affect my case, inasmuch, as supposing Trudeau's statement to be credible, it cannot yet be received as proof of an overt act, as it merely alleges a confession, and a confession, unless made in due form, in a Court of Justice, can, in no instance, be brought to prove an overt act, although it may be admitted in corroboration of the proof required by law.

Moreover, even though that confession did form proof sufficient to establish one overt act, it would still only be proved by one witness, for I humbly contend, that the evidence given by Mr. Loop Odell, in reference to me, cannot be construed into proof of another overt act. The proof of such acts must be positive, whereas Mr. Odell only speaks from surmise. He says, I went to his house with a bottle, to ask for liquor; I had no order from the Quarter-Master. He never saw me armed, but I was among the rebels, and appeared to have some command. On the other hand, if by any possibility, you should think the evidence sufficient to establish a connection, on my part, with the insurgents, you will still find in the evidence produced on my defence, a sufficient justification for any thing suspicious you may have perceived in my conduct, subsequent to the sixth day of November last. You have heard how sedulously I endeavoured to dissuade my acquaintances from all intercourse with agitators, and particularly with Gagnon. Roy, Brault, and Mercier, have proved the threats held out to me by that determined man, when he came with his satellites to drag me to the camp. They were of that nature which the law considers as an excuse for acting as I did. It seemed to appear strange to some of the members of the Court, that I alone should have been the object of Gagnon's threats on that day. It would have appeared so from Brault's statement, but we find, soon after, that Gagnon threatened Mercier in a similar manner, and although he had not, still the reason of his applying to me more particularly, can easily be accounted for, not by any previous connection, but on the ground of my continued and known opposition to his views. He well knew, that if I remained out of the camp, my influence would be exercised to prevent all who would obey me from going to it.

The violence exercised towards me on that occasion—the fact of my having remained so short a time at Napierville, and having lodged while there at the house of a loyalist—these circumstances, when duly weighed and contrasted with the very inconclusive evidence pro-

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duced against me, will, I trust, induce you to grant me that acquittal, which, in my conscience, I feel that I deserve.

E

ADDRESS OF PIERRE REMI NARBONNE.

Gentlemen of the Court,

A fair statement of the evidence adduced against, and for me, will, I trust, suffice to convince you, that you have not before you the grounds of a conviction against me :—Sarault states that I arrived in the village of Napierville on the sixth of November last, between ten and eleven of the clock in the forenoon ; Trudeau states he saw me arriving in the village on the evening of the third, and, finally, Mr. Odell swears that I arrived on the eighth or ninth. Moreover, Sarault has stated that he saw me conversing with Dr. Côte, and yet he acknowledged he left the village between nine and ten on Tuesday, and that he did not see me until between the hours of ten and eleven on the same day ; he is contradicted by Trudeau, and both, again, are contradicted by Mr. Odell, not to speak of my witnesses, who, three in number, have proved, positively, that I remained in and about my own house, at the distance of three leagues from the village of Napierville, during the fifth, the sixth, and seventh, of November. The evidence of Trudeau and Sarault is clearly set aside by that of my witnesses.

There remains only Mr. Loop Odell's testimony, and the evidence of one witness being insufficient, I humbly pray for an acquittal at your hands.

F

ADDRESS OF PIERRE LAVOIE.

Gentlemen of the Court,

In investigating my case, you will, I feel confident, look with an eye

of compassion upon the acts which appear in evidence against me, and attribute them solely to the compulsion which was exercised to drive me from the path of peace, in which I had ever trod, up to the late disturbances. If the violence I was threatened with, do not, in your estimation, amount to a justification in the rigor of the law, it must, at least, appear to you to be such, as when viewed in connexion with my age, should entitle me to be recommended to the gracious clemency of Her Majesty.

G

ADDRESS OF BIGONESSE DIT BEAUCAIRE.

Gentlemen of the Court,

If you recall to mind the circumstances of my having been sent to Odelltown with two companies of men, who could only boast of four guns amongst them all, you will see, at once, that I have been the victim of wicked and designing men, who, taking advantage of my ignorance and weakness of mind, thrust me forward, like so many others of my caste, and, when all hope of success was gone, fled, and left me to answer for their crimes. I can only entreat you to take, also, into consideration, the peaceable and irreproachable character which I bore, previous to the late disturbances, and to judge me mercifully.

H.

ADDRESS OF AMABLE DAUNAIS.

Gentlemen of the Court,

A great volume of evidence has been produced before you, in reference to me.

The evidence of the Crown was directly contradicted by my wit-

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nesses, and again my witnesses have been contradicted by the evidence brought in rebuttal.

It would be vain to enter on a discussion of the testimony : it suffices for me to know, that those who are to judge me will spare no labour in the investigation of my case, nor allow any prejudice to warp their decisions, when they know, that on the result, my existence may be depending.

I

ADDRESS OF JOSEPH MARCEAU DIT PETIT JACQUES.

Gentlemen of the Court,

Although the evidence against me establishes clearly that I was implicated in the late revolt at Napierville, I trust that my previous loyal disposition, proved by several witnesses, and more particularly evinced by the application I made, a few days before the outbreak, for a situation in the service of Government, will suffice to convince you of that which I could not prove, but which is not less true, that the most extreme violence was resorted to, with a view to compel me to join the insurgents. I regret to state, that the absence of an important witness, prevented me from proving, more fully, the fact of my having remained, in a house in Napierville, in a state of sickness, up to the evening of that day on which one of the witnesses, (Duteau) stated he saw me occupied in causing powder to be forwarded to Napierville. I had also, caused a subpoena to be served on Major M'Ginnis, to corroborate the fact proved by Woburn—both witnesses failed to appear.

The statement of that witness cannot, however, be doubted, and will, no doubt, when taken in connexion with the high character which has been given me by several respectable witnesses, induce you to view my case with an eye of gracious consideration.

K

ADDRESS OF FRANCOIS NICOLAS.

Gentlemen of the Court,

The prejudices which may exist against me without these walls, must be foreign to your breasts. You have pledged yourselves to decide in my case according to the evidence, and that I know you will do. I regret that the absence of all friends and relations has deprived me of an opportunity, which I otherwise might have had, of representing certain circumstances, which have been elicited in evidence against me, in a very different light from that in which they appear to you.

But, by the case as it now stands, I must stand or fall. Whatever may be the result, I am prepared to meet it, as it becomes a man.

L

ADDRESS OF FRANCOIS CAMYRE' AND ANTOINE DORE'.

Gentlemen of the Court,

The generous indulgence you have extended towards all the prisoners since the commencement of our trial, suffices to convince us, that you feel you are not sitting in judgment upon us with a view to convict, but that you are actuated with a motive, as noble, as that would be unjust—we mean, that of dealing with impartial justice between us and our accusers.

We, therefore, rise in confidence to confront the evidence adduced against us; knowing, as we do, that before a tribunal composed of just men, that evidence can never form the basis of a conviction.

What, indeed, does that evidence amount to? To this solely, that we were in Napierville during the week of the late disastrous revolt. Not a

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single witness has stated that we were in arms, or anywise connected either as officers, soldiers, or caterers, with the rebel force then assembled in that village. We were not even there when the object of the assemblage was publicly declared by Nelson. To support an accusation of High Treason, one overt act, at least, must appear in evidence, proved by two witnesses. That act, as the epithet applied to it clearly shews, must be so plainly, so evidently, so palpably rebellious in its tendency, as to admit of no other construction. Was then, we humbly ask, our presence in the village an act of that character? It cannot be, unless, Gentlemen, you can convince yourselves that it was impossible we could have gone to the village with any other intention than that of aiding and assisting in the rebellion.

We solemnly deny the correctness of the position which will perhaps be assumed by the gentlemen conducting this prosecution, namely, that it was incumbent upon us to shew why we went to the village at that time. A conviction, founded upon an assumption so illegal, would be an act of injustice, which you, Gentlemen of the Court, must shrink from committing.

Equity and humanity alike call aloud against a principle so monstrous. In times of peace it is generally impracticable to prove the object an individual has in view in going from one place to another; but, in seasons of disturbances, it becomes, in most instances, impossible to do so. The law, which should ever be the interpreter of equity and humanity, has, therefore, provided that, in trials of High Treason, it shall be necessary for the prosecution to prove the intention the accused had in view in appearing in a place occupied by rebels. Commanding, taking up arms with, or furnishing provisions to the rebel forces, are sufficient proof of that intention. There are, indeed, overt acts. Foster says, that it is necessary in such cases to prove that the prisoner "joined with the rebels in an act of rebellion." Has any such fact been proved against us? No. Gentlemen

of the Court, you will readily admit, that we have not been charged by a single witness of having aided or assisted the insurgents, even in the most remote manner. We said it was not incumbent upon us to prove our intention ; but that, on the contrary, the burthen of such a proof fell upon the officers of the Crown. A moment's reference to the trials of the persons implicated in the rebellion which broke out in Scotland in 1745, and more particularly to the trial of Deacon, as reported in Foster, will suffice to convince you, Gentlemen, that the doctrine we invoke on the point, is the only one recognized by law.

With regard to me, Antoine Doré, it appears clearly, from the evidence produced in my defence, that so far from aiding, conspiring, and assisting the insurgents in their attempt to overthrow the Government, as the charges exhibited against me purport, I made use of the slight influence I had over my neighbours to induce them to remain quiet at their homes, even up to the very day of the outbreak.

When, however, I saw at length the plans of the rebellion extending throughout all the section of the country where I resided, I determined upon seeking a more peaceable place of abode ; and having a great portion of my industrious earnings vested in mortgages and obligations, which were deposited in the offices of several notaries at Napierville, I repaired thither, in the hope that I should be allowed to withdraw from that place immediately upon obtaining copies of those documents, from which alone I expected to derive a subsistence, in the event of the disturbance continuing for any length of time, and then to retire to some more favoured region, until the storm would be past. An entrance to the village of Napierville was easily effected. The same reason which induced the insurgents to prevent all egress from the village, caused them doubtless to afford a free passage to all who came. Once in the village, I found that escape was impossible ; but true to my determination to the last, I avoided all interference with the proceedings of the insurgents while there.

As for me, François Camyré, all my recent misfortunes, the de-

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truction of my house and property, my appearance in Napierville, my imprisonment and trial, may be attributed solely to the alarm created in my mind, by the false reports which reached my ear on the fifth day of November last.

Terror had taken possession of my mind on seeing my house in flames, and I continued my flight until I reached Napierville, where some intimate friends resided, and there I remained wholly unconnected with the insurgents. Trudeau has stated, that I arrived at the same time with a party coming from St. Remi and Chateauguay, but yet acknowledges, that he did not see me with that, or any other party of rebels. Although this statement forms no legal evidence of my having been at all connected with the party, I still deem it a duty to myself to declare most solemnly, that I did not arrive at Napierville in company with any party, but was, on the contrary alone, from the moment I fled from my own home, until I entered the village.

We join in praying for that acquittal, which in justice we are entitled to.

M

ADDRESS OF COUPAL DIT LA REINE.

Gentlemen of the Court,

The evidence produced against me would, I admit, have been sufficient to authorise you in convicting me of the heavy accusation with which I stand charged, had I not been, fortunately, enabled to prove in my defence, that my appearance in Napierville, during the late disastrous revolt, was not the result of my own will, but due, alone, to a degree of compulsion, which I was perfectly justifiable in yielding to.

You have followed me from the first moment when the intelligence of the outbreak reached my ears. You have heard me counselling my neighbours to abstain from all connection with those who were

urging on the movement. You have seen me, on the approach of the leaders, who were scouring the country for recruits, on the third of November, flying from my peaceful home, in the midst of the night, to seek in concealment a protection from their violence ; you have also seen a band of those fierce and determined men invade my house, during my absence, and, at length, on my return in the morning, at a time when I thought I might be secure, rush in again in arms, drag me from my weeping family, and compel me, by threats of immediate destruction, to join the gathering at Napierville ; you have seen me there from the seventh of the month, in a state of the greatest affliction, although compelled occasionally to appear in the ranks of the insurgents, watching every opportunity of escape, and repulsed several times by the guards, who were stationed in every pass, to prevent all egress from the village.

The evidence establishing the compulsion exercised towards me in the outset, is such as to leave not a shadow of doubt upon your minds in respect of its veracity. The first witness, Plantier, is a stranger, and my daughters, three of whom were brought forward to testify before you, in order that the similarity of their statements might shield them from any possible imputation of having sacrificed truth to feelings of filial affection, have corroborated his testimony. The latter facts, referred to my conduct while amidst the insurgents, could only be proved, either by the persons who enforced my attendance, or by persons, who, like myself, were detained there by compulsion. I deem myself happy in having found two individuals of the latter class, whose appearance before you, to testify to that which they knew, might place themselves in peril, speaks volumes for the veracity of the statements made by them. Pierre Dandurant witnessed my repulse by the guards, when, on two or three different occasions during the week, I attempted to escape—his evidence is supported by that of Vital Tremblay. On the whole, the proof on my defence has gone further than even the strict letter of the law requires in the proof of jus-

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ification. This appears clearly from the following citation from Foster, in his Discourse on High Treason, Dis. 2, chap. 2, sect. 8, p. 216 :—

“The joining with rebels, in an act of rebellion, or with enemies in acts of hostility, will make a man a traitor. In the one case within the clause of levying war ; in the other within that of adhering to the King’s enemies. But if this be done for fear of death, and while the party is under actual force, and he taketh the first opportunity that offereth to make his escape, this fear and compulsion will excuse him. It is, however, incumbent on the party who maketh fear and compulsion his defence, to shew to the satisfaction of the Court and Jury, that the compulsion continued during all the time he staid with the rebels or enemies.

“I will not say that he is obliged to account for every day, week, or month—that, perhaps, would be impossible, and, therefore, if an original force be proved, and the prisoner can shew, that he, in earnest, attempted to escape, and was prevented ; or that he did get off, and was forced back, *or that he was narrowly watched, and all passes guarded*, or from other circumstances, which it is impossible to state with precision, but when proved ought to weigh with a Jury, that an attempt to escape would have been attended with great difficulty and danger ; *so that, upon the whole, he may be presumed to have continued amongst them against his will, though not constantly under an actual force or fear of death*, these circumstances, and others of the like tendency, proved to the satisfaction of the Court and Jury, will be sufficient to excuse him.”

The law demands only the proof of such circumstances as may tend to create a presumption in the minds of a Court or Jury, that the accused, in such a case, continued amongst the rebels against his will, and I have laid before you such evidence as can leave upon your minds no doubt of the fact.

It is true, Sarault and Trudeau have stated that I was active in the

rebel ranks, but when questioned as to what induced him to make that assertion, Sarault can give no reason; "for," says he, "I neither saw him drilling, nor doing any thing in particular." How, then, could he have discovered my alleged activity? Trudeau makes a similar assertion, but I shall dwell no longer on such statements, which, without reference to the evidence I have produced, is sufficiently stamped with falsehood by my appearance, my age, and my decrepitude.

I forbear from appealing to your feelings, Gentlemen of the Court, although my age, and my numerous family might lead you to consider the circumstances of my case with a favourable eye, if my defence were not of itself complete, and invoke only that sense of justice which ever distinguishes the brave and generous man, while I demand at your hands an acquittal from an accusation of which I am innocent.

N

May it please the Court,

The leading events upon which the present prosecution is based, have been so frequently and so minutely detailed on former trials, that a passing attention only need now be bestowed upon them. That a large body of armed men, amounting to some thousands, arrayed and organized in a warlike manner, occupied the village of Napierville, from the third to the tenth November last, and made prisoners of the loyal inhabitants there—that their general expressions and conduct, together with the repeated declarations of their leaders, exposed their design to be, the subversion of Her Majesty's authority in this Province—and that, in the prosecution of these designs, a battle was fought between a portion of this body and the Queen's Volunteers, at Odelltown, on the ninth November,—are facts well established by the evidence of record,

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and amply sufficient to justify the charge, as laid in the usual terms of *Treason committed between the first and tenth days of November, in furtherance of the rebellion then existing in this Province.*

The evidence for the prosecution, is pointed and compact. A careful examination of it enables us to lay before the Court the following statement of it, by which the prisoners arraigned are respectively connected with the treasonable enterprise proved :—

Of Narbonne, we have established, by Sarault, Trudeau, and Odell, that he was seen among the rebel force on the sixth, seventh, eighth, and ninth of November, armed with a sword—that he was invested with authority, and exhibited much activity. Of Daunais, we have, from Sarault, that he was acting at Napierville, as a private soldier, armed with a gun; from Mrs. Dalmage, that he came to her house, about two miles and a half from Napierville, on the seventh, armed with a pistol, and demanded the property of a volunteer, of the name of Douglas, and the arms of her son; and from Odell, that on the fifth or sixth he saw him about three miles from Napierville, mounted and armed, apparently acting as a patrol, and that he, (Daunais) was accosted by one Decoigne, the unfortunate individual who has already received a capital sentence at the hands of this Court, who bade him keep a good look out. There is unqualified positiveness and great circumstantiality in the evidence against this man; from the position in which we find him, much confidence seems to have been placed in him, and he must have been regarded by the rebel chiefs as a willing and unscrupulous partizan.

The case against him is a strong one.

Pierre Lavoie is identified by Sarault, Trudeau, Leduc, and Odell, as having been, on various days, at Napierville, clearly participating in the enterprise of the rebel force; he appears to have been armed, and to have held some rank.

The case against Antoine Doré, might seem to admit of some difference of opinion as to the conclusiveness of the evidence of his con-

nection with the rebel force ; and, consequently requires to be considered with more than ordinary care. The question is merely as to the fact of his connection with them. That being established, he is, without doubt, criminated by their overt acts, even though no direct or personal participation in those acts, be proved against him. The facts established by Sarault, Trudeau, Odell, and Coupal, are, that he resides about six miles from Napierville—that on several days, viz : the fifth, sixth, eighth, ninth, and tenth, while that village was in the possession of the insurgents, he was there, at full liberty, while all the loyalists in the place were prisoners ; to this add the positive statement of Odell, that “ he was *about* with the rebel force, evidently connected with them.” The following doctrine, laid down by high authority, affords a safe rule for guidance in this enquiry :—“ Misprision of Treason consists in the bare knowledge and concealment of High Treason, without any degree of assent thereto, *for any assent makes the party a principal traitor*. The concealment becomes criminal if the party apprised of the Treason does not, as soon as conveniently may be, reveal it to some Judge of Assize, or Justice of the Peace. *But if there be any probable circumstances of assent, as if a man go to a treasonable meeting, knowing beforehand that a conspiracy is intended against the King, this is an implied assent, in law, and renders the concealer a principal traitor.*” Whether the facts stated come up to this rule, and furnish satisfactory evidence of the connection of Doré with the rebel party, is a question for the individual conscience of each member of this Court, and there we leave it, in the full confidence that it will meet a just discussion.

Against Antoine Coupal dit Lareine, the proof is conclusive. It is to be found in the testimony of Sarault, Trudeau, Leduc, and Odell. He was armed, active, and a commander. We learn from Trudeau, that certain “ bons,” signed by Huot as Quarter Master of the rebel army, on which this prisoner’s name appears, as Captain of a com-

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pany, were delivered to him, as holding that office. No doubt can exist of his guilt.

Theodore Bechard is shewn to have been at Napierville on the fifth, sixth, seventh, and ninth, by Sarault, Leduc, Trudeau, and Odell, and by the two latter, to have been in connection with the rebel force; his name also appears, as Captain of a company, in two "bons," signed by Huot, and delivered to him in presence of Trudeau. He wore a sword belt, but is not proved to have been armed.

François Camyré was at Napierville on the sixth and seventh, Sarault says, at large, but doing nothing, and not ostensibly connected with the rebel force; Trudeau, that he came with a rebel party from La Pigeonnaire, or some other place in that direction; and Odell confirms Trudeau, and positively connects the prisoner with the rebel force. He farther states, that Camyré told him, that the troops and volunteers from Laprairie had burned his house and barn, and "they," meaning himself and the rebel party with which he arrived, had retreated. This, with the evident circumstance of his being for several days in the village at large, whilst all loyalists were prisoners, settles the question of his connection with the rebel force. He was not armed, and the evidence against him is not strong—but he falls clearly within the rule adverted to as applicable to Doré, and the case, we think, is made out against him.

François Bigonessé dit Beaucaire. The proof of this man's guilt is strong and conclusive. It is drawn from Sarault, Trudeau, Leduc, and Odell. His presence at Napierville, armed with a sword, and holding the rank of Captain, is clearly made out. He is one of the Captains to whom "bons" were delivered by Huot, as Quarter Master, and he was seen by Leduc at the battle of Odelltown, on the ninth.

The same facts, drawn from the same witnesses, viz: Sarault, Trudeau, Leduc, and Odell, mark the case of Marceau dit Petit

Jacques, with the addition that he was conspicuous for zeal and activity in the service in which he had engaged.

The last name is that of François Nicolas, against whom the evidence is strong, precise, and perfectly conclusive. He is identified by Sarault, Trudeau, Odell, Leduc, and Duteau. He was seen on several days by the first four, at Napierville, and by the latter two at the battle of Odelltown on the ninth. He wore a sword, was mounted, answered to the address of Major, was consulted by the rebel party, and seems to have been a person of much importance and influence among them. Odell gives the following testimony concerning him—(see pp. 53 and 54, Vol. II.); and Duteau states as follows—(see p. 56, Vol. II.) The entire evidence against this individual, confers upon him a perilous and unenviable distinction among the prisoners now before the Court, and from its general tenor we receive the impression, that François Nicolas is one of those reckless and dangerous men who shrink from no enterprise, however guilty, to which their passions or their interest may impel them, and who, in scenes of confusion and violence, exercise over the weak and wicked about them, that mastery which superior energy naturally bestows. We regard him as a very guilty man.

We now turn to the evidence for the defence, and remark, that in relation to several of the prisoners, it has assumed a more important and decided character, than on any previous trial. We first direct attention to the attempt which has been made in behalf of all the prisoners, to impeach the character of Trudeau and Sarault, two important witnesses for the prosecution. With regard to the former, we find it stated by Pierre Dandurant and Jacques Ouimet, Narcisse Letourneau and Joseph Cire, that he is an habitual drunkard, and for this reason, assigned by all, and some matters of personal interest also assigned, by the latter two, they declare that they would not believe him under oath. Dandurant adds, that when sober, he is wandering in mind, and one of the other witnesses states to the same effect. We

have also from Antoine Marchaessault, that he would not believe Trudeau on oath, but he cannot assign any reason for it, and knows nothing against him. Upon this evidence it may be observed, that intemperate habits alone are not sufficient to destroy the credibility of a witness; it must also be shown, that he was intoxicated during the occurrence of the events to which he deposes. This does not appear to have been the case with Trudeau—the very reverse is presumable from the clearness and precision of his testimony, and from its close correspondence with the statements of other witnesses. As to the transactions referred to by Letourneau and Cire, they are not of a nature to induce the Court to believe that Trudeau is a perjured man. It must be observed, in favour of his testimony, that no motive for false swearing appears against him, and the question of his credibility is, in our opinion, finally set at rest by the declaration of Wilson and Clark—both respectable and intelligent men, and the latter a Commissioner for the trial of Small Causes, whose means of judging of the ability and probity of the party impeached, must be admitted to be superior to those of the witnesses against him. We are unwilling, however, to leave this subject without remarking, that had the evidence in impeachment gone far enough, and stood without rebuttal, it would still have been necessary to enquire into the sources from which it was derived, and these, we apprehend, in the present instance, are unsatisfactory. Dandurant, from his own declaration, is clearly an accomplice in guilt with the prisoners before the Court, and, moreover, is the son-in-law of one of them, Coupal dit Lareine, and it is desirable that it should be understood, as well by those interested in the present trial as by those who may hereafter stand in a similar situation, that the Court can attach little weight to evidence in impeachment of character, or, in fact, on any other point, drawn from those, whose political connection with the party accused, naturally leads them to shield him from punishment, and engenders feelings of hostility towards all who are instrumental in bringing him to justice.

As to Ouimet and Marchaessault, they reside the nearest, at a distance of six miles from Napierville, the place where Trudeau lives—and it is observable of all these witnesses, that they are of an exceedingly low rank in society, and two of them of the lowest scale of intelligence. It is not with such materials that the credit of a witness can be destroyed, upon grounds which, if they exist, must be matter of notoriety, and susceptible of proof by individuals living on the same spot with the impeached party, and of an intelligence and rank in society commensurate with his own.

The foregoing remarks apply equally to Sarault, against whom, however, the evidence in impeachment is far less satisfactory than against Trudeau. All the prisoners, with the exception of Nicolas, have offered evidence intended to affect the case made out against them.

We shall take them up in the order in which they stand in the charge; when we first find the name of Narbonne, who has brought forward three witnesses. Two of them, namely, Charles Pigeon and Amelie Senecal, wife of Dominique Pigeon, have been brought up to prove that they saw him near his residence, several times, on the fifth, sixth, and seventh days of November.

On the part of the Crown, Sarault swears he saw him every day, at Napierville, from the sixth to the ninth of November.

Trudeau swears that he saw him on the sixth and seventh; and Odell, on the eighth and ninth. There is, however, no contradiction between the evidence for the prosecution, and that for the defence, inasmuch as the distance from Narbonne's house to Napierville is but ten or eleven miles, and he might have been seen at home for a considerable portion of each day, and still have been at Napierville, as stated; it is, moreover, to be noticed, that, when seen, he was always on the road.

The third witness for Narbonne is his sister, Julie Oule, veuve Loyseau, who resides in the house with him, and swears positively, that

on the fifth, sixth, and seventh days of November, he only left the house once a day, and that on foot, for a quarter or half an hour ; while Pigeon as positively swears, he saw him several times passing backwards and forwards, sometimes on foot, and sometimes on horse-back ; and Amelie Senecal states, she saw him more than once on the fifth and seventh. Under these contradictions, the evidence of the sister cannot be believed ; and we must regard it as one among the frequent instances of falsehood with which, we regret to say, the present defence is strongly marked. We do not consider the case against him to be in the slightest degree impaired.

The evidence adduced by Daunais demands some latitude of remark. He has brought forward, as witnesses, Zoé Lefebvre, Zoé Coupal, Rosalie Lefebvre, and Lucie Daunais, his sister, to prove that he passed the whole of the fifth, sixth, and seventh days of November, at one Mallette's house, and the remainder of the week, that is to say the eighth, ninth, and tenth, at his father's house. This evidence, if credited, would effectually show an *alibi*, and take the prisoner out of the case established against him ; but of these witnesses, we are justified in declaring, that Zoé Lefebvre, the first mentioned, is the only one who is free from the imputation of gross and intentional falsehood ; this is apparent as to the sister of Daunais, on the face of her own deposition, and from the manner in which her testimony was given ; and as to the others, it is equally clear from the evidence of Nicolas Bourgnon and Michel Richard, adduced in rebuttal. From the whole case as it stands of record, no doubt can be entertained that three of the witnesses, viz. Zoé Coupal, Rosalie Lefebvre, and Lucie Daunais, have joined in a preconcerted and monstrous perjury ; and we owe it, as well to the cause of public morals, as to the dignity of the Court, to recommend that steps be taken for visiting these unprincipled women with that punishment to which their conduct has justly exposed them.

As to the prisoner who has been detected and baffled in offering this

perjured defence to the Court, he has but confirmed his guilt, and whatever may have been his criminality before, he has now added to it an aggravation calculated with irresistible force to drag him to destruction.

Lavoie has endeavoured to soften the case against him, by proving, through Rosalie Lacroix and Baptiste Lavoie, his servant, and his son, that he was threatened, by one man alone, and unarmed, with death, unless he would consent to join the rebels ; and that he spent the night in consternation and tears, in consequence of this threat. He further proves, that he said, with tears, to one Gamache, then a prisoner of the rebels in the gaol at Napierville, that he wished he were in his (Gamache's) place, and that previous to the troubles, he often spoke to one Mourie, an old man in favour of the Government. This testimony can have no effect in balancing the question of legal guilt or innocence ; but it may serve to shew that there is little of malignity or desperation in the character of the man, and that his participation in the offence, originated in the peculiar circumstances by which he found himself surrounded, rather than in any settled predetermination of his own. The Court, upon these suggestions, will extend to him such considerations as it may deem right. The case, however, against him is fully made out.

In taking up the case of Doré, we are compelled to declare that the evidence adduced in his behalf has by no means improved the position in which he previously stood before the Court. From the witness, Ouimet, we learn, that, about thrée o'clock, on the third of November, Doré said to him, " these people are going *trop en avant*,"—(too far, or too fast)—and advised the witness to hide himself, declaring that it was his intention to do so ; from Champagne, that Doré said to him, a little before the 1st November, in answer to a question, " Do not fear, remain quietly at home " ; from Lorette, that, on the third, about three o'clock, in answer to a question from the witness, what the passing of so many people meant, Doré answered, " Nothing,

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keep yourself quiet at home, as I am going to do." This witness, who, by his own testimony, implicates himself in the crime charged against the prisoner, further declares, that he saw Doré seven or eight times at Napierville, during the week it was in possession of the rebels—that he was in rear of the patriots, but afterwards declares he never saw him in company with them. The perusal of this testimony cannot but create a belief that the prisoner Doré had a knowledge of the approaching insurrection, previous to its occurrence, and this knowledge, coupled with the fact of his having been found absent from his home, at large, in Napierville, every day, except Sunday and Wednesday, during the time it was occupied by the rebels, renders it difficult to avoid the conclusion that he was a participator, though a cautious one, in the treasonable enterprize for which they were assembled. The pretence that he went there on business with Notaries, at such a time, is unsupported by evidence, and, to the last degree, improbable.

Of all the prisoners before the Court, Coupal dit Lareine has approached the nearest to a substantial defence. It is stated by Plantier, and by Catherine, Judique, and Marguerite Coupal, three daughters of this prisoner, that he left his house on the night of the third, to avoid the rebels—that they came twice during the night, and again on the morning of the fourth, when they found Lareine at home, and with menaces of death and destruction of property, took him away. Plantier, and one Dajes, swear that he was a loyalist; and the latter says, that on the afternoon of the third, when he saw a concourse of people in his neighbourhood, and was informed they had assembled by order, or in behalf of Côte and Nelson, he advised them to go home. We say nothing of the evidence of Dandurant—an accomplice, and the son-in-law of Lareine—because, from these circumstances, connected with the manner in which he gave his testimony, it does not appear to us entitled to much, if any, credit. We abstain equally from mentioning that of Toussaint Vital Tremblay, also an accomplice, as making rather against, than for, the prisoner.

The foregoing statement, the truth of which, except as to the loyalty of the man, we do not doubt, certainly is highly favourable in mitigation of his guilt—but there is established by it one dangerous fact, viz. that he was aware of the insurrection before it actually broke out. Now, if he were the loyal man he would have it believed he is, why did he not promptly give information to the proper authorities—his duty to his Sovereign and to society demanded this,—his neglect to do so, was highly criminal—for it cannot be too emphatically declared, or too universally understood, that he, who, in any manner, obtains a knowledge of the existence of treason, and fails to disclose it, is guilty of a crime of no small magnitude, and is exposed to be visited by most severe and onerous punishment. Had the unfortunate man, with uprightness and fidelity, performed this obvious duty, he would have avoided that tide of circumstances, which has swept him on to the fatal act for which he now stands arraigned.

The case against him is not, we think, essentially impaired, but we gladly add, that it is in a great degree deprived of the harsh features which it at first appeared to wear, and it is not, as it now stands, of an aggravated character. It is right, however, to direct the attention of the Court to the argument offered by this man, through his Counsel, tending to shew, that a case of force, coming up to the requirements of the law, has been made out in his favour. The rule urged is substantially correct, but the facts, it appears to us, are weak. The sufficiency of the force is a pure question of fact; and the Court, upon consideration of the different views of the case submitted to them, will decide whether the prisoner is warranted in demanding an acquittal.

The prisoner, Bechard, has succeeded, by evidence drawn from three witnesses, André Roy, Hypolite Brault, and Noel Mercier, in proving, that, on Sunday, the fourth November, he was menaced with death by Gagnon, unless he would join the rebels at Napierville.

Mercier states, that he left Napierville on the seventh, and was

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again ordered to return, but the witness does not know whether he did or not. This evidence is perfectly consistent with that adduced by the Crown, relatively to the days he was seen at Napierville. He is also proved by the witness named, to be a man of peaceful habits, and to have discouraged political agitation. He is obnoxious, however, to the same imputation of concealment which has been made against Coupal dit Lareine. The case against him remains unshaken. It is, however, not strongly marked, and we do not consider his guilt to be of an aggravated nature.

François Camyré. The remarks applied to Doré's case are in a great degree applicable to this. The evidence adduced by Camyré has made against him. The burning of his premises by the troops would account, it is true, for his having fled from home, but it would not account for his taking refuge in a nest of traitors at Napierville; and this fact, connected with that disclosed by Matilde Cardinal, his sister-in-law, that there was an unusual assemblage of men at St. Pierre, on the fourth November, some of whom were armed, tends strongly to strengthen the evidence of his connection with the rebel party.

By Bigonnesse dit Beaucaire, no evidence requiring notice has been adduced. The same may be said of Marceau dit Petit Jacques, whose declaration to Major M'Ginnis, as proved by Woburn, is utterly at variance with the evidence of his activity in the rebel army. Both these men, and in fact all the prisoners, except Daunais and Nicolas, are shewn to have enjoyed good general characters.

Upon a patient review of the evidence, we feel justified in declaring our opinion, that Narbonne, Daunais, Bigonnesse dit Beaucaire, Marceau dit Petit Jacques, and Nicolas, are distinguished for activity and mischievous zeal, and among them Nicolas is chiefly conspicuous. To Lavoie, Doré, Coupal dit Lareine, and Camyré, the record does not warrant the imputation of any circumstances of a particularly aggravating nature, and we are disposed to add, that of these latter, Lavoie

and Bechard are, perhaps, entitled to the more favourable consideration of the Court.

Before finally committing this case to your hands, we are desirous of again adverting to the frequent and gross instances of insincerity and falsehood, by which the testimony adduced in behalf of some of the prisoners, is deformed. We have already mentioned the names of our witnesses, and to these may be added the names of Matilde Cardinal and Toussaint Vital Tremblay, who, from the palpable contradiction contained in their respective depositions, are liable to the same reproach, though in a less degree. Such a disregard of the sacredness of an oath, is to be regretted, not only as an outrage upon the highest dictates of religion, and a violation of the laws of the land, but also as totally destructive of the interests of those whom it is intended to serve. For it must be obvious to the most obtuse understanding, that the favourable effect of any statement consistent with truth, which a relative or friend of the prisoners may be enabled to make, is at once neutralized by the detection of falsehood and insincerity—and such detection will follow with moral certainty, either from the self-contradiction of the party, or from the information which is accumulated in the hands of Government, to an extent far beyond what appears before this Court. We have made these remarks, in the hope that they may be communicated to those interested, and prove instrumental in preventing a future occurrence of similar conduct, and that this may be the only occasion on which we shall be compelled to rebuke a means of defence, which the Counsel for the prisoners, from his known integrity of character, must himself regard with indignation and disgust. Without further observation, we submit the case to the judgment of the Court.

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THE QUEEN
vs.
JAMES PERRIGO AND OTHERS.

GENERAL COURT MARTIAL.

{ MONTREAL, LOWER CANADA,
February 7, 1839.

Members of the Court and Deputy Judge Advocates, the same as in the case of the Queen against Cardinal and others—(see vol. I. page 17)—are duly sworn.

The prisoners having been brought into Court, the warrants are read, and the names of the President and members called over. The prisoners do not object to any of the members.

The President, members, and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of the following persons :—

James Perrigo, of the parish of St. Martine, in the district of Montreal, in the Province of Lower Canada, merchant ; Louis Turcot, of the said parish of St. Martine, farmer ; Jean Marie Lefebvre, of the said parish of St. Martine, farmer ; Godfroi Chaloux, of the said parish of St. Martine, farmer ; Desiré Bourbonnois, of the parish of St. Clement, in the district and province aforesaid, blacksmith ; Michel Longtin dit Jerome, fils, of the said parish of St. Clement, farmer ; Charles Roy dit Lapensée, père, of the said parish of St. Clement, farmer ; François Xavier Prevost, of the said parish of St. Clement, inn-keeper ;

Isidore Tremblay, of the said parish of St. Clement, farmer; André Papineau dit Montigny, of the said parish of St. Clement, blacksmith; David Gagnon, of the parish of St. Timothé, in the district and province aforesaid, farmer; and Charles Rapin, of the said parish of St. Timothé, bailiff of the Court of King's Bench.

The prisoners are arraigned upon charges similar to those against Cardinal and others—(see Vol. I. p. 19)—(except that the "Parish of St. Clement", is substituted for Chateaugay and Sault St. Louis, commonly called Caughnawaga).

It is ordered, that the abovementioned Jean Marie Lefebvre and Godfroi Chaloux, be omitted on the trial to be had on the foregoing charge, and that their names be withdrawn therefrom.

The prisoners before the Court having been called upon to plead, make certain objections, similar to those contained in a document in Cardinal's trial, marked A.—(see Vol. I. p. 76)—which are overruled by the Court.

The prisoners before the Court having been again called upon to plead, make certain other objections, similar to those contained in a document in Huot's trial, marked B.—(see Vol. I. p. 138)—which are overruled by the Court.

The prisoners before the Court being again called upon to plead, severally plead Not Guilty.

JOHN ROSS, Esquire, of Beauharnois, merchant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Relate what you know against the prisoners, in connexion with the charge which has been read to you?

Answer—On Saturday night, the third November last, a person in the employment of Mr. McDonald, of Chateauguay, apprised me that the Canadians had risen in rebellion ; I took measures to raise the old country people about the village, and went myself to do so ; my servant having been absent for a long time, I could not conceive the cause, and going myself to seek him, I saw a number of men collected opposite Mr. Brown's orchard ; Mr. Brown, in the mean time, having gone to apprise Mr. Ellice of the rising, had returned to my house ; Mr. Brown and I went to see what such an assemblage of men wanted at so unusual an hour, it being between twelve and one in the night between the third and fourth November ; we met a man armed with a spear, who presented it at us ; we disarmed him, and sent him prisoner to my house ; proceeding on, we found two men, armed with guns, and my servant man and Robert Fenny, Mr. Brown's coachman ; farther on, we found one of the volunteers, who had taken one Dumouchelle prisoner ; Dumouchelle escaped, and riding at full gallop to the foot of the church, he gave a yell, which was responded to by a number of rebels behind the church, who advanced down the hill ; calling to our men to return, we marched to Mr. Brown's office ; scarcely had we arrived, when we were fired on by the party ; finding the numbers opposed to us so great, Mr. Brown, myself, and Mr. Ellice, whom we consulted, determined to surrender. Their declared object was to procure arms and ammunition—and they said, that the rising was general throughout the country, and that they expected thirty or forty thousand Americans to assist them. After taking all the arms and ammunition in the village, they sent us prisoners to Chateauguay. All this occurred in the parish of St. Clement, and this body acted in concert with the rebels at Chateauguay and Napierville. We were sent to La Pigeonnaire, and there, on being told that their party had been defeated, the rebels let us go.

Q. from the same—Did you see any, and which of the prisoners be-

fore the Court, at St. Clement, between the first and tenth of November last, and how were they employed?

A.—I think Louis Turcot was in the village of Beauharnois on the evening of the third, with the St. Martine people; he was armed; all the men who came from St. Martine were armed, either with guns or spears. I saw the prisoner Bourbonnois, on Tuesday, the sixth November last, at Chateauguay; he was on horseback, armed with a sword, and carrying despatches between St. Clement and Chateauguay; he was in connection with Newcombe and Tremblay, two leaders of the rebels; Newcombe commanded at Chateauguay, and I have no doubt but that he acted under their orders. I know the prisoner, F. X. Prevost, who is my next door neighbour; on the night that the village of St. Clement was taken, before the people arrived from St. Martine, I saw a number of people looking out of his windows, as if in expectation of the occurrence of something unusual; they were in the upper part of the house, which is an inn, and had they been travellers, they would have had lights, which they had not up stairs; I did not see F. X. Prevost on the night in question, but between two and three o'clock on Sunday morning, in his own house, which was filled with armed rebels; before these people arrived, the house was all closed up, but at this last mentioned hour, the house was open, and the windows lighted up. I saw the prisoner, Tremblay, at St. Clement, on the night it was taken, (being the third November); he was armed with a gun; he appeared to be active; he came with the armed party from St. Martine.

Q. from the same—From all you heard and observed, what did you understand to be the ultimate object and design of the assemblage of armed men, of whom you have spoken?

A.—Their object was, as they told me, to subvert the Government, and establish a republic.

Q. from the Court—Did you see Bourbonnois in any other place

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than Chateaugay, and how do you know the despatches were for Newcombe and Tremblay ?

A.—In no other place ; I never saw him deliver despatches.

Q. from the prisoner Bourbonnois—In answer to a question proposed to you, as to whether you saw me at St. Clement de Beauharnois, you have stated I was a courier from Beauharnois to Chateaugay ; I ask you now, on your oath, how you know that I was at Beauharnois during the time you allude to ?

A.—You said so yourself, and took letters from Mr. Ellice and others, to take to Beauharnois from Chateaugay ; you were mounted on one of Mr. Brown's horses, which you had taken at Beauharnois.

Q. from the same—Did you not hear me say, that I came from Beauharnois with a letter or message from Mrs. Ellice to her husband, and that it became necessary for me to take a sword, in order that I might be taken for one of the insurgents, and not be stopped on the way ?

A.—You never stated any thing of the kind.

Q. from the prisoner Prevost—How many persons do you pretend you saw in my house, on Saturday, the third November last, on the first occasion ?

A.—It is impossible to say how many, but there were a good many.

Q. from the same—Have you not, for years past, entertained and expressed hostile feelings towards me ?

A.—Never ; you were tried once for your life before, for theft, and, consequently, I have a bad opinion of you.

Q. from the same—I ask you, on your oath, whether you did not state, on a recent occasion, or on some one occasion, that you would kill me if you could lay your hands on me, or have you not made use of words having a similar purport and effect in reference to me ?

A.—No ; I have often stated you were a great scoundrel.

Q. from the same—Were you not the instigator of the prosecution

against me, which you have alluded to, and was I not acquitted of the crime then charged against me ?

A.—You stole goods out of my store, and I prosecuted you ; the Grand Jury found a bill against you, but you were acquitted by the Petty Jury.

The Rev. MICHEL QUINTAL, Curé of Beauharnois, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any, and which of the prisoners before the Court, at St. Clement, between the first and tenth of November last, and how were they employed ?

Answer—I saw the prisoner, Bourbonnois, on the night of the fifth or sixth of November last, in the parsonage house of St. Clement ; he came with prisoners under his charge, who had been taken from the steamboat *Brougham* ; I cannot say positively if he was armed or in company with armed men ; I believe he was there with others ; I was in bed, asleep, when the party arrived at my house, and getting up, I met the prisoner, who informed me he had brought prisoners with him, in order that they might be in a secure and respectable place ; I think there were about forty prisoners, men, women, and children ; I received the prisoners because I was forced to do so ; I did not see Bourbonnois again. I saw the prisoner, Michel Longtin, on the seventh or eighth November last, at St. Clement ; he brought provisions to the house for the use of the prisoners ; I had requested the rebels that provisions would be sent me, and the prisoner, Longtin, told me that it was in consequence of that request ; he was not armed ; I saw him on the Saturday following (the tenth) ; he came and informed me that I and some others belonging to my house were no longer prisoners ; I understood him to say, he had laboured to get my liberty and had succeeded ; the troops had not yet arrived, but I think he knew they were coming. I saw the prisoner, F. X. Prevost, on Sunday morning, the fourth November last, come to the

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parsonage house at St. Clement, accompanied by two armed men ; I cannot say that he was himself armed ; he enquired if I had not a gun ; and I replied I had not ; at this time there was a body of armed men assembled in the village of Beauharnois, in the parish of St. Clement ; the facts I have above stated lead me to suppose he was connected with this armed body. I saw the prisoner, André Papineau, at St. Clement, on Sunday, the fourth November last, after mass, in the vestry-room ; I asked him if he had any knowledge of the disturbances, and he said, No.

Q. from the Court—Were you, yourself, and the prisoners you speak of, detained in your house by force ; if so, describe the nature of it ; was a guard placed over it ?

A.—We were ; there was a guard placed round the house.

Q. from the prisoner Longtin—Was it myself that you asked to bring the provisions for the use of the house ?

A.—I do not recollect.

JOHN COUSINS, of Beauharnois, gentleman, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court at St. Clement, between the first and tenth days of November last ; if so, how were they occupied ?

Answer—I saw the prisoner, Bourbonnois, at St. Clement, on the fourth, fifth, and sixth of November last ; he was armed with a sword ; had something like a sash round him, and was very active ; the rebels were in possession of the village, and he was assisting to get the men into rank, particularly on Monday, he was getting the rebel forces into order, to repel the force expected to arrive in the steamboat then in sight, which, I believe, was the *Dragon* ; he went with an armed party to repel the supposed force on board the steamboat ; he was very active on each of the three days I have mentioned ; I was a prisoner at that time. I saw F. X. Prevost, on the fourth November last, at

St. Clement ; I was brought into his house, as a prisoner, by the rebels, and turned into one of his sitting rooms with other prisoners who were there before me ; his house was the head-quarters of the rebels ; the despatches were received there and sent thence ; the rebel chiefs slept there ; De Lorimier and Prieur, two of the rebel chiefs, slept there ; the former received his despatches from Baker's, and Point du Lac and Chateauguay Basin ; on the steamboat I have alluded to falling in sight, we (the prisoners) were looking out of the window, and I saw the rebels drawn up in front of Prevost's house, and himself in front of them, armed with a sword, and wearing a sash ; I consider he held more than a Captain's command ; I did not see him on parade after this time ; he appeared in constant communication with the rebel chiefs. I saw the prisoner, Gagnon, at St. Clement, on the fifth and sixth of November last ; he was armed with a volunteer sword ; I saw him in front of Mr. Ross's store ; I understood he had a Captain's command, and had charge of that store ; by general report, there was a camp at Baker's, and it was perfectly understood that the people at St. Clement were in concert with it ; I saw couriers arrive and depart in that direction ; I think it is about eight miles distant ; the country is level between St. Clement and Baker's ; couriers arrived from Point du Lac, also ; they did not wish to keep secret the locality or number of their forces, but rather wished to exaggerate their numbers ; on one occasion, it was said that one hundred thousand Americans were coming.

Q. from the prisoner Bourbonnois—Did you see me at any place, and when, awaiting the passage of the steamboat you alluded to, in your examination-in-chief ?

A.—I saw you march off with a party, and on my going up stairs, to get a better view where the party was going to, I saw it divide, and one part went to Ross's wharf, behind cordwood piled there ; you were not amongst them, that I saw ; the other party went to a point of land, formed by the rivers St. Lawrence and St. Louis, and I saw the principal body of the rebels assembled there, but it was too far to

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distinguish one person from another ; I did not see you separate from the party you originally started with.

Q. from the prisoner, Gagnon—From whom did you understand that I was a Captain ?

A.—In particular from Wilson and Fenny ; but it was also generally understood among the rebels.

Q. from all the prisoners—Does not the road which leads to Baker's Camp lead, also, to divers other places ?

A.—Yes.

Q. by the prisoner Gagnon—Can you name any one individual, other than Wilson and Fenny, from whom you heard I was a Captain ?

A.—One of those who took me prisoner, whose name I know not precisely, told me, on my asking him for my sword, which he had taken from me, that Gagnon had taken it from him, as Gagnon was a Captain, and he wanted it.

JOHN B. TOWN, of Beauharnois, bailiff, having been brought into Court, at the charge read to him, he is duly sworn and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court, from the first to the tenth of November last, at St. Clement ; if so, state when and how they were occupied ?

Answer—I saw the prisoner, Turcot, on the fourth November last, at St. Clement, between twelve and one in the morning ; he was one of the party who fired on us at the office ; I saw him in the yard a short time afterwards, armed with a gun ; he was one of those who went with us to Chateaugay ; he drove one of the carts in which were an armed escort, and some of our party, who were all prisoners ; he left Chateaugay, and I saw him no more afterwards ; there was a rebel force at Chateaugay, and they appeared to act in concert with the rebels at Beauharnois.

[A document is here handed in by the prisoners, marked C. annexed

to these proceedings, which is overruled by the Court, it having been first cleared to decide thereon.]

I saw the prisoner, Bourbonnois, come to Chateauguay on the fourth; he came with one of Mr. Brown's horses from St. Clement, and entered the room where the prisoners were confined; Mr. Brown asked him by what authority he had taken his horse, and he replied that he came down to ask Mr. Norval for a watch which had been given to Mr. Hounslow, and left in the office; the prisoner, Bourbonnois asked Hounslow what had become of his watch; I did not see him armed. I saw the prisoner, Francois X. Prevost, at St. Clement, in his own bar, about eight or nine o'clock, P.M. of the third November; I had gone there to settle an account between one Champeau and Prevost; a discussion arose, in which Prevost said, "in two or three hours you will see what will happen to you," calling me a d—d Englishman, and Champeau a d—d bureaucrat; I saw him afterwards, between twelve and one o'clock, after I had been taken prisoner; he was in his bar; I asked him to serve me and Joseph Dumouchelle, in whose charge I was, something to drink; Prevost appeared much excited, and very different from what I ever saw him before.

WILLIAM COUSINS, of Beauharnois, servant to Mr. Brown, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Did you see any of the prisoners before the Court at St. Clement, between the first and tenth of November last; if so, how were they engaged?

Answer—I saw the prisoner, Bourbonnois, on, I think, the fifth of November last, at St. Clement; he was armed with a sword, and by himself; he escorted me from Prevost's house to the mill; there was an assemblage of armed men at St. Clement then; I having been taken prisoner, Bourbonnois, on my representation, allowed me to be taken to the mill, where I had been before, but had, by permission of one of the rebel chiefs, gone to get something for my father to eat.

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I saw the prisoner, Longtin, at St. Clement, from the seventh to the tenth of November last; he was captain of the guard which was over us at the mill; I saw him, one day when there was an alarm, take a fowling piece and command the men to turn out; the guard consisted of about ten or fifteen men, mostly armed; undoubtedly he acted in concert with the body of armed rebels which was in the village of St. Clement; the cause of the alarm was the appearance of a steamboat in the river, supposed to be the *Dragon*. I saw the prisoner, F. X. Prevost, on Monday, the fifth at his own house; my father was a prisoner in his house; there were upwards of twenty loyalists prisoners in his house at this time, over whom there was a guard; it was full of armed men; he (Prevost) was very cheerful among them. I saw the prisoner, David Gagnon, in front of Mr. Brown's stable at St. Clement, on, I believe, the seventh of November last; he was armed with a volunteer sword, seeming to have the command of several armed men there. I and another young man having gone to feed the cattle, the prisoner, Gagnon, demanded what we wanted, and said, "You have nothing to do with the cattle, I and my men will take care of them;" he saw us a part of the way with a drawn sword, and sent an old man, armed, to take charge of us; I am sure he (Gagnon) was connected with the assemblage of armed men there. I saw the prisoner, Rapin, at St. Clement, on the morning of the fourth of November last; he appeared to me to be a leader; he addressed a party of armed rebels, in the house of one Jacques Michel, and said to them, that now they had advanced so far, it became them to consider how they should obtain the steamboat *Brougham*, which would soon arrive; he proposed that, as usual, some men should go and tie the boat to the wharf, and, that done, the main body should rush and board the steamer; I left the house of Michel, and in a few minutes heard their shouts at taking the boat; I saw him (Rapin) in a short time afterwards, in company with Toussaint Rochon, who has been before this Court, who had a part of the

machinery in his possession ; he appeared to have such a knowledge of the plans and authority among the rebels, that he assured Mrs. Brown, that no evil should happen to her, and desired her to remain in her house. It was notorious that a camp of the rebels existed at Baker's, but I have no personal knowledge of it. Longtin, the prisoner at the bar, made allusion to it in my presence. About Friday, the ninth November, I saw the body of armed rebels in motion, and Longtin told me they were going to Baker's camp.

PETER LYNCH, servant to Mr. Brown, of Beauharnois, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court at St. Clement, between the first and tenth of November last ; if so, state how they were engaged ?

Answer—I saw the prisoner, Bourbonnois, at St. Clement, on the Sunday and Monday of the week during which Beauharnois was in possession of the rebels ; he was at Mr. Brown's stable ; he said that he was Sergeant in a guard of rebels, and that his orders were not to let any of the horses out without an order from a captain ; he was armed with a sword, and the guard was also armed with guns ; I am quite certain that I saw him on another day, (I think Wednesday), urging the men on, with a drawn sword, to prevent the steamboat coming in, as I understood. I saw the prisoner, Longtin, all the week above alluded to, at St. Clement ; he called himself Captain of a party of twenty or fifty men, who were at the mill ; I never saw him armed ; I heard him give orders to the men in the mill to turn out, on Saturday, the week of the troubles, about four P. M., when the British Troops were coming in, to resist them. I saw the prisoner, F. X. Prevost, at St. Clement, on Sunday morning, about seven or eight, A. M. the day on which the rebels took possession of the village ; he was at Mr. Masson's house and wore a red sash and sword ; he wore a black velvet coat, such as he now wears ; after this I did not see him ; I was made prisoner on

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Sunday morning, and was taken to Prevost's house, but got into the mill ; after the troops arrived, we found a horse of Mr. Ellice's in Prevost's stable. I saw the prisoner, André Papineau, in Mr. Brown's stable, either on Tuesday or Wednesday, at St. Clement ; he came to the stable, mounted, and drew his sword, demanding one of Mr. Brown's horses, which he took, and mounted one of his men upon him, and both rode away ; I did not see him again. I saw the prisoner, Gagnon, at St. Clement, during all the week ; he was armed with a sword, and, after the day on which the rebels moved to Baker's camp, he had the chief command of the village ; in fact the village was left in his charge. I saw the prisoner, Charles Rapin, at St. Clement, on Tuesday of the same week, riding on one of Mr. Brown's black horses ; he rode over to the body of armed men at the point, who went there to prevent the steamboat coming in ; I did not see him armed ; I saw him nearly every day during that week ; I did not see him again with the armed men, but he 'was riding about constantly in the village ; all the loyal inhabitants there were prisoners ; Baker's camp, to which I have alluded as that to which the rebel force had moved from Beauharnois, is about ten miles distant, on the river Chateauguay.

Q. from the prisoner Rapin—At what hour on Tuesday do you pretend you saw me riding towards that point ?

A.—I cannot say ; it was about mid-day.

Q. from all the prisoners—Do you not know that Baker's camp was in the parish of St. Clement ?

A.—I do not know in what parish it is ; it is on the Chateauguay river.

Q. from the same—Where did you remain during all that week ?

A.—Sometimes at the mill, and at Mr. Ellice's house and stable, until the middle of the week, when they prevented me going to the stable.

Q. by the same—Were you a prisoner during that time ?

A.—After the middle of the week, I was in charge of the guard, and during the former part also, though allowed to move about with them.

Q. from the same—Where did you remain a prisoner from Wednesday ?

A.—In the mill ; if I wanted to go to Mr. Brown's house they sent a guard with me.

Four o'clock, P.M.—The Court adjourns until to-morrow, at ten, A. M.

SECOND DAY, *ten o'clock, A.M.*

The Court meets pursuant to adjournment. Present, the same members as yesterday.

ROBERT FENNY, servant to Mr. Brown, of Beauharnois, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court at St. Clement, between the first and tenth of November last ; if so, state how they were engaged ?

Answer—I saw the prisoner, Turcot, on the fourth of November, at St. Clement ; I firstly saw him in Mr. Brown's yard, and afterwards he went with Mr. Brown, myself, and others, as a guard over us prisoners, to Chateauguay ; he was armed with a gun, on the way to Chateauguay. I saw the prisoner, Bourbonnois, on the fourth of November, between Beauharnois and Chateauguay ; he was on horseback, armed with a sword ; he was in company with another armed man ; he seemed to be carrying despatches, from Chateauguay to Beauharnois ; he told others who were with me, that he was carrying

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despatches ; I saw him again, on the fifth, in St. Clement, armed with a sword ; on the sixth, he came into Mr. Ross's house, at St. Clement, to see us prisoners, still armed with a sword ; on the seventh, I again saw him, drilling with the men who were going to Baker's camp, which was six or seven miles from St. Clement ; there were despatches arriving regularly, but from where I cannot tell ; when a prisoner at Mr. Ross's, I saw papers read, by Prieur and others, to the assemblage of armed men, drawn up in front of Prevost's house. I heard David Gagnon, the prisoner before the Court, say, on Wednesday, the seventh, that the whole armed force at St. Clement were to go to Baker's camp, on which day, between one and two, P. M. they started ; I heard, on Friday, that they had been at Baker's camp, and, in the interval, all those armed with guns had been absent from St. Clement, so that the guard left with us had only pikes. I saw the prisoner, Longtin, at Uno's house, in St. Clement, where I was confined a prisoner, on the eighth of November last, in the evening ; he was armed with a pike ; he seemed to give orders to the Captain who was over us, whose name was Henault. I saw the prisoner, Roy dit Lapensée, at St. Clement, on the fifth of November last, in Prevost's house ; he came and asked for liquor to treat his company ; he was unarmed ; he said he was Captain of a company, and asked rum from Prevost, whom he called General ; I saw him, on the sixth, drilling his men, armed with a sword, and, on Wednesday, I saw him marching to Baker's camp, with his company, along with the rest of the armed force. I saw the prisoner, Prevost, on the evening of the fourth, at St. Clement, when I was a prisoner in his house ; he seemed to be serving out liquor to the rebels, and I did not see him receive money for it ; on the ninth, I saw him armed with a sword, dressed in a Canadian cloth coat ; I saw him pass the window of Uno's house, in which I was confined ; this is the same person to whom I alluded as being styled General ; I saw him three several times, viz., on Sunday the fourth, Monday the fifth, and Friday the ninth. I saw

the prisoner, Papineau dit Montigny, on the fifth of November, at St. Clement; he was in company with the armed rebels; he was unarmed; on the Wednesday when the rebels started for Baker's, he was very active, armed with a sword, and in command of a party, seeming to have the rank of Captain. I saw the prisoner, Gagnon, at St. Clement, on the fourth November last, when I returned from Chateauguay; he took me prisoner, by the order of Prieur, one of the rebel chiefs; he was armed with a volunteer sword; I saw him again, on the fifth, sixth, and seventh of November; he had command of a company, posted in Mr. Ross's house; he came frequently to me for rum, and I have given him as much as thirteen bottles at one time; the rum was for the use of his company; I delivered other articles by order of Gagnon, who directed me not to give anything out except by his orders. I saw the prisoner, Charles Rapin, on the fifth of November, at St. Clement, among the armed men who were drilling in front of the house of Potvin; he had a stick in his hand; I saw him again on horseback, on the seventh; he came from the direction of St. Timothé; he seemed to be very active, and to have a great deal of authority among these armed men; on the tenth, between two and three, P. M., I saw him; I was told by one of our guards that he came with despatches to say, that the Glengarrys and 71st regiment were coming.

Q. from the Court—Who commanded the whole party of armed men which left the village for Baker's camp on the seventh November, in which you saw Michel Longtin marching with his company.

A.—Prieur, who was on horseback, and Goyette and Rochon.

Q. from the same—Was the stick borne by Rapin carried in the way of arms, or was it merely a walking stick?

A.—It was a bludgeon.

Q. from the prisoner Rapin—At what hour on Wednesday, the seventh November last, do you pretend you saw me in the village of Beauharnois?

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A.—I cannot state the hour.

Q. from the same—Was it in the forenoon or afternoon of Monday, the fifth, that you saw me?

A.—I think between eleven and twelve o'clock.

Q. from the same—What induces you to say that I was very active, and had great command; how did I display activity or exercise command?

A.—All the men and captains who were there, obeyed you; you displayed your activity by ordering the men from place to place; you were drilling with the men, with a bludgeon in your hand, and not in the ranks.

Q. from the same—On what day, and at what hour, did you see me drilling?

A.—On Monday, opposite Potvin's, as I have already said, in the forenoon.

Q. from the same—What orders did you hear me give; when, where, and how often did you hear me give orders?

A.—I could not hear you give orders; I could only see your motions; I was too far off; I saw this on the fifth and seventh November, in front of Potvin's house; the orders were given to the armed men and officers present at the time.

Q. from the same—What was the size of the stick, or bludgeon, which you say I carried, and in what manner do you pretend I carried it?

A.—It was of the size of a train rung, and you carried it in different positions—sometimes horizontally, and at other times at arm's length.

Q. from the prisoner Papineau dit Montigny—Can you, on your oath, state at what hour on Monday, the fifth November last, you pretend you saw me in the village of St. Clement or Beauharnois; was it in the forenoon or afternoon?

A.—I cannot say the hour; it was during the day.

Q. from the prisoner Prevost—At what hour on Friday, the ninth November last, do you pretend you saw me at St. Clement?

A.—Between one and two o'clock.

Q. from the Court—Did any thing remarkable occur in the village of Beauharnois on the morning of the fifth November, at the time you saw Rapin in front of the men at drill ?

A.—I cannot say that any thing remarkable occurred, but the men were drilling.

Q. from the same—Was there any alarm, in consequence of a steamboat appearing before Beauharnois, in the forenoon of the fifth November ?

A.—There seemed to be an alarm, but I being shut up in the lower part of Prevost's house, could not see out.

ROBERT ORR WILSON, of Beauharnois, Captain of the Beauharnois Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court, from the first to the tenth of November last, at the village of St. Clement ; if so, how were they employed ?

Answer—I saw the prisoner, Roy dit Lapensée, on the evening of the fourth November last, at Prevost's house, in St. Clement ; being desirous of going home, I applied to Prieur, one of the rebel leaders, who gave me leave to go, but the prisoner, Roy, refused to allow me ; he was not armed, but there were armed men in Prevost's house at this time ; there was a sentry at the door, who was ordered by the prisoner not to let me pass ; I saw him (Roy) again, several times, between the fourth and seventh, but I am uncertain on what days ; he was going out and in to Prevost's house, and appeared throughout to be in connexion with the assemblage of armed men then in possession of Beauharnois or St. Clement ; I saw the armed men at St. Clement leave it, to go to Baker's camp, on the seventh November, but I cannot say whether the prisoner, Roy, was with them or not. I saw the prisoner, Rapin, either on Monday or Tuesday, the fifth or sixth ; he passed Mr. Ross's house on horseback, in the village of St. Clement ; on his arri-

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val at Prevost's house, the people went out to see him, and he appeared to be giving them news; he entered with them; I did not hear what he said; I saw him on several other occasions, but I do not know on what days; he appeared to be connected with the rebel party. I heard the rebels talking among themselves, (among whom was David Gagnon,) concerning the communication, as existing between the rebel camp at Baker's, and St. Clement; Gagnon, the prisoner before the Court, was a Captain, and had charge of me; he issued things from Mr. Ross's store, and as he could not write, I had to take a note of some of the goods, because he (Gagnon) stated they would pay Mr. Ross when peace was established. Gagnon told me there were a great many men at Baker's camp, and implied that they were acting in concert with those at St. Clement. He said the force at Beauharnois was going there, and I eventually saw this force start for Baker's camp; I understood from Gagnon that the object of the assemblage of armed men occupying Beauharnois was to suppress the priests' tythes, rents, and "*lods et ventes*;" he said that he thought the British would not fight them at Baker's, that peace would soon be made; I believe they meant to fight the troops.

MICHEL LEFEBVRE, of the parish of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Did you see any of the prisoners before the court from the first to the tenth November last; if so, where, and how were they employed?

Answer—I saw the prisoner, Turcot, once or twice during the week of the troubles, at Baker's camp, whilst there was an assemblage of armed men there, probably four or five hundred men, partly armed; I saw Turcot among them; he was there with the others, but had no arms that I saw; I saw him near an oven. I saw the prisoner, Tremblay in the same place, and at the same time; I saw him talking with the others.

Q. from the prisoners Turcot and Tremblay—Was the place you designate as Baker's camp, in the parish of St. Clement de Beauharnois, or in another, and what, parish ?

A.—In the parish of St. Martine.

CATHERINE ANNE CAIRNS, of Ormstown, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court, between the first and tenth of November last ; if so, where, and how employed ?

Answer—I saw the prisoner, James Perrigo, at his own house, on Chateauguay River, fourteen miles from the basin, in the parish of St. Martine ; I stopped at his house on the fourth November last ; I was on my way from Montreal, and was detained by a body of armed men, at the house of one Millar, a tavern-keeper, on the night of the third ; we were stopped next day at Baker's house, (which is about an acre and a half from Perrigo's,) by a body of armed men ; there was a great assemblage of armed men at Baker's.

[The prisoners here hand in a paper writing, which is annexed to these proceedings, marked D.

The Court is closed to deliberate.

The Court is opened, and the objection contained in the paper writing, is declared to be overruled.]

I dare say, there were several hundred men, mostly armed with spears, pitchforks, and such like weapons. I saw Captain Dumouchelle, who was said to be the commander. Mr. Baker sent me to Mr. Perrigo's house, saying, that I would be better there than at his (Baker's) house, in case of an engagement. On Monday morning, many of the armed rebels came to Perrigo's house, among whom was Dumouchelle ; Dumouchelle, Perrigo, and two or three others, were in a room together, the door of which was open ; it was at the place of this Mr. Baker, of whom I have spoken, that the place known as

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Baker's camp was ; Mr. Perrigo is brother-in-law to Baker ; Mr. Perrigo said, he would try and get me off on Monday, if he could ; I was released by Dumouchelle, about nine, A.M. of Monday ; I asked Captain Dumouchelle myself, and he said he would let me go ; when I left he, (Perrigo) was in the room with them. On Monday morning, the fifth, a Canadian received a gun from Mr. Perrigo, which gun had been left there to keep it from the rain ; the gun, I believe, belonged to the Canadian.

Q. from the Court—If Mr. Perrigo exerted any authority, do you think he would have thought it necessary to intercede with Dumouchelle to let you go ?

A.—I do not think he would.

Q. from the same—Do you know whether Captain Dumouchelle is the man who was tried before this Court ?

A.—I do ; he was tried.

Question proposed by Perrigo, without waiver of his objections to the testimony—Did you not hear me say, repeatedly, that I had nothing to do with what was going on at that time ?

A.—You did say so.

HENRY WRIGHT, of North Georgetown, gentleman, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see any of the prisoners before the Court between the first and tenth of November last ; how were they engaged ?

Answer—I saw the prisoner, James Perrigo, on the sixth November last, passing from his own house towards George Baker's, where there was then an assemblage of armed men, who were erecting a stockade, to the number of between three hundred and five hundred men : this was what is called Baker's camp ; there was a letter written by James Perrigo, to my father, which I saw ; it was signed, Charles Langevin + his mark. I and some others having gone to reconnoitre the rebels, at

Baker's camp, they sallied out, as if to attack us, or resist our attack, and I then, having looked to see if I could recognize any of them, saw James Perrigo, the prisoner, walking up towards the main body from his own house ; I did not see any arms on him ; this occurred when they sallied out ; there were two or three persons accompanying the prisoner, Perrigo, when he so walked towards the rebels ; I saw a body about his house ; I cannot say whether he was acting in connexion with rebels ; I am not aware, from personal knowledge, that there was a communication between Baker's and Beauharnois ; there are several roads from the former to the latter, and on our attempting to send despatches from North Georgetown, which joins Baker's, all our couriers were arrested.

DAVID M'CLENNAGHAN, of the parish of St. Martine, farmer, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question from the Judge Advocate—Do you know the prisoner, James Perrigo, and did you see him from the first to the tenth of November last ; if so, when, where, and how was he engaged ?

Answer—I know him, and saw him within the bounds of the camp, at George Baker's, on the evening of the fourth November last, also at his own house ; he was standing with a number of men, some of whom were armed, conversing with them ; it was reported that the rebels were a thousand strong there ; the prisoner, in reply to my enquiries, said, that they intended to abolish the *lods et ventes*, make the country free, do away with the rents, and clip the gowns of the clergy ; I asked him what he meant by taking the arms from the old country people ? and he replied, “ We want the arms from the old country people, that they may not come behind us when we go to face the soldiers.” Baker's camp, from Beauharnois, is distant about eight or nine miles, and there was a communication between the two, because I was made prisoner at Beauharnois, and conducted to Baker's ; I was made prisoner on the night of the third or morning of the fourth November last,

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by a party of armed men, commanded by Joseph Dumouchelle, who has been tried before this Court ; I requested of him to be taken home, and I left Beauharnois along with a party of armed men, and came along to Dumouchelle's house with some of them, where I was kept until he (Dumouchelle) returned from Baker's. He gave me the choice, either to take an oath to go home for my gun, and thence to go to Perrigo's, or to proceed at once to Perrigo's and receive his instructions, as he spoke English ; I took an oath that I would go and bring a gun, if I could find one in my house, and go to the camp to Perrigo, which I did ; I gave the gun to Dumouchelle, in the presence of Perrigo, in the camp at Baker's ; Perrigo said, on looking at the gun, it wants a new stone ; I then put the questions I have already mentioned, and received the aforesaid answers from him, (Perrigo). They asked me, in presence of Perrigo, who interpreted this to me, what I would do, and I said I would never fight against old country people, and that if they wished to take my life, the sooner they would go about it the better. Dumouchelle appeared to be one of the principal leaders, but he gave way to what Perrigo said ; they all seemed to be in obedience to Mr. Perrigo. When I left Beauharnois, there was a body of armed men there ; but most of them accompanied me through Côte St. George, two miles, more or less, from Baker's camp.

Q. from the Court—How far is Perrigo's house from Baker's camp, in which the conversation occurred respecting the gun, and what o'clock was it when it occurred ?

A.—From an acre and a half to two acres ; it was after sun-set.

Q. from the same—Did any one of the party which came with you from Beauharnois to the Côte St. George, go on with you to Baker's camp ?

A.—No ; after I was sworn, I was allowed to go by myself.

Q. from the same—Were any threats used to you, that you gave up your gun so easily, when asked for it by Dumouchelle, and was it given back to you after your arrival at Baker's camp ?

A.—There were ; my gun was kept, and I was liberated.

Q. from the prisoner Perrigo, without waiver, &c.—Are you not certain, that the place designated as Baker's camp, is not in the parish of St. Clement ?

A.—I always understood it to be in the parish of St. Martine.

Q. from the same—Is it not a fact, that when I spoke to you respecting the object had in view by the force assembled at Baker's camp, I was acting as interpreter between yourself and Joseph Dumouchelle, and merely explaining to you his views and answers.

A.—You told me so ; you were brought forward from among other men to interpret ; in other discourses, you brought yourself in as a party concerned, and used the word "we" want so and so.

Q. from the same—Recollect yourself, and state whether, when you said you would not fight against old country people, I did not grasp you by the hand, and say, "you are right, you are an honourable man," or make use of some, and what, words to that effect ?

A.—You did not grasp me by the hand, but said, I should return to my own place, and remain quiet, until the end of the war, that I need not fight against them (the old country people), being liberated on parole ; you liberated me yourself, and conducted me out of the camp to your own house.

Four o'clock, P. M.—The Court adjourns until to-morrow, an ten o'clock.

THIRD DAY, February 9, ten o'clock, A. M.

The Court meets. Present, the same members as yesterday.

ARCHIBALD HENDERSON, of Hinchinbrook, merchant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

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Question from the Judge-Advocate—Do you know the prisoner, James Perrigo ; state where you saw him, between the first and tenth of November last, and how he was engaged ?

A.—I do know him ; I was taken prisoner in the village of St. Martine, on the third of November last, between seven and eight, P.M., by a body of armed rebels, headed by Brien, who has already been tried by this Court ; I was wounded by them with a pike, and Dr. Brien dressed my wound ; on Wednesday, the seventh, I saw the prisoner, James Perrigo, pass with George Baker through St. Martine village ; Perrigo told me at this time that he had nothing to do with the rebels, but that they expected an attack from the British militia ; on the morning of the eighth, I saw them returning to Baker's camp ; on Friday, I saw two of the rebel troopers passing, and I requested them to ask if I might go home ; one of them returning from Baker's camp, told me, Mr. Perrigo wished to see me ; I accordingly went up to Mr. Perrigo's house, in charge of this trooper, and Perrigo told me to walk in ; he then said, "Mr. Henderson, we will let you go home on your parole of honour ;" I requested two men might be sent to escort me past the guards, and two persons volunteered to do so ; Mr. Perrigo seemed to have the command at this time, because no one else said anything to me but him ; he was not armed ; some of the rebels who said they had come from Baker's camp were speaking of Perrigo, as Major, saying, he had been made so on Thursday night ; I have no doubt, but that the men who said this were part of the rebel force ; afterwards, I returned home.

Q. from the Court—When Perrigo said, "We will let you go on your parole," did he say this from himself, or as interpreter for others ?

A.—He said, "*We* will let you go ;" he spoke for himself ; there was no person present but the two men I have alluded to ; I speak French and English, and understand both.

Q. from the same—Was there any armed force about, or in Perrigo's house, on the morning he offered to release you on parole ?

A.—The road was full of armed men; there were many about his house, and some standing about the door, but there were none in the house that I saw, except one of the two men I have alluded to, who wore a sword.

Q. from the same—Did you see Perrigo giving orders to any body of men in the camp; or did you at any time see the rebels under arms at parade, and was Perrigo amongst them, exerting authority, or otherwise active?

A.—I did not see him; I was there but a few minutes myself.

Q. from the same—Is Perrigo's house between Baker's camp and the place where the advanced guard you speak of was posted?

A.—Yes.

Q. from the prisoner Perrigo—Were there, or were there not, other persons, besides the armed men you have mentioned, in the house at the time you spoke to me at Baker's camp?

A.—There might have been, but I did not see them.

Q. by the same—Did you not perceive that I was closely watched while in conversation with you?

A.—I did not.

Q. by the same—Was I present when you had heard it said, that I had been appointed major?

A.—No.

THOMAS STEWART, of Jamestown, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the Judge Advocate—Did you see the prisoner, James Perrigo, at any time between the first and tenth of November last; if so, when, and where, and how employed?

Answer—I saw him, on Tuesday, the sixth of November last, in his own house, close by Baker's camp; I was taken prisoner, on the night of the third, in the parish of St. Martine, by Touchette, who has been tried by this Court; I was taken before the prisoner, Per-

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rigo, on the following Tuesday, about ten, A. M., in order that I might get a pass, to return home, as the officers and head men of the rebel force lived there ; Brazeau, who was one of the rebels, took me there ; arrived there, I saw Joseph Dumouchelle and Laberge, who have been tried before this Court for High Treason ; when I got there, Mr. Perrigo was sitting at a table, on which were pens, ink, and paper ; the leaders above mentioned and others went in and out ; Perrigo got up from the table when I went in, and he shook hands with me ; on my asking for a pass, Dumouchelle and others, among whom was Mr. Perrigo, went into the room, and consulted, and Laberge came out and told me, that I would get past at three o'clock ; when I attempted to enter the room, Laberge put his arm on my shoulder, and pushing me back, said I should get my pass, and to remain where I was ; on attempting to go for my pass, at three o'clock, I was prevented by the rebel guard, and obliged to return to the house, where I had gone to spend the interval ; I subsequently effected my escape.

Q. from the same—Did you see the prisoner, Tremblay, at any time between the first and tenth of November last ; if so, when and where ?

A.—I did, at Baker's camp, on the 6th of November last ; he was among the armed rebels, early in the morning, about eight, A. M., when the rebels were turning out of the houses and barns ; I saw no arms about him ; he appeared to be one of their party ; I did not know whether he had any command ; I knew him by sight before.

Q. by the Court—Did you see any of the people turning out of the barns and houses with arms of any kind ?

A.—I did see a good number.

Q. by the prisoner Perrigo—Was there not a guard or sentinel stationed at or near my door ?

A.—Not that I saw, nor was any opposition offered Brazeau when he took me in.

Q. by the prisoner Tremblay—Can you swear, on the oath you

have taken, that it was myself you saw, and not my brother, who resembles me much ?

A.—I can ; you were the man I saw.

WILLIAM BROWNE, of St. Martine, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoner, James Perrigo, between the first and tenth November last ; if yea, when, where, and how engaged ?

A.—To the best of my belief, and I am morally sure, that on Thursday, the eighth November last, I saw the abovementioned prisoner ride on a white horse ; it was between one and three o'clock, P.M. He rode out from Baker's camp, and stopped to look in the direction in which I believe the Huntingdon Loyal Volunteers were posted. He stopped about a minute, or not quite that, and then he returned towards the camp ; on meeting a body of armed men advancing from the camp, he turned and advanced with them ; shortly after this, firing commenced from both sides, (that is, from the rebel side, with which the prisoner, Perrigo, was, and from behind the barn, where, I suppose the volunteers were posted) ; the firing did not continue above a minute and a half ; about three times the number of shots were fired by the rebel party, than what came from where I presume the volunteers were posted. After the firing was done, the rebel party returned to the camp, and the prisoner, Perrigo, with them. On Saturday, the tenth, the rebels left the camp, and were accompanied by Perrigo, on the same horse ; he then had a cloak on ; the horse he rode belonged to his brother-in-law, George Washington Baker ; I saw the said Baker there, and his house is within the camp.

Q. from the Court—To the best of your judgment, how many men went forward with Perrigo, previous to the firing on the eighth, and were they all armed with guns ?

A.—As they marched irregularly, I could not state exactly, but

I should calculate them, from the ground they covered, at three hundred and fifty men; they were mostly armed with guns; my house is about a quarter of a mile from the camp, and I saw them from my open garret window.

Q. from the same—Did you see Perrigo exert any authority or command amongst the rebels at Baker's camp, or who was the chief commander over them?

A.—I did not see him but the time I have above mentioned.

Q. from the same—Had you any conversation with any of the rebels, and did you hear Perrigo called by any title?

A.—No.

Q. from the same—At the distance you were, when you saw the man pass on the white horse, can you state safely, upon your oath, that the prisoner, Perrigo, was the man?

A.—To the firmest of my belief, he was the man.

Q. by the same—How long have you been acquainted with the prisoner, Perrigo?

A.—About twenty years.

Q. from the same—When, and under what circumstances, were you in the camp?

A.—I went along with a man I was acquainted with to get him a pass to go home, because I knew the people and language better than he; I passed in and out of the camp with the greatest freedom; I went there on Tuesday, the sixth of November last.

Q. from the same—Did Perrigo advance at the head of the party previous to the firing you have alluded to?

A.—As far as I could observe, he was among them; I could not see whether he was at their head, or in the ranks, but I am positive he was with them; a bend of the road hid him partially from my view.

Q. from the same—How does it happen that you were at liberty during all this time?

A.—Before I gave up my son's arms, viz., two of the Queen's muskets, I agreed with François Lefebvre, who commanded the rebel party which took them, that I should not be molested in person or property ; they came to me three times for them before I gave them up ; but I eventually gave them up on Sunday morning ; the second time they came, they searched the house with candle light, but could not find the arms.

Q. from the same—What induced you to give up your volunteer arms ?

A.—Because I was certain they were not safe with me ; I had been refused assistance that morning ; I had received notice before, that they (the rebels) intended to search for and take my arms ; I arrived at Major Wright's about twelve o'clock, and before two o'clock on Sunday morning I delivered my arms to him.

GEOFFRY HEBERT, of St. Clement, a prisoner in goal, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoners, James Perrigo and Isidore Tremblay, between the first and tenth November last ; if so, when, and where, and how ?

Answer—I saw the prisoner, Perrigo, on the Thursday of the week of the troubles, while there was a camp at Baker's ; he was in the camp ; there might have been about a hundred armed men there, and many more unarmed, of whom Prieur, who has been tried before this Court, was chief ; I saw Perrigo visit us at the camp, and more I cannot say respecting him ; this occurred on Wednesday or Thursday ; He did not appear to have any command ; he was unarmed ; he returned to his house.

Q. from the Court—Was Perrigo on horseback when he visited the camp ?

A.—He was on foot ; I never saw him on horseback.

Q. from the same—Did any firing take place ; and if so, were

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A.—Ten or twelve shots, to the best of my knowledge, were fired, on, I believe Thursday, after twelve o'clock ; I do not know whether there were any horsemen ; I did not see any.

Q. from the same—Whereabouts in the camp did you see Perrigo ; at what time ; and did you see him in possession of a cloak ?

A.—I saw him before the door of Baker's house, towards eight on the morning of Thursday ; I saw no cloak in his possession then ; I saw him only once ; he made a tour, and returned to his own house directly.

Q. from the prisoner Perrigo—Do you not know that Baker is my brother-in-law ?

A.—I do not know.

JOSEPH BETURNE, of St. Timothé, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you see the prisoner, Tremblay, between the first and tenth of November last ; if so, state when, where, and how engaged ?

Answer—I saw him about the sixth November last, in Baker's Camp ; I did not see him armed ; he was there like the others ; he was kept by those who were more masters than himself ; according to my knowledge he was a prisoner, (*i. e.*) he was not allowed to return home ; I saw him on different days ; he may have passed seven or eight days at the camp ; I was there when he left to go home, on, I believe, Saturday, the tenth November, with the others ; I never saw him in the ranks.

Q. from the Court—How long did you remain in the camp ; did you see Perrigo there ?

A.—At different times for three days ; I did not see Perrigo.

Q. from the same—Do you know that Tremblay ever attempted to go home, and if so, how was he prevented ?

A.—I know that he did attempt to escape, but was prevented by the guard like the others ; to my knowledge, on the fourth or fifth November, he made an attempt to escape, and was prevented by the guards.

Q. by the same—Was there, to your knowledge, any orders to prevent persons leaving the camp ; if so, what were they ?

A.—I have no knowledge of such.

PIERRE BRUNEAU, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoner, Tremblay, between the first and tenth of November last ; if so, state when, where, and under what circumstances ?

Answer—I saw him on the sixth or seventh of November last, in Baker's Camp ; I cannot say if he was one of the camp, or how he came there ; I did not see him armed ; I may have seen him twice, but not oftener ; I did not see him do anything ; he was free, and not a prisoner.

Q. by the prisoner Tremblay—Do you not know that I was detained in the camp by force, like others ?

A.—I do not know.

Q. by the same—Is it not a fact that many of those who were in the camp were compelled to remain there ?

A.—Some were forced.

Q. by the same—Do you know that I ever made an attempt to escape ; and if so, state under what circumstances ?

A.—I do not.

ANDREW ELLIOTT, of St. Clement, turner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

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Question by the Judge Advocate—Did you see the prisoner, Papineau dit Montigny, at any time between the first and tenth November last ; if so, state when, where, and how engaged ?

Answer—I saw him on the fourth November last, at my house, in the parish of St. Clement ; he came with a party of armed men, and he was armed with a sword ; he came and demanded arms, and he took my gun, a Queen's musket ; I was trying to escape to the bush, and one of the party, not the prisoner, pointed his gun at me, and called to me to stop, which I did ; they took my arms and accoutrements off from me, and took me back to the house, to search for arms ; they all left but three, of whom one was the prisoner ; I told them I was sick and wished to remain in my own house ; they consulted together, and the prisoner, Papineau, allowed me to remain at home ; they said they would plant a picquet in the neighbourhood ; they then moved on to other houses to search.

ALEXANDER THOMPSON, of Montreal, engineer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the Judge Advocate—Did you see the prisoner, Charles Roy dit Lapensée, pere, at any time between the first and tenth November last ; if so, when, where, and how engaged ?

Answer—Not to my knowledge.

The Judge Advocates declare the prosecution closed, and the prisoners are called on for their defence.

The prisoners apply for delay until Wednesday, the 13th instant, to prepare their defence.

The Court is closed, and the petition of the prisoners is granted.

Three o'clock, P.M.—The Court is adjourned until Wednesday next, the 13th instant, at ten o'clock,

FOURTH DAY, *Wednesday, Feb. 13, 1839, 10 o'clock, A.M.*

The Court meets, pursuant to adjournment. Present the same members as on Saturday, the 9th.

The prisoners are called upon for their defence.

HYACINTHE HENEAU, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Longtin—How long have you known me; what did you understand my political opinions to have been, previous to the late disturbances in the month of November last?

Answer—I have known you for twenty-seven years; I never understood that you meddled with politics.

Q. from the same—Did you see me at the mill, in or near the village of Beauharnois, during the week of the late disturbances; if so, state on what day, and how I was occupied?

A.—I saw you at the mill, at Beauharnois, on the Wednesday of the week of the troubles; you had brought grain to the mill, as I myself had done.

Q. from the same—Did I appear to have any authority or connexion with the armed men then assembled at Beauharnois?

A.—You did not, to my knowledge; you appeared to be occupied with your own affairs.

Q. from the same—Did you hear me, on that occasion, say, that I took any part in the disturbances of the time, or any thing to the contrary; if so, state what you heard me say on that subject?

A.—I did not hear you speak on the subject.

Q. from the Judge Advocate—What quantity of grain had Longtin brought to the mill?

A.—I do not know.

PIERRE LEDUC, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner, Longtin—How long have you known me; what were my habits, character, and disposition, previous to the occurrence of the late troubles?

A.—I have known you for twenty-six years; your character, disposition, and habits, before the rebellion, were good.

Q. from the same—Did you see me at any, and what time, during the week of the late disturbances at Beauharnois; if so, state when, and under what circumstances?

A.—I saw you at the Presbytery on Thursday, the eighth November last; you were in a cart, with which you had brought provisions for the prisoners confined in the curé's house.

Q. from the same—Did you ever see me in arms at any time during the week of the troubles, or did I, at any time during that period, appear to be in connexion with the armed men assembled at Beauharnois?

A.—I never saw you armed; you did not appear to be in connexion with the armed men; the place where I saw you is a small distance from the village; the parsonage house is out of the village.

Q. from the same—Did you understand me to have brought the provisions you spoke of, from my own house, for the use of the loyalists?

A.—Yes; I understood from yourself, that you had brought the provisions for our use, from your own house; I was a loyalist prisoner in the parsonage.

Q. from the same—What did you understand my political opinions to be, previous to the late disturbances; did you know me as a loyalist or otherwise?

A.—I never had any opportunity of speaking with you on politics.

Q. from the same—Did you ever know me to be an agitator; if I had been such, would you not have had a knowledge of it?

A.—I never knew you to have been an agitator; had you been so, I believe I should have known it; we have been at meetings together, held for electing local officers, and we are near neighbours.

Q. from the same—Did I endeavour to obtain your release from prison ?

A.—You did.

Q. from the Court—Do you know, or did Longtin tell you, by whose orders he brought provisions for the prisoners at the curé's house ?

A.—He told me himself, that it was in consequence of the curé saying that the prisoners, sixty-five in number, would be short of provisions.

Q. from the same—When the prisoner, Longtin, endeavoured to get you released, did you not suppose he had some authority among the rebels.

A.—I did not suppose he had ; but in the early part of the day he said, at the curé's house, in answer to my enquiry, whether I could not be liberated, on the condition of not moving from my own house, " We shall see about it ; there is some talk of sending you to the Côte, but we shall do our utmost to prevent your being sent to Napierville (Côte.)

Q. from the same—Did you understand that the provisions brought by Longtin, were a gratuity from himself, or was he to receive value for them ; state the description of provisions ?

A.—I understood he gave them gratuitously ; the provisions consisted of bread and meat ; he was charitable enough to give them.

FRANÇOIS LABELLE, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Longtin—How long have you known me ; and during that period, what appeared to be my political opinions in regard to the Government ?

Answer—I have known you for twelve years ; I always understood you to be in favour of the established Government.

Q. from the same—Did you see me on the seventh November ; where was I ; was I armed ; did I speak of the troubles, at that time, and what did I say, and what was I doing ?

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A.—I did see you at the mill, near Beauharnois, where I had gone for my own business ; you had a cart, and so far as I could see, were not armed ; you declared you were very sorry to see people engaged in such disturbances, that they could not succeed in gaining their ends ; you appeared to have come there for flour ; there was a great press of business, as flour was being ground for the patriots.

Q. from the same—Did you see me on the eighth November ; where was I going ; had I a cart, and what was in it, if any thing ?

A.—I did see you ; I met you on your way to the Presbytery, with a cart containing, as you stated, provisions for the prisoners there.

Q. from the same—Did I tell you, upon that occasion, for what object I was conveying the provisions to the prisoners, and whence I had brought them, or where I procured them ?

A.—You said you had visited the Presbytery on the preceding day, and that the prisoners told you they were short of provisions, because the patriots refused to furnish them with any ; you, however, as you said, had undertaken to do so ; you added, that you were bringing the provisions from your own house.

Q. from the Judge Advocate—Where were you, during the week of the troubles, and how were you occupied ?

A.—At home, three quarters of a league from the village of Beauharnois, except twice, when I had occasion to visit the village on business.

Q. from the same—On what days did you go to the village on business, and did you experience any molestation from the rebels ?

A.—On Wednesday and Thursday, the seventh and eighth November ; I did not experience any molestation from the rebels ; I had reported myself sick, in order that I should not be compelled to join them.

Q. from the same—On entering Beauharnois village, were you questioned by any body, and by whom ?

A.—I was asked by the guards where I was going, and on my saying I was going about my business, they allowed me to proceed.

Q. by the Court—When you saw Longtin at the mill, on the seventh, did you see any armed men in the mill?

A.—I saw none at the mill.

Q. from the same—How long before the breaking out of the troubles did you report yourself sick, and how did you know they were going to take place?

A.—I did not know it until Monday, the fifth, when persons stopped at my house to take me, and I then represented myself sick.

ANDRE LONGTIN, son of the prisoner, Longtin, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Longtin—Have you any, and what knowledge of armed men having come to my house on the fourth of November last; if so, state for what purpose they came, and what they said and did?

Answer—On Sunday morning, the fourth of November, before daylight, two men, one armed with a scythe and the other with a gun, knocked at the door; my brother opened the door, and they came in, called for you, and said to you, “You must prepare to march with us to take the village of Beauharnois;” they said also, “You must come, if not willingly, we will use force;” These two went away, and, in about half an hour, ten other armed men came, and said, “Those who will not come with us, will be murdered, and their houses will be burned;” you went with them, and after an hour’s absence returned to the house; I then saw you make your way to a small wood; you returned to the house, at twelve o’clock, to dinner, and slept at home that night; on the following morning, you went to the mill with your cart, but there being too great a press of business there, you could not get your flour, and returned home.

Q. from the same—Do you know for what purpose I went into the little wood?

A.—I am not positive, but I think to hide yourself.

Q. by the same—Where did I generally remain during the week of the disturbances at Beauharnois ?

A.—On the morning and evening you were at home ; during the day, we (my brother and self) were in the fields, for fear of being taken, and I cannot say where you were.

Q. by the same—At what distance from the village of Beauharnois is my house ?

A.—About three quarters of a league.

Q. by the Judge Advocate—Where is your brother alluded to ?

A.—He is outside, a witness, about to be called on.

Q. by the same—Were you not in the garret when the ten armed men came for your father ; if so, how could you have heard the threats which you have stated to have been used to him.

A.—I was in the garret ; the men spoke very loud, and we listened through the floor.

Q. by the Court—How far is you father's house from the mill ?

A.—Three quarters of a league.

Q. from the same—Was your father at home during the seventh and eighth of November last ?

A.—He was at home, morning and evening, as I have before stated.

Q. by the same—When your father returned home, did he say what had occurred at the village, or if it was taken ?

A.—He did not speak on that subject.

Q. by the same—Did your father sleep every night at his own house during the week of the troubles ?

A.—He did.

ANGELLE LONGTIN, daughter of the prisoner, Longtin, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows ?

Question by the prisoner Longtin—Have you any, and what knowledge of armed men having come to my house on the fourth of Novem-

ber last ; if so, state for what purpose they came, and what they did and said there ?

Answer—About one o'clock on the morning of the fourth of November, two men armed with guns, came to the house ; on entering the house, they inquired for you ; you rose, and came forward to meet them, and said you would have nothing to do with the taking of the village ; a second time, ten armed men came, saying they would burn the house and put you in prison if you did not come.

Q. by the same—Where did I generally remain during the week of the disturbances ?

A.—You remained more at the house than elsewhere.

Q. by the same—Did I go to Beauharnois mill during that week ; if so, state how often, and for what purpose ?

A.—You had caused flour to be made there, and went there thrice ; once to take wheat there, a second time to bring flour, and on a third occasion to take provisions to the prisoners at the Presbytery there.

Q. by the same—Where did I take those provisions from, and what did they consist of ?

A.—They consisted of meat and bread ; you took them from our house to the Presbytery.

Q. by the same—When the armed men came a second time, did I go with them ; if so, how long did I remain absent, and what did I say when I returned ?

A.—You went a moment after they had left, and remained absent about an hour ; you stated on your return, that you had made your escape from them.

Q. by the same—Were the armed men, or any of them, still about the house when I left ?

A.—There were none in the house, and I do not know whether there were any about the house.

Q. by the same—Did you see me during the week of the disturb-

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ances, or at any other time, armed, or in connexion with the armed bodies at Beauharnois ?

A.—No.

Q. by the Judge Advocate—Do you mean to say that your father went away alone, after the armed men left the house ?

A.—I saw him go alone, perhaps a quarter of an hour afterwards ; the time was very short ; I do not exactly know how long.

Q. by the same—You have two brothers, one of whom gave evidence this day ; where is the other ?

A.—I have three brothers ; one gave evidence, another came who was not examined, and the third is at home.

Q. by the same—Which of your brothers opened the door of your house to the men who knocked on the morning of the fourth of November last ?

A.—I was not up myself, and I cannot say which.

Q. by the same—Did your father dine at home every day during the week of the troubles ?

A.—He did not dine at home on the days he went to the mill and to visit the prisoners ; he supped at home every night.

Q. by the Court—Was your father at home during the seventh and eighth, and did he sleep at home every night during the week of the troubles ?

A.—Tuesday and Wednesday he went for his flour to the mill ; on Thursday he took provisions to the prisoners ; he slept at home every night.

Q. by the same—May you not be mistaken with regard to the manner in which the two men you first alluded to were armed ?

A.—I know that one was armed with a gun ; the other had something in his hand, I cannot say what.

Q. by the same—Were you yourself actually at the mill of Beauharnois at the same time with your father, or did you at any time see him there ?

A.—I was not at the village of Beauharnois during the troubles, nor did I see him there.

PIERRE GENDRON, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Longtin—How long have you known me; at what distance do I reside from your house; how was I occupied immediately previous to the late disturbances?

Answer—I have known you for twenty-six years; you are my neighbour; before the troubles, you were occupied by your agricultural labours.

Q. by the same—Did you see me at Beauharnois mill on any and what day during the week of the troubles; if so, state whether I was armed, or appeared to have any connexion with the armed force then assembled there?

A.—I saw you one day, about the middle of the week; you were not armed; you did not appear to be connected with the armed force.

Q. by the same—Had you any conversation with me respecting the rumours of approaching disturbances, which were afloat in our neighbourhood, previous to the late outbreak; if so, state what was my opinion respecting them, and how I expressed myself with regard to the Government?

A.—We have conversed together, and your opinions were loyal; you were opposed to the threatening troubles, saying, you would never march.

CATHERINE BAYER, spinster, of St. Clement, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows:—

Question from the prisoner Prevost—Did you see me on the night of the fourth of November; if so, at what hour, and what did I say upon that occasion?

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Answer—I saw you at one o'clock, on Sunday morning, at our house, in Beauharnois; you said, on entering, that you came there to conceal yourself; that the rebels had taken the village, and that you wanted to hide yourself in the cellar; you remained in the house until five o'clock in the morning.

Q. by the same—Did I leave your house that morning; if so, at what hour, and where did I state I was going?

A.—You left at five in the morning, and said you were going home to attend to your business, and look after your family.

Q. by the same—Do you know Robert Fenny, of Beauharnois; if so, what are his habits and general character?

A.—I do know him to be a man who is often intoxicated, and he has the reputation of being addicted to drinking.

Q. by the same—When I went to your house, on the morning of the fourth of November, was the village of Beauharnois taken?

A.—When you arrived the village was not taken; it was taken whilst you were in the house.

Q. by the Judge Advocate—Are you related to the prisoner, Prevost?

A.—No; I am his friend, but not his relation.

Q. by the same—In whose family do you reside; or do you live by yourself?

A.—I live at home, with my father and mother.

Q. by the same—Who informed you that the village was taken; was it the prisoner, Prevost?

A.—We heard the people outside declare that the village was taken; Prevost did not say so.

Q. by the same—Did the prisoner, Prevost, tell you that it would be taken that night, or the following morning?

A.—At one o'clock, on Sunday morning, when he came, he said he must hide himself, as the people of St. Martine wanted to take the village.

Q. by the Court—Did you yourself ever see Fenny *derangé*, in consequence of drink ; if you have, say when, where, and how often ?

A.—I have often seen him intoxicated, at our house, when we kept a tavern.

Q. by the same—Is not Robert Fenny living in the service of Mr. Brown, and can you say how long he has been so ?

A.—He has been in his service for ten or twelve years, and is so now.

Q. by the same—How long have you lived in the village of Beauharnois, and how are you employed ?

A.—I have lived there for seventeen years ; I have resided with my parents, who, until lately, have kept an inn.

ANGELLE DELISLE, of the parish of St. Clement, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Prevost—Were you not living in my house on the third November last ; how long, and in what capacity did you reside there ; how was I occupied immediately previous to the late disturbances ?

A.—I was residing in your house then, and had resided there for a year in the capacity of servant ; immediately previous to the troubles you were quietly engaged at your business.

Q. by the same—Did any one, and who, call at my house, on the night of the third of November last, to give any, and what, information ; if so, state what I did immediately after the intelligence was conveyed to me ?

A.—No one came to give you information ; some of the rebels came and gave you a sword to act as Captain ; this was about two o'clock on Sunday morning ; you said “ No, I will not meddle with affairs that do not concern me ; ” you declined taking the sword.

Q. by the same—Did I, on Sunday, the fourth November, appear in any way connected with the armed men in the village ?

A.—You did not speak to any of them, nor have any connection with them.

Q. by the Court—Are you quite sure that the sword was offered to Prevost at two o'clock on Sunday morning, and had you any means of ascertaining the hour?

A.—The village was taken at two o'clock, and after it was taken the sword was offered to Mr. Prevost; it was on his return, at five in the morning, that the sword was offered to him; I knew the hour by the clock in the house.

Q. by the prisoner Prevost—What did I do immediately on my return?

A.—You fed your cattle.

Q. by the same—Was my house taken possession of by any persons, and who, on the morning of the fourth of November last; if so, state when, under what circumstances, and whether I was in my house or absent?

A.—The village was taken at two o'clock, and immediately the rebels took possession of your house; you were absent at the time; they went from room to room, and took what they pleased, in spite of Mrs. Prevost (your wife) and a servant girl there.

Q. by the same—Were they refused entrance into the house when they first came?

A.—Yes; the Mistress and all those in the house were desirous of sending them away; but they made themselves masters of it.

Q. by the same—When I returned what did I say on seeing my house in possession of the people of St. Martine?

A.—You told them four or five times to leave your house, which they refused to do; they stated that you ought to esteem yourself fortunate at being allowed to remain quiet in your house.

Q. by the same—Did you remain in my house during the whole of the week of the disturbances; if so, say whether you saw me armed during that time?



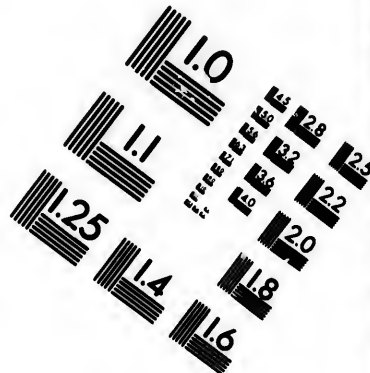
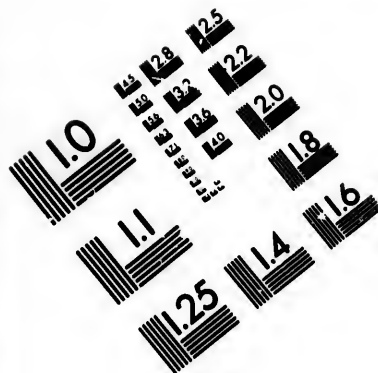
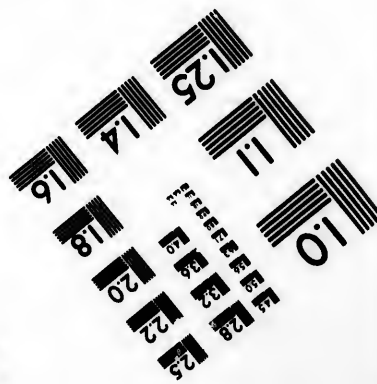
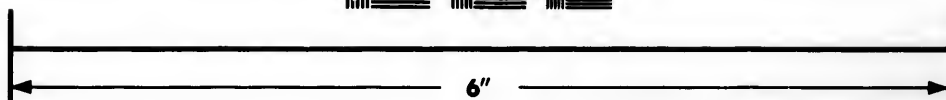
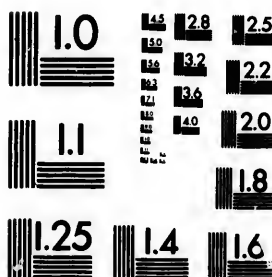


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A.—I was at your house during the whole week, and never saw you armed.

Q. by the same—During that week did you ever hear me beg the patriots to take the prisoners out of my house ?

A.—You did ; you told the patriots to let the prisoners go, and return to their own homes.

Q. by the same—Was I at home on Friday the ninth of November last ; if not, when did I leave home, and when did I return ?

A.—You were not at home on that day ; you had left home on Thursday morning, and did not return until Friday, during the night, about twelve o'clock.

Q. by the same—How was I dressed during the week of the disturbances ?

A.—As you are now, in a coat of black velvet, and an over-coat of black rateen.

Q. by the same—Did you ever see me dressed in a Canadian cloth coat, (*bougran d'etoffe*) during the week of the troubles ?

A.—I did not see you, and you did not own one.

Q. by the same—During the whole of the week of the troubles did I appear to be master of any thing in my house ?

A.—You were deprived of every thing, and like a man cast out.

Q. by the same—By whom was my house frequented immediately previous to the breaking out of the troubles ; did the English loyalists come to it as well as the Canadians, considered as patriots ?

A.—By both alike.

Q. by the same—Do you know John Ross, trader, of Beauharnois ; if so, state whether you heard him saying anything against me lately ; when and what was it ?

A.—I know him ; I heard him speak ill of you, before and after the troubles ; he said he had borne you ill will for a long time, that though he had not succeeded in getting you hung before, he would succeed at last.

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Q. by the same—Do you know Robert Fenny, of Beauharnois ; if so, state what are his habits and general character ?

A.—I do know him ; he is in the habit of getting drunk, and I have seen him drunk almost every day at the tavern where I was ; he has the reputation of being a drinker, and of causing harm to be done to others.

Q. by the Judge Advocate—What is your age, and do you know the obligations of an oath ?

A.—I am nineteen years old ; when I take an oath, I must tell the truth, or I shall be damned.

Q. by the same—Do you still reside at Mr. Prevost's house or in his family ?

A.—I do not reside in his house or family at present.

Q. by the same—Have you had any conversation with any of the prisoner, Prevost's, friends, respecting the evidence you were to give in this cause ?

A.—No.

Q. by the same—How was Prevost employed on Sunday, the fourth November last ?

A.—He said his prayers, and read all the day ; he also fed his cattle.

Q. by the same—Did any rebels come to the house of Prevost, in the course of Sunday ?

A.—They took possession of it at five o'clock in the morning, and held possession of it all day.

Q. by the same—In what apartment did Prevost spend the day reading ?

A.—I did not remark the room ; he moved about the house with a book in his hand.

Q. by the same—While so reading, did the prisoner, Prevost, find himself in the company of the rebels ?

A.—They were scattered through the house, and he walked

amongst them ; there might have been about a hundred of them in the house ; they were quietly warming themselves in the house.

Q. by the same—Will you swear that you never saw Prevost among the armed rebels, when assembled in rank ?

A.—I will swear I never saw him so.

Q. by the same—How was Prevost occupied during all the week of the troubles, except when absent, as you have stated ?

A.—He was making up his accounts, and selling drink as usual, to those who had money to pay him.

Q. by the same—Do you know where Prevost went to on Thursday morning ?

A.—I believe he went on his own affairs, to collect money ; I do not know exactly where he went to.

Q. by the same—Did he, at the time of his departure, state where he was going to, or on his return where he had been ?

A.—He stated he was going to collect money, without saying where, and on his return did not say where he had been.

Four o'clock.—The Court adjourns until to-morrow morning, at ten o'clock.

FIFTH DAY, Thursday Feb. 14—ten o'clock, A.M.

The Court meets. Present, the same members as yesterday.

Examination of ANGELLE DELISLE continued.

Question by the Judge Advocate—When, where, and under what circumstances did Mr. Ross say that he would succeed at last, in getting the prisoner, Prevost, hung ?

A.—About fifteen days before the disturbances, in his own (Ross's) store, on the occasion of a dispute with other persons ; he said so again on the twelfth of November, also in his own store, where I had been to purchase some articles ; he said so on the last mentioned occasion,

speaking of the rebels and prisoners ; there were present Monique Henau, and perhaps ten more persons, whose names I do not recollect ; I did not know these people ; I do not remember whether, on the first occasion, there were any other persons in the shop, except myself.

Q. by the same—Did you remain continually at your mother's, at the river St. Louis, after leaving the village of Beauharnois, on the tenth, as you have above stated ?

A.—I did ; I left Prevost's house on the tenth, at six, P. M., and have remained at my mother's ever since.

Q. by the Court—Did you ever see any person threaten Prevost, or compel him by force to do anything, during the week of the troubles, or did he go on in the usual manner, giving out liquor, &c. as at other times ?

A.—He was told that if he would not act, his house would be fired ; one of the rebel leaders wanted to make Prevost a Captain, and he (Prevost) would not consent ; he acted in his usual manner, selling liquor, &c. &c.

Q. by the same—Was there any unusual number of travellers, or other persons, in Prevost's house, on the night of the third November last ?

A.—There were none but servants.

Q. by the same—Did Prevost leave his own house on Saturday night or Sunday morning ; if so, at what hour, and at what hour did he come back ; was he sent for ; and if so, by whom ?

A.—He did ; I think about twelve o'clock, and returned at five in the morning ; no one went for him ; he went out to feed his cattle on his return ; when he went away at midnight it was of his own accord, and to conceal himself.

Q. by the same—Will you swear that there were no armed men in Prevost's house, prior to two o'clock on Saturday night or Sunday morning.

A.—There were none there before that hour.

Q. by the same—As they were all so quiet in Prevost's house on the Saturday night, why should he have gone out at that unusual hour ?

A.—Because an English courier had informed Mr. Ross that Chatcauguay was taken by the rebels, and that those from St. Martine were coming to take Beauharnois.

Q. by the same—How did you know this ; and at what hour ?

A.—We heard the information with our own ears, about twelve o'clock.

Q. by the same—When was it one of the rebel chiefs wanted to make Prevost a Captain, and he refused ; were you present when this happened ; if so, where did it take place ?

A.—On Monday of the week of the troubles ; I was present in his own house when it happened, at breakfast time, about nine, A. M.

Q. by the same—Did you, during the week of the troubles, see any of the prisoners now before the Court, in Prevost's house ; and if so, how employed ?

A.—I saw the prisoners, Papineau, Rapin, Bourbonnois, and Gagnon, all unarmed ; they were all quietly warming themselves ; I am sure of having seen them once ; but I cannot say if more than once, or on what day.

Q. by the same—Was Prevost offered the appointment of Captain a second, third, or fourth time ?

A.—The offer was repeated several times at the same time, and they quarrelled with him because he refused.

[The witness' testimony is here read to her, and she adds that the prisoners' counsel examined her on the evidence she was to give, and warned her to speak the truth.]

MONIQUE HENAU, of St. Clement, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

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Question from the prisoner Prevost—Did you ever live with me, in the capacity of servant ; if so, how long did you live with me ?

Answer—I was in your service for five months, from the month of May till after the troubles ; I left your house on the tenth of November last.

Q. from the same—Did you see me on Saturday, the third November ; if so, what was my conduct on that day ; was there anything unusual in it ?

A.—You sold liquor at your bar, and there was nothing unusual in your conduct.

Q. from the same—Did any person come to my house about midnight on Saturday ; if so, did they give any alarming information, and what ?

A.—Some person on horseback came to the door, and asked for Mr. Brown's house ; we afterwards heard him knock at Mr. Ross's door, and we went up stairs to hear what was said, when we heard him say, that Chateauguay was taken, and that the people of St. Martine were coming to take Beauharnois ; we were four in number, three females and a boy, who went to listen.

Q. from the same—Have you any knowledge of my leaving my house on Saturday night ; if so, do you know the cause and the hour of my leaving ?

A.—You did leave it about twelve o'clock ; you were told what the courier said, and you rose and went out, as I suppose, to avoid the people who were coming, but you did not say so.

Q. from the same—You state that I left my house on Saturday night ; how long did I remain absent upon that occasion, and what occurred at my house during my absence ; if anything, state it briefly ?

A.—You remained absent about five hours ; about half-past one or two o'clock, two persons came to your house and asked for you ; about an hour afterwards, a number of armed persons came and ordered the

door to be opened ; they entered, and took possession of the house and everything in it.

Q. from the same—You state that on the night of the third of November, a body of armed men came to my house, and took possession of it ; did they, upon that occasion, make mention of me ?

A.—I only heard them enquire for you.

Q. from the same—When I returned in the morning, what was the state of my house inside, and what did I say on that occasion ?

A.—You found it full of people ; I heard you say nothing, but I perceived that you were much amazed.

Q. from the same—Were there any persons confined in my house during the disturbances ; if so, how many were there, and when were they brought to my house ?

A.—There were fifteen from the steamboat, and three or four from the village, and were brought there about four o'clock on Sunday morning ; they were brought there by about one hundred armed men.

Q. from the same—You state that there were prisoners taken to my house ; was I present when they were brought, and what did I say on that occasion ?

A.—You were in your yard ; you said to me, that you were exceedingly amazed to see your house so employed ; this was about seven o'clock.

Q. from the same—Did I express myself opposed to the imprisonment of these individuals ?

A.—You said nothing in my presence, except that when I asked if the prisoners were to have breakfast, you replied, " Yes, give them the best you have."

Q. from the same—Are you aware that the prisoners paid me for their entertainment, during the time they were in my house ?

A.—I do not know.

Q. from the same—Have you any knowledge that a sword was

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offered to me on Sunday morning, the fourth ; if so, state what reply I made to that offer ?

A.—I know nothing about it.

Q. from the same—Did you see any unusual number of persons in my house on Saturday, the third November, or in the evening thereof ?

A.—There were none, but the usual number of villagers, who came in the afternoon and evening ; the doors were closed at nine o'clock, and none came in afterwards.

Q. from the same—Were the window shutters of my house closed on Saturday night, the third ; if so, at what hour were they closed ?

A.—Before nine o'clock they were all closed ; I saw them shut.

Q. from the same—How was I occupied on Sunday, the fourth November ; did I appear to be in good terms with the armed men then occupying my house ?

A.—You were occupied as usual ; you did not speak to the armed men.

Q. from the same—Do you know where I was during the week of the troubles, and how I was occupied ?

A.—You were at your own house, except on Thursday, on which day you left it at about seven o'clock ; I did not see you again until Sunday morning ; when at home, you were occupied as usual at your bar, and occasionally in the kitchen.

Q. from the same—Did you know John Ross, and did you ever hear him speak ill of me ; if so, state what you heard him say ?

A.—I do know him ; I have heard him say, that though he had failed to get you hung before that time, he would succeed now.

Q. from the same—When and where did you hear Ross make use of these expressions, and who was present on that occasion ?

A.—During the week following the troubles, in his own store ; Angelle Delisle, (the last witness), Madame Deau, Madame Bonpetite, and several others, were present.

Q. from the same—Do you know Robert Fenny, and if so, what is his general character and reputation ?

A.—His general character is that of a drunkard.

Q. from the same—Did you see me during the week of the troubles, dressed in a coat of grey Canadian cloth, (*bougran d'etoffe du pays*)?

A.—I never saw you wear one; you do not own one.

Q. from the same—Have you known me, since you were in my service, to own such a coat, either a *gilet*, *habit*, *surtout*, or *bougran d'etoffe du pays*?

A.—I have not.

Q. by the prisoner Roy—Do you know me, or did you see me during the troubles at Beauharnois?

A.—I do know you, but did not see you there during the week of the troubles.

Q. by the same—Were you about the bar of Prevost's tavern during any part of the day of the fifth November?

A.—I was in the bar.

Q. by the same—Do you think I could have come there, and have purchased any liquor without you seeing me, or being aware of the fact?

A.—You could not have come without my seeing you; I passed backwards and forwards the whole day.

Q. by the Judge Advocate—Was it at four or seven o'clock on Sunday morning, that Prevost expressed his dissatisfaction at seeing his house taken possession of by the rebels?

A.—It was towards breakfast time, when I first saw the prisoners, about seven o'clock.

Q. by the same—Did you see Prevost much occupied, praying and reading, during Sunday, the fourth November?

A.—I saw him move about, but did not see him read or pray; though I was principally in the kitchen, yet I moved about constantly in the other parts of the house.

Q. by the same—For what reason did Angelle Delisle leave the house of Prevost?

A.—We both left his service when the house was burned.

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Q. by the Court—Did you hear any one tell Prevost what the man on horseback said ; if so, who told him, and do you understand English ?

A.—I did not hear any one tell Prevost ; Mrs. Prevost told me that she had told him ; I neither speak nor understand English.

Q. by the same—Who were the persons with you, who went up stairs to hear what the man said, at Mr. Ross's, on the night of the third ?

A.—Mrs. Prevost, Angelle Delisle, myself, and a little boy.

Q. by the same—Do any of these persons speak or understand English ?

A.—Mrs. Prevost understands English ; the man on horseback spoke English ; Angelle Delisle does not understand English, but she may know a word here and there.

Q. by the same—Do you mean to swear, that you were so *instantly* at the bar of Prevost's house, during the whole of Monday, the fifth November, that Roy could not possibly have been at the bar without your having seen him ; were you not absent from the bar a quarter of an hour at one time ?

A.—I was never absent from the bar for more than four or five minutes, and I do not believe he could have come without my seeing him.

Q. by the same—At what hour does Prevost close his house at night, *generally*, and was the house closed on the night of the third November earlier than usual ?

A.—When there were no persons there, he closed it at nine o'clock, and later when people were there.

Q. by the same—Was there much liquor drunk at the bar of Prevost's house, on Monday, the fifth, or was the house visited by any number of persons more than ordinary on that day ; if so, state, to the best of your knowledge, what was the greatest number collected there at any one time ?

A.—Those who had taken possession of the village, also had pos-

session of the house ; to the best of my knowledge, there might have been one hundred and fifty at the house at one time ; I cannot say if there was much liquor drunk, but doubtless there was more than usual.

Q. by the same—Did you see any of the prisoners now before the Court, at Prevost's house, during the week of the troubles ; if so, what doing ?

A.—I saw none but Prevost.

OVIDE LEBLANC, of St. Clement, notary, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Roy—Do you know me ; how long have you been acquainted with me, and what is my general character and reputation ?

A.—I have known you for twelve or thirteen years ; your character and reputation are good.

Q. by the same—Is it to your personal knowledge that I was for several years a church warden at St. Clement, and a person of considerable property ?

A.—It is.

Q. by the prisoner Longtin—How long have you known me ; what are my habits and general character ?

A.—I have known you for twelve or fourteen years, and your habits and character are good ; nor did you, to my knowledge, ever meddle with politics.

Q. from the same—Did you see me during the week of the disturbances ; if more than once, when did you last see me ?

A.—I saw you, I believe, four times, and for the last time, on Saturday, tenth November.

Q. by the same—Where was I when you saw me on Saturday, the tenth ; state succinctly what then took place

A.—The first time I saw you was at the Presbytery, and secondly I saw you at the bridge over the St. Louis ; you had come to the Pres-

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bytery with one Captain Joseph Roy, to liberate me and Mr. Masson, and you promised to interest yourself in behalf of Leduc, and also of Mr. Roach, Presbyterian minister of Beauharnois ; when at the bridge of St. Louis, you were with several persons, some of whom, I think, had guns.

Q. by the Judge Advocate—Are you not aware that Longtin held some command, or exercised some authority, among the rebels ?

A.—I have no personal knowledge of it.

Q. by the Court—Did you not know when Longtin came to liberate you and promised to interest himself for you and others, that he must have had some authority with the rebel party ?

A.—In doing so, I well believe he was connected with the rebels, but what authority he had I know not ; what induced me to believe he had no authority, was, that he promised to intercede for us.

NARCISSE HENAU, of St. Clement, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Longtin—Did you live with me at the time the disturbances broke out ; do you know that persons came to my house on Sunday morning, the fourth November, and made use of menaces to make me go with them ?

A.—I did reside with you then ; two persons came to your house on Sunday morning before day, one armed with a gun and another armed with a scythe, and said, if you did not march like the rest, they would kill you, or put you in prison and burn your house ; you did not go ; at daylight, about seven o'clock, another armed party of ten men came and used the same threats ; I heard this from the garret where I had concealed myself ; you left, but whether with the party or not I cannot say ; you returned in about an hour.

JEAN BAPTISTE POINER DIT LAFLEUR, of St. Clement, blacksmith and farmer, having been brought into Court, and the charge read to him he is duly sworn, and states as follows :—

Question by the prisoner Roy—How long have you known me, and what is my general character ?

Answer—I have known you for twenty-six or twenty-seven years ; you are a truly worthy man, and enjoy an excellent reputation ; you were chosen church warden on account of your good character.

JEAN BAPTISTE BRANCHAUD, of St. Clement, bailiff, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Prevost—Were you, during the troubles, a prisoner in my house ; if so, what was the treatment you received from me, and did I appear opposed to the rebels ?

Answer—I was a prisoner in your house, and well enough treated by you ; you gave me three meals daily ; I entered your house on Tuesday morning, and left it on Saturday, when the Queen's troops entered ; by your acts and conversation, you appeared to be opposed to the rebels, and you did not seem to be master in your own house.

Q. by the Court—Did you see any of the prisoners before the Court at Prevost's house during the week of the troubles ?

A.—I saw the prisoner, Longtin, once at Prevost's house ; also, David Gagnon, several times ; he was armed with a sword ; I saw Rapin twice ; he slept at Prevost's house, and was with the rebel party.

ANTOINE PELTIER, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Prevost—Have you any knowledge of any one coming to my house during the troubles, to ask for powder, and what was my reply ?

Answer—On Tuesday or Wednesday, in the morning, I was present when a person came and asked you for some gunpowder ; you replied very angrily, and told him to go about his business ; I do not know the person.

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Q. by the Judge Advocate—Were there any armed rebels, at the time you speak of, in Prevost's house, and what were you doing there?

A.—There might have been about twenty-five or thirty men; I went there for rum and candles for the use of my wife, who was sick; I was free and not a prisoner.

Q. by the same—Were not the rebels at this time in possession of Beauharnois?

A.—They appeared to be in the village; I cannot say whether they had possession of it; I did not see any armed men when I passed through the village?

Q. by the same—Were there any guards at the entrance of the village, and how far do you reside therefrom.

A.—I entered at the rear of the village, and saw nothing; the ordinary road to enter the village passes the church, but, as I was on foot, I took the short cut; I live about a league and a quarter from the village.

Q. from the Court—Did the person you speak of come to buy powder, or did he wish to take it; was he armed, a rebel, or a loyalist?

A.—He demanded powder; I did not see him armed; I cannot say whether he was a loyalist or a rebel.

Q. by the same—What were the twenty or thirty men doing in Prevost's house, at the time you speak of, and were any of them acquaintances of yours?

A.—I saw them doing nothing; I did not remark whether there were any of my acquaintances or not; I was in a hurry and went away.

Q. by the same—Why did this man go to Prevost's for powder, and is Prevost in the habit of selling powder?

A.—I do not know.

Q. by the same—How happens it that you were at liberty to do as

you pleased during the time you were at Beauharnois, when every man was either a rebel or a prisoner in it.

A.—Because I had concealed myself when the disturbances broke out ; I ran away ; I went in and out of the village without molestation.

NARCISSE FOURNIER, of St. Clement, joiner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Prevost—Did you see me on the night the village of Beauharnois was taken by the people of St. Martine ; if so, state at what hour, and under what circumstances ?

Answer—About one o'clock you came to the house of Nicolas Bayer, where I was, and said, " Hide me and hide yourselves."

Q. by the same—Have you any knowledge that I concealed myself in Bayer's house ?

A.—You opened the cellar door, but I do not know whether you concealed yourself or not ; I ran away, and hid myself.

Q. by the Judge Advocate—Why did Prevost select Bayer's house to conceal himself, in preference to any other, instead of his own ?

A.—I cannot say.

Q. from the same—How long did Prevost remain in Bayer's house, and how long yourself ?

A.—I cannot say how long he remained ; I remained under the bed until daylight.

It being four o'clock, the Court adjourns until to-morrow morning, at ten.

SIXTH DAY, *February 15, ten o'clock, A.M.*

The Court meets. Present, the same members as yesterday.

PIERRE NORMAND, of Soulanges, joiner, having been brought into

Court, and follows :

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Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Rapin—Did you ever live with me as servant, when, and how long ; during that period, did it appear to you that I attended or was in connexion with any political societies ?

Answer—I resided with you for about two months, from the month of August last ; I never knew of your having anything to do with political societies.

Q. by the same—Were you at my house on the third of November ; was I at home during that day, and how was I occupied ?

A.—I was at your house on that day, and saw you occupied at your bar.

Q. by the same—Was there any unusual number of persons at my house, on the third ?

A.—No.

Q. by the same—Have you any knowledge of where I was, and how I was occupied, on Sunday, the fourth ?

A.—I do not know ; I was at home.

Q. by the same—Were you at my house on Monday, the fifth ; was I at home during that day, and how was I occupied ?

A.—I reached your house, on that day, about ten in the morning, and remained working for you until the next day ; you were occupied as usual, and sometimes assisted me.

Q. by the same—Were you at my house on Tuesday, the sixth ; was I at home during that day ; and did anything in particular occur in the evening of that day ?

A.—I remained the whole week at your house ; on Tuesday or Wednesday you were made prisoner, by four or five young men, armed with guns, who came to your house, and said, they would take me if they did not find you ; they found you, and kept you at your house all night, and took you away the next day ; you were not tied.

Q. by the same—Did I seem very much concerned upon that occasion, and what did I say?

A.—You did; you marched, being afraid that your house would be burned; they were armed, and you were not, so you could not resist.

Q. by the Judge Advocate—How happens it that Rapin was compelled to march, by the five young men, when you disregarded their orders with impunity?

A.—I belonged to another parish, and they had no authority over me; I am an old man, sixty-three years of age.

Q. by the same—Do you know how Rapin was employed, after he had been taken by the rebels?

A.—He returned the next morning, and concealed himself during the day in the woods, and supped at home; I do not know where he slept; I was left in charge of his house.

Q. by the same—Do you mean to say, that Rapin concealed himself every day from Wednesday, until after the rebels left the village, and did you sleep in his house every night.

A.—I do not know what became of him, but I saw him occasionally coming from the woods; I state that he concealed himself, because he told me so; I slept there every night, except one, when a man on horseback came to look for Rapin, who had deserted, as that man stated; he asked where Rapin was, and upon my telling him I did not know, he said, "I will find his house, if not himself;" upon this, I and a young man who had slept in the house, being afraid that the house would be burned, went to a neighbour's house, named D'Arpentigny; this occurred some day after Wednesday of the week of the troubles.

Q. by the Court—Was the wood you saw Rapin coming out of, in the direction of the village of Beauharnois?

A.—No.

Q. by the same—Had a party, of the same description as that which

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came to Rapin's house to take him away, come to you, in your house, and belonging to your parish, should you have considered yourself obliged to obey it ?

A.—I ought not to have marched in such a case, though, through fear, I would have been obliged to do so.

JOSEPH OLIVIER ARCHAMBAULT, Curé of St. Timothé, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Rapin—Did I go to your house on any, and what day or night during the week of the late disturbances at Beauharnois, from the third to the tenth of November last ; if so, state for what purpose, and what occurred on that occasion ?

Answer—You came on, I think, Tuesday morning, the sixth, before daylight ; you came there for the purpose of requesting me to go to Beauharnois, and there meet the Curé of that place, accompany him to Chateauguay, where Messrs. Ellice, Brown, and others were imprisoned, and entreat their pardon for what had occurred.

Q. from the same—Did I ask you to go to Beauharnois for the purpose also of requesting the persons who were assembled there to disperse.

A.—I do not recollect.

Q. from the same—Did I, on that occasion, express my disapprobation of what was then being done by the rebels at Beauharnois ?

A.—You did.

Q. by the same—Have you any knowledge of my having surrendered myself voluntarily ; if so, state under what circumstances ?

A.—You came to my house on, I think, Thursday following the week of the troubles ; on being interrogated by Major Denny, who was at my house, and whom, I believe, you came to see, you were promised your pardon by him.

Q. by the same—How long have you known me, and what are my habits, character, and disposition ?

A.—About eighteen months ; you are of a mild disposition and good character.

Q. by the same—At what distance is my house from the village of Beauharnois ?

A.—About nine or ten miles.

Q. by the prisoner Gagnon—What are my habits, character, and disposition ?

A.—I have known you for about a year, and though little acquainted with you, I know nothing against either your character or disposition.

Q. by the Court—Were you present when Major Denny promised to pardon Rapin, and were there no conditions attached to such a promise.

A.—I was present ; the condition was, that a man named Prieur should be delivered up ; and the condition was complied with by Rapin and others now in prison.

[The witness, in conclusion, begs to add the following in favour of the prisoner, Rapin :—When I was exhorting my parishioners, in behalf of the established Government, Rapin assisted me in reading papers in which principles of that tendency were contained ; and he risked his life in assisting some loyal volunteers to pass the river from the Cedars to St. Timothé, during the rebellion of 1837 ; he did not succeed in getting them across, from the accumulation of ice in the river.]

WILLIAM FREDERIC WALDEGRAVE, Esquire, of St. Clement, Paymaster to the Beauharnois Loyal Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Bourbonnois—Do you know me ; have you had any, and what opportunity of making yourself acquainted with my character and habits ; if so, state what they were previous to the disturbances ?

Answer—I do know you ; I have always found you of good character and very obliging, and never knew any harm of you during the eighteen months I have resided at Beauharnois ; you were a very quiet man, and, I think, rather weak in intellect.

Q. by the same—In whose employ was I during that time ?

A.—In the Seignior's (Mr. Ellice's) employ.

MARGUERITE BLAIS, wife of Michel Moses, of Montreal, having been called into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Rapin—Were you present when I surrendered myself ; if so, to whom did I do so ; under what circumstances, and if upon any condition, state what it was, and if it was fulfilled ?

Answer—I was ; you surrendered yourself to Major Denny, at St. Timothé, at the parsonage ; Major Denny promised you and others a pardon, if you would deliver up Prieur, which condition was fulfilled.

Q. by the same—Did I go voluntarily to Major Denny ?

A.—Yes.

NARCISSE BRAZEAU, of St. Timothé, carter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :

Question by the prisoner Rapin—When, and under what circumstances did I leave my house on the fourth November last ?

Answer—You left your house on Sunday morning the fourth, at two o'clock ; a body of rebels came to your house and said “ you must march with us,” which you did.

Q. by the same—Did they make use of any, and what, threats to make me go ?

A.—They threatened to shoot you, if you did not march.

Q. by the same—Were they armed, and how many were there ?

A.—They were armed with guns, and five or six in number.

Q. by the same—Did you see me often during the troubles ; how was I occupied generally ?

A.—Every day ; you were occupied about your house and business at home.

Q. from the same—Do you know if I left my house on any, and what day, during the disturbances, and did I return at night ?

A.—You left your house every day to hide yourself, and returned occasionally during the day ; you came during the day, and left at night.

Q. by the Court—How do you know that Rapin went to hide himself ; did you ever accompany him ?

A.—I have seen him sometimes concealed in the concessions, at the house of Baptiste Leduc, forty acres from his own house ; it (Leduc's house) is a shanty in the woods.

Q. by the same—Was Rapin then prisoner in his own house.

A.—He was taken on Tuesday or Wednesday, at a neighbour's house, about seven, P.M. ; they said, " if you do not do as others do, you will be made a prisoner."

MARTIN FORTIER, of St. Timothé, farmer, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question by the prisoner Rapin—Do you live near me, and did you see me during the week of the troubles ; how was I occupied generally ?

Answer—I live about an acre and a half from you ; during one part of the week I concealed myself, and during the other I saw you occupied about your usual work ; I saw you on Sunday, the fourth, and on the sixth or seventh, and the tenth of November last, engaged as usual.

Q. by the same—Did I come to your house during the disturbances ; state when, and what for ?

A.—You came and concealed yourself from the rebels, in my house, on the sixth or seventh, where you were taken prisoner.

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would you say my opinions were, in regard to the established Government?

A.—You always appeared to be a true loyalist.

Q. by the Judge Advocate—Do you know one D'Arpégnigny; is he a neighbour of Rapin's, or where does he live?

A.—I do; he lives about four acres from Rapin's.

Q. from the Court—State the days on which you remained concealed yourself, and where you were concealed, and if alone?

A.—On Monday, Thursday, and Friday; on Monday in the woods, and on the two other days in my hay loft; my mother was with me.

Q. by the same—When the rebels made Rapin prisoner, how was it they did not take you?

A.—I suppose it was because they did not see me at the moment; It was dark, and I got out of the way, without being observed.

BAPTISTE LEDUC, of St. Timothé, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Rapin—At what distance from my house do you reside; did I go to your house on any, and what day during the late disturbances, and for what purpose?

Answer—Forty-five acres; you came, on Monday, the fifth of November, to my house, to hide yourself from the rebels, about dusk.

Q. by the same—When you saw me during the disturbances, what opinions did I express concerning the rebels?

A.—Your opinion was always on the side of the loyalists.

Q. by the same—Did I pass any nights at your house; what nights, and how many?

A.—You slept at my house on the night of the fifth of November.

BAPTISTE HENAULT, of St. Timothé, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Rapin—Did you see me at my house, at St. Timothé, on the fifth ; if so, at what hour did you see me ?

Answer—I saw you on that day, at ten or eleven, A. M., at your own house ; I saw you at the camp, at St. Clement, on Wednesday, where you had been brought a prisoner.

IGNACE GENDRON, of St. Clement, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question from the prisoner Bourbonnois—How long have you known me ; what are my habits, character, and disposition ?

Answer—I have known you since your birth ; your habits and disposition are good, and you had the character of being friendly to the Queen.

Q. by the same—Did you see me on any day during the disturbances, and under what circumstances ?

A.—I saw you every day of the week, passing in the street of the village of St. Clement, always on foot.

Q. by the same—Did you see me, on Wednesday, the seventh, at your house ; if so, state why I went there ?

A.—I did ; you came there, saying, you were afraid of being made prisoner by the rebels, and wished to conceal yourself, which you did, behind some shingles, and remained there twenty-four hours ; I shewed you the way to the garret, being willing to serve you ; you thought you were more secure in my house, I being an infirm old man.

Q. by the same—Do you know why the rebels wanted to make me prisoner ?

A.—They wanted to make you prisoner, because they wanted you to march, and because you had taken letters to Chateauguay from Mrs. Ellice.

Q. by the same—Where did I go to when I left your house ?

A.—You went to your own house, about one acre from mine.

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A.—You did ask me, saying, the place was guarded and you were watched, and I told you, that you could not escape in the day time ?

Q. by the Judge Advocate—When you saw Bourbonnois passing every day in the street, was he alone, or was he with any of the armed rebels ?

A.—He was always alone.

Q. by the same—Did you ever see him armed ?

A.—Never.

LEONARD DENAU, spinster, of St. Clement, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Bourbonnois—Where do you reside ; at what distance from my house ; did you see me on the fourth November last ; where, and under what circumstances ?

Answer—At St. Clement, about three acres from your house ; I saw you at our house, about three or four o'clock, P.M., on the fourth November ; you came there to hide yourself, and we concealed you ; you passed the night with us, and left next morning, about six, A.M. ; you appeared sorry at what was going on.

FELICE GENDRON, of St. Clement, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Bourbonnois—Did I come to your house at any time during the troubles ; if so, state under what circumstances ?

Answer—You came and concealed yourself at our house, before twelve o'clock on Monday, the fifth ; you remained there twenty-four hours ; the Canadians wanted to take you, because you had undertaken to carry a letter to Mr. Ellice, as you yourself stated.

Q. by the same—Where were you living at that time ?

A.—At my father's house, in St. Clement.

Q. by the Judge Advocate—Did Bourbonnois conceal himself in your house, and in what manner?

A.—He did ; we put him in a corner of the garret, behind shingles. He only hid himself in our house on this one occasion, to my knowledge ; I always slept at home, and am the daughter of the former witness, Ignace Gendron ; I am certain it was on Monday, the fifth.

Q. by the Court—With whom did the prisoner, Bourbonnois, live, and what was his occupation previous to the third November ?

A.—He had been in the service of Mr. Brown for four or five years, and was still in his service on the third November.

CECILE CAPISTRON, of St. Clement, wife of Benjamin Primeau, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Bourbonnois—Did you live with the last witness, Felice Gendron, during the troubles, and have you any knowledge of my going to your house during that time ?

Answer—I did live with her ; you frequently came there during the week, always in tears, complaining of the Canadians ; you came on Sunday the fourth, on Monday the fifth, and Wednesday, and on every day of the week you stopped at the door ; you slept at the house on Sunday, Monday, and Wednesday nights. I lived all the week of the troubles with Felice Gendron and her father, as I have stated above, and never absented myself. On the three occasions of your sleeping at our house, you came to hide yourself, which you did once in the garret, once under a bed, and a third time behind a cradle, covered with a blanket. Felice Gendron lived all the week, and slept there every night, absenting herself only to visit her neighbours ; on two occasions she was absent for half a day, but generally for an hour or two at a time.

Q. by the Judge Advocate—Did you ever see Bourbonnois, during the week of the troubles, leave the village on horseback, or did he ever tell you he had done so ?

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A.—I never saw him leave it ; he told me on one occasion, he had carried a letter to Chateauguay from Mrs. Norval to her husband, who was a prisoner at Chateauguay ; he added, that he had carried the letter in spite of the rebels, who were very discontented at his doing so ; he said he would prefer death to marching with them.

PASCHAL BOYER, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bourbonnois—Did you see me at Mr. Brown's stables on any, and what day, during the week of the troubles at Beauharnois ; if so, state what you saw me doing there ?

Answer—I did see you once, towards the middle of the week, about twelve, noon ; you were trying to prevent the other Canadians from taking the horses.

Q. by the Judge Advocate—On the occasion mentioned by you, did you see the prisoner, Papineau, there ?

A.—I did not see him.

FRANÇOIS THEBIEGE, of St. Clement, servant, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bourbonnois—Do you know that I was about to be made prisoner by the rebels, during the week of the late disturbances ; if so, state your knowledge thereof ?

Answer—I have heard the rebels say they would take you prisoner, because you spoke too much in favour of the English ; they said this in Prevost's house, where they had brought a man named Branchaud prisoner ; I was assisting Prevost in keeping house.

Q. by the Judge Advocate—Did you repeat to Bourbonnois what the rebels had said about making him prisoner ?

A.—I had no opportunity of seeing him.

Q. from the Court—Did you ever see Bourbonnois in Prevost's house ?

A.—Never ; nor at all during the week.

XAVIER SAUVE', of St. Clement, apprentice blacksmith, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Prevost—Were you at my house during the disturbances ; did you see me, and what did I say and do ?

Answer—I came to Beauharnois to go to mass, on Sunday, the fourth, and, as usual with me, called on you ; I found your house full of people, and I heard you tell them to leave it, saying, you would not consent to have it used either as a barrack or a prison ; they (the rebels) said, “Prevost, hold your tongue, and keep yourself quiet, if you wish to remain in your house, otherwise we will turn you out, and you shall not enter it again.”

Q. by the same—How long have you known me ; what are my habits, disposition, and character ?

A.—I have known you, for six years, to be a good loyalist and a peaceable character ; Mr. Ross (a former witness) and you were partners for three years ; you have the reputation of being a worthy man.

Q. by the Judge Advocate—Do you know when, and for what reason, Prevost and Mr. Ross ceased to be partners ?

A.—It may be about one or two years since they ceased to be partners ; why, I know not.

Q. by the Court—How long did you remain at Prevost's house, and were there any others in it at the same time ; if so, state how many, to the best of your knowledge, and were any of them armed ?

A.—I remained there about an hour, and I saw a great many persons, most of whom were armed ?

Q. by the same—Look at the prisoners, and, on your oath, say if any, and which of them, were in Prevost's house on Sunday ?

A.—I saw none of them.

Q. by the same—How long did you remain in the village of Beauharnois, on Sunday, the fourth of November ?

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A.—I remained about three hours and a half; I experienced no difficulty in entering, or going out of it.

Q. by the same—Was any resistance offered to your entrance into Prevost's house, or did the armed men wish you to join them, and take part in the rebellion?

A.—I had no difficulty in entering, nor did they ask me to join them.

Q. by the same—Did you say you were glad to get out of the village; why were you so?

A.—I was glad to get out of the village, because I was afraid they would take me and make me join them; I did not return to the village, but remained concealed.

Q. by the same—Since they received you as a friend at Prevost's house, and allowed you to enter and quit the village, what had you to fear from the rebels?

A.—I was afraid they would take me with them, as they wanted men.

JOSEPH ROUIDIT PORTELANCE, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Prevost—Did you see me at my house during the week of the troubles; if so, state on what occasion, and what you heard me say to the rebels, then in occupation of my house?

Answer—I saw you on the seventh November last, at your own house, about two, P.M.; I went there to purchase some articles, and heard you angrily order the rebels out of your house, and tell them you were opposed to their views; you used this language repeatedly during the hour and a half I remained there.

Q. by the same—What did the rebels say to me in return?

A.—They told you to beware, and that you had better be quiet; when you replied, I do not care for you, you are a set of madmen.

Q. by the same—Did I give you any, and what advice respecting the course you should pursue in regard to the disturbances, or in case the rebels should order you to join them?

A.—You told me, on the day I was at your house, to keep myself quiet at home as long as possible, and in case the rebels offered me arms, to refuse them, for there was no good in prospect for us.

Q. from the Court—Did Prevost advise you to join the Queen's troops, and act against the rebels?

A.—No, he advised me to be quiet.

It being four o'clock, the Court adjourns until to-morrow morning, at ten o'clock, A.M.

SEVENTH DAY, *Saturday, Feb. 16, 1839, 10 o'clock, A.M.*

The Court meets pursuant to adjournment. Present, the same members as yesterday.

IGNACE TRAPPIER, of St. Timothé, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question from the prisoner Gagnon—Did you see me during the disturbances; how often; when, and what was I doing?

Answer—I saw you once, at Prevost's house, on Wednesday morning, the week of the troubles, at nine, A.M.; you were sitting in a corner, looking very melancholy; I live at the distance of two acres from your house, at St. Timothé.

FRANÇOIS BISSETTE, of St. Clement, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Papineau—Did you see me on Sunday, the fourth, and following days of the disturbances; where, and how was I occupied?

Answer—I did see you, on Sunday morning, about seven o'clock; you were leaving your own house to go to mass; I saw you on Monday, Tuesday, Wednesday, and Saturday following; you were cutting

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wood before your own door, each time that I saw you, except on Sunday, between seven and eight, A.M. ; on Monday and Tuesday evening, I saw you at home, also, on Monday in the forenoon, and never any where else.

Q. by the same—How far do you reside from Beauharnois ?

A.—Two leagues from the village.

Q. by the Judge Advocate—How long does it take to go from Papineau's house to Beauharnois, on horseback ?

A.—An hour, or an hour and a half.

MARGUERITE LACROIX, wife of Antoine Laframboise, of St. Clement, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Papineau—Did you see me on Sunday, the fourth, and following days, of the disturbances ; if so, where, and how occupied ?

Answer—I did see you on that day, about eight, A.M., going to mass, in the parish of St. Clement, where you live ; you returned at noon, and had some holy bread with you, when coming from mass ; you stopped at our house going there ; I saw you during the entire days of Monday, Tuesday, and Wednesday, cutting wood at home, also on Thursday, Friday, and Saturday, going between the wood and your own house ; you were occupied at your usual work, as a blacksmith ; on Monday, you cut a little wood and shod a horse ; on Tuesday, Wednesday, and Thursday, you cut wood all day ; on Friday you threshed a little wheat, and cut a little wood ; on Saturday, you cut wood all day, and was always at home ; you live in the Côte St. Louis, parish of St. Clement, a league and a half from Beauharnois, and I am your neighbour.

Q. by the Judge Advocate—When Papineau went to the wood, how long did he remain there, and will you swear that he did not go somewhere else ?

A.—He stayed, perhaps, two or three hours there, and sometimes

half the day ; I can swear he did not go elsewhere on these occasions ; we heard his axe, the wood being only about an acre distant ; I remained all the time at home.

Q. by the same—Was there any one else cutting wood at the same time ?

A.—His little boy, aged ten years, was with him.

Q. by the same—With what are you usually occupied at home, and have you sufficient leisure to be constantly looking out of the door or window, to observe what is going on outside ?

A.—I have seven children, who give me occupation, the youngest of whom is fifteen months old ; I went out frequently during the day to get water, and also to see what was going on ; my husband, at this time, was in the wood, concealed there.

Q. by the Court—Did you ever see Papineau on horseback, during the week of the troubles ; if so, state what day ?

A.—On Wednesday, he was at Carbon's house, on horseback, and returned in about ten minutes ; he went to Carbon's, who is an Englishman, and lives nine acres off, to get some corn ; I will swear that I never saw him on horseback any other day.

Q. by the same—Might he not have been out on horseback during the night, without your knowledge ?

A.—No ; he and his wife slept at our house every night, as his own house was not finished.

Q. by the same—Do you know Andrew Elliott, and how far does he live from Papineau's house ?

A.—I think I know him ; he lives about a league from Papineau's house, in the same parish, but in another concession.

Q. by the same—How happened it that Papineau remained at home, following his usual occupation, when your own husband was concealed in the wood ; was Papineau free to do as he pleased ?

A.—He had to cut some wood for a person, and if he had not done so, he would have been liable to damages ; when I saw people ap-

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proaching, after noon on Sunday, I sent my husband to conceal himself in the wood ; Papineau went to his own house until they passed, and then he came to ours ; on Monday, four or five men again came, about eight or nine o'clock, A.M. ; they were not armed ; Papineau was at the edge of the wood when they came ; they said, "are you not coming with us," and he replied, "no, I must positively go and cut wood ;" they and he then went away ; Papineau owns a horse and cow, which were kept at our house ; on Monday, when he shod a horse, he was occupied at that work a little more than an hour.

Q. by the same—What made you so particular in watching Papineau's movements ?

A.—I gave myself no particular trouble on his account ; in doing my own work, I was able to attend to others.

CHARLES SERAPHIN RODIER, Esquire, of Montreal, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Perrigo—Have you known me long, and what are my habits, character, and reputation ?

Answer—I have known you upwards of thirty years to be a respectable citizen, good father, husband, and son, and your general reputation excellent.

Q. by the same—Did I, to your knowledge, serve the Government with zeal during the last war ?

A.—You did, to my knowledge.

Q. by the Judge Advocate—Was he not implicated in the rebellion of 1837, and, in consequence, obliged to retire to the States, and when did he return ?

A.—I am not personally aware of it.

Q. by the Court—Do you know Perrigo to be a loyal subject ?

A.—I always understood him to be a high tory and a loyal subject ; and was astonished, when I went to the gaol with a brother magistrate, to see him there ; I never knew him opposed to the Government.

Q. from the same—Is Monsieur Perrigo an inhabitant of the city of Montreal or Quebec, that you use the term *citizen* ; if not, will you explain the meaning of the term, as applied to Perrigo ?

A.—He did hold property in Montreal, and live in the neighbourhood, which is the reason I call him citizen.

ALEXANDER ROLLIN, of St. Clement, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Papineau—Did you see me on Sunday, the fourth November ; where was I going, and was any body with me ?

Answer—I saw you leave your own house on that morning to go to mass, accompanied by your wife ; your house is in the parish of St. Clement, about one league and a half from the church ; I saw you again in your house on that evening.

Q. by the same—Did you see me on Monday, the fifth ; if so, when and where ?

A.—I did see you, at your own house, at all hours on that day ; you were going between your house and shop all day.

Q. by the same—Have you known me long, and what are my habits and general character ?

A.—I have known you for three months ; your habits and disposition are good.

Q. by the Judge Advocate—Where did you remain yourself all day of Monday, the fifth ; how were you employed, and were you in Papineau's company all day ?

A.—At home, three or four acres from Papineau's house ; I was unwell, and did nothing that day ; Papineau was at his own house, and I at mine.

Q. by the same—Were you constantly employed looking out of the door and window, on that day, to see what was going on outside ?

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Q. by the same—Being unwell, did you lie down and sleep during the day of Monday, and how long ?

A.—No ; I was not sufficiently unwell to go to bed.

Q. by the same—Did you see any men with Papineau on Monday, and under what circumstances ?

A.—I did not.

Q. by the same—Did Papineau cut any wood on that day, and did he absent himself to go to the wood, or elsewhere ?

A.—I did not see him cut any, nor leave his house.

Q. by the Court—Did you go to mass on Sunday, the fourth, and why not ?

A.—I was not disposed to go.

Q. by the same—Was the village of Beauharnois in possession of the rebels on the days you speak of, and were you free or a prisoner ?

A.—It was ; I had not been taken prisoner by any one.

Q. by the same—Did anything unusual happen in your neighbourhood on the third, fourth, or fifth November last ; if so, state what occurred ?

A.—I perceived nothing.

Q. by the same—Did you leave your own house on Monday, the fifth of November ; if so, how often, at what hours, and where did you go to ?

A.—I went two or three acres from the house, for wood, twice—once in the afternoon and once in the forenoon ; these are the only occasions on which I left ; I was not at Papineau's house at all ; I saw him moving about his house and shop, when I went to get wood, and also when I went outside for other purposes ; I did not pass by Papineau's house to go for wood.

Q. by the same—How many people were in your house on Monday, and had you no visitors during the week ?

A.—Only myself and wife ; no person but our neighbours came.

ETIENNE LAVOIS, Chaplain to the Bishop of Montreal, having been

brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Prevost—Have you had any opportunity of becoming acquainted with me ; if so, state what are my habits, character, and disposition ?

Answer—I was Curé of St. Timothé from 1st October, 1832, until 1st September, 1837 ; you were my parishioner for fourteen months, in 1832, 1833, and 1834 ; during which time I knew you to be a worthy man, and enjoy a good character, you were of a mild disposition.

JOSEPH D'AOUT, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question by the prisoner Papineau—Are you not a Church Warden ; how long have you known me ; what are my habits, character, and disposition ; did I ever meddle in politics previous to the late disturbances ?

Answer—I was Church Warden three years ago ; I have known you seven or eight years, and your habits and disposition were good ; I never knew you to meddle in politics before the late disturbances.

Q. by the prisoner Charles Roy—How long have you known me ; what are my habits, character, and disposition ?

A.—I have known you for twenty years ; your habits and character are very good, and also your reputation ; you have been often chosen for local offices.

Q. by the prisoner Prevost—Have you had any, and what, opportunity of knowing me ; if so, what are my habits and character ?

A.—I have seen you, at times, at mass, on Sunday, and have had some personal dealings with you ; you are of a good character and disposition, to my knowledge.

Q. by the Court—Were you in the village at any time during the week, from the third to the tenth November ; were you a prisoner, or free.

A.—I was free, and had been sick for two months ; I did not visit the village during that time.

PAUL HEBERT, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Q. by the prisoner Roy—Did you see me during the week of the late disturbances ; if so, state under what circumstances, and if I appeared to have any connection with the rebel force then in possession of Beauharnois ?

Answer—I did see you on Sunday morning pass my door, on your way to mass, between seven and eight o'clock ; I saw you again on Wednesday ; you were on your way from St. Clement, with leather ; I saw you again on Thursday or Friday, with soap under your arm ; I think I saw you again on Saturday ; I did not move from my house ; I know nothing of your connection with the rebels.

JEAN BAPTISTE SAUVAGEAU, of St. Martine, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Perrigo—Did you see me on any day during the late troubles at St. Martine ; if so, state where I was going, what I was doing, and what I said to you ?

Answer—I saw you on Wednesday, the seventh November, in the village of St. Martine, towards two or three, P.M. ; you came for the purpose of getting out of the way of the rebels ; I asked you where you were going, and you said you were looking for a place of concealment from the rebels, who had possession of your house, as forming part of their camp, which was about a league from St. Martine village.

Q. by the same—Did I give you any reason why I could not remain in the woods ?

A.—You said you had left home to pass some days in the woods, but the extreme cold, and your delicate constitution would not permit you.

Q. by the Judge Advocate—Did you ever visit at Baker's Camp ; and if so, how long did you remain ?

A.—Never.

Q. by the same—How long did Perrigo remain at St. Martine, and where did he go to ?

A.—He remained there about three hours ; part of which he spent in an adjoining wood ; I do not know where he went to, I believe he slept in the village ; I did not see him again, nor was he on horseback at the time I allude to.

Q. by the Court—How is it that Mr. Perrigo should have spoken to you, in particular, about his plans of escape ?

A.—Because we met, and I questioned him.

Q. by the same—You say Perrigo came to escape from the rebels, did he not return to them, or why did he not escape sooner ?

A.—I do not know.

ELIZABETH FAUBERT, wife of Louis Leclere, of St. Martine, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Perrigo—Did you see William Brown, of St. Martine, farmer, at your house on any day subsequent to the late disturbances ; if so, state for what purpose he came, and what he said ?

Answer—I saw him about a month ago, at my house, and he asked if we had seen the man who was on the white horse, and if we knew who he was ; he said, “ it is very curious, we cannot find out who the man was ; ” I believe he referred to Wednesday, the seventh November, as the day on which he saw the man on horseback ; Brown said, “ I am afraid I shall be obliged to give the matter up, however, I will make a few more enquiries ; ” I reside about five acres from Baker's Camp, eighteen acres from Brown's house, and eight acres from Perrigo's.

Q. by the same—Did Brown tell you what the man on the white horse had done on the Wednesday of the week of the troubles ?

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Q. by the Judge Advocate—Did not Brown express his firm belief that the man on the white horse, was the prisoner, Perrigo?

A.—No; he said it is supposed that it was Perrigo, but he did not know.

Q. by the Court—Did Brown say why he was anxious to know who the man on the white horse was?

A.—He said he made the inquiry to satisfy himself, not to injure Perrigo or us.

Q. by the same—Is your house between Perrigo's and Baker's Camp, and were you at home on the seventh, eighth, ninth, and tenth of November last?

A.—My house is higher up; on the seventh, I was concealed in the woods, but visited my house occasionally; on the eighth, ninth, and tenth I was in the wood, but did not visit my house; we have some small houses in the wood, in which we resided.

Q. by the same—Did you see Perrigo on the seventh, eighth, ninth and tenth November last; if so, say when, where, and how?

A.—I did not see him at all.

Q. by the same—Did you see the rebels go out to meet the volunteers, on Thursday, and did you see the man on the white horse amongst them?

A.—I did not.

LOUIS LECLERE, of St. Martine, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Perrigo—Did you hear William Brown, of St. Martine, farmer, make any, and what, inquiries respecting the person who was on the white horse, on the day the skirmish took place at St. Martine, during the late disturbances; if so, state when and where?

Answer—On a Monday, about a month ago, he came to my house

and enquired if I knew who rode the white horse, on the week of the troubles, referring, as I believe, to Wednesday, the seventh; he said, "It is very curious that we cannot find out who rode the white horse; I do not, myself, know who it was, but it is supposed that it was Mr. Perrigo; I am charged to find two persons who can state who he was; I will continue a little farther, and if I cannot find two such persons, I will give the matter up."

Q. by the same—Do you know that any, and what, misunderstanding existed between Brown and myself?

A.—Twelve years ago, I saw you and Mr. Brown quarrel about a house.

Q. by the same—Who was present at your house when Brown made the enquiries you alluded to?

A.—My wife, myself, and another old man, named Xavier Dupuis, also my three daughters, all three grown up, my nephew also was present.

Q. by the Court—Do you know Brown well; if so, what is his general character; and do you believe him capable of seeking to injure Perrigo for a quarrel which happened twelve years ago?

A.—I am a neighbour of his, but am not intimate with him; he has a good character, and I never heard anything against him; I cannot say if he would injure Mr. Perrigo for such a quarrel.

FRANCOIS XAVIER DUPUIS, of St. Martine, joiner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Perrigo—Did you hear William Brown, of St. Martine, farmer, make any, and what, enquiries respecting the person who was on the white horse, on the day the skirmish took place at St. Martine, during the disturbances; if so, state when and where?

Answer—I do know him; about a month ago, he came to our house, and enquired if we knew who the man was who rode a white horse on the seventh November; he said, "I want to find two men,

who can prove who he was ; I will enquire a little farther, and if still unsuccessful, I will give the matter up ;" we said we knew nothing about him, and Brown said he did not know who he was.

Q. by the same—At what distance is Brown's house from Baker's Camp ?

A.—About fifteen acres.

Q. by the Judge Advocate—Did not Brown say, he believed the man on the horse to have been Perrigo ?

A.—He said he did believe it, from what he had heard.

Q. by the Court—Did Brown hold out any inducement either to yourself or any others in the house, for giving evidence against Perrigo, or did he make any proposition, tending to procure false evidence against him.

A.—No.

Q. by the same—Did Brown say that he had himself seen the man on the white horse, or that he had only heard who it was ?

A.—He said he heard who the man was.

CHARLES DEWITT, of Chateauguay, gentleman, and a prisoner in gaol, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Perrigo—Do you know William Brown, of St. Martine ; and what is his disposition and character ?

Answer—I do know him ; I cannot say any thing against his character as an honest man, but I know him to be passionate and vindictive.

Q. by the same—How far does Brown live from my house ?

A.—About half a mile.

Q. by the same—Do you know Henry Wright, of North Georgetown ; what is his peculiar disposition ; would you believe him under oath ?

A.—I do know him ; I should not believe him under oath, when his own interests or passions were concerned.

Q. by the Judge Advocate—On what terms do you live with William Brown ; have you ever had any misunderstanding with him, on the score of politics or otherwise ?

A.—I am on good terms with him ; I have not had any misunderstanding with him, to my remembrance.

Q. by the same—On what terms do you live with Henry Wright, of North Georgetown ; have you ever had any misunderstanding with him on the score of politics, or otherwise ?

A.—We had some altercation three years ago, but not on the score of politics ; and have lived on good terms since.

Q. by the Court—Can you state any instance in which Henry Wright has sworn falsely ?

A.—I cannot.

Q. by the same—What proof can you give to the Court, that Brown is a vindictive man ?

A.—I can give no particular instance, but on board the steamboat, I have seen manifestations of his passionate and vindictive feelings.

It being four o'clock, the Court adjourns until Monday morning, the 18th instant, at ten o'clock.

EIGHTH DAY, *Monday, February 18, 1839, ten o'clock, A. M*

The Court meets, pursuant to adjournment. Present the same members as on Saturday, the 16th.

MARIE FAUBERT, of St. Martine, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Turcot—Under what circumstances did I leave my house on the night of the third November last ?

Answer—You left your house towards ten or eleven o'clock on the

night of the third November ; a body of fifteen or twenty men, armed with guns, came to your house, and threatening you with death, in case of refusal, ordered you to march ; you accompanied them.

Q. by the same—Where were you at the time the individuals you allude to came to my house, and who was with you ?

A.—I was in bed, but hearing the noise, I rose and saw and heard them ; a girl, named Marie Primeau, was with me.

Q. by the same—Did I refuse to march, when the armed men first ordered me to accompany them ; was I sick or not at the time ?

A.—You at first refused, saying, you were too sick to march, but they said, sick or well you must march.

Q. by the Judge Advocate—Was Turcot in bed at the time the armed men came to his house, and who opened the door for them ?

A.—He was in bed, sick ; I do not know who opened the door.

Q. by the same—Do you reside in Turcot's house, and in what capacity ?

A.—I have resided there for a year, and do so still, as his servant.

MARIE PRIMEAU, of St. Martine, spinster, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Turcot—Where did you reside in the beginning of November last ; under what circumstances did I leave my house on the third of that month ?

Answer—I resided within two acres of your house ; I passed the night of the third November in your house ; about eleven o'clock at night, a body of armed men, ten in number, came to the house ; you had been sick in bed all day, and a boy of nine years old opened the door ; I do not know who the boy was, or to whom he belonged ; I do not know who opened the door, as I was in bed ; there were no lights, and the armed men entered and asked for you ; you rose, and they said, " come with us ;" you said, you were sick, and they said,

"sick or well, you must march with us, or we will shoot you." You then accompanied them, against your will. Marie Faubert slept with me.

Q. by the Judge Advocate—What induced you to sleep at Turcot's house that night; was it not from the apprehension of something extraordinary about to occur?

A.—I often slept there; Marie Faubert is my friend, and it was from no apprehension of anything occurring.

Q. by the same—Did you recognize any of the armed men who came to Turcot's house, and what arms did they carry?

A.—I did not recognize any of them; I saw guns in their hands; I did not get up, nor did Marie Faubert; there were no lights; they came into the kitchen, and I slept in an adjoining room; we could see from our beds what was going on in the kitchen, by the light of the stove, as the door of our room was open. The boy of whom I have spoken, is a servant to Turcot; he is small, and I do not know his age; there were no other persons in the house but Turcot, his wife and children, and Marie Faubert, of whom I have spoken. Neither Marie Faubert nor myself would get up, because we were afraid. Turcot went away without taking any arms with him.

ELIZABETH FAUBERT, wife of Louis Leclere, of St. Martine, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by the prisoner Turcot—Did you see me during the week of the late disturbances, in November last; if so, state where, and under what circumstances?

A.—I saw you at our house on the afternoon of the fourth November last; you came and said, you were unable to reach your own house, as all the roads were guarded; you lay down behind a door, being very sick; you remained at my house until the afternoon of the seventh; my house is about a mile from your's; I and my children

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retreated to the woods, and slept there, and each time I visited my house I saw you there ; I visited my house every day, two or three times, from the fourth to the seventh ; I cannot say where you went when you left my house on the seventh ; Xavier Dupuis, an old man, remained constantly in my house with you.

Q. by the same—Were there, to your knowledge, guards stationed in the vicinity of your house ; if so, state how many, and where they were posted ?

A.—There were two guards in the vicinity of my house, posted on the foot path leading to St. Clement from Baker's Camp.

Q. by the Court—When you went to visit your house, between the fourth and seventh, will you swear, that you did not see any other men in your house besides Turcot, during those visits ?

A.—I saw many others in, and about the house, who were endeavouring to make their escape from the camp, as they told me ; I saw none of them armed.

Q. by the same—How long have you been acquainted with Turcot ?

A.—Eighteen or nineteen years.

XAVIER DUPUIS, of St. Martine, joiner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Turcot—Have you any, and what knowledge of my coming to the house of Louis Leclere, on Sunday, the fourth November ; how long did I remain there, and why ?

Answer—You came there on that day, at five, P.M., and said, you were sick ; you remained there until the evening of the seventh ; on the fifth I remarked to you, " why do you not go home," and you replied, " how can I ? I am watched." When you left on the seventh, you said, you would try and get home.

Q. by the Court—How many men were stationed in Louis Leclere's house, from the fourth to the seventh ; were they always the same men, and were they armed ?

A.—Sometimes there were a good many, and sometimes none ; they were not always the same ; they came to visit Turcot, to see whether he was better or not ; Turcot was not armed, but some of those who came there were armed with guns and pikes.

Q. by the same—What orders did Turcot give to these men ?

A.—He told them he was sick, and gave no orders.

Q. by the same—Was Turcot confined to his bed, or will you swear he never left the house, during the days he remained there ?

A.—He was not confined to bed ; I will swear he never left the house ; I did not ask him what ailed him, nor did he tell me.

WILLIAM DALTON, of Chateauguay, gentleman, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoners, Turcot and Tremblay—How long have you known us ; what are our respective habits, character, and disposition ?

A.—I have known Tremblay for ten or twelve years to be an honest man, as foreman of the rafts, and an upright man. I have known Turcot, since a child, always to be honest and upright. Their habits were peaceable before the rebellion.

PIERRE LEDUC, of St. Clement, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Roy—Did you see me during the late disturbances ; where, and how often ?

Answer—I saw you on the fourth November, at eight, A.M., at your own house, also during the day and in the evening ; I saw you on the mornings and evenings of the fifth and sixth, and so on all the week ; I am your neighbour, and to reach my work I have to pass your house ; you appeared to be occupied at your household work each time I saw you.

Q. by the same—Did you ever go to the village of St. Clement with me, and did we return together ?

A.—I went, on Sunday, to mass with you, and we returned together ; on Monday or Tuesday we returned together from the village, where you had been to purchase leather.

Q. by the same—During the week of the troubles, did you ever see me armed, or in connexion with the rebels, at the village, or elsewhere ?

A.—No ; I heard you say, on Sunday, that you were opposed to what they had done—that it was a bad business.

Q. by the Court—Will you swear, that you saw Roy at his house on the evening of the seventh, or during any part of the eighth or ninth November last ; if you did, tell the exact hour, and how he was employed, and what you were doing yourself ?

A.—I saw him on Wednesday morning, but will not swear that I did so in the evening ; I can swear that I saw him at six, or half-past six, A. M., of Thursday, and on the evening of the same day, about five ; also, on Friday morning, about five or six o'clock, and in the evening, about the same hour ; he was engaged at his usual work ; I saw him, on these occasions, when passing to my work ; he was always at his own house.

JOACHIM GENDRON, of St. Clement, Junior, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by all the prisoners—Do you know Robert Fenny, of Beauharnois ; what is his general character ?

Answer—His general character is that of a drunkard.

Q. by the same—Did you see Fenny frequently during the week of the disturbances ; in what state was he at those times ?

A.—I saw him every day during that week, and he was always in liquor.

Q. by the same—Does Fenny live at his own house, or at Mr. Brown's.

A.—At his own house.

Q. by the prisoner Roy—Would you believe Robert Fenny on his oath ?

A.—No.

Q. by the Judge Advocate—What were you doing during the week of the troubles, and are you aware that Fenny was a prisoner in Ross's house ; how long did he remain so ?

A.—I was, during the whole week, at my trade ; I was first asked to join the rebels, but I fled to the wood, and when I returned they left me alone ; when they asked me to join them, I told them, “ go away, and I will follow you,” so they left me ; I saw Fenny a prisoner, at Uno's house, and not at Ross's, on, I believe, Thursday or Friday ; I had gone to a neighbour's, to purchase liquor ; I saw him every other day passing on the road.

Q. by the Judge Advocate—Do you know Fenny to have ever taken a false oath ?

A.—No.

Q. by the Court—From what circumstance do you swear that Fenny was drunk every day ; did you speak to him each time you saw him pass to and from Mr. Brown's ?

A.—I did not see him every day ; I saw him on Monday, Tuesday, Wednesday, and Thursday ; I saw him drunk on Monday and Tuesday ; on Wednesday and Thursday, I am not certain ; I believe he was taken to Chateauguay on Friday ; I did not see him on Saturday ; on Monday I saw him at Mr. Brown's, and passing backwards and forwards from his own house, and, also, on Tuesday, I saw him at the hour of his meals, and each time I saw him he was drunk.

Q. by the same—How did Fenny appear drunk, and did you hold any conversation with him, whilst in that state, on Monday and Tuesday ?

A.—From the expression of his face and his gait ; I did not speak to him ; his little boy was with him.

Q. by the same—What were you doing at Mr. Brown's house on Monday and Tuesday, and were you sober ?

A.—I went to Mr. Ross's to get some articles, and, in passing Mr.

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Brown's, I saw Fenny about the stables ; this was on Monday ; on Tuesday I did not see him at Mr. Brown's ; I was sober.

Q. by the same—From whom did you purchase these articles at Ross's ?

A.—From his shop-boy ; I purchased some nails, and paid eight pence.

Q. by the same—Upon your oath, did you see Gagnon at Ross's house when you went to buy these articles, and was there any guard at Ross's store ?

A.—I did not see Gagnon there, nor a guard ; I did not go into the house, the articles were handed me, by the shop-boy, at the foot of the garret stairs.

Lieut.-Colonel Barnard is here obliged to leave the Court, from sickness.

MARIE DESARMIE, wife of J. Louis Gauthier, of St. Clement, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by all the prisoners—Do you know Robert Fenny ; do you live near him, and what is his general character ?

Answer—I know him, and live three acres from his house ; he is generally in liquor.

Q. by the same—Had you frequent opportunities of seeing Fenny during the disturbances, and in what state was he at these times ?

A.—Nearly every day during that week, and each time he was drunk ; I do not know in what month this was ; I believe I saw him on Friday and Saturday of the week of the troubles.

PIERRE LEMIEUX, of the parish of Montreal, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Turcot—How long have you known me ; what are my habits, character, and disposition ?

Answer—I have known you since 1832 ; you are a pious, worthy man.

JOSEPH REID, of Chateauguay, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Tremblay—How long have you known me ; what are my habits, character and disposition ?

Answer—I have known you for ten years ; you are a perfectly honest man, and of good habits and character ; I never heard of your taking any part in politics before the late disturbances.

The prisoners here close their defence, and apply for delay, until Thursday next, at ten o'clock.

The Court is closed to deliberate thereon, and delay is granted until Thursday next, the 21st instant, at ten o'clock.

Two o'clock, P. M.—The Court adjourns until Thursday next, the 21st inst., at ten o'clock.

NINTH DAY, *February 21, ten o'clock, A.M.*

The Court meets, pursuant to adjournment. Present, the same members as on Monday, the 18th.

By permission of the Court, the prisoners' assistant reads their written addresses to the Court, hereunto annexed, marked E. F. G. H. I. K. L. M. N. O.

LAWRENCE GEORGE BROWN, Esquire, of Beauharnois, being in Court, is called upon by the Court to give evidence respecting the character of Robert Fenny, a witness, who has been examined before this Court. The charge is read to him, and he is duly sworn, and states as follows :—

Robert Fenny has lived with me, as groom, for twelve years and a half, and I consider him a respectable, well behaved man, and ex-

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remely faithful to my service, and very much attached to his master ; he is, besides, a very shrewd, observant character ; he does confidential business for me, and is perfectly trustworthy ; he may be occasionally addicted to liquor, as people in his situation are apt to be, but it is a remarkable fact, that I never saw him but once so much intoxicated as to be incapable of attending to his duties ; I have the best opportunity of observing, as he constantly travels with me.

Cross-examined by prisoners. Question—Are you not aware, that Fenny is frequently under the influence of liquor, if not wholly intoxicated ?

Answer—I beg to refer to what I have already stated on that subject ; I cannot say that I have seen him intoxicated, though sometimes the worse for liquor, except at the time abovementioned.

Q. by the same—Is it not a fact, that Fenny was dismissed from your service, for a time, last summer, on account of his intemperance or misconduct ?

A.—No ; about three years ago, I desired him to leave my service for neglecting his duty, viz : not cleaning the carriage and harness, which he did for three days, but came back again.

Q. by the same—Do not several days often elapse without your seeing Fenny ?

A.—There are many days, on account of my own absence, that I do not see him, but when at home, I generally do see him daily ; he is that sort of privileged servant, from living long in the family, that I do not look so very strictly after him.

Q. by the Court—Do you conceive that Fenny's intemperance is of such a nature, as to incapacitate him from giving faithful testimony before a Court of Justice ?

A.—I certainly do not.

The Judge Advocate's address is here read, and annexed to these proceedings, marked P.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges against the prisoners, together with what they have stated in their defence, is of opinion, that they, the prisoners, viz : Louis Turcot, Desiré Bourbonnois, Michel Longtin dit Jerome, fils, Charles Roy dit Lapensée, pere, François Xavier Prevost, André Papineau dit Montigny, David Gagnon, and Charles Rapin, are, individually and collectively, guilty of the charges preferred against them ; and that James Perrigo and Isidore Tremblay are, individually and collectively, not guilty of the charges preferred against them.

The Court having found all the prisoners guilty, as above stated, with the exception of James Perrigo and Isidore Tremblay, the same being for an offence committed between the first and tenth days of November last, in furtherance of the rebellion which had then broken out and was existing in the Province of Lower Canada, do sentence the prisoners in manner following, viz :

That Louis Turcot be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Desiré Bourbonnois be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Michel Longtin dit Jerome, fils, be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Charles Roy dit Lapensée, père, be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That François Xavier Prevost be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief and Commander of the Forces, may appoint.

That André Papineau dit Montigny be hanged by the neck till he be

dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That David Gagnon be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General Governor in Chief, and Commander of the Forces, may appoint.

That Charles Rapin be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces may appoint.

The Court having passed judgment, begs leave to recommend the prisoners, Desiré Bourbonnois, Michel Longtin dit Jerome, fils, and Charles Roy dit Lapensée, pere, for a commutation of the sentence of death for a punishment less severe.

The Court having found the prisoners, James Perrigo and Isidore Tremblay, not guilty of the charges preferred against them, it does acquit them thereof.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,

CHAS. D. DAY,

ED. MULLER, *Capt. the Royal,*

Joint and severally Deputy Judge Advocate.

C

THE QUEEN,

vs.

PERRIGO AND OTHERS.

The prisoners object to the evidence now being given, inasmuch as it tends to prove certain overt acts alleged to have taken place without the limits of the parish of St. Clement. The prisoners admit, that after the treasonable act has been proved in the place laid in the indictment, or charges, the proof may be transferred to other places for the purpose of establishing the intention of the act proved, as laid ; but

they contend that, by law, no overt act can be proved elsewhere than in the place specified in the charges or indictment. In support of this doctrine, they would beg to cite the following authority :—

“The levying of war can, in no case, be given in evidence, as an overt act, in any country in which it is not laid, unless it tend to prove some overt act that is expressly laid.”—2 Hawkins’ Pleas of the Crown, c. 46.

They would further beg to urge on the Court, the injustice of such a proceeding which would tend to deprive a prisoner of all means of preparing himself for his defence.

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The prisoner, James Perrigo, respectfully prays, that no evidence be admitted against him such as that now attempted to be drawn from the witness under examination, tending to prove supposed offences, of which he is not accused in the charges exhibited against him. For legal authority in support of his application, he relies upon that yesterday cited by all the prisoners. Was it with a view to deprive him of all possible means of preparing for his defence, that he was accused of a crime alleged to have been committed in one place, while the prosecutors intended to prove a crime, supposed to be committed in another?

He trusts that it will never be said, that an English subject appealed in vain to a Court composed of English officers, against a proceeding so illegal and unjust.

E

ADDRESS OF DESIRE’ BOURBONNOIS.

Mr. President and Gentlemen of the Court,

Arraigned before you in the character of a criminal, charged with having assisted in levying civil war against the authority and dominion of my Sovereign in this Province, and with having aimed, in combina-

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tion with others, my fellow-subjects, at the establishment of a new and revolutionary form of Government, the most unjust offences I could be guilty of against the laws of society, I hope it will be considered a material advantage to my case, independent of any other which it may possess, that I am not charged with the perpetration of any of those acts of personal violence and wrong which generally accompany such criminal attempts.

If you should be of opinion, that the evidence produced against me is in every respect conclusive in establishing my criminality—which I, consistently with the plea I have offered and supported by the testimony I have adduced on my defence, cannot suppose you will or can give—in that case, I most confidently rely upon your scrupulous, but generous, exercise of that high and responsible authority with which you are at present vested.

Mr. Waldegrave and Gendron prove that I am a lad of quiet and industrious habits, well disposed, but easily led astray. Youth, inexperience, and my being surrounded by plots and machinations, conducted by men, grey from their years and, supposed prudent, from experience,—pleased by the novelty and excitement of military preparation, which I might be easily led to believe were lawful, and intended for the attainment of a good and a glorious object,—are circumstances which would, even in the absence of direct and favourable testimony, plead strongly in favour of a youth of little discernment, and easily led astray. I pray the Court to bear these circumstances in mind, while I remark briefly upon the evidence adduced in my favour. I would call your attention to the testimony of Eleonore Drynaud, Felice Gendron, Catherine Capistron, and Ignace Gendron, who all severally depose, that during the fourth, fifth, and seventh of November last, I concealed myself under different circumstances from the rebels then at Beauharnois, in order to avoid all association with them, and to escape the violence with which they threatened me. They thus threatened me, as it appears, because I carried letters for Mrs. Ellice from Beau-

harnois to Chateauguay, and because I spoke too much in favour of the English, and was too much in connexion with them.

It is shewn by the evidence upon the prosecution, that I went to Chateauguay on the sixth, and it is pretended that I went as courier to the rebels; whereas it appears, that it was on this day I conveyed the letters above alluded to. It is stated, that upon this occasion, I was mounted upon one of Mr. Brown's horses; but it will be remembered, that at that time I was in Mr. Brown's employ, and my having his horse is sufficiently explained by the object for which I went to Chateauguay. Unfortunately for me, Mrs. Ellice is no longer in this country, inasmuch as that lady's evidence would have cleared me of all suspicion of having acted as courier to the rebels. This testimony, I respectfully apprehend, either explains or contradicts the whole evidence brought against me, and creates a presumption, that I was opposed to the rebels, instead of acting in concert with them.

The circumstance of my being armed, is likewise susceptible of easy explanation. It appears that I was suspected and closely watched by the rebels, and it is to be presumed, that I rode armed in order to create a belief in the minds of those posted on the road between Beauharnois and Chateauguay, and of those at the latter place, that I was acting in concert with, and in behalf of, the rebels at head quarters—the only deception I could effectually employ for the purpose of passing to and fro with safety, and without suspicion or interruption. I have nothing further to notice in regard to the evidence; I trust that the testimony I have brought will be conclusive in establishing beyond a doubt or suspicion, not only my innocence, but also my opposition, in some measure, to the disturbances existing at St. Clement, and in the neighbourhood thereof, between the first and tenth November last.

If this Court, however, in justice, should not be satisfied of this, I would, most respectfully, call its attention to the circumstances above alluded to. Youth has heretofore been a recommendation to the mercy of my gracious Sovereign. I am young, uneducated, inexperienced,

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and unacquainted with all the intricate obligations arising out the laws of society. I am aware, that ignorance of the law is no excuse for a crime committed against its sanctions; but a want of careful and early discipline of the mind and heart may, in some instances, palliate deviations from the paths of moral and social duty.

To your decision, and to the mercy of my gracious Sovereign, I leave my fate.

F

ADDRESS OF CHARLES RAPIN.

Mr. President, and Gentlemen of the Court,

There is a portion of the evidence adduced upon my defence which perhaps renders it unnecessary for me to enter at any length upon a refutation of the testimony brought against me, or to refer particularly to the whole of that produced in my favour.

I allude to the evidence of Messire Archambault and Margaret Hay. They depose, that in an interview with Major Denny, of the 71st regiment, on the fifteenth of November last, that officer promised me a pardon, upon specified conditions; that these conditions were fully complied with on my part. A pardon, I am aware, always supposes previous guilt of some description; and if I thought it necessary, in order to claim the benefit of this promised pardon, to shew that I am not guilty to the extent laid in the charge, if guilty at all, I think I would have it in my power to do so. If I were to admit, that I had been in company with the rebels, and that I was apparently co-operating with them in their attempts, yet I might shew, from the evidence which I have adduced upon my defence, that, by means of threats, violence, and actual captivity, I had been dragged into association with them; that it was through apprehension lest this forced and most reluctant connexion might be judged criminal in the eye of the law, that I sought an early opportunity of surrendering myself to the authority of Government. But when it is remembered, that the

reverend gentleman above alluded to, has testified, that during the rebellion of 1837, I manifested great zeal in behalf of the loyalists; that in the month of January of that year, I exposed my life to great peril, in assisting the operations of Her Majesty's troops in the part of the country where I lived; that I most strongly, and upon several occasions, expressed myself opposed to the principles and the proceedings of the rebels during the late rebellion; that I assisted and accompanied my Curé in his exhortations of my fellow parishioners, that they should be peaceful, obedient, and devoted to their Sovereign, and loyal to her Government—that they should commit no acts of violence—that they should do no wrong. When it is recollected, that it is proved by the same reverend gentleman and others, that I am a sober, industrious, and inoffensive man—without at present shewing to what extent and how completely the evidence for the prosecution is neutralized by testimony to special facts upon the defence,—the Court, I apprehend, will be disposed to determine, that I am entitled to an acquittal; but in regard to that, I leave the Court to decide. In offering this, I would not be supposed to waive any claim which I have acquired to the mercy of my Sovereign, as guaranteed to me by Major Denny.

This claim, in my apprehension, arises out of a solemn compact, intended to be mutually beneficial, between me and a high executive officer; one, who, at the time, and under the circumstances of the country, was administering a portion of the military power and authority of the Government: the only authority at the time in operation in that part of the district. I fulfilled, as it has been proved, the obligations arising out of my share in the compact. I am now before this Court, and with humble confidence in the mercy of my gracious Sovereign, (hoping, moreover, that the Court will consider my plea of not guilty fully and satisfactorily proved) I earnestly prefer my claim, that the corresponding obligation, if I may so term it, incurred by Major Denny, be acknowledged, and put into effect on my behalf.

G

ADDRESS OF ANDRE' PAPINEAU DIT MONTIGNY.

Mr. President, and Gentlemen of the Court,

It may not be necessary for me to occupy the time of the Court in proving, that I could have taken no conspicuous share in the disturbances at St. Clement, between the first and tenth days of November last. I shall offer a few remarks upon the evidence adduced to prove that I took any part at all, and shew how conclusively it is contradicted by the testimony on the defence. Mr. Quintal, though a witness upon the prosecution, has given strong and direct evidence in my favour. I shall allude to him hereafter. The testimony of Lynch cannot be applied in support of a charge of High Treason against me, for the following amongst other reasons :—

Firstly—He does not state, that I drew the sword with an evil intent, or employed it in a threatening manner towards Mr. Scott.

Secondly—He does not swear, that I was in connexion with the rebels, or in company with armed men.

Thirdly—He does not know whose horse it was ; it may have been my own. He merely says, I drew a sword, asked for a horse, put a man on it, and he saw me no more. Now, drawing a sword, asking for a horse, and putting a man on it, is neither actual nor constructive treason, unless where treasonable circumstances in connexion with the act are proved ; there should be some combination, some expressions indicating a traitorous design or connexion. This does not appear to be the case in this instance, so far as can be collected from Lynch's testimony, taken in itself ; and I hope to shew in a moment, that the evidence of Fenny and Elliott is, though perfectly admissible, substantially contradicted by three respectable witnesses, whose testimony has not been impeached, but is confirmed, in some measure, by that of Messire Quintal. Mr. Fenny, whose general character, and spe-

cial condition during the week of the disturbances, have been proved, swears, that he saw me at Beauharnois on Monday ; that I was with the rebels, and unarmed. Added to the general and special circumstances of character and condition, to which I have just alluded, and which might tend to weaken this man's evidence, he himself incautiously admits, that he was imprisoned, during Monday, in the lower part of Prevost's house, and was incapable of distinguishing much of himself.

This witness, however, states, that he saw me, on Wednesday, armed with a sword, and commanding a part of the force then leaving for Baker's camp. Andrew Elliott swears, that he saw me at his house, on the fourth of November last ; that I came with a body of armed men, and that I was armed with a sword ; that we asked for arms, and took a gun belonging to the Government. He swears to other circumstances which took place upon that occasion, unnecessary to mention here. The Court will remark, that these witnesses swear each to a separate fact, occurring at intervals of from three to four days. I, of course, admit, that one witness to each overt act, in the same series of treasonable attempts, is sufficient in law ; but this scattered, discursive evidence, is easily assailed and contradicted by the combined and consistent testimony of three or more witnesses to any single fact, which renders the previous evidence incredible. I state that I went to church on Monday morning, returned home in the evening, and remained there during Monday, Tuesday, and Wednesday. If I can make this appear to the Court, I must be acquitted of the charge, as proved upon the part of the prosecution. The Revd. Messire Quintal deposes, that, on Monday, the fourth of November last, after mass, he saw me in the vestry room of the church of St. Clement ; that having asked me if I knew what had happened the night previous, I answered him, I did not. He adds, that he therefore counselled me to have nothing to do with the insurgents, and to return home. This must have occurred about twelve o'clock in the day,

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and seems to furnish a strong contradiction to Mr. Elliott's statement. It at least forms ample ground for the credibility of the following straight-forward, consistent, and unequivocal testimony.

Francois Bisette, Marguerite Lacroix, and Alexander Rollin, have all severally sworn, that they saw me, on Sunday morning, at church. Rollin adds, that my wife was with me. They state, that I returned in the evening, stopt at their houses, on my way home, and spoke of the occurrences. They swear, moreover, that I was at home during Monday, Tuesday, and Wednesday, the fifth, sixth, and seventh of that month, and employed about my usual occupations. Upon particular reference to the testimony thus abridged, it will be found to contain a plain, consistent detail of facts and circumstances, which stamps their statements with credibility. My character and habits are proved to be good : my disposition inoffensive.

I leave my case in your hands, and rely, with humble and steady confidence, upon your wisdom, your justice, and your mercy.

H

ADDRESS OF DAVID GAGNON.

Mr. President, and Gentlemen of the Court,

I shall not detain the Court, in attempting to shew that I am innocent of the charge brought against me. Should you be of opinion that my guilt has been justly proved, I pray you to weigh all those circumstances of situation and life which might tend to palliate my crimes, and to give me a claim to the mercy and forgiveness of my gracious Sovereign.

I

ADDRESS OF CHARLES ROY DIT LAPENSEE.

Mr. President and Gentlemen of the Court,

Fenny and Wilson are the only witnesses who have deposed to any specific facts against me. Fenny's evidence, I must hope, will not be entertained by the Court. In a case, such as this, where the lives of so many individuals are at stake—in every case of Treason—it suffices to excite a doubt, with regard to the credibility of any witness, to induce the Court to set aside his testimony, especially when unsupported by that of two other witnesses. The character of that witness, as proved on the defence, and his conduct during the week of the disturbances, must lead the Court at least to suspect the veracity of his statements; and whenever suspicion or doubt arises, the prisoners have the full advantage that may be derived from either. Had his character been good, his credibility unimpeached, Mr. Brown, his employer, who was in this city on Monday, while the evidence of the defence was still going on, would have been brought to prove his character, but it was, doubtless, thought prudent not to call him up before the Court, from the conviction that his testimony must necessarily go to support the evidence adduced on the defence, in reference to that individual.

But even though Fenny's testimony be received, still the statements made by Wilson, who merely says that I appeared to be in connection with the rebels, must be considered as being too vague to amount to the proof of an overt act of Treason. The evidence of my witnesses, collectively, goes to disprove any supposed connection, on my part, with the rebels, while in possession of Beauharnois.

My peaceable habits, my age and infirmity, and my unblemished character, alike tend to disprove the supposition that I either participated in the plan, or execution, of the late desperate revolt.

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I leave my case in your hands, trusting that your deliberations will terminate in my acquittal.

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ADDRESS OF LOUIS TURCOT.

Mr. President and Gentlemen of the Court,

My name was brought before you by four of the witnesses adduced on the part of the prosecution. The first, namely, Ross, proved nothing against me; he thought he had seen me at Beauharnois, on the night of the third November, but could not assert it as a fact. The second, Bryson, is the only witness whose testimony goes to prove an overt act of Treason against me. The third, Michel Lefebvre, states that I was at Baker's Camp, but unarmed, and wholly unconnected with the rebels assembled at that place. The evidence of the fourth, Robert Fenny, I shall not refer to, because I cannot apprehend, after his character being proved to be such as it is, that you will give the slightest credence to his testimony. If I could, for one moment, apprehend that the Court might be led to consider the evidence on the part of the Crown as affording any legal proof of my having participated in the rebellious proceedings of the month of November, I might urge the impossibility of my having voluntarily embarked in a daring and perilous scheme of revolt, at a time when my energies were exhausted by disease, and if I failed in convincing you of my innocence on that ground, I would not only invoke, in extenuation, the proof of my concealment, during four days, at the house of a loyalist (Leclaire) to avoid the rebels, but go further, and appeal with confidence to the proof of the threats of death held out to me on the night of the third November, in full justification of my supposed appearance at Beauharnois, on that night, or on the following morning, as alleged by Bryson.

But, inasmuch as Lefebvre has not proved that when he saw me at St. Martine, I was in any way connected, or acting in concert with the rebels, the testimony of Bryson, which alone goes to establish an overt act against me, is unsupported by that of any other credible witness, and therefore wholly inconclusive to establish the charges preferred against me.

L

ADDRESS OF ISIDORE TREMBLAY.

Mr. President, and Gentlemen of the Court,

On recalling to mind, and perusing carefully the evidence adduced against me, you will find, that it is not such as the law requires to substantiate the charges exhibited against me. John Ross is the only witness who attempts to depose to an overt act in reference to me. He, indeed, pretends, I was at the village of Beauharnois on the night of the third November, armed with a gun, and apparently active. The incautious and violent manner in which this witness delivered his testimony, added to the fact of his having been contradicted by two witnesses, on a material point, so closely connected with his own private feelings as to admit of no possibility of supposing that his misstatements arose either from error or defect of memory, should, I humbly conceive, induce you to set aside the whole of his testimony. But even should you be disposed to give credence to any portion of it, and more particularly to that which affects me, I would yet feel no apprehension as to the result of your deliberations in regard of me, inasmuch as the testimony of that witness is wholly unsupported by any other evidence, and no man can be convicted of Treason, unless two proveable witnesses shall have deposed against him, either to the same overt act, or one to one overt act, and the other to another.

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Not one of the three other Crown witnesses, who mentioned my name, has proved in connection with it aught approaching to the nature of an overt act of Treason. Michel Lefebvre says he saw me at the place called Baker's Camp. Stuart asserts that he saw me there also, but both these witnesses stated that I was unarmed, and that they did not see me aiding or assisting in any way in forwarding the traitorous designs of those who were then assembled at that place. The evidence of these witnesses could only, at the worst, tend to create a suspicion that I might have been co-operating with the rebels, but no man can be condemned upon a mere suspicion.

You, Gentlemen of the Court, have proved yourselves above such injustice, by refusing to be persuaded that you should take suspicion for evidence; and have acquitted, on a recent occasion, a prisoner whom five witnesses had placed in a more doubtful position than that in which Lefebvre's and Stuart's evidence would make me stand. But Geoffroy Hebert, in corroborating the testimony of the two former witnesses, explains the relation in which I stood towards the rebels—it was that of a prisoner. The evidence, then, of the three last witnesses reduces itself to nothing which can be construed into an overt act of treason; and Ross's prejudiced and impeached testimony stands, as I said, unsupported and alone.

I, therefore, humbly claim at your hands that acquittal which the laws of my country entitle me to.

M

ADDRESS OF JAMES PERRIGO.

Gentlemen of the Court,

The evidence adduced against me is not only illegal in its character, tending, as it does, to prove a supposed crime, with which I have not been charged, but is wholly inconclusive to establish any crime what-

ever. Before I proceed to discuss the testimony adduced against me, I shall endeavour, and, I trust, not unsuccessfully, to convince you, Gentlemen, that it is such as you can take no cognizance of, although enregistered upon the records of this Court. In support of my first proposition, I would beg to observe, that it is a rule laid down in the Statute 7th Will. III. c. 3, § 8, and recognized as well by all writers on the crime of High Treason, as by the universal practice of Courts of criminal jurisdiction in England, that "*no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment, against any person or persons whatsoever.*" East, in developing this doctrine, in his treatise on the Pleas of the Crown, expresses himself as follows:—"In all cases of Treason within the realm, some overt act must be proved in the County wherein the indictment is laid, and the trial had, according to the course of the common law. But after proof of an overt act in the County in which Treason is laid, evidence may be given of any other overt acts of the same species of Treason in other Counties."

This was the principle adopted by you, Gentlemen of the Court, when you allowed the proof against one of my fellow-prisoners, Louis Turcot, to be transferred to St. Martine, on the ground of one overt act having been previously proved against him in the parish of St. Clement. The correctness of that principle cannot be disputed, where the compassing of the King's or Queen's death is the Treason laid down in the charge or indictment. But where levying of war, as in this case, is the Treason charged, the authors go still further, and allege that the proof should be confined to the place laid in the indictment. "It is observable," says East, in another passage of the work above cited, "that Felyng appears to confine the rule for admitting in evidence other acts of the same Treason, in other Counties (after proof of an overt act in the County where the offence is laid) to the case of compassing the King's death, and, it is said, that Treason in levying war is local."—p. 126.

I am aware, that upon indictments for Treason in levying war, proof has been admitted in other places than that laid, and, amongst other instances, in the trials for Treason which followed the Scotch rebellion of 1745, but never until an overt act had been proved in the place predicated. In the case of Deacon, who was tried in 1746, it was insisted that the proof of the printing and publishing of a certain manifesto, in Manchester, should not be admitted, inasmuch as the overt acts were laid in Cumberland, and Mr. Justice Alleny and Mr. Justice Foster held that "it is indeed necessary that some overt act laid, be proved on the prisoner in Cumberland," but that being done, acts of Treason, tending to prove the overt acts laid, though done in a foreign country, may be given in evidence."—*Foster, p. 10.* A captious quibble may be resorted to, with a view of imparting a hue of legality to the harsh proceeding adopted in regard of me, for you will, perchance, be told, solemnly, that the distinction between the Counties is observed in England, solely because the jurisdiction of Courts in that country is limited to the County in which the Court is held. But if this were the reason for following that rule, the proof could never be transferred to another County. Yet we see that this practice is pursued when one overt act has been proved in the proper County. Moreover, the language made use of by Kelyng, "*that Treason in levying war is local,*" suffices to shew that the doctrine I invoke is based upon a broader principle—that it springs out of those ideas of justice which are common to all men, and form the ground-work of the procedure in criminal cases, as established by the laws of the realm. "For in no case," and I cite again from East, "is a prisoner bound to answer, unprepared, for every action of his life, but only to that which is the subject of the indictment against him, and therefore no evidence ought to be admitted in any prosecution but what immediately relates to the crime imputed." "This, I think," says that learned author, "was clearly the law, as well as the just rule in this particular case."

The rule, as laid down, in its restricted form, in a modern author, (see Chitty on Criminal Law, p. 192,) where we find that after the proof of one overt act of Treason, "by levying war in the proper County, proof of levying war in another County is admissable."

The doctrine I invoke is equally available to me in its limited as in its more extended construction. For no proof whatever has been adduced of any overt act alleged to have been committed by me in the parish of St. Clement—it has not, indeed, been proved that I was ever seen in that parish, and all the testimony brought against me has reference to a locality proved most distinctly to be without the limits of that parish, and, in fact, at the distance of several miles from it. I defy the production of a single precedent in support of a proceeding so illegal and unjust. But I should not, perhaps, have dwelt so long upon this objection, while I feel convinced that the evidence adduced against me is wholly insufficient to establish the crime which the prosecutors have attempted to prove against me; the testimony of all the witnesses, with the exception of the last, William Brown, proves more in my favour than against me. The first, Ann Cairns, who remained for some time in my house, states, that so far from exercising any control over the armed men assembled in and about my house, I was obliged to plead with Dumouchelle to obtain her liberation, and that I declared most distinctly, I had no participation in the schemes of that leader and his party, who had pitched their camp in my immediate vicinity, probably because the locality offered great facilities for an intrenchment, and had taken forcible possession of my house, as being one of the most spacious in that neighbourhood. The same witness has further proved, what was a fact of notoriety, that Dumouchelle was the sole leader there, and it can scarcely be supposed, from the station I occupied in the humble society of that section of the country, that had I participated in their schemes of revolt, I should have been placed under the control of a man who had no pretensions even to the first elements of education.

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The fact is, as I now solemnly declare, that, although vague rumours of approaching disturbances had reached my ears, I was wholly unprepared for the sudden rising which took place on the night of the third November last, and was enveloped in my peaceful home by a horde of armed men before I could secure my safety, or that of my family, by flight. Perceiving the nature of their designs, I determined upon leaving my family for a time, and fled to the woods on two different occasions, but exhausted not only by cold, hunger, and disease, but even more by the anxiety which the unprotected situation of my wife and helpless children, abandoned as they were to the caprice of an assemblage of lawless men, could not fail to excite within the breast of a husband and a father, I was each time compelled to return. While at my house, I could not, without the most imminent peril, refuse to interpret between the witnesses and the chiefs. In doing so, I rendered far greater service to the persons of the same origin as myself, who were brought to the camp, than to the insurgents. For this, then, I cannot be deemed to have aided the latter in their designs. True, M'Clennaghan has stated, that I seemed to incorporate myself with the rebels, by speaking in the plural number, and that they seemed to obey me. Would it have been necessary for me, I humbly ask, to refer to Dumouchelle, or to act as his interpreter, when questioned as to the designs of the armed men then assembled in the camp, if I had formed one of their number, and especially if I had been a chief amongst them. As to M'Clennaghan's last assertion, he has shewn it clearly to be void of foundation, by acknowledging afterwards, that he did not hear me give any order whatsoever, to any individual in the camp. I come now to the testimony of William Brown, which alone went to establish, by direct evidence, an overt act of treason against me. He states, that he saw me go out of Baker's camp, in advance of the rebels, on the day the skirmish took place, between the latter and the Huntingdon Volunteers—that I was mounted on a white horse, and that he saw me, on the Saturday following, go down the river, in company with the rebels,

on the same white horse. The manner in which this witness delivered his evidence, must alone have created a suspicion against his veracity; for it will be remembered, that upon being asked whether he could solemnly affirm, upon his oath, that he recognized me in the individual whom he saw mounted on a white horse, during the week of the disturbances, he hesitated; first said he was not certain, and on being abruptly interrogated as to what he was saying, asserted that he was positive—and a moment afterwards, qualified *his assertion* by stating that he was morally positive; moreover, it must have appeared incredible, that this man, who was posted in his garret window, at the distance, according to his own statement, of at least a quarter of a mile, should have been enabled to identify the individual on horseback with such positive certainty. But the evidence of three unimpeached witnesses, whose statements, clear, concise, and perfectly similar, must have borne with them an indubitable proof of their veracity, has shewn you, Gentlemen, that the man who pretended to be so positive with regard to the identity of the individual he had seen on horseback, actually went, so late as a month ago, from house to house, to discover whether any two persons in that neighbourhood had recognized the individual in question. You heard these three witnesses swear, that Brown did not know the individual alluded to, although he had a strong suspicion I was the person—that he had enquired of all the neighbours below, but in vain, and that, although *commissioned* to find two witnesses who could identify the mysterious horseman, he feared he would be obliged to give it up. He did give it up; but could it have been believed, he made up his mind to swear to it himself.

If ever perjury assumes the blackest hue that crime can wear in the eyes of God or man, it is when the sacred Book is made the weapon with which the assassin aims at the destruction of his fellow-creature! Such is the heinous crime which has been committed in this instance. But, as a Christian, I forgive the unfortunate man, and I do so the more readily, when I see that his perjury, now defeated, has placed

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my case in a more favourable light before you. One single remark will suffice to convince you of this fact: you will remember, that about six weeks since, I was brought before you to be tried with other prisoners from St. Martine and the neighbourhood; my withdrawal on that occasion, must be attributed to the absence of sufficient proof. Now mark, Gentlemen of the Court, the time at which Brown went from door to door in search of evidence against me; it must have been a few days subsequent to my first appearance before you.

The only inference which can be drawn from these facts, is, that the prosecutors, perceiving the insufficiency of the proof, despatched Brown on the errand which he performed so faithfully—but with such poor success. Brown's evidence being now annihilated,—the proof remains equally insufficient as when I was first called to answer before you upon a similar charge. Although there is now no credible testimony before you to shew that I was the individual who mounted the white horse, I may say, that Brown's failure in finding a single individual in that neighbourhood who recognized me as such, coupled with the fact that the horse alluded to belonged to another individual now absent from the country, shews clearly that I was not that person. There remains, therefore, no positive unimpeached testimony of record against me; the presumptions which that evidence must create in my favour, should overbalance the suspicions it may cast upon my conduct during the late revolt. Moreover, that evidence is, as I have before urged, illegal in its totality. I have struggled through this trial against every possible disadvantage. I have been assailed by calumny from without—I have been attacked by perjury within these walls, and compelled to enter on my defence to a crime with which I was not charged.

But I have one hope; it rests with you, Gentlemen; it is based on the honour, justice and generosity, ever inherent in the breasts of British officers—and it tells me, with a cheering voice, that I shall walk through the furnace unscathed.

N

ADDRESS OF FRANCOIS XAVIER PREVOST.

Mr. President and Gentlemen of the Court,

Had it been conclusively, or even partially, proved upon the prosecution, that I had been guilty of any co-operation with others in planning or maturing schemes hostile to the Government of my Sovereign, and to the peace and security of her loyal subjects—had it been fully established, that I had taken a large and conspicuous share in the actual perpetration of those open and daring acts of rebellion against her authority, and of violence against my fellow-citizens, which have, from time to time, been brought before the notice of this Court,—in either case, I should have abstained from remarking upon the evidence brought against me, and would have confined myself to an exposition of the testimony adduced upon my defence, and to an examination of those circumstances of situation which might have operated in my behalf before this tribunal,—I should have left my case more entirely to the justice, discrimination, and mercy of this Court, and have considered any endeavour to direct or restrict the application of the evidence inexpedient, and, in some measure, disrespectful to you, Gentlemen.

If I now offer any remarks upon the testimony brought against me, it is that I may place that testimony itself in a point of view favourable to myself, and, by doing so, to establish a claim to an acquittal at your hands. If however, a close review of it should not insure me an acquittal, it may, at least, enlist in my behalf many reasons for your indulgent consideration of my case. I hope to shew, that this evidence, even when unassailed and uncontradicted by direct testimony adduced on my defence, is in itself insufficient to establish the fact of a preconceived and deliberate design to subvert the Government, or to resist, in any form, the authority of my Sovereign,—that it does not prove that I took an important, if it proves that I took any, part in the disturbances at St. Clement, between the first and tenth of November last.

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John Ross, a witness on the prosecution, deposes that, on Saturday night, the third of November last, he looked towards my house, and saw a number of individuals in the upper part of it, evidently expecting something extraordinary. The Court will remember, that he states there was no light in the house; he omits to specify the hour. The inference to be drawn from this testimony, when uncontradicted or unexplained, is plainly this: that I had a number of men collected for the purpose of co-operation, when the intended attack upon the village was to be made. This evidence is easily explained. Angelle Delisle and Monique Henault, at that time in my employ, have sworn, that about half-past twelve o'clock the same night, they, together with my wife and a servant boy, were in the upper part of the house; that, in consequence of the information conveyed by the courier, who asked at my door for Ross, they were in a state of great alarm and anxiety, expecting the rebels every moment to appear in the village. It will be borne in mind, that Ross stated there was no light in the house—and probably, from the darkness, and tranquillity of the night, and from being in a state of great apprehension himself, he supposed those trembling females to be a large body of armed men. This is by no means an improbable supposition, and sufficiently explains Ross's statement. Moreover, Bryson, a witness for the Crown, states that he was at my house the evening in question, and does not depose to anything extraordinary or suspicious about my house or myself. Had he observed or suspected anything of the nature spoken of by Ross, he, no doubt, would have disclosed his suspicions upon his examination.

Ross further swears, that he saw me at my house at two o'clock that night, in company with the individuals in question, meaning those he saw upon the first occasion. He does not state how he could identify those persons as being the same previously seen in the garret; he does not explain how he could recognize me among a large body of men crowded in a room, and at some distance from him. He swears, moreover, that the object of those individuals was, as they told him, "to subvert

the Queen's Government, and to establish a republic." He does not state when or where they told him this was their object—he does not mention whether I was in their company when they declared this to be their intention—he does not depose to my expressing, upon any occasion, a desire to see the established Government subverted, and a republic constructed upon its ruins. The whole of this improbable testimony is contradicted by the evidence of Angelle Delisle and Monique Henault, Catherine Bayer and Narcisse Fournier; Delisle and Henault have sworn upon the defence, that I left my house about one o'clock, in consequence of the information given by the courier above alluded to,—and Bayer and Fournier depose, that I went to their house between one and two o'clock, and remained there till five o'clock in the morning. My servants, moreover, state, that shortly after I left, an armed body of men took violent possession of my house—these must have been the individuals seen by Ross. This witness, Ross, swears, that he does not know me particularly well; but it has been fully proved to the Court, that we were in partnership, as traders, during several years. He swears that he never entertained or expressed sentiments hostile or unfriendly to me; but it has been proved before the Court, and by his own testimony, that he attempted to expose me to an ignominious death, and my name and character to public infamy; he brought a charge of theft against me, of which I was acquitted by a verdict of my country. Besides, it has been proved, that after the disturbances, he stated, in presence of several persons, that he would hang me this time. I forbear making any remarks upon the credibility of his evidence against me, after what I have just stated—I refrain from any animadversions on his character, as proved before the Court.

Mr. Quintal, an individual of high character and respectability, I admit, deposes, that on Monday morning, about seven o'clock, I came to his house, in company with two armed men, and asked him if he had not a gun. Upon his replying that he had not, that I went away.

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He does not know whether I was armed or not. In the absence of proof to the contrary, the Court will assume that I was unarmed ; and, being unarmed, it must be presumed, that the gun in question was intended for myself. This circumstance alone would create a presumption, that I was unprepared for the events which had occurred during the night ; and the fact of being accompanied by two armed men, taken in connexion with other circumstances proved before the Court, would establish a probability, that I was there with great reluctance, if not absolute compulsion. The whole proceeding most assuredly proves, that I was a man of no rank, consideration, or influence, among those to whom the two armed men in question belonged ; and it has not, I would remark, been shewn, that these two men were rebels, or acting in concert with them. The Court will not, cannot presume they were, in the absence of testimony, when that presumption would operate against me. The proof of their character and connexion would have been affirmative testimony, and ought to have been adduced by the prosecutor, if he wished the judgment of the Court upon them. Mr. Quintal proceeds to state, that this conduct of mine induced him to suspect, that I had some connexion with the armed men then in occupation of the village ; but it would not have required this proceeding to create a suspicion, had he previously supposed, that I co-operated with those disaffected men in their revolutionary designs against the Government. Of this co-operation he could scarcely have been ignorant, had I taken a prominent, or indeed any part in the plans and movements of the rebels. Mr. Quintal's suspicions, however, are not evidence by which I can be condemned, nor can any legal presumption against me be fairly derived from those suspicions. In order to shew more clearly how ignorant I was of the schemes and operations of the rebels, and to deduce therefrom an inference favourable to my case, I would cite the testimony of John Bryson, a respectable witness for the prosecution. He deposes, that he was at my house on Saturday

night. This must have been a few hours previous to the taking of the village of St. Clement. He states, that his object in being there was to settle, in a friendly form, some affair of difference between me and one Champeau, a loyalist. It does not appear that there was anything unusual or suspicious in my conduct, or in the appearance of my house, as I before remarked. This circumstance, considered in conjunction with others, proved upon the defence by the females Delisle and Henault, and to which I shall make special allusion hereafter, renders it manifest, either that I knew nothing of the attack about to be made upon the village, or if I did, that I was unwilling to take any share in it whatever. This was an intended movement I must have been aware of, had I known the designs of the rebels, and in which I must have been prepared to render an active and important co-operation, had I been a person of any weight or authority among them. This may appear to be a very negative advantage to my case; but it is an advantage derived from affirmative testimony adduced upon the prosecution. To proceed, however, with the testimony against me. This same witness, Bryson, swears, that upon the occasion first alluded to, I made use of some violent, though clearly very vague, expressions of hatred and resentment against the English. Upon this, I would only remark, that there does not exist so intimate a connexion between the term English, when applied to particular individuals, and our ideas of the British Government, that a hasty expression against the former should necessarily imply disaffection to the latter; particularly when these remarks are made in the warmth, and, perhaps, in an angry moment, of discussion, as appears to have been the case in this instance. Bryson, moreover, swears, that he saw me the following day, (Sunday), dealing out liquor at my bar. Another circumstance creating a presumption, that I was a person of no estimation or influence among those disaffected men, if connected with them at all; and I solemnly maintain that I was not.

John Cairns another witness for the prosecution, deposes, that my

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house was the head quarters of the rebels. If this means anything, it must mean, that there was a great number of rebels in my house. I admit the fact ; but I deny the inference which the witness appears to have drawn from it, viz., that it was the head quarters of the rebels with my consent, and by my solicitation and appointment. I have proved, as I shall hereafter shew, that my house was taken forcible possession of by means of threats and actual violence ; that I was absent when these men came ; that I had sought refuge and concealment from them, and that I did so to avoid all society and participation in their criminal attempts at revolution ; and that when I returned in the morning from my retreat, I expressed great surprise and indignation, both at the occupation of my house, under such circumstances, and at the captivity and imprisonment of the loyalists, who were then confined there. But I am anticipating that part of my defence. He (Cairns) states, that I appeared to be in communication with the rebels, and seemed hold to some rank among them ; but this is no more than vague suspicion ; an unfair imputation, when a doubt evidently existed ; it is a mere nullity in evidence, unless it be applied as affording a presumption in my favour ; because, had my communications with the rebels been very cordial or extensive, or had I exercised that influence and authority, which even inferior rank would bestow, he had full opportunity of knowing these facts, and would have sworn to them more positively.

William Cousins, a Crown witness, deposes, that he saw me at my house, on Monday, the fifth ; it was filled with armed men ; and he swears, that a good understanding seemed to exist between me and those armed men. I have proved before this Court, as I shall presently shew, that I was unfriendly towards, and at enmity with the men in question, and that upon several occasions I expressed to them my indignation at their conduct, and declared and proved myself opposed to their proceedings at St. Clement ; that I was answered by menaces of personal violence, and threatened to be turned out of my

house, if I did not desist from my opposition. Robert Fenny, another witness of the Crown, says, he saw me in my house, on Monday night, behind my counter, dealing out rum. This establishes, by direct evidence, that I was following my usual occupation; and, by presumption, that I was endeavouring, by submission, and by performing the duties of my vocation, to guard my unprotected family and property from violence, rapine and destruction. I think I have shewn, by the evidence of the Crown itself, even when unimpeached and uncontradicted, either that I had no share whatever in the proceedings with the rebels, or if not so much, at least, that I was a man of no note or influence among them.

Before remarking briefly upon the evidence in my favour, I would offer one observation, and I make it with the highest deference to the enlightened discrimination of this Court; I would remark, that if some of my witnesses are suspected of being prejudiced in my favour, and others of being implicated in the crime with which I am charged, perhaps those who have borne testimony against me, may, in some instances, be influenced by private resentment, or political animosity. Acts, in themselves harmless and easily explained, may be made the grounds of persecution, and, when viewed with the eye of suspicion, may be blackened into crimes. But, I thank God, that I am now before men who will admit all credible testimony of my innocence, who will, when there is a doubt, give it in favour of the prisoner, and who will condemn me only upon consistent, uncontradicted, substantial evidence of my criminality.

Angelle Delisle and Monique Henault depose that there were no unusual number of persons at my house on the day or evening of the third November last—that the house was closed as it generally was, and at the usual hour—that I was in my bedroom when the courier above mentioned arrived—that I left my house about ten o'clock and remained away till five. My absence and concealment have been proved by Catherine Bayer and Narcisse Fournier—that during my

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absence the rebels had taken forcible possession of my house—that upon my return, they offered me a sword, and the rank of Captain—that I peremptorily refused both—that I remained at home all day, but had no friendly communication with the armed men in occupation of my house. They never saw me armed during the disturbances, and testify to my humane and hospitable treatment of the loyal prisoners, and to my regret at seeing them confined; both these females, as I before observed, at that time in my employ, had better opportunities than any other witnesses produced, of knowing the particulars of my conduct during that period, and of hearing me express my sentiments respecting the conduct of the rebels. Several other witnesses, whose names I need not mention, prove that my conduct and expressions on the fourth of November last, and on the following days, were opposed and unfriendly to the rebels—that I advised some of them not to join or assist the latter—that if they offered them arms or occupation, to refuse both peremptorily. If the testimony of these individuals is to be believed, and it has not been impeached before this Court, my conduct does not appear to have been that of a man who took any share whatever in the planning or execution of the designs of the insurgents.

In conclusion, I would respectfully, but earnestly urge upon your attention, that it has not been proved, on the part of the prosecution, that I acted any part, or afforded any countenance or co-operation in planning revolutionary schemes against the Government of my Sovereign; and that allowing the testimony for the Crown to remain unexplained or uncontradicted, it has not been proved that I took a conspicuous or important share, if any, in the execution of designs conceived by others. I leave the Court to determine the credibility and full value of the evidence which tends to prove that I took any share whatever, and to balance it with that which goes to establish that I did not. And I think it is clearly established upon my defence, that I did not act with or favour the operations of the rebels, in any form, or even participate in their sentiments to any extent whatever.

I have proved, by respectable witnesses, that my habits and disposition are good, and my reputation to be that of an honest, sober, and inoffensive man. I owe much to the Court for its indulgence in hearing me at such great length—I am grateful for that indulgence. One word more and I am done; it is to say, that I wish to appeal to no principle but justice, tempered with mercy—and I know of no sanctuary better adapted for the preservation of such a principle than the breasts of high-minded and honourable men. I know of no tribunal in whose deliberations upon solemn questions of duty to my Sovereign, it would exercise a greater and a better influence than in yours.

To your justice and decision I leave my case, and may the God of Mercy guide your deliberations upon it.

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ADDRESS OF MICHEL LONGTIN DIT JEROME, FILS.

Mr. President, and Gentlemen of the Court,

I have already passed fifty-five years of my life. The greater portion of that time has been employed in a laborious struggle for a sure and honourable subsistence when old age and its infirmities should come upon me. The hope of accomplishing this was the principle which sustained and animated me in my humble toils, under the pressure of poverty in earlier life—it gave renewed activity to the labours of the morning—it cheered me under the fatigues of many a weary hour.

In peace and obscurity I pursued the path of industry, without suspicion or reproach, without imputation open or concealed, exempt alike from offence towards my neighbour, crime against the law or disaffection to my Sovereign. My labours were rewarded: year after year brought new assurances that my hopes would be realised, and

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that when I had descended into the vale of years, and became oppressed with infirmity, that I might repose undisturbed from my toil, and reap in peace the reward of my past labours.

That period has arrived. I have nearly completed the full term of human life, and instead of passing in tranquillity and honour the brief remnant of my days, I am before you in the character of a criminal, charged with a daring and flagrant violation of the laws of my country, exposed to infamy and an ignominious death. This situation might falsify the whole tenor of my life, as I have stated it, were these statements not, in some measure, proved and on record before this Court.

I have alluded to the circumstances of my past life, because I think that this tribunal would be cautious in receiving and weighing testimony which tended to prove such a sudden and violent transition from peaceful and humble occupation, to enterprising and desperate attempts—from long and continued habits of obedience and loyalty, to rebellion and open war against the authority of my Sovereign.

I hope to have it in my power to shew, both from the contradiction and insufficiency of the testimony produced against me, and out of the abundance of that adduced in my favour, that I took no share whatever, either in planning or executing schemes, in furtherance of the late unfortunate disturbances. I would beg leave to offer some remarks upon the evidence brought against me by the Crown—Messire Quintal proves, that, on the seventh or eighth, I came to his house in the village with provisions for the prisoners who were confined there—that, on Saturday, the tenth, I came to inform him and others, that they were no longer prisoners—he states that I was not armed, or in company with armed men, and he adds, that he was under the impression that I remarked upon this occasion that I had exerted myself to procure their liberation, meaning that I had exerted myself with the rebels; to this, however, he does not swear positively, and if he had, it would not be competent proof that I had exerted myself with these men—that I had exerted myself at all with them or any one else; but admitting,

for a moment, the fact of supposed influence, the testimony of this reverend and most respectable gentleman proves my humanity—exhibited in a very humble and substantial form—it proves my zeal, my active exertions, in behalf of the loyal sufferers. That this supposed influence was exerted in behalf of humanity, for the comfort and security of Her Majesty's loyal subjects—and by consequence, though indirectly, in favour of her Government—it disproves the idea of any criminal concert with the rebels.

Robert Fenny, a witness for the Crown, and of whose credibility, after what has been proved before you, I, of course, leave the Court to decide, swears, that he saw me on Thursday, at Uno's, where he was a prisoner—that I was armed with a pike.

William Cousins deposes, that he saw me on different occasions every day, from Wednesday to Saturday, at the Mill—that I was Captain of the guard who had charge of him and other prisoners—that the guard consisted of between ten and fifteen men, some armed, some unarmed; that I had a gun. He is the only witness of this important circumstance, and it seems strange that they should have selected me, almost helpless from infirmity, to act as Captain of a guard at that eventful period, and that I should have been armed with a gun—this, certainly, would not argue, that I was a Captain; I have many to prove that this could not be the fact.

One Peter Lynch, another witness, goes much further, and swears, that he saw me during the whole week of the disturbances—that I was Captain of a company of forty or fifty men, assembled near the mill. I was not armed, strange to say, upon these important occasions. This is the only witness to this circumstance, as I remarked of the last, and, in some measure, contradicts the statement of Cousins.

It likewise appears unaccountable that I should have been appointed to the command of a company, under such important circumstances, and at that particular crisis. This is a formidable array of testi-

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mony, I admit, but the Court will remark that each of these four witnesses deposes to special and separate facts. One states that I brought provisions to the prisoners at the parsonage house, and communicated, at another time, that he and some others were no longer prisoners ;—another swears that I was at Uno's, on Thursday, armed with a pike ;—a third, that I was at the mill between Thursday and Saturday, and had command of the guard there ;—and a fourth, that I was at Beaulharois, during the whole week, in command of a company, consisting of forty or fifty men. I am aware that one positive, unimpeached, and uncontradicted witness to each individual fact, in a series of criminal and overt acts, would be sufficient in law to establish my guilt, under the present charge. But I must pray the indulgence of this Court, while I endeavour to shew that all the important facts brought against me, and proved each by one witness, are, separate and combined, most directly contradicted by two or more witnesses to each fact upon the defence. The testimony of these witnesses is unimpeached before the Court. In contradiction of the evidence of the Crown, some of these witnesses, to wit, Henault, Leduc, and Labelle, prove that I went to the mill twice for flour, during the week, and that I went once to the village, with provisions, for the prisoners at the parsonage house—that when at the village, I remained chiefly at the mill, and that I expressed great regret at seeing the disturbances—they swore that I was unarmed upon those occasions, and had no connexion or communication with the rebels. This testimony is confirmed by Angelle and André Longtin, who state in contradiction of the testimony of the Crown, that I went only three times to the village—once with provisions, and twice to the mill. This contradiction appears to me complete. But in order to shew the Court how improbable it is that I should have acted in concert with the rebels, at any time or to any extent, I will allude briefly to the testimony of Angelle and André Longtin, above mentioned. These two individuals were living with me in the beginning of November last, and dur-

ing the disturbances of that month. They severally swear, that on Sunday morning, the fourth of the above mentioned month, two armed men came to my house, before daybreak, roused me from my sleep, and ordered me to follow them—that I peremptorily refused, saying I wanted to have nothing to do with them, and expressed my determination not to co-operate with them in their designs—that these men left, and about an hour after that ten armed men came to me, and ordered me to follow; I again refused; they then threatened to burn my house, and if that would not bring me, they would put me to death. They swear, that thereupon I left with these men, and that in about an hour after, I returned home—that I subsequently concealed myself in an adjoining wood, fearful of being again taken by them. This is clear, consistent, uncontradicted testimony, and if the Court should not be of opinion—but I cannot suppose it will not—that this last evidence does not make out a positive case of compulsion, by threats and actual violence, in the eye of the law, it most assuredly lays a substantial foundation for the truth and credibility of the testimony of those who have sworn to my not having been at the village, except on particular days, and for business connected with my household affairs—who have deposed that I was never armed, and was not in concert with the rebels—who heard me speak in favour of the Queen's Government—who have witnessed and testified to my zeal and humanity towards her loyal subjects, suffering under privation and imprisonment by the insurgents, whose designs and operations I did most distinctly and openly deprecate, if not oppose.

My character has been proved by respectable witnesses; and I leave the Court to decide whether it be likely, after what has been proved upon the defence, that I was guilty of assisting, aiding, or furthering the cause of the rebels, during the period specified in the charge.

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ADDRESS OF THE JUDGE ADVOCATE.

May it please the Court,

The charge against the prisoners has its origin in the occurrences which were the subject of a former prosecution against Jean B. H. Brien and others. In the present case, however, it will be found, that the operations of the insurgents were carried on in concert with certain others of their confederates, in two additional places, not far removed from St. Clement, where the offence is laid.

In the testimony adduced, has been related the seizure of the loyalists at Beauharnois by the rebels; the conveyance of several of them to Chateauguay, and to a place called Baker's Camp, in the parish of St. Martine, about eight miles from St. Clement; and the share which each of the prisoners had in these transactions.

The rebel force at Beauharnois, or a part of it, would appear to have proceeded to Baker's camp on Wednesday, the seventh of November last, and the commanders, or leaders there, to have been Prieur and Joseph Dumouchelle, two individuals lately tried and condemned by this Court, and also James Perrigo, one of the prisoners.

We consider it unnecessary to offer any apology for the minute details into which we shall be obliged to enter in the examination of the present case. Justice to society, to the prisoners, and to ourselves, makes this course an imperative, though a tedious duty. The more than ordinary number of sources from which the proof on the part of the prosecution, as well as on that of the defence, has been derived, (upwards of eighty depositions having been reduced to writing), baffled all attempts to condense, without unwarrantably withholding from the Court the materials necessary for arriving at a correct conclusion. A large portion of the evidence has, therefore, been embodied in the following remarks :—

From the evidence of Mr. John Ross, the first witness, we find that a number of armed rebels arrived in the village of Beauharnois, on the third of November last; among them was Louis Turcot, who was armed. He was seen by Bryson, who states, that he was one of the party who fired on the volunteers at the seigniorial office, and that he was armed with a gun. He is also described by the same witness, as one of the escort who accompanied the witness when he was taken a prisoner to Chateauguay, and that he drove the cart in which the witness was conveyed to that place. Robert Fenny, whose testimony in this, as well as in a former case, is remarkable for its clearness and precision, speaking of Turcot as being in Mr. Brown's yard, at St. Clement, on the fourth; Bryson also had seen him there; and his testimony is corroborated by Fenny, as to the fact of Turcot having been one of the guards over the witness, and the other prisoners who were sent to Chateauguay. Lastly, Lefebvre deposes, that he saw Turcot once or twice during the week of the troubles, (from the third to the tenth of November), at Baker's Camp; whilst there, there was an assemblage of armed men, to the number of four or five hundred. The witness saw Turcot amongst them, but unarmed. On his defence, this man has produced Elizabeth Faubert and Francois Xavier Dupuis, in order to contradict Fenny and Bryson's assertion of his presence at Mr. Brown's stables on the fourth.

But they have deposed to nothing, which has shewn the impossibility of Turcot being at Mr. Brown's stables, on that day, as he is stated to have come to the house of Louis Leclaire, only in the afternoon. He may have gone to Chateauguay, as stated by Ross, and returned in time to be at St. Martine in the afternoon of the fourth. No proof having been adduced, on the part of the defence, to shew that the distances of these places from one another exclude the possibility of Turcot having been at Beauharnois, Chateauguay, and St. Martine, on the same day. With respect to the threats, by which he strives to establish that he was forced to co-operate in the rebel movements, it is to be ob-

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served, that, independently of the extreme improbability that the insurgents found it worth their while to strengthen their party by the presence of an unwilling and even an infirm auxiliary in the person of Turcot, as his witnesses would exhibit him to have been, there is not wanting gross contradiction to weaken, if not wholly destroy, the credit of Marie Faubert and Marie Primeau, by whose testimony it has been endeavoured to establish such compulsion.

One of these women is Turcot's own servant, the other her intimate friend ; Marie Faubert expressly deposes, that she rose from her bed when the party of rebels entered Turcot's house ; Marie Primeau as expressly denies that Marie Faubert moved out of the bed in which they were both lying—Marie Faubert, an inmate of the house, does not know who opened the door for the rebels, whilst Marie Primeau, a stranger, states that it was a boy, though she declares her ignorance who it was ; and the boy, whose testimony (if the facts stated by these two witnesses be true) would be so advantageous to the prisoner, has not been produced, nor his absence accounted for.

But, supposing this evidence to be true, there would remain untouched the proof of Turcot's arrival at Beauharnois, with the people of St. Martine, on the third of November, when he was seen armed and firing on the Seigniorial Office. His presence at Baker's Camp is not disproved, but of that fact there is a corroboration in the evidence adduced on the defence.

The next in order is Desiré Bourbonnois, whose activity appears to have been conspicuous. He was seen, on the sixth, by Ross at Chateauguay, and at the same place by Bryson, with one of Mr. Brown's horses from St. Clement. Ross describes him as having been on horseback, armed with a sword, and carrying despatches from St. Clement and Chateauguay,—as having been in communication with Newcombe and Tremblay, two rebel leaders there—and as acting, without doubt, under their orders. He was, also, seen by Fenny, on the fourth, between Beauharnois and Chateauguay ; he was on horseback, armed

with a sword, in company with another armed man, and declared, in presence of the witnesses, that he was carrying despatches. We find him, according to the same witness, on the fifth and sixth, at St. Clement, armed with a sword, and on the seventh, drilling with the men who were going to Baker's Camp. Mr. Quintal, Curé of Beauharnois, saw Bourbonnois on the night of the fifth or sixth, in the Parsonage house of St. Clement ; he came with prisoners under his charge, who had been taken from the steamer Brougham, and whom, to the number of forty, the witness was forced to receive.

John Cousins saw the prisoner at St. Clement, on the fourth, fifth, and sixth of November last, armed with a sword, and very active, he was putting the men in ranks to repel a force expected to arrive in the steamboat Dragon.

By William Cousins, Bourbonnois was seen, on the fifth, armed with a sword. He escorted the witness, there a prisoner, from Prevost's house to the mill. Lynch saw him, at St. Clement, on Sunday and Monday, the fourth and fifth, armed with a sword, styling himself a Sergeant, and stating (as he was then with a guard of rebels at Mr. Brown's stables) that his orders were, not to let any of the horses out ; this witness is quite certain that he saw him on another day, he thinks on Wednesday, the seventh, urging the men on, with a drawn sword, to prevent the steamboat coming in, as witness understood.

By his own witnesses, this man is proved to have been in Mr. Brown's service, up to the commencement of the disturbances ; and it is a circumstance apparently incompatible with the supposition of his innocence, that he has not brought up his master to prove his character and to strengthen the doubts which the evidence for the defence might, if very favourably considered, seem to cast on his criminality. The proof afforded by the testimony of his witnesses is wanting in consistency.

There is palpable contradiction between Ignace and Felice Gendron, as to the day on which the prisoner went to conceal himself in the house of the former : one witness stating this circumstance to have

happened on the fifth—the other on the seventh—a variation too great for veracity, considering how remarkable were those days and comparatively recent. We cannot allow ourselves to suppose that the evidence of the witnesses for the prosecution (among whom is Mr. Quintal, the Curé of St. Clement) can be shaken by such testimony as that of the witnesses who have appeared for Bourbonnois, rather actuated, we fear, by a desire to extricate him from a dangerous situation, than fully impressed with the awful obligation of deposing only to that, respecting which they could have no possible doubt.

Mr. Quintal says of Michel Longtin, that he brought provisions to the parsonage house, for the prisoners confined there by the rebels, and that such provisions were brought at the witness' request; on Saturday, the tenth, he came to announce to the latter that he was free. The troops had not yet arrived, but witness thinks that the prisoner knew they were coming. William Cousins describes the prisoner as Captain of the guard which was over the witness and other prisoners at the mill; the witness saw him one day, when there was an alarm, take a fowling-piece and command the men to turn out. Fenny whilst a prisoner at the house of one Heneau, at St. Clement, saw the prisoner armed with a pike, and seeming to give orders to the Captain who was over the prisoners; corroborative of this proof, is the testimony of J. Bte. Branchaud, a witness for the defence, by whom the prisoner was seen at Prevost's house.

There appear to be, indeed, extenuating circumstances in the case of this prisoner, who seems to have supplied the loyalist prisoners in the parsonage house with provisions from his own means, and who also exerted himself to obtain the liberation of Pierre Leduc, a loyalist; but it is feared, that the expressions used by the prisoner, when speaking on the subject of Leduc's enlargement, are of a nature seriously to counterbalance those favourable considerations. It was in contemplation to send Leduc to the Côtes at Napierville, as Longtin stated to Leduc. "We shall endeavour to prevent it," added the prisoner, thus

intimating that he had been consulted upon, or had power to determine, the point. If, on the other hand, Leduc, as well as the following witness, Labelle, deserve credit, Longtin's opinions had ever been loyal, he would appear to have spoken of the rebels, and of their proceedings, in terms of disapprobation. If, indeed, he was sincere, let him, and all others who need the instruction, learn that there can be no middle course between loyalty and disaffection, and had he, and those who pretend to have been forced, and those who concealed themselves, and those who remained inert, united manfully together to resist the tyranny of a few wicked and unprincipled men, he, (whose course had hitherto been honourable, and his existence happy and contented,) would not be on his trial for his life. With respect to the testimony of Longtin's son and daughter, although there are some slight discrepancies between the testimony of these witnesses, and likewise between their testimony and that of Narcisse Heneau, we are willing to admit, that they are corroborative of one another, and that (if deemed worthy of credit) it may fairly be inferred, that some compulsion was used to make Longtin join the rebels. He succeeded, however, in separating himself from them, and it is to be regretted that he should have returned to their ranks, as he must have done, from the statements of the witnesses for the prosecution. His son acknowledges that his children knew not where their father was during the day. It is to be observed, that the daughter, though stating that he remained at home more than usual during the week of the disturbances, does not deny that he did not always dine at home. It should also be remarked, that Longtin left his house alone, and followed the armed rebels after they had gone, and when, according to her statement, there were no armed men in or about the house who could, by force, compel his departure. They do not, in reality, say anything that militates against the proof given in support of the charge. We must, in fairness, advert to the fact, that Mr. Leblanc, who is brought up by this prisoner, declares that Longtin liberated some loyalists.

Fenny deposes, that he saw Charles Roy dit Lapensée, on the fifth of November, at Prevost's house, in St. Clement. He came and asked for liquor to treat his company, saying that he was Captain of a company, and asked men from Prevost, whom he called "General." The witnesses saw the prisoner, on the sixth, armed with a sword; on Wednesday he was seen marching to Baker's Camp, with the rest of the armed force. Wilson saw the prisoner, in the same house, on the fourth, evidently exercising much authority, for Prieur having given this witness leave to go home, the prisoner refused to let him go; he was not armed, but there were armed men in the house at the time. There was a sentry at the door, who was ordered by the prisoner not to let the witness pass. The witness saw him on other occasions, and throughout, he appeared in connection with the armed rebels. Paul Hebert and Pierre Leduc, witnesses for this prisoner, and particularly the latter, are produced to prove the presence of Roy, at times and places apparently incompatible with the statements of the witnesses for the prosecution. It is proper to solicit the attention of the Court to the circumstance of Roy having been seen with the force proceeding to Baker's Camp; that he did not accompany them far, is fully admitted, and all contradiction thus vanishes. Pierre Leduc, who swears with the greatest particularity, will not take his oath that he saw the prisoner on the evening of the seventh. On the fifth, (the day on which he was at Prevost's house, as established by Fenny,) Leduc saw him on the morning and evening only. The same observation applies to the proof which relates to Tuesday, the sixth—on which day Roy is proved to have been engaged drilling his men.

The next name is that of François Xavier Prevost, the evidence against whom, is of that conclusive character which would seem to preclude the necessity of adverting to it, were it not for the propriety of contrasting it with the evidence adduced on the defence. From Ross's testimony, the prisoner's house appears to have been a rendezvous for the rebels, and this fact is corroborated by many circumstances

related by the other witnesses. Before the arrival of the rebels from St. Martine, witness saw a number of people looking out of the prisoner's windows, as if in expectation of the occurrence of something unusual. They were in the upper part of the house, which is an inn, and had they been travellers, they would have had lights, which was not the case. Between two and three o'clock on the Sunday morning, his house was filled with armed rebels, after whose arrival, the house, which had been all closed up before, was open, and the windows lighted.

Mr. Quintal states, that the prisoner came to the parsonage house, on Sunday morning, the fourth of November last, accompanied by two armed men; he asked witness if he had not a gun; all this time the witness was a prisoner, and a guard was placed round the parsonage house. J. Cousins was brought into Prevost's house as a prisoner, and turned into one of the sitting rooms; his house was the head quarters of the rebels; the despatches were received there and sent there; the rebel chiefs, and among them, Delorimier and Prieur, slept there. On the steamboat, of which mention has been made, coming in sight, the rebels were drawn up before Prevost's house, and he was himself in front, armed with a sword and wearing a sash; the witness considers that he had more than a captain's command. Bryson relates of this prisoner a fact, which, with other circumstances, leaves no doubt of his privy to the organization of the rebel plans: the witness had gone to Prevost's for the purpose of settling an account between one Champeau and the prisoner; this was about eight or nine, P. M., on the third of November; a discussion arose, in which Prevost said, "In two or three hours you will see what will happen to you," calling Bryson a "d—d Englishman," and Champeau a "d—d bureaucrat." On Monday, the fifth, there were, according to Mr. Cousins, upwards of twenty loyalists prisoners in Prevost's house, which was full of armed men. Lynch saw the prisoner, on the morning of Sunday the fourth, (the day on which the rebels took possession of the village of Beauhar-

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nois), at Mr. Masson's house ; he wore a red sash and a sword. After the arrival of the troops, there was found in Prevost's stable a horse, belonging to Mr. Ellice. Fenny was one of the prisoners at Prevost's house, and saw Prevost serving out liquor to the rebels, and receiving no pay ; he was armed with a sword.

No mention will be made at present of Tremblay, as his participation in these transactions relates to the camp at Baker's. We, therefore, purpose to reserve our observations on this case, until we will have spoken of James Perrigo, who, as well as Tremblay, does not appear to have been actually present at St. Clement, save as having been mentioned by Ross alone.

Among the witnesses for the Defence, one Angelle Delisle is remarkable for the gross contradictions into which she has fallen. It is conceived unnecessary to observe anything more on her testimony, than that it is almost wholly unworthy of belief, whether we regard the improbability of some of her statements, the palpable inconsistency of different portions of her evidence, or the contradiction expressly, or impliedly given to them by Narcisse Heneau, the other servant girl of the prisoner. In allowing to Prevost the full benefit of his impeachment of Mr. Ross's testimony, (which, in justice to the latter, we are by no means disposed to do), there would yet remain ample proof to convict this prisoner.

The case now to be taken up, is that of André Papineau dit Montigny, whom Peter Lynch saw, either on Tuesday, the sixth, or Wednesday the seventh, in Mr. Brown's stables, at St. Clement ; he came to the stables mounted, and drew his sword, demanding one of Mr. Brown's horses, which he took, mounted one of his men upon him, and both rode away. Fenny saw the prisoner twice in company with the armed rebels ; on the second occasion, (Wednesday, the seventh), when the rebels started for Baker's Camp, he was armed with a sword, was in command of a party, and seemed to have the rank of captain. The prisoner, according to the evidence of Andrew Elliott, came to

the latter's house, at St. Clement, on the fourth of November, with a party of armed men, being himself armed with a sword ; he demanded arms, and took a Queen's musket from the witness, who attempted to escape ; and one of the party, not the prisoner, presented his gun at witness, and called to him to stop, which he did. They took his arms and accoutrements from him, and brought him back to the house, where they searched for arms.

They all went away, but the prisoner and two others. He obtained leave from Papineau to remain at home, on account of sickness. The party said they would plant a picquet in the neighbourhood, and moved off to search other houses.

The defence attempted by this man is an *alibi*. If the testimony adduced in support of the fact be entitled to belief, it will have gone far to counterbalance the evidence of Lynch and Fenny, although it must be observed, that it does not necessarily contrdict it. As there is not proof of an absolute impossibility, that Papineau was seen at the places, and in the manner mentioned by Lynch and Fenny, the *alibi*, however, if considered to be established, would still leave unopposed the evidence of Elliott, which proves, that early on the morning of the fourth of November, Papineau came to witness' house, with a party of armed men, as above stated. It is, nevertheless, right to admit, that this is furnishing proof of an overt act, by the testimony of one witness only, and would not suffice for conviction, if the remainder of the evidence were rejected.

The principal part performed in the disturbances by David Gagnon, appears to have been, in taking possession of Mr. Ross's store, and issuing therefrom effects and merchandize to the rebels. We are told by J. Cousins, that the prisoner held a captain's command, and had charge of Mr. Ross's store. He saw him armed with a sword. William Cousins speaks of Gagnon as having taken possession of the cattle at Mr. Brown's stables, where, he said, "his men would take care of the cattle." He wore a volunteer sword, and commanded several

armed men. After the departure of the rebels, Lynch represents him as having had the chief command of the village of Beauharnois. This witness saw Gagnon the whole week, armed with a sword; he was the person who took Fenny prisoner, by the order of Prieur. Fenny describes him as commanding a company posted in Mr. Ross's house, whilst Fenny was a prisoner there. He applied frequently to the witness for rum, of which the latter gave him as much as thirteen bottles at one time. The rum was for the use of Gagnon's company, who directed witness not to give anything except by his order.

No proof in justification has been adduced by this prisoner.

We have reached to the last name among the actors in the scene at Beauharnois, or St. Clement, namely, Rapin.

William Cousins and Fenny concur in establishing the activity displayed by the prisoner. The first named witness, who describes him as a leader, heard him address a party of armed rebels, saying to them, that now they had advanced so far, it became them to consider how they should obtain the steamboat Brougham, which was soon expected to arrive. He proposed a plan, whereby a few of his men were to be detached to tie the boat, as usual, to the wharf, and when that was done, the main body should rush on board. A few minutes afterwards, witness heard shouts on taking the boat, and beheld the prisoner and Rochon, (lately condemned by this Court,) in possession of the machinery of the steamboat. Rapin is stated to have had much knowledge of the plans of the rebels, and to have enjoyed great authority, for he assured Mrs. Brown that no evil should happen to her, and desired her to remain in her house. Fenny, besides speaking to his extraordinary activity, and corroborating Cousins as to the degree of authority exercised by Rapin, among the armed rebels, states that he saw him drilling in front of one Potvin's. Rapin, on that occasion, was armed with a bludgeon. Lynch and Wilson both testify to Rapin's activity; his occupation seems principally to have been that of inspecting the armed force, as he was constantly seen riding through



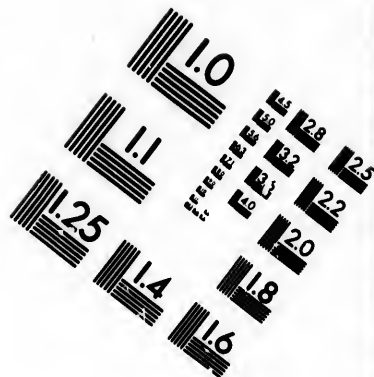
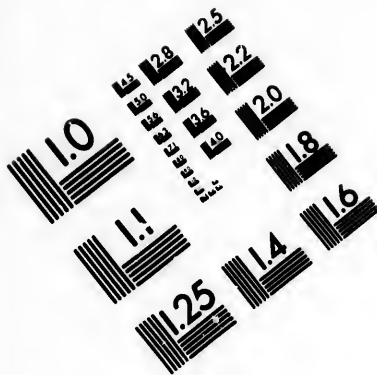
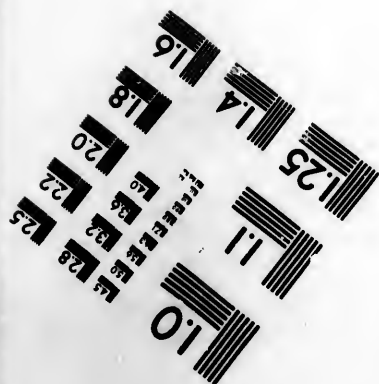
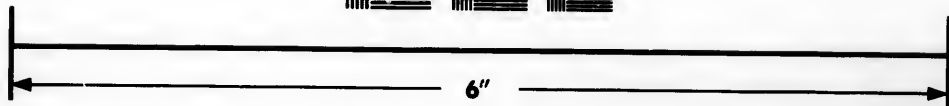
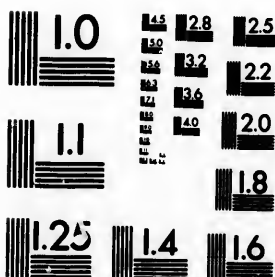


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the village on horseback. From Branchaud's evidence, we are positively informed, that Rapin was at Prevost's among the rebels.

The matter set up and proved by this man, in justification, is somewhat wanting in consistency. The pardon invoked by him, as obtained from Major Denny, on account of the capture of Prieur, clearly implying an acknowledgment of culpability, and the circumstance is noticed only for the purpose of showing that, in the prisoner's own view, he was not guiltless in a participation in the criminal transactions of the day. The evidence consists of a proof of compulsion, of concealment to avoid the rebels, and of a profession and practice of loyal principles, wholly at variance with the prisoner's conduct, as established on the part of the prosecution.

We have now to change the scene to another spot, and call the attention of the Court to the clear and unequivocal evidence of the communication between the assemblage of armed men at St. Clement, and that collected at the place called Baker's Camp, in the immediate vicinity of the residence of the prisoner, James Perrigo. J. Cousins says—"By general report, there was a camp at Baker's, and it was perfectly understood that the people at St. Clement were in concert with it. I saw couriers arrive and depart in that direction. I think it was about eight miles distant." And William Cousins deposes, that about Friday, the ninth, he saw the body of armed rebels in motion, and that the prisoner, Longtin, told him they were going to Baker's Camp.

In speaking of D. Gagnon, Lynch says—"He was armed with a sword, and after the day on which the rebels moved to Baker's Camp, he had the chief command of the village."

Fenny speaks, also, of Baker's Camp in his evidence respecting Bourbonnois, in the following words—"I saw him again drilling with the men who were going to Baker's Camp, which was six or seven miles from St. Clement. He also heard Gagnon state, on Wednesday, the seventh, that the whole armed force at St. Clement were to

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go to Baker's camp, and they accordingly started between one and two, P.M., of that day. He heard, on Friday, that they had been at Baker's Camp, and in the interval, all those armed with guns had been absent from St. Clement. In answer to a question from the Court, he says, Prieur, Goyette, and Rochon commanded the whole party of armed men which left the village for Baker's Camp on the seventh of November." Wilson thus alludes to the same subject:—"I saw the armed men at St. Clement leave it to go to Baker's Camp on the seventh of November." Gagnon told him there were a great many men at Baker's Camp, and his statement imported that they were acting in concert with those at Beauharnois. He said that the force at Beauharnois was going there, and he eventually saw it depart for that place. We are informed by Lefebvre, that Turcot, (who is proved to have been active and armed at St. Clement,) was at Baker's Camp once or twice during the week of the troubles, there being an assemblage of from four to five hundred armed men at the latter place, he was among the others, but without arms. He deposes to the same effect respecting the prisoner Tremblay. Catherine A. Cairns was detained by a body of armed men at the house of one Millar, a tavern-keeper on the Chateauguay river, on the night of the third of November. The next day she was again stopped at Baker's house, about an acre and a half from Perrigo's, by a body of armed men; she says, there was a great assemblage of men at Baker's, consisting of several hundred, armed with spears, pitchforks, and such like weapons; there was a Captain Dumouchelle, one of those lately condemned by this Court—and here we have another proof of the connection between the force at Baker's Camp and the assemblage at St. Clement. At Perrigo's house, where she was sent, she saw the latter in consultation with Dumouchelle and others; Baker sent her to Perrigo's, as he expected an engagement at his own place. Perrigo said, he would endeavour to get her released. The last fact which she relates, is, that

on the fifth, Perrigo handed a gun to a man who had left it in his house to keep it from the rain. On the sixth, we find Perrigo passing from his own house towards George Baker's, where there was an assemblage of armed men, to the number of three or four hundred, engaged in erecting a stockade. This was called Baker's Camp. Here it is proper to remark, that the evidence relating to a letter, said, by the witness, Wright, to have been written by Perrigo, must be considered by the Court as of no avail, inasmuch as the letter, not having been produced, nor its destruction or loss been averred or proved, the best evidence of which fact, if true, it is susceptible, has not been adduced. David M'Clennaghan recognized Perrigo among a body of armed rebels; he walked from his own house towards the main body; this was about the time that the rebels sallied out, as if to attack the volunteers. Perrigo was again seen within the bounds of the camp, in the evening of the fourth November; he was standing and conversing with a number of men—some of them were armed; in answer to a question put to him, he answered, "We want the arms from the old country people, that they may not come behind us when we go to face the soldiers." If other proof were wanting that the forces at St. Clement and at Baker's were acting in concert, we should at once find it in the fact, that this witness was made prisoner at Beauharnois by Dumouchelle, and conducted to Baker's Camp, after having been kept some time at Dumouchelle's house. He says, that Dumouchelle gave him the choice to take an oath to go home for his gun, and thence to go to Perrigo's, and receive his instructions, as he spoke English. He took an oath that he would go and bring a gun, if he could find one in his house, and go to the camp, at Perrigo's, which he did. He gave the gun to Dumouchelle, in the presence of Perrigo, in the camp at Baker's. Perrigo said, in looking at the gun, "it wants a new stone." Dumouchelle asked witness, in the presence of Perrigo, what he would do, and witness said, that he would never fight against old country people, and that if they wished to take his life, the sooner they went about it

the better. Dumouchelle appeared one of the principal leaders, but he gave way to what Perrigo said. They all seemed to be in obedience to Perrigo. When witness left Beauharnois, there was a body of armed men there, but most of them accompanied them through Côte St. George, about two miles from Baker's Camp. On his cross-examination, he fortifies what he had already stated against Perrigo and says, among other things, that Perrigo told him, that he (the witness) should return to his own place, and remain quiet until the end of the war—that he need not fight against the old country people, as he was liberated on parole. He adds, that it was Perrigo who liberated him, and conducted him out of the camp to his own house.

Archibald Henderson states, that he was conducted to Perrigo's house by two rebel troopers, one of whom told him that Perrigo wished to see him; when, in Perrigo's presence, the latter said to him, "Mr. Henderson, we will let you go home on your parole of honour." He requested that two men might be sent to escort him past the guards, and two men volunteered to do so. Perrigo seemed to have the command at this time, for no one else said anything to witness. He was not armed. Some of the rebels who came from Baker's Camp were speaking of Perrigo as Major Perrigo. Perrigo had previously told witness, that he had nothing to do with the rebel force, but that they expected an attack from the British Militia. Witness saw a great many armed men about Perrigo's house, some of whom were standing about the door.

Thomas Stuart, having been taken prisoner on the third, at his own house, near Baker's Camp, by one Touchette, who has been tried by this Court, was conducted the following Tuesday before Perrigo, in order to get a pass to return home. The officers and leaders lived at Perrigo's; besides Touchette, there were there, Joseph Dumouchelle and Laberge, who have had their trial before this Court,—and this furnishes additional proof of the connection of the two companies; Perrigo consulted with Dumouchelle, and the other leaders, before giving

witness his pass—and Perrigo was seated before a table, on which were pen, ink, and paper. This witness saw the prisoner, Tremblay, at Baker's Camp, on the sixth of November. He was among the armed men early in the morning, about eight, A.M., when the rebels were turning out of the houses and barns. He saw no arms about him. He appeared to be one of the party.

William Brown says, that on the eighth of November, he saw, from his garret window, at the distance of a quarter of a mile, James Perrigo, on a white horse, between one and three o'clock, P.M. He rode out from Baker's camp, and stopped to look in the direction in which witness believes the loyal volunteers were posted. He stopped about one minute, or not quite that, and then he returned towards the camp. On meeting a body of armed men advancing from the camp, he turned and advanced with them. Shortly after this, firing commenced from both sides—that is, from the rebel side, with which the prisoner, Perrigo, was, and from behind the barn, where witness supposed the volunteers were posted. The firing did not continue more than a minute and a half. After the firing was over, the rebel party returned to the camp, and the prisoner, Perrigo, with them. On Saturday, the tenth, the rebels left the camp, and were accompanied by Perrigo on the same horse; he then had a cloak on. The horse he rode belonged to his brother-in-law, George Washington Baker. Witness saw Baker there, and his house is within the camp.

Geoffry Hebert, who was one of the rebels at Baker's Camp, states, that on the eighth they were visited by Perrigo there; he was not armed. Prieur was the commander. Tremblay is again proved by Betourne and Bruneau to have been at the same place. The first of these witnesses goes the length of saying, that Tremblay made an attempt to escape; Bruneau says that he was free.

In coming to the consideration of the defence, we deem it our duty, at once, to declare, that we waive all benefit to be derived from the evidence of Brown—not that we entertain any doubt of the sincerity

of his conviction, in relation to the important fact to which he has deposed, but from the sense of the responsibility which attaches to our duties, and the anxious desire by which we are actuated, that all doubts should be resolved in favour of the prisoners. Now in this instance, strong proof is laid before the Court, the tendency of which is to create well founded doubts as to the certainty of Brown's personal knowledge of the circumstances which he relates. When to this consideration is added the distance at which the witness stood from the scene which he describes, the Court, we trust, will properly appreciate our motives in pursuing the course now adopted. This done, we find nothing in the testimony of the other witnesses for Perrigo, calculated to invalidate, or even to shake, the evidence on the part of the prosecution, as above stated in detail, and there remains enough on record to ground the belief, that Perrigo was a participator, and a leading one, in the plans and movements of the rebels, acting simultaneously, and in concert, at Baker's camp and at St. Clement or Beauharnois.

Against Tremblay, the proof is by no means of that strong and decisive character which excludes doubt or difficulty, and it may very probably be a question whether the evidence, though sufficient to ground a conviction for a minor offence, comes up to the requisite of the proof necessary in High Treason. On this, as on all other questions of fact, it is the province of the Court, more than ours, to decide.

It remains for us to examine the proof adduced by the prisoners, for the purpose of impeaching the testimony of Robert Fenny, on the ground of his frequent state of inebriety during the disturbances at St. Clement, and on account of his general character and reputation as a drunkard. As the facts deposed to by Fenny receive, in most instances, corroboration from other witnesses, the enquiry, to a certain extent, is unnecessary. Justice requires that we should add, that we do not think we are dealing too severely with the impeaching testimony,

when we declare, that we would pause before demanding a conviction at the hands of the Court on the strength of similar evidence.

In the proofs of previous good character, we admit, that, generally, the prisoners have been successful ; Longtin and Roy, in particular, have, in our opinion, entitled themselves, in this, as well as in other respects, to a merciful consideration of their respective cases.

To conclude, we are desirous that the Court should be impressed with our anxious wish, that any erroneous recapitulation of the evidence which we may have made on one side or the other, should receive correction, as well from the ample notes taken by the members of the Court, as from the record ; and any mistaken inferences which we may have drawn, should be rectified by the Court's better judgment.

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THE QUEEN

vs.

LOUIS BOURDON AND OTHERS.

GENERAL COURT MARTIAL.

{ MONTREAL, LOWER CANADA,
February 22, 1839.

Members of the Court and Deputy Judge Advocates, the same as in the case of the Queen against Cardinal and others—(see vol. I. page 17)—are duly sworn.

The prisoners having been brought into Court, the warrants are read, and the names of the President and members called over. The prisoners do not object to any of the members.

The President, members, and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of the following persons :—

Louis Bourdon, of the parish of St. Cesaire, in the District of Montreal, in the Province of Lower Canada, farmer ; Jean Baptiste Bousquet, of the said parish of St. Cesaire, farmer ; and Francois Guertin, of the said parish of St. Cesaire, farmer.

By order of His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Provinces on the Continent of North America, and

of the Islands of Prince Edward and Newfoundland, and Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and their several dependencies, Vice Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Provinces of Lower and Upper Canada.

To wit: Treason against our Sovereign Lady the Queen, between the first and fifteenth days of November, in the second year of the reign of our said Lady the Queen, in furtherance of the rebellion which had broken out and was then existing in the Province of Lower Canada.

In this, that the said Louis Bourdon, Jean Baptiste Bousquet, and François Guertin, being subjects of our said Lady the Queen, on the third day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said parish of St. Cesaire, did meet, conspire, and agree amongst themselves, and together with divers others whose names are unknown, unlawfully and traitorously, to subvert and destroy, and cause to be subverted and destroyed, the Legislative rule and Government now duly established in the said Province of Lower Canada, and to depose, and cause to be deposed, our said Lady the Queen from the Royal state and Government of this Province; and did, for that purpose, then and there incite and assist in the said rebellion, in the said Province of Lower Canada, and then and there so conspiring and agreeing, as aforesaid, did, in furtherance of the said rebellion, administer to divers subjects of our Lady the Queen, whose names are unknown, certain unlawful and traitorous oaths, to conceal and keep secret the said traitorous conspiracy, and to aid and assist in subverting and destroying, and causing to be subverted and destroyed, the Legislative rule and Government of our said Lady the Queen, now duly established in the said Province of Lower Canada. And in this, that the said Louis Bourdon, Jean Baptiste Bousquet, and François Guertin, being subjects of our said Lady the Queen, on the third day of November, in the second year of the reign of our

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said Lady the Queen, and on divers other days, as well before as after, being assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did, in furtherance of the said rebellion, traitorously prepare and levy public war against our said Lady the Queen, and were then and there found in open arms against her said rule and Government in the said Province, against the peace of our said Lady the Queen, her Crown and dignity, and against the form of the Statute in such case made and provided.

The prisoners before the Court having been called upon to plead, make certain objections, contained in a document, hereunto annexed, marked A. which are overruled by the Court.

The prisoners before the Court having been again called upon to plead, make certain other objections, contained in a document hereunto annexed, marked B. which are overruled by the Court.

The prisoners before the Court being again called upon to plead, severally plead Not Guilty.

The Court then proceeds to the examination of the following witnesses :—

IGNACE TRAHEN, of St. Cesaire, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare whether you know them ; if yea, declare whether you saw them, or any of them, at any time between the first and fifteenth days of November last ; if so, when, where, and what doing ?

Answer—I know the prisoner, Bourdon, and saw him on the third November last, at the house of Reminauld Gingras, of St. Jean Baptiste, between ten and eleven o'clock at night ; he was with a few

persons, to whom he was distributing arms, and he ordered them to proceed farther, to the house of Edward Massie, at the ferry, on the island of Chambly ; Massie is the ferryman ; on their way, they stopped at the house of one Tetreau, a tavern-keeper, in the parish of St. Marie, about twelve or one in the morning, where he (Bourdon) distributed spears, found there, to a body of about one hundred men ; thence they proceeded to Pointe Olivier ; they did not reach the bank of the river, but stopped at the distance of a "range" from it. I saw the prisoners, Guertin and Bousquet, at Tetreau's house at the same time that I saw Bourdon, when the spears were distributed ; they stopped at the house of one Sanscartier, near Pointe Olivier, and there dispersed, about seven or eight o'clock on Sunday morning ; at Tetreau's house, where the spears were distributed, they all threw them down and refused to take them with them ; at Gingras' house I saw the prisoner, Bourdon, armed with a small gun, but I saw none of the other prisoners armed ; I do not know that Bousquet and Guertin had any command ; I know that Bourdon commanded the body of men there ; I do not know whether Bousquet and Guertin left Tetreau's house with the body of men ; I saw them there only ; they were doing nothing particular, but were with the band of men ; Bousquet was on horseback.

Q. by the same—Did Bourdon or any other of the party of which you have spoken, state where they were going, and what they intended to do ?

A.—They stated that they were going to take the fort at Chambly ; they said the posts would be captured within an hour ; I understood from them that they were going to fight against the Crown ; they said, also, that the Americans were coming in to take the country.

Q. by the same—Did not Bourdon go into Gingras' stable, and who went with him ?

A.—He did go into the loft of the stable, and, to the best of my recollection, alone.

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Q. by the same—Did Bourdon bring arms out of the loft of the stable ?

A.—He brought some bright American muskets.

Q. by the same—Where does Bourdon live, and how far from the house where you first saw him ?

A.—At the village of St. Cesaire, about four miles from where I first saw him.

Q. by the same—Where do Guertin and Bousquet live ?

A.—Guertin resides in the village of St. Cesaire, and Bousquet at his mill, about four miles above the village, on the bank of the Richelieu.

Q. by the Court—After the arms and lances had been distributed to the people assembled at the two places you have named, how long did they keep them before they threw them down, as you state ; where did they do this ; and what did they say ?

A.—They were in their possession four or five hours ; they threw them away at the point at Sanscartier's house ; I heard them say to each other that they would go home ; Bourdon threatened to fire upon those who would go back ; they throw the lances down, under a shed, at Tetreau's house, and the fire-arms were left at Sanscartier's.

Q. by the same—For what reason did they give up the expedition and disperse ?

A.—I do not know.

Q. by the same—Did any men return or remain, in consequence of Bourdon's threatening to shoot them ; or did they all disperse ?

A.—Many remained in consequence of that threat.

Q. by the same—Do you know who said they were to take Chambly ?

A.—Bourdon said so.

Q. by the prisoner Bourdon—In what parishes are Gingras', Tetreau's, and Sanscartier's houses, respectively ?

A.—Gingras' house is in the parish of St. Jean Baptiste, Tetreau's in St. Marie, and Sanscartier's in St. Mathias.

Q. by the same—Upon the oath you have taken, do you mean to say you saw me in the parish of St. Cesaire on the night of the third, or in the morning of the fourth November last?

A.—I did not see you in the parish of St. Cesaire.

Q. by the same—Name one of the individuals whom you pretend I threatened to fire on, should they attempt to return home?

A.—It was at night, and I cannot name any one.

Q. by the same—Were those persons who you say remained under the apprehension of my threats, armed; how many were they in number?

A.—They were not armed; twenty or thirty remained; twenty-eight or twenty-nine armed men went away.

Q. by the same—Was it at St. Marie or at the Pointe I employed the threats you have alluded to?

A.—It was on the road from Tetreau's to the Pointe.

[The prisoners here hand in a document, marked C. which is overruled and annexed to these proceedings.]

Q. by the prisoner Bourdon—Where were you, and what were you doing, when you pretend you saw me at Gingras' Tetreau's, and Sanscartier's?

A.—I am Gingras' neighbour, and happened to be there; I went from Gingras' to Tetreau's, to see my brother, who is in Tetreau's employ; my brother-in-law took me from Tetreau's to Sanscartier's, seeing that I was threatened by the others, because I would not march.

Q. by the same—Did you go alone from Gingras' to Tetreau's, or in company with any, and what, persons?

A.—I went alone.

Q. by the same—To what hour did you remain at Sanscartier's house, and how long were you there?

A.—About an hour before daylight; I remained there about an hour.

Q. by the same—In whose house did you remain there; and was it in or near Sanscartier's?

A.—I remained with my brother-in-law, who is Sanscartier's farmer, and lives in the same house.

Q. by the same—Did you see me in Gingras' house?

A.—Not in the house.

Q. by the same—At what hour did you leave Gingras'; at what hour did you arrive at Tetreau's; by what road did you go from the one place to the other?

A.—I left Gingras' about twelve o'clock at night, and reached Tetreau's about one o'clock; I crossed through the fields with my brother, who came from St. Marie, to advise me not to march, as an order would come to that effect.

Q. by the same—Have you any brother but the one who accompanied you from Gingras' to Tetreau's?

A.—I have four others.

Q. by the same—What route did you follow in going from Tetreau's to Sanscartier's.

A.—Through the fields.

Q. by the same—In what conveyance did you go from Tetreau's to the Pointe?

A.—On foot.

Q. by all the prisoners—Have you been induced, by any promise of exemption from imprisonment or of any reward, to give your testimony against us?

A.—No.

Q. by the prisoner Bourdon—At what hour did you leave Tetreau's?

A.—I did not remark the hour.

Q. by the Court—You state, in your examination-in-chief, that

you went alone from Gingras' house to Tetreau's, and afterwards state that your brother went with you ; what is the name of the brother, and why did you at first state that you went alone ?

A.—I do not recollect of having said I went alone ; I said I went alone *with my brother*, whose name is Etienne Trahen.

Q. by the same—Why did you go through the fields, rather than by the high-road, when you went from Gingras' house to Tetreau's, and from thence to Sanscartier's ?

A.—Because they are both shorter.

MORSE ROY, of St. Cesaire, cultivateur, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare whether you know them, and if you saw any of them between the first and fifteenth days of November last, when, where, and what doing ?

Answer—I know the prisoner, Guertin, and saw him on Sunday, the fourth November last, at Sanscartier's, at Point Olivier, about seven or eight, A.M. ; there were about twenty or thirty persons there, some of whom had guns ; he was standing with his hands crossed, looking out of a window.

Q. by the same—Why were so many men at Sanscartier's ; what did they come there for ?

A.—They came there to fight the Queen, from what I had previously understood, but they said they were there to hunt (*chasser*.)

Q. by the same—What did they say they were going to hunt, and who said so ?

A.—I did not ask any thing about it ; during the time of the troubles, the people, when they left home, said they were going “to hunt.”

Q. by the same—What time did you leave St. Cesaire to go to Sanscartier's, and who ordered you to go ?

A.—I left about seven o'clock, P.M. on Saturday, the third November ; I was not ordered by any one ; I went there from curiosity, to see what was going on.

Q. by the same—Did you see the prisoner, Guertin, on Saturday, third, or the day before ; and had you any conversation with him ?

A.—I saw him on Friday, the second ; there were about forty persons together, who said they were going "*a la chasse*" next day ; Guertin was among them ; this was at Guertin's house at St. Cesaire.

Q. by the same—Did you hear any, and what, mention made of the Americans ; what was said ?

A.—They spoke of the Americans, and said they were coming, and we should be very badly off ; they did not say positively that we should be badly off, but *perhaps* only.

Q. by the same—Did you see the prisoner, Guertin, administer an oath to any person ; if yea, state when and to whom it was delivered, and what was its nature ?

A.—He administered an oath to me ; I never saw him do so to any other ; he administered the oath to me the week before the troubles, at his own house ; the oath was to say nothing of the approaching troubles ; I do not read or write.

Q. by the same—For what length of time did you remain at Sanscartier's ; did you leave it alone, or with the armed men who were there, and where did you go to ?

A.—I remained there about a quarter of an hour ; one other person left the house with me, and a third joined us ; I did not leave in company with the armed men.

Q. by the same—How long did the body of men remain at Sanscartier's ; where did they go to when they left his house ; when and why did they disperse ?

A.—I do not know how long they remained ; I went away before them, and I do not know where they went to.

Q. by the prisoner Guertin—When and from whom did you hear that the people were going to fight the Queen ?

A.—I heard it in the street at St. Cesaire, on Saturday night, the third ; a number of men met us and said so ; It was dark, and I do not know who it was in particular ; when we met them, they said “where are you going ?” and we said “we are going *a la chasse*,” and they said, “oh, you are going to fight the Queen.”

Q. by the Court—Where were you going to hunt ; what were you going to hunt ; and how were you armed for the sport ?

A.—There was no place named ; I do not know what we were going to hunt ; none of us were armed.

Q. by the same—When you took the oath administered by Guertin, did he explain to you what was meant by “*la chasse*” and going “*a la chasse*.”

A.—He did not explain it to me ; I was there only once.

NOEL BENJAMIN DIT ST. AUBAIN, of St. Marie, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare whether you know them, and if you saw them, or any of them, between the first and fifteenth days of November last ; when, where, and how engaged ?

Answer—I saw the prisoner, Bourdon, at the house of one Tetreau, a tavern keeper, of St. Marie, about twelve o'clock on the night of Saturday, third November last ; he was there with about thirty persons, and had a fowling piece.

Q. by the same—Did you see any arms at Tetreau's, either fire-arms or spears, or any other kind of weapon ?

A.—I saw two persons in the house who had fire-arms, and also several on the road ; but I saw no other arms in the house.

Q. by the same—Where had the body of men whom you saw at

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Tetreau's house, come from ; how long did they remain, and where did they go, on leaving it ?

A.—They came from the direction of St. Cesaire ; they were still there when I left, and I do not know where they went to.

Q. by the same—Had you any conversation with any people there, and what did they say ; did Bourdon make any remark to you ?

A.—I endeavoured to persuade a brother of mine, who was with them, to go home ; Bourdon told me I was an “ impudent fellow,” and to go home myself. I was on horseback, and on Bourdon's saying this, I rode off ; I do not know if he had any command ; I heard him say to the people about him, “ *Marchons, marchons.*”

Q. by the same—What did you understand from these men to be the object of their assembling ; what were they going to do ?

A.—I do not know.

Q. by the same—Did you hear any mention made of the Americans ?

A.—No.

Q. by the same—Why did you want to get your brother away ?

A.—I had reason to believe that the cause they had engaged in, was bad ; I believe they were going to march against Government, though I did not hear any of them say so.

Q. by the same—Did any of them speak of Chambly or St. Johns ?

A.—Not before me ; I was there only twenty minutes.

VITAL PATENAUDE, of St. Cesaire, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare, whether you know any of them, and if you saw any of them between the first and fifteenth days of November last ; if so, when, where, and how engaged ?

Answer—I saw the prisoner, Bousquet, on the first Monday after the Saturday on which the troubles commenced, at his own house, at about five, P.M. ; I saw him administer an oath to four persons, the object of

which was to organize a force to take the country ; a sign was also given, viz : to carry the fore-finger and thumb of the right hand to the nose, and to cross the middle fingers ; secrecy was required ; he said that the Americans would come and assist the Canadians, in case of their inability to obtain their ends, and that arms were coming to them from the States. He told them to remain quiet until new orders, and until they got the arms. This happened in his mill, in the parish of St. Cesaire, about four acres from his own house.

Q. by the same—Do you know where Bousquet had been on the Saturday or Sunday before ?

A.—No.

Q. by the prisoner Bousquet—Will you swear upon your oath, that the oaths you speak of were not administered on the Monday preceding the first November ?

A.—The troubles began on Saturday, and it was on the Monday following ; I cannot swear as to the dates.

Q. by the same—Upon what day of what month, did the troubles you allude to take place ?

A.—I cannot say what date or month.

Q. by the same—At what hour of the Monday you allude to, do you pretend to say the oath was administered by me ?

A.—About six, P.M.

Q. by the same—What are the names of the persons, to whom you say the oath was administered by me ; were you in the same room at the time, and were there any other persons present on the occasion ?

A.—Louis Gobeil and Theophile Flageole ; I was in the room at the time ; no others but those who took the oath, and myself, were present.

Q. by the same—Why were you present on that occasion ?

A.—I went to the mill, and went, through fear, to take the oath.

Q. by the same—Have you any, and what knowledge of a body of men going from St. Cesaire to Pointe Olivier ; if so, was it before or after that occurrence, that the oaths in question were administered ?

A.—I saw a number of men moving in the direction of the Pointe, on the Saturday before the oath was administered.

Q. by the same—Have you not been induced by a promise of, or by actual reward, or by a promise of exemption from imprisonment, to depose against me ?

A.—The person who brought the subpœna told me, that an allowance would be made me for my time ; no other promise was made to me.

Q. by the Court—At the time the oath was administered to you, were you told that any thing would happen to you, in case you betrayed the oath ; if so, what was it ?

A.—I was told, that he who betrayed the oath would be punished, perhaps killed ; Bousquet told me so.

Q. by the same—Was it during the last autumn, that the oath was administered ; if yea, was it before or after trains began to be used ?

A.—It was last autumn, and before trains (*sleighs*) began to be used.

It being four o'clock, the Court adjourns until to-morrow morning, at ten o'clock.

SECOND DAY, *Saturday, February 23, 1839, ten o'clock, A. M*

The Court meets, pursuant to adjournment. Present the same members as yesterday.

ZEPHERIN GAGNE' DIT BELLEAUVEANCE, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare whether you know them, and if you saw them between the first and fifteenth November last ; if so, state when, where, and how employed ?

Answer—I know all the prisoners before the Court ; they live at St. Cesaire. I saw the prisoner, Bousquet, on the third and fourth Novem-

ber last ; I lived with him ; on the third November, I saw him at his house all the day ; I had the charge of his mill ; he left his house on Saturday night, and told me to take care of every thing ; he said that he was going to Mr. Guertin's, and told me, afterwards, that he was going to St. Marie ; he did not know when he should come back ; he said he was going with others to take arms ; whether he did so or not I am ignorant ; he said they were going to take Chambly ; they expected that the Americans were coming from above ; he said this to me just before going away ; I saw him next morning (Sunday) between five and six o'clock, at his house ; to my enquiries why he had come back, he said, the news had come too soon ; he told me, he had been to Eustace Tetreau's, of St. Marie, and that he had not found arms enough for the people there ; on Monday, the fifth November, I saw him administer oaths to two persons, named Louis Gobeil and Theophile Flageole, at his mill, about seven or eight o'clock in the evening. The import of the oath was to take part with the rebels, and after it was administered, they were to keep quiet until further orders ; he spoke of taking the fort of Chambly ; he said there were nine parishes going to unite and to take the fort of Chambly ; he added, if they succeeded at Chambly, they would take St. Johns and other villages. The object they had in view was to overthrow the Government ; he told me so himself.

Q. by the Court—What did Bousquet mean by the news having arrived too soon ?

A.—He told me a courier had arrived from the States, who stated that the insurrection had begun two days too soon.

Q. by the prisoner Bousquet—At what hour did I leave my house to go to Guertin's, and what distance is it between my house and his ?

A.—About six o'clock, P.M. of the third ; the distance to his house from yours, is five miles.

Q. by the same—Was it five o'clock in the morning or evening, that

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you saw me on Sunday, the fourth, and what is the distance from my house to Tetreau's ?

A.—About five in the morning ; the distance, to the best of my knowledge, may be about five or six leagues, but I cannot say.

Q. by the same—Upon the oath you have taken, do you swear, that it was not on the Monday before All Saints Day, that I administered the pretended oaths in question ?

A.—It was on the fifth November.

Q. by the same—Were you present when I, as you pretend, administered the oaths in question ; if so, what were you doing there ?

A.—I was present ; I remained at the mill in your employment.

Q. by the same—On the oath you have taken, do you pretend to say, you recollect the terms of the oath ; if not, how can you swear that the import of this oath was to assist the rebels ?

A.—The oath was written on a paper, and I cannot read or write ; it was read before me, and I heard some of the words, the import of which was to take part with the rebels.

JOSEPH ARCHAMBAULT, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Look at the prisoners before the Court, and declare whether you know them, and if you saw them on any day between the first and fifteenth of November last ; if so, when, where, and how employed ?

Answer—I know them all, and they live at St. Cesaire. I saw the prisoner, Bousquet, at his mill and house on Sunday, the fourth November last, about eleven, A.M. ; he was in bed when I saw him ; I awoke him, and asked how it happened that he was at home, as we had understood that he was gone ; he replied, that he had gone to St. Marie, to Tetreau's house, and that he had returned because matters did not go on as he expected—that the people were not assembled ; he spoke of the preceding night, as that on which he had gone to St.

Marie ; he spoke of the Americans, and said, they had not arrived as was expected ; he said, " We must remain quiet until matters change ; if matters go on well, we will be informed of it, if not, we must remain quiet." He told me, in the month of October last, that the country would be taken in a single night by the Americans and Canadians. I saw Bousquet administer oaths in the month of October, but not since.

Q. by the Court—What was the import of the oaths administered by Bousquet ?

A.—To keep secret,—that the country would be taken in a single night.

Q. by the prisoner Bousquet—Was the oath you speak of administered to you ?

A.—It was administered to two others ; I am not here to give evidence against myself.

ETIENNE BENJAMIN DIT ST. AUBAIN, of St. Cesaire, joiner, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and state whether you know them ; if so, state whether you saw them between the first and fifteenth November last, and where, when, and how engaged ?

Answer—I know them all. I saw the prisoner, Bourdon, on the second of November last, at my house, doing nothing, unarmed, and alone ; my house is at St. Cesaire ; he came to ask me to go with him and get arms ; he did not say for what ; he did go for the arms to St. Marie, to an inn-keeper's, of the name of Tetreau, and found them ; this was on the second November ; I do not remember if he spoke of the Americans, or of news received from them. I saw Bourdon next afternoon, at my house, where he stopped on passing ; he was with about twenty other men ; I did not see any arms in his hands ; I saw him on the same night, (Saturday, the third,) at Tetreau's, at St. Marie, where there were about thirty or forty men, some of whom were

armed ; I cannot say whether Bourdon was armed ; he was doing nothing in particular ; they were all talking together ; I saw arms against the stable, but do not know who brought them ; I do not know who commanded ; I did not hear orders given by any one ; they spoke with one another, saying, that as the people of St. Marie would not all rise, they would go home ; I did not hear them speak of the Americans ; I left them there when I went away ; a great many spoke when the people stopped opposite my house on the night of the third ; Bourdon did not speak to me ; I did not see him, after that night, for twelve or fifteen days.

Q. by the Judge Advocate—What were these men who went to St. Marie going to do ; and what was their intention and object ?

A.—It is well known the object was to overthrow the Government, as it appeared by their conversation.

Q. by the Court—State the description of arms you saw ; were they Canadian or American ?

A.—Both.

Q. by the prisoner Bourdon—How do you know that I went for the arms you say I spoke of ; was I alone ; if not, who was with me ?

A.—Because you told me you were going for them ; you were alone.

Q. by the same—How can you pretend to swear I was alone when I went for the arms as you state ?

A.—I saw you alone.

Q. by the same—Were you not in prison, and are you not under bail, in consequence of having been accused of participation in the rebellious acts with which I stand charged ?

A.—Yes.

REMINALD GINGRAS, of St. Jean Baptiste, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the

Court, and declare whether you know them, and if you saw them between the first and fifteenth of November last ; if so, when, where, and how employed ?

Answer—I do not know them.

ANTOINE LATOURNEAU, of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Do you know any of the prisoners ; did you see them between the first and fifteenth of November last ; if so, when, where, and how were they engaged ?

Answer—I know them all ; on some day of the week following the third of November last, Guertin came to my house, accompanied by a man on horseback, whose name, they said, was Beausoleil, but I do not know him ; I met Guertin outside my door, and he said, “ Antoine, you must go to the Côte of L’Acadie to meet Dr. Nelson ; ” I answered I would not go, and he said, “ *C’est bien !* ” he departed in a different direction from his own house ; he told me Dr. Nelson was there, and then left ; Guertin was on foot.

GUILLAUME MONPLAISIR, of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Do you know any of the prisoners before the Court ; if so, state if you saw them between the first and fifteenth of November last, and how they were employed ?

Answer—I know them all ; I saw Guertin, on the second or third of November last, at my house at St. Césaire ; he was returning from church on that day ; he asked me whether I would go to Pointe Olivier ; I asked him for what purpose, and he said, “ We are commanded by Malhiot to go ; ” I said I would not go ; he did not tell me why I was to go there, nor do I know ; I should not have gone, even if Malhiot himself had come to order me, because there is only one authority I should have obeyed, viz., that of the Queen.

CHARLES LENE', of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Q. by the Judge Advocate—Do you know any of the prisoners before the Court ; if so, did you see any of them between the first and fifteenth of November last, and when, where, and how employed ?

Answer—I saw them all ; I saw the prisoner, Guertin, on the fourth of November last, at Sanscartier's house, at Pointe Olivier, about six o'clock, A.M., with a body of about forty men ; Guertin was not armed, nor any of the men ; I did not see the body of men, except at Pointe Olivier ; I remained there about an hour and a half, and left them there ; I left Guertin there ; the band consisted of people from St. Césaire, St. Marie, and from the Point ; they were doing nothing ; I saw Guertin again on the ninth of November, at my own house ; he said that Dr. Nelson invited us to his wedding, and that he had come to ask me ; Nelson was at the Côte of L'Acadie ; I refused to go ; he did not explain himself, but I understood that we were to go there to fight against the Queen ; Guertin was accompanied by a person whom I did not know ; Guertin was on foot, and his companion on horseback ; they were unarmed ; they then left.

Q. by the same—How far do you live from Antoine Latourneau, farmer, of St. Césaire, and is his house or yours nearer Guertin's ?

A.—About fifteen or eighteen acres ; Latourneau's house is the nearer of the two.

Q. by the same—When Guertin left you, did he go to his house, or in an opposite direction ?

A.—Towards his own house.

Q. by the same—Did you see Louis Bourdon, at any time between the first and tenth of November ?

A.—I saw him at Sanscartier's, with Guertin and the others, on Sunday morning, the fourth of November last ; he was unarmed, but among the band of men.

Q. by the prisoners Guertin and Bourdon—Is not Sanscartier's house a place where the habitants are in the habit of congregating, especially on Sundays ; is it not situate beside a toll-bridge, (*pont de péage*), over which the people of St. Olivier always pass, on their way to church ?

A.—It is near a toll bridge which the inhabitants are in the habit of passing ; but I do not know whether they are in the habit of congregating there.

Q. by the prisoner Bourdon—Did you hear me threaten any of the people at Sanscartier's, to induce them to remain there ?

A.—I did not hear you speak at all.

Q. by the Court—Is not Sanscartier's house situated in a very central spot, from the parish of St. Césaire, St. Jean-Baptiste, and St. Marie, and the surrounding villages ; and is it not an excellent place for a band of rebels to assemble at, if they wished to attack Fort Chambly ?

A.—It may be central, but I do not know ; nor do I know about its favourable locality for the purpose you name.

JOHN DIER, of St. Césaire, innkeeper, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Do you know any of the prisoners before the Court ; and have you at any time, and when, had any conversation with either of them, concerning his conduct, between the first and fifteenth of November last.

Answer—I know them all ; on the week that the 66th Regiment was stationed in St. Césaire, (being in the latter part of November last), I had some conversation with Bourdon ; he said, in the presence of three persons, “ I do not deny but that I am a rebel ; I have—

[The Court declares that the evidence of this witness, in regard to his conversation, is inadmissible, as it does not appear to relate to any conduct of the prisoner, within the time specified in the charge].

The Judge Advocate declares the prosecution closed, and the prisoners are called upon for their defence.

The prisoners apply for delay until Wednesday, the twenty-seventh instant, to prepare their defence.

The Court is closed, and delay is granted until Tuesday, the twenty-sixth instant, at ten o'clock.

Two o'clock.—The Court adjourns until Tuesday, the twenty-sixth instant, at ten o'clock.

THIRD DAY, TUESDAY, *February 26, 1839, ten o'clock, A.M*

The Court meets, pursuant to adjournment. Present, the same members as on Saturday, the twenty-third.

FRANÇOIS CARDINAL, of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Bousquet—Did you see me on Monday, the fifth of November last; if so, where, and at what hour?

Answer—I saw you on Sunday, and again on Monday evening, when you passed part of the night at my house, until ten or eleven o'clock; you came about six o'clock, and spent the evening conversing with us about our ordinary occupations; you did not leave my house between six and ten o'clock.

Q. by the Judge Advocate—How far do you live from Bousquet's house?

A.—Six or seven acres; his house and mill are close together.

PIERRE PORQUET, of St. Césaire, farmer, having been brought into Court and the charge read to him, he is duly sworn, and states as follows:—

Question by the prisoner Bousquet—Did you see me on Monday, the fifth of November last; if so, where, and at what hour?

Answer—I saw you, between six and seven o'clock, on Monday evening, the fifth of November last, at the house of Cardinal, the last witness ; you were conversing about your usual affairs.

FRANÇOIS SAUVERE', of Farnham, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Were you at my house in the month of November last ; if so, when, and what took place upon that occasion ?

Answer—I cannot say what month or day.

LAURENT TRUDEAU, of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Were you at my house in the month of November last ; if so, when, and what occurred ?

Answer—No.

Q. by the same—Were you at my house on any day before *Toussaint* ; if so, what took place ?

A.—I was there before *Toussaint*, but I know not what day.

Q. by the same—Did you see François Sauveré and son, and on what day ?

A.—I saw François Sauveré, senior, at your house, on Tuesday before *Toussaint*, and next day I saw the son at my brother's house.

FRANÇOIS SAUVERE', père, of Farnham, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Were you at my mills when any person, and who, took a certain oath of secrecy ; if so, state at what time ?

Answer—I was present when you administered an oath of secrecy to two others, on a Tuesday ; I cannot say whether before or after *Toussaint* ; I do not know whether before or after the troubles, but

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my son, on the Sunday following, came, and said, that the people were ordered to march ; I did not know either of the persons to whom the oath was administered ; they told me one of them was called Patenaude, who was almost bald.

Q. by the same—On the day the oath was administered, did you go to the house of any other person in St. Césaire ; did you return to St. Césaire during the following week ?

A.—No ; it was dark when I left Bousquet's house.

Q. by the same—Did you see or speak to any person before you went to my house, on the Tuesday you allude to ?

A.—I was at Trudeau's house, and saw and spoke to him ; I had been requested by you to absent myself for an hour or two, and to return and take the oath ; I live about a league higher up than your house.

Q. by the same—When did you return to St. Césaire for the first time, after having gone home on the Tuesday you allude to ?

A.—Perhaps a month after ; I cannot say.

Q. by the Court—Did you return and take the oath, after being absent during the hour ?

A.—I did—no—yes, when four of us were there together.

[The prisoner Bousquet here makes an application to the Court to allow the witness Laurent Trudeau to re-enter, that he may fix the day alluded to by the witness, Sauveré, which is over-ruled by the Court, it having been closed to deliberate thereon].

ALEXANDER LABOMBAURD, of St. Césaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states a follows :—

Question by the prisoner Bousquet—Do you know Zepherin Gagné dit Belleauveance, of St. Césaire ; were you present when he took a certain oath of secrecy at my mills, and when ?

Answer—I do know him, and was present on a Saturday or Monday, about three weeks before the first November, when he took an oath of secrecy at your mills.

JOSEPH VERNET, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Did you hear Zepherin Gagné dit Belleauveance acknowledge that he had taken the oath of secrecy ; if so, state when he said he had taken the oath ?

Answer—I did ; he told me between the fifteenth and twentieth of October last, that he had taken the oath, but did not say when ?

Q. by the same—Had you, since the beginning of this trial, any conversation with Vital Patenaude, respecting the testimony he gave before this Court ?

A.—Yes ; on Sunday last ; he had just returned from Montreal, and I asked him if the trial was over, and why he had deposed against Bousquet, and what he had been guilty of ; he replied, “ If Bousquet had not deposed against me, I should not have deposed against him ; ” I said to him, “ You were then concerned in the troubles ? ” and he said “ Yes, I was sworn in before the troubles, that I might give notice to my friends, in case of any thing happening.”

FLORENT LEFEVRE, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Did Zepherin Gagné dit Belleauveance, of St. Cesaire, tell you that he had taken the oath of secrecy ; and if so, when and where did he state that he had taken it ?

Answer—He told me, about fifteen days before the troubles, that he had been sworn, but did not say where, when, or by whom.

Q. by the same—Did you see me on Sunday, the fourth November last ; if so, where ; and did I give you any advice in regard to the troubles ?

A.—I did see you at your house, about seven, A.M. ; you did not give me any advice, but said that my business would be to remain at home.

OLIVIER CHARON dit Cabaras, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Q. by the prisoner Bousquet—Did you see me in the beginning of November last ; and if so, on what day, where, and did I give you any advice ?

Answer—I saw you, about three, P.M. on the third November last, at your mill ; you gave me no advice ; you said the best thing any person could do would be to remain at home.

Q. by the same—Did you see Gagné dit Belleauveance upon that occasion, and if so, did he speak to you about an oath of secrecy.

A.—I did, and he told me that he had been sworn a fortnight or three weeks before the first November.

FRANÇOIS MENARD, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bousquet—Did you see me on any day in the beginning of November last ; if so, where, and what did I advise you to do, in reference to the troubles ?

Answer—I saw you on the third November last, at your mill, about five, P.M. ; you told me to remain quietly at home.

THOMAS NADEAU, of St. Cesaire, bailiff, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Q. by the prisoner Bousquet—Did you see one Vital Patenaude, Gagné dit Belleauveance, and Sansoucic, on any, and what, day of November last ; if so, state what took place then ?

Answer—I saw them all three on the fifth of November, at the house of Mr. Gigan, at St. Cesaire, all the day from eight, A.M. until seven, P.M. ; I had not a watch to see the hour ; they stated that they had come for the purpose of deposing against Bousquet ; Sanscoucic left them for the purpose, as I suppose, of making some enquiries ; when

he returned, he asked them if they were ready to depose, and they said, "we are;" he asked, "what will you say against Bousquet?" and they said, "we know nothing against him, nor against Bourdon and Guertin," (and two others who are not before the Court); he again said, "against Bousquet you must know a great deal," and they said, "we do not know much;" he asked, "Did not Bousquet swear you in?" and they said, "Yes;" he also said, "Did not Bousquet tell you, that if you revealed the oath you would be killed?" they answered, "No, he did not;" Sansoucic then said, "But you must say in your deposition, that he did, else it will not be strong enough;" he then enquired when they had been sworn, and Belleauveance replied about a month previously, and Patenaude about ten days; "But you must declare," said Sansoucic, "that you were sworn in today; if you declare that you were sworn in some time ago, you will pass for patriots, but if you say today, it will be believed that you only took the oath in order to be enabled to give information against Bousquet;" they said, "We cannot do it," but afterwards they added, "Will you pay for a pint of rum?" and he said "It is a bargain!" Sansoucic said, "I am well informed of it, and you may take it upon my word;" he exclaimed several times with oaths, "You are not men if you do not hang them, but with your depositions you must succeed;" the three then left the house saying, "Yes, we will hang them;" I saw them go into the house of Mr. Lacombe, who is Clerk to Mr. Chaffers, J.P.; they did depose, as I understood from Lacombe afterwards, who said he took down the substance of their deposition; I do not know if they were sworn or not.

Q. by the prisoner Bourdon—Do you know the general reputation of one Ignace Trahen; if so, state your knowledge of it?

A.—He passes for nothing good, and I would not believe him on oath, because he is a thief and a man of bad conduct.

Q. by the Judge Advocate—Of what Court are you bailiff?

A.—Of the Inferior Term of the Court of King's Bench, and of the Commissioners Court.

Q. by the same—What were you doing all day at the house of Gigan, on the fifth November ?

A.—I was keeping his shop.

Q. by the same—Does François Xavier Lacombe live at Chaffers' house ?

A.—He is the Clerk of the Commissioners Court, and lives opposite ; he is a Notary ; I do not think Mr. Chaffers was at home on the day to which I have alluded, regarding the depositions ; the Christian name of Sanscoucie, to whom I have alluded, is Augustin ; he lives at St. Cesaire.

Q. by the same—What induces you to say that the character of Ignace Trahen is bad, and that you would not believe him on oath ?

A.—I hear him badly spoken of by every one ; his character is notoriously bad ; I could name many who speak against him ; among others, Etienne and Noel St. Aubain ; I heard also at Chambly, yesterday, as I came in, that his character is bad ; I did not know that he was known there, but it appears he was brought up there ; they spoke of him with contempt.

Q. by the same—How came mention to be made of Trahen, at Chambly, yesterday ?

A.—It was in reference to the present trial ; I mentioned Trahen as having given testimony, and they said " oh, the sheep-stealer !"

Q. by the same—Have you had any conversation with any one in regard to the evidence given by Trahen on this trial, and with whom, or upon the evidence you were to give ?

A.—At Chambly they said, " Have you heard of Trahen ? he has given terrible testimony against Bourdon ;" and I said, " Is it possible they would listen to such a fellow ?" I heard from Etienne St. Aubain, at his own house, at St. Cesaire, of the testimony which Trahen had given ; he told me that Trahen had not told the truth ; we

conversed together about the worthlessness of Trahen's character ; I have not spoken to any one, as to the evidence I was to give before this Court ; I have served some of the subpœnas on the witnesses on the defence of this trial.

Q. by the Court—Is it to your knowledge that any previous disagreement existed between the prisoners and the man called Sanscoucie ; if so, what ?

A.—I believe that he and Bousquet were not on good terms ; I cannot say why ; his (Sanscoucie's) ruling quality is fondness of money.

Q. by the same—When you heard men combining in so infamous a manner, to swear away the lives of three of your fellow-creatures, why did you not, as a public officer and an honest man, give immediate information to a Magistrate, or tell any other person of so wicked a conspiracy ?

A.—I gave no information, and did not speak of it in public, because everybody fears Sanscoucie.

Q. by the same—Who were present at this conversation between Gagné, Patinaude, and Sanscoucie ?

A.—No other persons were present ; I suspected what they were alking about, and I listened.

Q. by the same—What reason had you to suspect the nature of their conversation ?

A.—Because I was interested in behalf of Gigan, and Garot, his partner.

FRANÇOIS LAMARRE, Curé of St. Césaire, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by all the prisoners—How long have you known us ; what were our characters, habits and dispositions, respectively, previous to the late disturbances ?

Answer—I have been Curé of St.*Césaire for four years, and during that time I have known you ; I can state, with satisfaction, that your

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characters, habits, and dispositions were good, previous to the late troubles.

Q. by the Court—Is this the first time any of the prisoners have been in gaol on a political charge ?

A.—They were all three imprisoned last year upon the same charge.

Q. by the same—Were they tried, or released without trial ?

A.—They were released without trial.

Q. by the same—Did any trials take place for political offences last year ?

A.—I have no knowledge of it.

Q. by the same—Have you any reason to know they were mixed up in political intrigues ?

A.—I have no personal knowledge of it.

NOEL PARANT, of St. Marie, farmer, having been brought into Court and the charge read to him, he is duly sworn and states as follows :—

Question by all the prisoners—Have you ever had any opportunity of becoming acquainted with Ignace Trahen, a witness for the prosecution ; if so, what is his general character ?

Answer—He was my tenant for a year ; with regard to his reputation, all the people of our place say, “ Do not trust that man ” ; he took away part of the fence from my premises.

Q. by the same—Would you believe him on oath ?

A.—No.

Q. by the Judge Advocate—Did you get him punished for taking away your fence ?

A.—No ; he is a poor man ; I turned him out of my house at the end of the year.

Q. by the Court—Did you ever know him to take a false oath ?

A.—No.

Q. by the same—Can you, *of your knowledge*, give any instance of Trahen's dishonesty or falsehood ?

A.—I can state no particular fact on which the opinion is founded, except what I have already stated as to my fence.

BAZILE TROUILLET, of Chambly, butcher and farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bourdon—Do you know Ignace Trahen ; if so, what are his habits and general character ?

Answer—Twelve years ago, he lived with me for a month, and stole a sheep for his wedding ; I hear that his character still continues the same.

Q. by the Judge Advocate—Did you prosecute Trahen ?

A.—No.

JUSTINIEN LANGLOIS, of St. Marie, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bourdon—With whom did you reside in the parish of St. Marie, in the beginning of November last ?

Answer—With Jean Bte. Tetreau, tanner and innkeeper, I have resided there, constantly, for two or three years, until three weeks ago.

Q. by the same—Was there a brother of Ignace Trahen's residing at Tetreau's at the time of the late troubles, or at any other time since you went to reside there.

A.—No.

Q. by the same—Did you see me on Saturday the 3d November last ; if so, state at what hour, and where I was going to ?

A.—I saw you at Tetreau's, about an hour after sunset ; you said you were on your way to Montreal ?

Q. by the same—Had I any conversation with you, on that occasion respecting my journey to Montreal ?

A.—Nothing farther.

Q. by the Judge Advocate—How long did Bourdon remain at Tetreau's.

A.—About ten minutes and then went away ; I went to bed about ten o'clock ; he did not return, that I saw, that night.

Q. by the same—Were there any other persons there that night ?

A.—I do not remember ; the house was very quiet all night ; I have no knowledge that there were any spears or arms about Tetreau's ; I do not know what time the people went to Sanscartier's, or if any went ; I do not know any thing about this ; Bourdon came alone, I believe ; I slept there all night ; one of Bourdon's nephews was the first who told me I must come here to give evidence, and told me what evidence I was to give, enquiring if I knew these things.

Q. by the Court—Had Trahen any brother-in-law in Tetreau's employ during the troubles ?

A.—No.

Q. by the Court—Have you ever taken an oath before today ; if yea, say upon what occasion ?

A.—I have been upon oath before the Commissioners Court.

Q. by the same—Is Tetreau living at home at present ; if not, where is he, and how long has he been absent, and why ?

A.—He has been absent in the United States for about two months, having been obliged to go for fear of being taken, as I presume.

ALEXIS PECHETTE, of St. Césaire, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the prisoner Bourdon—did you see me on the third November last ; if so, where, at what hour, and where did I say I was going ?

Answer—I met you on the road at St. Marie, on the third November, about six .P.M. ; you said you were going to Montreal.

Q. by the same—For what purpose did I say I was going to Montreal, and was I armed ?

A.—You did not say, nor were you armed ; you had a handkerchief in your hand ; the evening was setting in.

EDOUARD MASSIE, of St. Matthias, ferryman, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question by the prisoner Bourdon—Did you see me on the fourth November last ; if so, state at what hour, and under what circumstances ?

A.—I saw you at my house about nine or ten o'clock, A.M., at Pointe Olivier ; you desired to get a conveyance to go to Collins', at Longueuil ; I sent my little boy with you in a caleche ; you were unarmed, nor had you any box with you.

ALEXIS COLLINS, of Longueuil, tavern-keeper, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Bourdon—Did you see me at your house on Sunday, the fourth November last ; if so, state at what hour, and where I was going ?

Answer—I did, about sun set ; you said you were going to Montreal.

Q. by the same—How long did I remain, and which way did I go on leaving ?

A.—You staid all night, and left on Monday morning, about four o'clock, in the direction of the horseboat, which crosses to Montreal ; you were unarmed.

ELEANOR SIMPSON, wife of Andrew Simpson, of Montreal, carpenter, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by Bourdon—Did you see me in Montreal on Monday, fifth November last ; if so, at what hour, and how long, to your personal knowledge, did I remain in Montreal ?

Answer—I did see you on that day, between twelve and three o'clock ; I saw you again some days afterwards, in Montreal, and I said to myself, "this young man could not have got home, as he said he would, on that evening."

LOUIS DUFAL, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by Bourdon—Do you live near me: did you frequently see me previous to the late disturbances, and how was I occupied in general?

Answer—I live near you; I saw you often before the troubles, engaged as usual.

Q. by Bousquet—At what distance is my mill from the River Richelieu?

A.—About six leagues from Pointe Olivier.

Q. by Bousquet and Guertin—Do you know us, and what are our respective dispositions and characters?

A.—You are two honest, worthy men.

It being four o'clock, the Court adjourns until to-morrow morning, at ten, A.M.

FOURTH DAY, *Wednesday, February 27, 1839, 10 o'clock, A.M.*

The Court meets, pursuant to adjournment. Present, the same members as yesterday.

ROBERT SMITH, of Montreal, carpenter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by Bourdon—Did you see me in Montreal in the early part of November last, and do you know how long I remained in town?

Answer—I saw you from the sixth or seventh November last, several times, up to the thirteenth or fifteenth.

DENIS DWYER, of the parish of Montreal, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by Bourdon—Did you see me in Montreal in the beginning of November last, and how long did I remain there ?

Answer—I saw you on, I believe, the first Tuesday in November, at your father's house, in Montreal, and every day for eight or nine days after.

CATHERINE PETEL, wife of Jean Baptiste Tetreau, of St. Marie, having been called into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by all the prisoners—Had your husband, in the beginning of November last, or at any other time, a brother, or a brother-in-law, of Ignace Trahen, in his employ, or did any such person reside in your house about that time ?

Answer—No.

Q. by the Judge Advocate—Do you know Ignace Trahen, and has he any brothers ?

A.—He has one, residing as second neighbour from us.

Q. by the same—Whose house is nearest to Ignace Trahen's, that where his brother lives, or yours ?

A.—Our house is the nearest, and they are on the same road.

Q. by the same—What distance is there between this second neighbour, where Trahen's brother lives, and your house ?

A.—Four acres.

Q. by the same—Can you positively swear that a brother, or brother-in-law of Ignace Trahen was not in your house at any time on the night between the third and fourth November last ?

A.—I can positively swear there was not.

Q. by the same—Were there any strangers, and how many, in your house, on that night ?

A.—There was nobody there that night.

Q. by the same—How many spears were there in the out-house of your husband ?

A.—I never saw any.

Q. by the same—Where is your husband at present ?

A.—He is in the United States.

MARIE ST. MICHEL, wife of Laurent Trudeau, of St. Cesaire, having been brought into Court, and the charge read to her, she is duly sworn, and states as follows :—

Question by Bousquet—Did you see Francois Sauveré, of Farnham, and his son ; if so, state where, and on what day ?

Answer—I saw them on the Tuesday before All Saint's Day, about five, P.M. ; they came to take my husband with them to Bousquet's.

Q. by the same—Was that the only occasion on which you saw Sauveré, père, at St. Cesaire, about the time of the troubles ?

A.—I saw him about fifteen days afterwards, passing my house.

Q. by the same—Did you ever hear one Belleauvance express any feelings hostile to me ; if so, when and where ?

A.—I heard him say, the day before you were taken prisoner, that he hoped if once gone, you would never return.

Q. by the Judge Advocate—Why did he say he hoped Bousquet would not return ?

A.—I do not know ; he came to my house, and asked if Bousquet had left.

JEAN BAPTISTE ARCHAMBAULT, of St. Cesaire, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Bousquet—Do you know that Belleauvance and Pate-naude had been induced by any person, and whom, to depose against me ; if so, state your knowledge of it ?

Answer—Yes ; Sanscartier told me.

[The Court declares this testimony inadmissible, it being merely hearsay evidence.]

The prisoners here close their defence.

By permission of the Court, the Judge Advocate calls upon the following witnesses, in support of the character of certain witnesses on the

prosecution, and for impeaching the character of certain witnesses on the defence :—

FRANÇOIS LAMARRE, curé of St. Cesaire, having been already sworn before this Court, states as follows :—

Question by the Judge Advocate—Do you know Ignace Trahen, of St. Cesaire, farmer ; how long, and what means have you had of becoming acquainted with his general character, and what is it ?

Answer—I saw him first, two years ago ; he has visited my house two or three times ; he is one of my parishioners ; I never heard any reflections on his character ; I never heard anything for or against him.

Q. by the same—Is it not likely that you, as curé, would have heard something against him, if his character were generally bad ?

A.—As curé, I would have a better opportunity than others of knowing his character ; but nothing against him ever came to my knowledge.

Q. by the same—Do you know Vital Patenaude and Zepherin Gagné, both of St. Cesaire ; if so, how long have you known them, and what is their general character ?

A.—I have known them both for four years, as my parishioners ; they are both good young men ; Patenaude is rather fond of liquor, but it does not often happen that he is tipsy, except sometimes, when temptation offers.

Q. by the same—Do you believe that these men could be induced to swear falsely for the purpose of depriving a fellow-creature of life ?

A.—I am astonished at the question being put ; it would indeed surprise me much, from what I know of their good character ; I do not believe they could.

Q. by the same—Do you know Thomas Nadeau, of St. Cesaire, bailiff ; if so, what is his general character ?

A.—I have known him for four years ; I think he is an honest man, to a certain point, but he is reckoned a great talker and a man of a bad tongue.

Q. by Bousquet—How long has Ignace Trahen been in your parish ?

A.—I have known him to be a resident in my parish for two years, possibly three.

Q. by the same—Are not your moral and religious parishioners in the habit of visiting you oftener than once a year ?

A.—When I spoke of Trahen's visiting me, I did not intend to allude to his attendance at church, or his performance of his religious duties, and cannot now, with propriety, do so.

Q. by all the prisoners—Did you not say yesterday, or at some other time, that Ignace Trahen was a *rapporteur* in your parish, one of whom you knew nothing good or bad ?

A.—I said, this morning, that Ignace Trahen had been in my parish for two years, that I knew not whence he came, nor anything good or bad about him.

Q. by all the prisoners—From your knowledge of Nadeau's character, do you think that he would make a false statement upon oath ?

A.—As I have said before, Nadeau loves too well to speak, and sometimes compromises his fellow-parishioners ; but whether he would make a false statement on oath, I know not ; I do not believe he would.

WILLIAM UNSWORTH CHAFFERS, Esquire, of St. Cesaire, having been called into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—How long have you resided at St. Cesaire ; do you hold any, and what public offices there, and how long have you done so

Answer—I have resided for twelve years at St. Cesaire, am a Justice of the Peace, Post Master, and one of the Commissioners for the trial of small causes.

Q. by the same—Do you know Ignace Trahen, of St. Cesaire ; can you state what his general reputation and character are ?

A.—I have known him personally only since the last troubles ; I

knew him to be a resident of St. Cesaire previous to that period ; I never heard anything to impeach his character.

Q. by the same—Is it not probable, from the public situation that you hold, that you would have heard something against him if his character were generally bad ?

A.—As I have been very active in the exercise of my duties as Magistrate, I think it very probable that I should have heard so, if his character were bad.

Q. by the same—Do you know Vital Patenaude and Zepherin Gagné dit Belleauveance, both of St. Cesaire ; if so, how long, and what are their general characters ?

A.—Gagné dit Belleauveance I have known from a child ; the other I have known for a year or two. Their general characters are very good. I have known Belleauveance to be tipsy twice since I was acquainted with him ; I do not mean to say I saw him tipsy the last time, but from the report of his comrades, I discharged him from the rural police, in conformity with instructions received from the superintendant, to exercise great strictness in preventing the use of liquor among the men.

Q. by the same—From the knowledge of the characters of these men, do you believe that they could be induced to swear falsely, to deprive a fellow-creature of life ?

A.—Certainly not ; my firm opinion is, that they could not.

Q. by the same—Do you know Thomas Nadeau, of St. Cesaire, bailiff ; and what is his general character ?

A.—I know nothing against his moral character ; he passes as a great babbler and busy body among us ; I have unfortunately been witness to his speaking more against, than in favour, of his neighbours.

Q. by the same—What character does he bear as to his political sentiments ; is he a loyal man ?

A.—I should hesitate to say that he is a loyal man ; I was sometimes on the point, during the first troubles, of putting him in gaol for political offences.

Q. by the same—Is he looked upon as a reputable character; is he respected in that quarter?

A.—I do not think he is respected.

Q. by all the prisoners—How long, to your knowledge, has the said Ignace Trahen resided in St. Cesaire, and at what distance from your dwelling house does he live?

A.—He has resided in the parish of St. Cesaire, to my knowledge, for about eighteen months, and lives about two leagues from my house.

Q. by the same—Had you ever heard Ignace Trahen spoken of, for good or ill, previous to the late disturbances?

A.—No.

Q. by the same—May not Ignace Trahen be known to those who are acquainted with him, as a bad character, without the fact having come to your ears?

A.—It is quite possible.

Q. by the same—From what you know of Nadeau, do you think he would take a false oath?

A.—I should not think he would.

The evidence is here closed, and the prisoners apply for delay until Friday, first March, to prepare their written defence.

The Court is closed to deliberate thereon, and delay is granted until tomorrow morning, at twelve o'clock.

The prisoners hand in a document, marked D, annexed to these proceedings.

Three o'clock, P.M.—The Court adjourns until to-morrow, at twelve o'clock, noon.

FIFTH DAY, Thursday, February 28, 1839, 12 o'clock, Noon.

The Court meets. Present, the same members as yesterday.

By permission of the Court, the assistants of the prisoners read their written addresses to the Court, hereunto annexed, marked E, F, G.

The Judge Advocate's address is here read, and annexed to the proceedings, marked H.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges against the prisoners, together with what they have stated in their defence, is of opinion, that they, the prisoners, viz : Jean Baptiste Bousquet is guilty of the charges preferred against him ; that Louis Bourdon and François Guertin, are, individually and collectively, guilty of the charges preferred against them, with the exception of that part which charges them with administering certain unlawful and traitorous oaths, and of which they are not guilty.

The Court having found the prisoners so far guilty, as above stated, and the same being for offences committed between the first and fifteenth days of November last, in furtherance of the rebellion which had then broken out and was existing in this Province of Lower Canada, do sentence the prisoners in manner following, viz :

That Louis Bourdon be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Jean Baptiste Bousquet be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief and Commander of the Forces, may appoint.

That François Guertin be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,
CHAS. D. DAY,
ED. MULLER, *Capt. the Royal;*
Joint and severally Deputy Judge Advocate.

A

PROVINCE OF }
LOWER CANADA, }

THE QUEEN,

vs.

LOUIS BOURDON AND OTHERS.

The prisoners who have been brought forward for the purpose, as they have been informed, of being tried upon a charge or charges of Treason, respectfully reserving the right of objecting to the competence of the tribunal assembled to try them, beg leave to urge upon the attention of the Court, that according to the practice of Courts constituted as the present, a party accused of Treason is entitled to the following safeguards:—*First*, The charge must be furnished in such time before the meeting of the Court, as that the accused may have full opportunity of preparing his defence,—in fact, an Act of the Imperial Parliament, of the third and fourth Anne, chapter sixteen, has expressly provided, that persons tried by Courts Martial shall have the benefit of the Act for regulating trials in cases of Treason and Misprision of Treason, thus securing to the party charged an interval of, at least, ten days between the service of notice of trial, and his arraignment; whereas no certain day was fixed for the prisoners' trial, and copies of the charges were only communicated to them on the tenth day of February, instant, but three days previous to that supposed to be the day of trial.

Secondly, The accused is entitled to a list of the witnesses against him: such has been withheld from the prisoners.

Thirdly, He is entitled to a list of the persons appointed to sit in judgment upon him: no such list has been furnished to the prisoners.

Fourthly, The accused is entitled to freedom of intercourse with his friends, relations, and connections, whilst engaged in preparing for his trial: the relations, connexions, and friends of the prisoners have been, and continue to be, denied free access to them.

They have been treated as criminals, whose guilt has been taken by anticipation, and the restraints unjustly and illegally imposed upon them, have impaired their means of defence.

The prisoners accordingly claim the consideration of the Court to the matters submitted, and request that all proceedings may be deferred, until the benefits which the practice of Courts Martial, constituted as the present, shall have been extended to them.

Montreal, 22d February, 1839.

B

THE QUEEN

vs.

LOUIS BOURDON AND OTHERS.

The prisoners respectfully, but firmly, except to the competence of the tribunal now assembled, under the designation of a Court Martial, to take cognizance of the offence of Treason, with which they stand charged, or to sit in judgment against them for the said offence, because, they say, that by the Act of the Imperial Parliament, of the fourteenth George III. chapter eighty-three, it is enacted, that the criminal law of England shall continue to be administered, and shall be observed as law in the Province of Quebec, as well in the description and quality of the offence as the method of prosecution and trial, to the exclusion of every other criminal law or mode of proceeding therein.

That the statute of the Imperial Parliament, of the twenty-fifth Edward III. chapter three, commonly called the Statute of Treasons; the statute of the same Parliament, of the seventh William III. chapter three, and the statute of the same Parliament, seventh Anne, chapter twenty-one, and divers other legislative expositions, of the said statute of Edward III. by different laws enacted since that period, formed

and form part of the criminal law of England, introduced into the said Province of Quebec, by virtue of the said Act of the Imperial Parliament of the fourteenth George III. chapter eighty-three, and are yet in force in the Province of Lower Canada, by virtue of the said Act.

That by virtue of the common law of England having reference to criminal offences, and forming part of the law of this Province, a party charged with High Treason is entitled to be tried by a Jury of his country, empannelled before the ordinary criminal tribunals, to the exclusion of every other mode of trial—to be furnished with a list of the Jury, to give him the benefit of the challenge, at least ten days before the day of trial—to be furnished with a list of the witnesses for the prosecution, to enable him to detect conspiracy, and to prevent perjury, in like manner, at least ten days before the day of trial, and to have, at least, ten days to procure the assistance of counsel.

That by the Act of the Imperial Parliament, of the first Victoria, chapter nine, under the supposed authority of which, an Act, as it is said, hath been passed by the Administrator of the Government, by and with the advice and consent of a Special Council, constituted under the said last mentioned Act of the Imperial Parliament, authorising the trial by Court Martial of all persons who, since the first day of November, had been, or were, or thereafter might be, acting or aiding, or in any manner assisting in the rebellion therein referred to, it is expressly provided, that it shall not be lawful, by any law to be passed by the Governor and Council, to repeal, suspend, or alter any provision of any Act of the Imperial Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Upper or Lower Canada, as constituted, repealing or altering any such Act of the Imperial Parliament.

That it was not, and is not, competent to any local Legislature, created by the said Act of the Imperial Parliament, of the first Victoria, chapter nine, to sanction any departure from the practice of ad-

ministering the criminal law of England, as introduced into this Province by the said Act of the Imperial Parliament, of the fourteenth George III. chapter eighty-three, or to abrogate any part of the common or statute law of England, having reference to the offences of High Treason, existing and in force at the time of the passing of the said last mentioned Act.

The prisoners further except to the legality of the pretended Ordinance of the Administrator of the Government and Special Council, known as the second Victoria, chapter three, because they say, *firstly*, that the Council firstly constituted under the Act of the Imperial Parliament of the first Victoria, chapter nine, was lawfully dissolved by letters patent of His Excellency the Earl of Durham, the then Governor General of the Province, on the first day of June last, and that the said Ordinance of the second Victoria, chapter three, was enacted with the sanction and advice of the persons composing the Special Council, so firstly constituted, without the same having been reconstructed.

Secondly, That the said Ordinance of the second Victoria, chapter three, purports to have been enacted on the eighth day of November last, whereas the pretended Special Council, by and with whose sanction the said Ordinance was enacted, was convened, by proclamation, to meet only on the ninth day of November last, and, therefore, they contend that there was no Legislature in session in this Province, at the time the said pretended Ordinance purports to have been enacted.

Wherefore they pray that they be remanded whence they came, & await their trial according to law.

Montreal, 22^d February, 1839.

C

THE QUEEN,

vs.

LOUIS BOURDON AND OTHERS.

The prisoners respectfully except to all the evidence given by the witness, Ignace Trahen, now under examination, on the ground that it has no reference to the supposed crime charged against them, they being accused of treason, alleged to be committed in the parish of St. Cesaire, while the witness, Trahen, only deposes to matters which, as he says, occurred without the parish of St. Cesaire; and, therefore, the prisoners humbly pray, that all the evidence in question be expunged from the records of this Court.

D

Extrait des Régistres des baptêmes, mariages et sépultures, faits dans la paroisse de Montréal, sous le titre du S. Nom de Marie, dans l'île, comté et district de Montréal, Province du Bas Canada, pour l'année mil huit cent dix-sept. Je, prêtre soussigné, ai baptisé Louis, né ce jour du légitime mariage de Louis Bourdon, menuisier et de Marie Anne Bornet; le parrain a été Louis Demers, la marraine Marie Blache, qui a signé avec nous, le père et le parrain n'ayant pu le faire.

MARI BLACHE.

J^{rs}. COMTE, *Ptr.*

Lequel extrait je, soussigné Prêtre du Séminaire de Montréal, certifie être conforme à l'original.

T. ROQUE, *Ptr.*

Montréal, ce 25 Fevrier, 1839.

E

ADDRESS OF JEAN BAPTISTE BOUSQUET.

Mr. President, and Gentlemen of the Court,

The charge brought against me is twofold in its nature and consequence.

First, I am charged with levying public war against the authority and existence of the Government, between the first and fifteenth of November last, in the parish of St. Cesaire.

Secondly, With having administered unlawful oaths, for treasonable purposes, at the same time and place.

The evidence in support of the first part of the charge amounts to this:—Ignace Trahen deposes that he saw me at Tetreau's, in the Parish of St. Marie, between one and two o'clock, on Saturday night, the third November last; he states that I was on horseback, but it does not appear, by evidence before this Court, that I was armed, or in company or connection with the men then assembled there. It will be for this Court to decide, if satisfied of the fact, whether my appearance and conduct upon this occasion establish an overt act of levying war in defiance, and for the subversion of the Queen's authority. If it would decide that an overt act had been proved, I would respectfully observe, that this would be evidence of what occurred in the parish of St. Marie, and that it has been repeatedly ruled, in the most unequivocal terms, in England, that if a charge be for levying war, and that made the treason for which the party was arraigned, in that case, the offence charged is local, and must be laid in the county where, in truth, it took place. This testimony, I most respectfully apprehend, is inadmissible, because, for a further reason, no act or even design occurring in the parish of St. Cesaire, where the crime is specifically said to have been committed, has been previously proved, which would have been essentially necessary, in order to admit the preferring testimony.

The evidence of Belleauveance and Archambault is no more than attempts at recollecting what I said upon several occasions. Gagné dit Belleauveance, at that time in my employ, swears that he saw me throughout the whole Saturday, third November last—that I told him upon that day, that I was going to take up arms with others, to take Chambly—that he saw me on the following morning, between five and six o'clock—he swears that I then remarked that I had returned because the news had travelled too fast—also, that I had been at Tetreau's, where a sufficient number of arms had not been collected. Joseph Archambault swears that he saw me at my mill and house, on Sunday, the fourth; he asked me why I was at home, as he understood I had marched—that thereupon I replied that I had been at Tetreau's the preceding night, and generally that matters had not turned out as I expected. What I am represented to have said upon these occasions, must, I respectfully apprehend, be viewed in a light less favourable to the prosecution than confessions. It has been ruled that a confession shall not supply the want of a witness; there shall be two witnesses to the treason notwithstanding. Now if a solemn confession is considered insufficient without two witnesses, how can it be pretended that a report of what I said should be sufficient? It was remarked once, by a great and learned man, that with respect to confessions made to persons having no authority to receive them, "they are the weakest and most suspicious of all evidence. Proof may be too easily procured, words are often misrepresented, and misrepresent, whether through ignorance, inattention, or malice, it mattereth not to the defendant; he is equally affected in either case; and they are extremely liable to misconstruction, and without this evidence is not, in the ordinary course of things, to be disproved by that negative evidence, by which the proof of plain facts may be, and often is, confronted."

How much more forcibly do these judicious observations apply to the pretended conversations reported by Belleauveance and Archam-

bault. I leave the Court to weigh this evidence, and to determine whether it be proved by these witnesses that I had any connection with the rebels, or any knowledge of their designs.

With respect to the other branch of the charge, viz.: that I administered oaths tending to organize rebellion against the Government, it does not appear to be made out. I shall, briefly, allude to the evidence in support of this part of my alleged offence.

Vital Patenaude deposes that he saw me on the Monday after the Saturday (I take his own words) on which the troubles broke out; I was at my own mill about five o'clock in the evening; he says he saw me administer an oath to four persons, the object of which was to organize a force to take the country; that it was six o'clock when this oath was administered, and two of the four individuals last alluded to were armed, Louis Gobeille and Theophile Flageole. Without at present remarking upon the nature and probable criminality of the oath in question, I would remark, that this witness, whose memory seems so exceedingly retentive and accurate as to the time, even the hour, the spot, the individuals present, and the tenor of the alleged oath, does not even remember the day, the month, or the season of the alleged troubles so indefinitely alluded to by many of the witnesses for the prosecution. Upon cross-examination, when I wished to establish the precise day of the month, he strives to be more accurate, and states, that this occurred on the Monday after the Saturday on which he saw a number of persons moving in the direction of the *Pointe*. Will the Court presume that the persons seen by this witness, moving in the direction of the *Pointe*, constituted the body of armed desperadoes who disturbed the peace of that part of the country, on the third of November last? With confidence, I hope it will not. I hope, even in the absence of all contradictory evidence, the Court would hesitate in receiving the evidence of this man, as proving the alleged offence to have been committed on Monday, the fifth of November.

Gagné dit Belleauveance deposes, that he saw me at my mill, between seven and eight o'clock on the evening of Monday, fifth November, the same day ; that, upon that occasion, I administered oaths to two persons, Louis Gobeille and Theophile Flagéole, that the object of this oath was to take part with the rebels.

This man, instead of completing the testimony of Patenaude, which, no doubt, was intended, contradicts it upon two points : the one states that the oath was administered to four persons upon that occasion, and about six o'clock in the evening—the other that it was administered to two, and between seven and eight in the evening. The Court, however, may not deem this contradiction very material.

From the testimony of these individuals, it appears that they were accomplices in the crime which they have attempted to prove against me, and it will be manifest to the Court, that the credibility of their testimony must be most seriously affected by this participation. Admitting, as I must, the legal competency of such witnesses, yet, I would respectfully observe, that, upon the trials for High Treason in Ireland, the Judges constantly adverted to the questionable shape in which accomplices appeared, and the discredit which their own participation attached to their evidence.

In concluding my remarks upon this testimony, I would venture to represent to the Court the manifest improbability which it sets forth. The alleged organization of the rebels must have been complete on Saturday, and was, in fact, complete, because it has been shewn that they mustered that night.

They returned next morning after having thrown down their arms, some from apprehension, others from disgust.

The pretended expedition which was to accomplish the overthrow of the established Government, either from want of skilful preparation, discipline, courage, or hopes of success, had failed. Men were returning to their homes to resume their honest and peaceful occupations ; most of them had done so.

These individuals, who, according to the testimony of the witnesses, lived in the village or in the neighbourhood thereof, it does not appear that they were at all reluctant or slow in joining the rebels, and is it likely, from all these circumstances, that they were sworn in on the 5th November, after the attempt had failed. Is it probable that I would have administered oaths to men after the failure, and, more particularly to men who had remained inactive to that hour.

Thus, from the contradiction which this evidence contains, from the questionable character it possesses as being derived from accomplices ; a polluted source, from the manifest improbability which it sets forth, it seems entitled to very little, if any, credit or weight in proving the charge against me. I shall now, briefly, allude to the evidence adduced upon the defence, to destroy this testimony, should the Court deem it admissible, or of any credit. The first is Mr. Cardinal, who swears that I was at his house, on Monday evening, from six till eleven o'clock ; that I spent the evening there and did not speak of politics ; Mr. Paquet supports this testimony by stating that he saw me at Cardinal's, between six and nine o'clock, that he remained there half an hour, and that I appeared to be spending the evening with Cardinal. The Court will, probably, consider that this evidence proves that I was not at the mill between six and eleven o'clock of that evening ; and the witnesses for the Crown have taken upon themselves to swear that I administered oaths there between six and seven o'clock. This contradictory evidence, taken in connection with considerations which must weaken the testimony on the prosecution, would appear to destroy the credibility of the witnesses against me. But, lest the Court should deem this insufficient, I would refer it to the evidence of Alexr. Labombarde, who swears that he was present when Bellaueance was sworn at the mill, about three weeks before the troubles ; in corroboration of this, several other witnesses, whose names I need not mention, swear that they heard Bellaueance repeatedly say that he had been sworn in, about three weeks before the trou-

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bles ; with respect to Patenaude, I would specially refer the Court to the evidence of Trudeau and his wife, and the two Sauverés, their testimony is complete, and confirmed by reciprocal corroboration. It proves that Patenaude was sworn on the Tuesday preceding the troubles, whereas he swears that it was on the Monday after, and it is unnecessary to point out how unlikely it is that a man should, within that short time, be sworn twice upon a sacred oath, as they pretend, and for a great and solemn purpose. Nadeau has given a very coherent and intelligent testimony before the Court ; he proves a most disgraceful conspiracy, on the part of Gagné and Patenaude, to oppress and persecute me. I respectfully refer the Court to his testimony, as proving, in the first place, the motives by which they were actuated in giving evidence against me, and, also, in confirming the testimony of those who have deposed to the fact that Patenaude and Belleauveance were sworn some time previous to the disturbances, and that I did not swear any persons on Monday, the fifth, as is alleged.

I do not wish to have it supposed, that my object in thus commenting upon the evidence brought against me, and in adducing testimony in my favour, has been to prove my entire innocence of all offence against the law—my entire exemption from all ingratitude and disloyal feeling towards my gracious Sovereign : if it would serve any purpose, I might admit that I was not wholly innocent, and pray, through you, Gentlemen, for Her mercy and forgiveness. But my object has been to shew that I did not commit the offence alleged between the first and fifteenth November last.

F

ADDRESS OF LOUIS BOURDON.

Gentlemen of the Court,

Arraigned before you in the dawn of my years upon an accusation, which, if followed by conviction, may either consign me to an igno-

minious end, or doom me to drag out the days of my manhood in the gloom of a dungeon, or in the hopelessness of exile, I might remind you that the errors of youth, and, such especially as are imputed to me, seldom spring out of base motives, and are, almost invariably, the result of a deep sense of wrong, either real or supposed, which prompts the hand to execute the wild designs, which, in a moment of mistaken enthusiasm, the mind had conceived. And were I to acknowledge a similar error, I am convinced you would feel disposed to regard it with an indulgent, if not wholly forgiving eye. But I appeal not to you, Gentlemen of the Court, for sympathy; I but ask at your hands a fair and impartial investigation of my case, according to the evidence adduced against me.

For, if discarding from your minds all recollections of past events, and rejecting suppositions when offered in lieu of proof, you judge me upon the evidence alone (and I cannot doubt you will have pledged yourselves before Heaven to do so), the result of your deliberations must restore me to the arms of my family.

That evidence, consisting of the testimony of four witnesses, Ignace Trahen, Noel Benjamin dit St. Aubain, Etienne Benjamin dit St. Aubain, and Charles Sevé, is wholly insufficient to support the charges preferred against me.

Firstly,—Because the testimony of Ignace Trahen being set aside, as it must be, for the reason I shall hereafter advert to, and that of Etienne Benjamin dit St. Aubain and Charles Sevé, as accomplices, but such as should only be taken in corroboration of the evidence of two other witnesses, there is but the testimony of one unimpeachable and unsuspected witness of record against me.

Secondly,—Because, conceding, for the sake of argument, that the evidence of Ignace Trahen be received, or that of Etienne Benjamin dit St. Aubain and Charles Sevé taken as sufficient to support the testimony of Noel Benjamin dit St. Aubain, there yet remains no positive proof of conspiracy or design to overthrow the Government in the acts which I am accused of having participated in.

Thirdly,—Because, admitting still further that an overt act of Treason, or several, have been proved, the evidence recorded against me is illegal in its totality, and cannot form the basis of a conviction.

The first feature which strikes an impartial reader in perusing Trahen's testimony, is a palpable contradiction. He states, in the first place, that he resides in the parish of St. Cesaire, and when asked what object he had in view, when he went to the house of one Romuald Gingras, he asserts, that they were neighbours, and he happened to go there accidentally, although a moment before he had sworn, that Gingras resided in the parish of St. Jean Baptiste, and not at St. Cesaire. This is a contradiction which cannot be attributed to involuntary error, and must necessarily have its origin in wilful falsehood, for either the witness and Gingras were not neighbours, or they both resided in the same parish, and the witness could not, even for a moment, be mistaken with regard to either of these facts. Connected with that contradiction, the improbability of three other statements made by Trahen, would suffice in any Court of Justice in the world to ensure the total rejection of the testimony.

You have heard him state, that the men he saw at Ste. Marie, were plentifully supplied with lances, which they threw down before they left that place, and sallied forth, upwards of a hundred in number, to attack the fort at Chambly, with only twenty or thirty muskets. If you are to suppose that any number of men, assembled at Tetreau's, had formed the design of attacking the fort at Chambly, you must either be convinced that they took their lances with them, or that they relinquished the proposed design. This statement is not less improbable than the false accusation he preferred against me, of having induced some of the men to remain at Sanscartier's, by means of the threats, he says I held out to them. Is it to be believed, that a youth of feeble frame, although armed, could intimidate a band of thirty, or even twenty men, and compel them to remain with him against their will? If any thing can be more improbable than these assertions, it is the story

Trahen has told, of his having gone from Gingras' at midnight, to pay a visit to his brother, and, although intimidated, as he would wish to make it appear, by the armed gathering throughout the country, and anxious to avoid all connexion with him, and having, nevertheless, after the pretended visit to his brother, at Tetreau's, started off again through the fields to his brother-in-law's, at Sanscartier's.

This witness has, moreover, been contradicted, first, by Gingras, at whose house he said he saw me on the night of the third of November, Gingras having declared before the Court, that he had not seen me on that night. I say this is a contradiction, because it is evident, that had I been at Gingras' house on the night of the third, with a body of men, Gingras must have seen me. Secondly, by Nadeau and Panet, on the defence, and Messire Lamarre and Mr. Chaffers on the part of the Crown—who all concur in stating, that Trahen resided at St. Cesaire at the period of the disturbances, and not in the neighbourhood of Gingras' house. Thirdly, by the two St. Aubains, who swear that there were only thirty or forty men in Tetreau's house, while he, Trahen, affirms there were one hundred; and again, Charles Sevé, who states, that I was unarmed at Sanscartier's, while Trahen swears to the reverse.

But the character of Trahen sets at rest all doubts, if any could be entertained, as to the inadmissibility of his testimony. It has been proved to be of the very worst description, by Nadeau, and also by Panet and Trouillet, who had the best possible opportunities of knowing him.

The evidence on this point must have appeared conclusive, even in the eyes of the prosecutors, else why should witnesses be brought to rebut it?

I need not remark upon the total failure of the attempt made to effect that object. The reverend curé never heard anything said of the individual in question, either for his good or ill, and had only seen him once, two years since. Mr. Chaffers says, he may have the very

worst character, without the fact having reached his, (Mr. Chaffers) ears.

It is evident, from the statement of Etienne Benjamin dit St. Aubain, and Charles Sevé, that they were in the assemblage, if any such ever met at Tetreau's, or Sanscartier's. Both were arrested. If any illegal acts were committed, they have participated in them, and the law ordains that the evidence of such persons shall only be taken in corroboration of other unimpeachable testimony. Noel Benjamin dit St. Aubain is the only witness whose evidence does not stand in the same suspicious point of view.

Hitherto, Gentlemen of the Court, you have been called upon to consider cases in which the spirit of resistance had exhibited itself in open and unequivocal acts of rebellion. In the course of the proof adduced in all the previous trials which have taken place before your tribunal,—you have heard of villages captured, and garrisoned by armed men, of loyalists disarmed and imprisoned, of property seized, and battles fought, by the insurgents, against Her Majesty's troops and volunteers; but nothing of all this has appeared before you, in the present instance. It has been merely attempted to prove, that there was an unusual number of men congregated together, on the night of the third of November last; but the object of the gathering has not been proved, save by hearsay or assumption, admitting that the expression of an armed body may be brought to corroborate the proof of the object had in view, when previously established by open acts of violence, I contend, nevertheless, that that object can never be proved by words alone, as in our case it has been attempted. For to establish a charge of treason, the law requires proof less equivocal, more positive, than that furnished by mere words, which are ever liable to be misunderstood, misrepresented, or perverted by stupidity, ignorance, or wilful malice, and admit not of the possibility of being controverted by evidence like plain facts.

I have limited myself in my defence, to the proof of the moral and

upright character I bore in the neighbourhood where I resided, and to the fact, that I left my residence at St. Cesaire on the evening of the third, not for the purpose of conspiring against the Government, but with a view to visit my parents, who reside in this city, where I arrived on the morning of Monday, the fifth, and remained until the fifteenth November.

If I stated, in the opening of my defence, that the evidence adduced against me is illegal, I did not make the assertion without due deliberation. I am supported in my allegation by all the legal writers on treason.

As I am informed, however, that authorities in support of the principle, *that overt acts of levying war must be proved in the place laid in the charges or indictment*,

I shall not weary your patience, by entering into a legal argument on the point, but merely state, what must already have attracted your attention, that not one of the witnesses saw me in the place referred to in the charges, at any of the times they allude to ; and I therefore adjure you solemnly, Gentlemen of the Court, not to wrest from the accused the last hope of defence, which was left them by sanctioning, in your decisions, a departure from a rule of evidence so imperatively necessary for the attainment of the ends of justice.

G

ADDRESS OF FRANCOIS GUERTIN.

Mr. President and Gentlemen of the Court,

I beg to avail myself of all the objections urged by my fellow-prisoners to the legality of the evidence, and the credibility of the witnesses, on the part of the Crown. Such precaution, however, can scarcely be required, inasmuch as I have not been said to have been identified with the designs, whatever they were, of the men who were assembled at

Tetreau's and Sanscartier's, but unarmed, and not even conversing with the persons who, as they allege, were assembled there. Guillaume Monplaisir stated that I enquired of him, on the second November, whether or not he was going to Pointe Olivier, in pursuance of Malhiot's order. Now, aside from the consideration that it has not been proved, what was to be done at the Pointe, or who this Malhiot was, Monplaisir has affirmed that I neither ordered nor requested him to repair to the Pointe, but simply interrogated him as to whether he was going or not, and when he answered that he did not intend to go, I replied, that he was right, "*C'est bien.*"

The evidence of Moyse Roy cannot assuredly be said to have established an overt act of treason. He states that he saw me on the second of November, with twenty or thirty men, unarmed, who seem to have congregated together rather through apprehension of foreign invasion, than for the furtherance of any conspiracy against the Government. For it will be remembered, this witness has sworn that several individuals said, on the occasion alluded to, "We may be badly off before long, as the Americans are coming." The idle assertion, that they "were going to fight the Queen" was not made by them, but by other individuals whom they met on the way.

The conversation to which Letourneau alludes, as having occurred between him and myself, during the week following the third, can only be viewed in the light of frivolous gossip, and not seriously received by a Court of Justice in support of an accusation of high treason. To resume, the evidence adduced against me to prove my presence at Sanscartier's, is illegal, inasmuch as it is an attempt to establish an overt act in a place other than that laid in the charges, without any overt act having been previously proved in the proper place. It tends to prove no overt act of treason, and, moreover, it has been derived from one witness, whose testimony must be considered as undeserving of belief, and from two others, who, as well as the former, acknowledged themselves to be accomplices.

Therefore, Gentlemen of the Court, I humbly demand, and confidently claim, my acquittal.

H

ADDRESS OF THE JUDGE ADVOCATE.

May it please the Court,

The present case has arisen from facts occurring in a part of the district somewhat remote from the scene of those efforts of rebellion which have already fallen under your notice. The charge, as the Court is aware, is for treason, in furtherance of the rebellion, laid in the usual form, with the addition of a special clause, alleging the administration of oaths tending to the subversion of Her Majesty's Government. A brief narration will sufficiently expose the matters of evidence upon which the prosecution lies, as constituting the overt acts charged against the prisoners. It would appear, that on the second day of November last, preparations were going on in the parish of St. Cesaire for some approaching event of an extraordinary nature. On that day, there appears to have been an assemblage of about forty people at the house of Guertin, in St. Cesaire, who declared they were going to hunt, *a la chasse*, the next day, that the Americans were coming, and that, perhaps, they, the party assembled, would be badly off. That Bourdon, one of the prisoners, on the same day, asked one of the witnesses at St. Cesaire, to go with him and get arms—that he went to the house of one Tetreau to get arms, and succeeded in finding some there. And we further find, that another witness was asked by Guertin, on the second or third, in the same parish, whether he could go to Pointe Olivier, as he had been commanded by Malhiot. Consistently with these preparations, it appears in evidence, that on the night of Saturday, the third, two parties, one composed of about twenty persons, among whom Bourdon was, were moving from St. Cesaire. A considerable body of men, among whom was the same individual, were afterwards seen

about midnight, at Gingras' house, where arms, consisting of American muskets, were distributed among them; they then proceeded to Tetreau's, where they received some spears deposited there, and thence went to Sanscartier's, at Pointe Olivier, where they dispersed on the following morning. The party was principally composed of the people of St. Cesaire, where, from the general tenor of the evidence, the movement seems to have originated. This marching of men, under the absurd pretence of going to hunt—their assemblage at dead of night, at a depot of warlike arms, and the distribution of these arms among them, coupled with the existence of open rebellion in the province, (a fact of a public nature, that the Court will feel bound to take notice of it without direct evidence,)—are of themselves sufficient to mark the nature of the enterprise in which these men had embarked; but in addition to this, we have testimony which places the matter beyond all controversy. Trahen says, the party stated that they were going to take the fort at Chambly—that all the posts would be captured in an hour—that they were going to fight against the Crown—and, also, that the Americans were coming to take the country. Roy says, they, (the party already alluded to,) came to Sanscartier's to fight the Queen, from what he had previously understood, but that they said they were going to hunt, *a la chasse*, a term which is afterwards explained with much force, in his answer to a question in cross-examination, in which he says, a number of men met him, and the party with which he was on the night of the third, and asked where they were going; the reply was, "*a la chasse*," to which the others returned, "Oh! you are going to fight the Queen"—thus shewing, that this expression bore a secret and conventional meaning, perfectly well understood by the initiated. Etienne Benjamin dit St. Aubain says, their object was perfectly well known—it was to overthrow the Government, as appeared by their conversation. A variety of other expressions may be found in the evidence, but enough has been cited to shew that the assemblage proved was of a warlike nature, that it was directed in open rebellion against Her Majesty's authority,

and was, consequently, tainted with treason of the worst and most dangerous character.

Before entering upon the question, how far the prisoners before the Court were implicated in these criminal transactions, it may be well to remark, in reference to the entire evidence of this case, that it has been drawn, not without difficulty, from persons connected with the prisoners by the ties of social intercourse, of a close sympathy with their political sentiments, and, with two or three exceptions, of a common participation in the very offence with which they now stand charged.

It is not to be expected, that persons so situated in relation to those against whom they are called upon to testify, should be other than unwilling witnesses, and it has been but too apparent, in most instances, that their disclosures have been wrung from them by close and severe examination, and accorded with extreme reluctance to a sense of the responsibility of their oath, and a salutary fear of the consequences of forgetting that responsibility. The weight of evidence drawn from such sources, is necessarily great in support of the prosecution, and in this case it is in no wise counterbalanced by the suspicion which attaches to the evidence of accomplices testifying for the Crown, under the promise of pardon.

No promise, or expectation of pardon, or exemption from prosecution, has been extended to any of these men. They have all attended upon the usual process of subpoena; and none of them, except Etienne St. Aubain, have been imprisoned, or molested, in consequence of the late disturbances. With these remarks, which have not been offered from any want or scantiness in the evidence, we direct your attention to those respective portions of the record, which bring home the offence charged to each of the prisoners before the Court.

Louis Bourdon is the first: of him, four witnesses, Trahen, Noel St. Aubain, Etienne St. Aubain, and Sevé, have spoken. The first, Trahen, saw him on the night of the third, at Gingras' and Tetreau's,

distributing arms, and on the fourth, at Sanscartier's, when he threatened to fire upon those who should return: he was armed with a gun, and commanded the party. The two St. Aubains, Etienne and Noel, saw him, on the night of the third, at Tetreau's, with the body of men proved to have been there: he said to Noel St. Aubain, who endeavoured to persuade his brother to leave the party, and return home, "You are an impudent fellow, go home yourself;" and witness heard him say to the people, "*Marchons, marchons!*" he was then armed. Sevé saw him at Sanscartier's only on the morning of the fourth. His presence at Sanscartier's is thus proved by three witnesses; at Tetreau's by three also; and at Gingras' by one: at all these places he is clearly connected with the assemblage, whose existence and object have been already shewn. In addition to this, we have from Etienne St. Aubain, that he was engaged on the second in the preparation of arms for the approaching crisis, and that he was in company with a party of about twenty at St. Césaire, on the night of the third. The evidence against him is strong and conclusive, fully justifying the belief, that he was an active and mischievous partizan of the rebel cause, and that, notwithstanding his apparent youth, he held an important command, and exercised a powerful influence over those engaged in it.

Jean Baptiste Bousquet is the second: of him also, four witnesses have spoken, viz. Trahen, Gagné, Archambault, and Patenaude. He is not shewn to have been with the rebel party at any other place than Tetreau's; but there he is proved to have been, beyond all possibility of a doubt: *firstly*, by the testimony of Trahen, who saw him at the same time he saw Bourdon; *secondly*, by the testimony of his servant, Gagné dit Belleauveance, whom he left in charge of his mill, on the night of the third, declaring he was going to Guertin's and Ste. Marie to take arms, and to whom he further declared, on his return on the following morning, that he had been at Tetreau's, and had come back because the news had come too soon, and he had not

found arms enough for the people there ; and *thirdly*, by the testimony of Archambault, who found the prisoner in bed at eleven o'clock on Sunday morning, and heard from him declarations substantially the same with those proven by Gagné. This evidence of the prisoner's declarations is of a character strictly legal, and satisfactorily proves his presence and participation in the treasonable assemblage of the night of the third. This is not, however, the entire case against Bousquet : from Patenaude and Gagné dit Belleauveance we learn, that on the fifth of November, still persisting in his criminal course, he administered to some three or four persons an oath, the import of which appeared clearly, by the declarations of both these witnesses, to have been to aid in a rebellion for the subversion of Her Majesty's Government. This is a specific part of the charge, and it has been fully made out.

François Xavier Guertin is the third and last : of him, Trahen, Roy, Letourneau, Monplaisir, and Sévé, five in number, have spoken. Trahen saw him with the rebel party at Tetreau's, on the night of the third ; and Roy and Sévé saw him with the same party, on the morning of the fourth, at Sanscartier's. This evidence is substantial and distinct, and renders the case sufficiently clear against him ; but it is still strengthened, and the criminal intention and perseverance of the prisoner made strikingly apparent, by the evidence of Letourneau and Sévé, who depose, that on the week following the third, (one specifying the ninth of the month), Guertin, with one Beausoleil, came to their respective houses, in St. Césaire, and desired them to go to the Côte to meet Dr. Nelson. Monplaisir deposes, that Guertin came to him on a similar mission, on the second or third. Add to all this the statement of Roy, that there was an assemblage of forty persons at Guertin's house, in St. Césaire, on the second of November, and that they talked of going to the *chasse* next day, and we have an accumulation of testimony, which brings home to this man an extraordinary activity and determined zeal in the guilty enterprise upon which he was bent.

On their defence, the prisoners have succeeded in establishing good general character, with the qualification, that they were in prison last year for imputed political offences. The only other evidence adduced by them, upon which it is deemed necessary to detain the attention of the Court, is, that an impeachment of Ignace Trahen, Vital Patenaude, and Gagné dit Bellaueance, three important witnesses for the prosecution. To destroy the credibility of Trahen, they have brought forward Thomas Nadeau, Noel Parent, Bazile Troaillet, Justinien Langlois, and Catherine Petel, wife of J. B. Tetreau. A little consideration must be bestowed upon the testimony of each of these, and, leaving Nadeau until the last, we begin with Noel Parent, a farmer of Ste. Marie: he swears, that Trahen is a man not to be trusted, and that he would not believe him on oath: he was the tenant of this witness for a year, during which time he took away a portion of his fence, and the witness turned him out of the premises. Now it appears to us, that persons who have avowedly had difficulties and disputes with the witness to be impeached, and believe that they have been injured by him, can in no instance be a proper source of evidence for destroying his credibility. It every day happens among men of respectable and unimpeachable character, that disputes and hostility arise, which induce the one to say of the other, I would not believe such a man upon his oath; but when character is to be overthrown before a court of justice, it should be done, not by witnesses so situated, but by those only who can depose under a perfect freedom from any feeling of hostility or sense of personal grievance. The evidence of Bazile Troaillet, another witness, is liable to the same objections as that of Parent: he is a butcher, resident at Chambly; Trahen lived with him a month, twelve years since, and, during that month, stole a sheep from him, for which, however, he was not prosecuted. This is not legal evidence. The prisoners were not entitled in this manner to cast upon the witness the discredit of an imputation

which may be true or false, but which, if true, can only be proved by the record of conviction of the offence imputed.

Justinien Langlois, and Catherine Petel, wife of Tetreau, are brought up to contradict specifically the fact deposed to by Trahen, that his (Trahen's) brother was in the employ of Tetreau, and they have contradicted it. It is a well-known rule of evidence, that the contradiction of a witness in an immaterial fact will not alone invalidate his testimony on facts material; still it is of importance, where two statements are made so adverse, that one must be necessarily false, to ascertain in whose favour the balance of probability lies. The grounds for distrusting Trahen's statement are to be found in the testimony of Parent and Trouillet, already noticed, and of Thomas Nadeau, to be hereafter referred to. The grounds for distrusting Langlois and Madame Tetreau are to be found upon the face of their own depositions, collated with the statements of Noel St. Aubain and Etienne St. Aubain. These men (the St. Aubains) depose, (and in so doing they fully confirm Trahen), that on the night of the third, about the hour of twelve or one o'clock, a body of forty men were in Tetreau's house, for a considerable length of time, and that Bourdon was among them; while Langlois—although he slept in the house, cannot remember whether Bourdon returned there, after having left about six in the evening—does not know that any body else was in the house that night, and he heard no noise or unusual bustle there; and Madame Tetreau positively declares, that no stranger was in the house that night.

This pretended ignorance of circumstances, which we have little hesitation in saying they must have known, coupled with the fact, that one was an inmate of the house, and the other is the wife of one deeply implicated in the treason charged against the prisoners, who had in his premises arms to be used in their rebellious enterprise, and who has fled to a foreign land to avoid the just penalty of his guilt, is

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more than sufficient to cast on the veracity of these witnesses such doubt as will render their testimony ineffectual for discrediting another's ; and this Court, we apprehend, will have no difficulty in coming to the conclusion, that even as to this immaterial fact of his having a brother in Tetreau's employ, the credibility of Trahen rests upon grounds, at least, as sure as that of the witnesses arrayed against him.

The most important witness examined by the prisoners, in impeachment of the evidence for the Crown, is Thomas Nadeau, a bailiff of St. Césaire. The testimony of this man is circumstantial, positive, and clear : he first declares, in reference to Trahen, that he is a man of bad character, and that he would not believe him on oath, and then discloses, in reference to Vital Patenaude and Zepharin Gagné dit Belleauveance, an atrocious combination against the life of a fellow creature, which cannot be too sternly reprehended, and which, if established, ought to meet with a speedy and severe punishment. But can the evidence of Nadeau be relied upon ? It is a question which must be examined with a care proportioned to its importance. His story is, that, on the fifth of November, the two last named witnesses were all day in the shop, or store, of one Gigon, of St. Césaire, together with Nadeau himself and one Sanscoucie ; that they were drinking during the day ; that the object of their being there was to give in depositions against the prisoners ; that Sanscoucie in questioning them as to the extent of their knowledge, was dissatisfied with it, and told them they must swear, that Bousquet had administered to them the secret oaths that day (the fifth), in order to secure his being hanged ; that they at first refused to do so, but upon Sanscoucie telling them, that they might swear to it upon his information, they agreed to do so for a pint of rum ; that they afterwards went together to one Lacompote's, the clerk of Mr. Chaffers, and went in, and witness lost sight of them. It is obvious that the truth of this statement is not in itself probable, since it exhibits a degree of reckless and gratuitous malignity

not common among men ; it, therefore, can only be believed on direct, positive and unsuspected testimony. Is Nadeau a witness of that character, that he is entitled to implicit credence at the hands of this Court ? In what terms do the Curé and Mr. Chaffers, the two best possible sources of information on the subject, speak of him ? They say he is a babbler—a man with a bad tongue—one who would sooner speak evil than good of his neighbours—one who is not respected—one whose loyalty is doubtful, notwithstanding that he is an officer of the Queen's Court. Are these expressions, when coupled with the tardy and hesitating declaration, that they would not believe him on oath, of a nature to induce confidence in his unsupported statements, imputing the crime of conspiring, by a detestable perjury, to deprive an innocent man of life. But are the statements of Nadeau rendered more probable by the character of the parties impeached ? By no means. Patenaude and Gagné dit Belleauveance have both received high testimonials of morality and good conduct from the Curé and Mr. Chaffers. It is stated, in positive terms by both these gentlemen, that they do not believe those young men could be induced to swear falsely against a fellow creature's existence.

Oppose then the character of Nadeau to the character of Patenaude and Gagné dit Belleauveance, as both stand of record, and let any honest man say, where the balance of probability lies. Without fatiguing the attention of the Court, by following this matter further in detail, we present the following considerations why Nadeau should not be believed :—

Firstly, The intrinsic improbability of his statement, imputing a most wicked and malignant act, without any apparent or adequate motive.

Secondly, The improbability of persons engaged in plotting such an act, allowing him, a man suspected of connexion with the rebel party, to be an unrestrained and open listener to their conversation.

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Thirdly, The gross absurdity of Sanscoucie's telling the witnesses, that they could depose upon his information to a fact necessarily personal, and of which none but themselves could have a knowledge.

Fourthly, The doubtfulness, (to use the mildest expression), of Nadeau's character.

Fifthly, The isolated nature of his evidence, unconfirmed, unsupported, notwithstanding that, if true, it might have been sustained by Lacompte, to whom they went to make depositions, and collaterally by others who must have known if Patenaude and Gagné were at the village of St. Césaire on the day specified.

Sixthly, The excellent character of these witnesses, as established before the Court.

Seventhly, The circumstance that Gagné dit Belleauveance has not deposed that he took the oath on the fifth.

Eighthly, The declaration by both Patenaude and Gagné, that two persons, Gobeille and Flageole, were present and took the oath on the fifth, thus unnecessarily and without any object insuring their own detection if they were swearing falsely.

Upon these considerations, we submit to the Court, whether it will feel disposed to accord any credit whatever to the statements of Thomas Nadeau, either as affecting the testimony of these two witnesses, or impeaching the character of Ignace Trahen; and in relation to the last, we would direct attention to the evidence of the two gentlemen already named, the Curé and Mr. Chaffers, who declare, that they never heard anything against him; and this declaration, connected with their peculiar opportunities for becoming acquainted with the reputation of persons in the parish, appears to us enough to shew that this man is not of that general and notorious bad character which would justify the Court in withholding its belief in his statements.

For our own part, after a close and mature examination of the subject, we feel justified in declaring our opinion, that we see no sound reason to doubt that the witnesses for the prosecution have, in all their

evidence bearing in any degree upon the prisoners, substantially adhered to the truth.

We consider the case a strong one against all the prisoners; but against Bousquet alone is the evidence sufficient to warrant a conviction for the specific act of having administered treasonable oaths.

Having expressed our opinion, as to the persevering and zealous efforts of these men in their treasonable enterprise, we here leave them to the judgment of the Court.

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THE QUEEN

vs.

CHARLES GUILLAUME BOUC AND OTHERS.

GENERAL COURT MARTIAL.

{ MONTREAL, LOWER CANADA,
March 1, 1839.

Members of the Court and Deputy Judge Advocates, the same as in the case of the Queen against Cardinal and others—(see vol. I. page 17)—are duly sworn.

The prisoners having been brought into Court, the warrants are read, and the names of the President and members called over. The prisoners do not object to any of the members of the Court.

The President, members, and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of the following persons :—

Charles Guillaume Bouc, of the parish of Terrebonne, in the District of Montreal, in the Province of Lower Canada, gentleman ; Leon Leclaire, of the said parish of Terrebonne, farmer ; Paul Gravelle, of the said parish of Terrebonne, farmer ; Antoine Roussin, otherwise called Joseph Roussin, of the said parish of Terrebonne, farmer ; François St. Louis, of the said parish of Terrebonne, farmer ; and Edouard Pascal Rochon, of the said parish of Terrebonne, carriage maker.

By order of His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and their several dependencies, Vice Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Provinces of Lower and Upper Canada.

To wit: Treason against our Sovereign Lady the Queen, between the first and thirtieth days of November, in the second year of the reign of our said Lady the Queen, in furtherance of the rebellion which had broken out and was then existing in the Province of Lower Canada.

In this: That the said Charles Guillaume Bouc, Leon Leclaire, Paul Gravelle, Antoine Roussin, otherwise called Joseph Roussin, François St. Louis, and Edouard Pascal Rochon, being subjects of our said Lady the Queen, on the third day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said parish of Terrebonne, did meet, conspire, and agree amongst themselves, and together with divers others whose names are unknown, unlawfully and traitorously, to subvert and destroy, and cause to be subverted and destroyed, the Legislative rule and Government now duly established in the said Province of Lower Canada, and to depose, and cause to be deposed, our said Lady the Queen from the Royal state and Government of this Province; and did, for that purpose, incite and assist in the said rebellion, in the said Province, and then and there being assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did, in furtherance of the said rebellion, traitorously prepare and levy public war against our said Lady the Queen, and were then and there found in open arms against her said rule and Government in this Pro-

vince, against the peace of our said Lady the Queen, her Crown and dignity, and against the form of the Statute in such case made and provided.

The prisoners before the Court having been called upon to plead, make certain objections, similar to those contained in a document in the trial of Bourdon and others, marked A.—(see Vol. II, page 327)—which are overruled by the Court.

The prisoners before the Court having been again called upon to plead, make certain other objections, similar to those contained in a document in the trial of Bourdon and others, marked B.—(See Vol. II page 328)—which are overruled by the Court.

The prisoners before the Court being again called upon to plead, severally plead Not Guilty.

ANTOINE DUMAS, fils, of Terrebonne, gentleman, having been called into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Do you know the prisoners; have you seen them from the first to the thirtieth November last; if so, where, and how engaged?

Answer—I know the prisoner Bouc; I saw him in the village of Terrebonne some time in the month of November last, on the day after some watchmen had, as I understood, come from Montreal to take him, among whom, I heard, was one Loïselle, a bailiff of the Court of King's Bench; he (Bouc) was not armed, but with his wife, at the house of one Trudeau; I saw him on the afternoon of the same day, at my house, where he had come to make a written agreement to remain quiet; the agreement was between the Honorable Mr. Masson and the loyalists on one side, and Bouc and his party on the other. A document, marked C, (annexed to these proceedings,) being shewn to me, I recognize it as written by one Prevost, and drawn in my pre-

sence, at the house of my father, in which I resided, and I depose and say, that the signatures "Ant. Dumas, fils," and "G. M. Prevost," "temoins," set and subscribed to the said document, are those of myself and G. M. Prevost, who signed the said document as witnesses; I state further, that the signature "Ch. G. Bouc" is that of the prisoner, Charles Guillaume Bouc, and that the same was also set and subscribed to the said document in my presence. I know Antoine Roussin, otherwise called Joseph; he made his mark on the said document, in my presence, which mark I recognize opposite the name of the said Roussin on the said document. I know the prisoner, Leon Leclaire; he made his mark on the said document, in my presence, which mark I recognize opposite the name of the said Leon Leclaire, on the said document. To the best of my knowledge, the said paper was written on the day and hour of its date. The said document was drawn up in duplicate; the other, signed by Mr. Masson and the loyalists, was given to the party with whom were the prisoner, Bouc, and others, in whose possession it has, I believe, since remained. The reason why Mr. Masson and the loyalists did not sign the document now in Court, is, that they signed the duplicate, which remained with the party to which the prisoners belonged. At the time this document was signed, there was an unusual number of *habitans* in Terrebonne, some of whom were armed with guns; I believe the prisoner, Bouc, was, and acted in concert with them. I saw the prisoner, Roussin, on the same day that the document aforesaid was written; he was with the armed party, and appeared to be one of them, but he was unarmed. I saw the prisoner, Leclaire, with the others, on the day above alluded to. I know the prisoner, Gravelle, and saw him at Terrebonne, on the same day to which I have alluded, with the armed party, but himself unarmed. I know the prisoner, François St. Louis, and saw him with the armed people above alluded to; he was armed with a gun. I know the prisoner, Rochon, and saw him in the month of November; he was absent whilst the paper was signed, and

had been so for a fortnight ; he returned two or three days afterwards ; the armed party arrived at Terrebonne on the evening before the paper was signed, and left it on the same evening that it was so. When I saw the armed party in the village, they were scattered among the houses ; I never saw them assembled in one band ; I did not see any armed men in the house when the paper was signed.

Q. by the Court—What was the greatest number of armed men you saw together at one time ; where did you see them ; and for what purpose were they in the village of Terrebonne ?

A.—Four or five armed men at a time ; I believe they were there for the purpose of entering into a treaty with the Magistrates ; I saw a party assembled in front of a lot of land which we own ; some were armed, and some not ; there were twelve or fifteen altogether.

Q. by the same—How many of those small parties of five or less did you see in Terrebonne ; and how many do you think there were in the village altogether ?

A.—There may have been fifty armed men, more or less, altogether in the village ; I do not know how many parties there were ; they were passing into and out of the houses.

GIDEON MELASIPPE PREVOST, Notary, of Terrebonne, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Q. by the Judge Advocate—Look at the paper writing, marked C. and state in whose handwriting the same is, and whose are the signatures and marks thereto subscribed ; state also when and where the said paper was drawn up ?

A.—I do not know who wrote the document ; the names of those whose marks are attached to it, are Joseph Roussin and Leon Leclair, prisoners before the Court ; I wrote their names, and I made their marks on the said paper, at their request ; the prisoner, Bouc, in my presence, acknowledged the signature (Ch. G. Bouc) set and subscribed to the said paper, to be in his hand-writing and signature, but I did

not see him sign it ; the signatures "Ant. Dumas, fils," and "G.M. Prevost," "temoins," set and subscribed to the said paper, are respectively in the hand-writing of Antoine Dumas, fils, a witness before this Court, and in my own, we having subscribed the said writing as witnesses ; the said paper was signed on the eighth November, on which day was written by myself the marginal note on the said document, beginning with the words "le présent," and terminating with the figures "1838 ;" I think there were, at least, three or four copies of the said paper, some of which were signed by the Hon. Mr. Masson, Mr. John M'Kenzie, and Monsieur J. Bte. Prevost ; I believe some of these copies, which were duplicates of the documents now produced, remain in the hands of the party to which the prisoners belonged, but were only signed by the three persons last above mentioned. The marginal addition was written by me at the request of Joseph Leandre Prevost, one of those who signed the said paper, and by the consent of Mr. Masson and his party. The prisoners, Bouc, Roussin, and Leclair were present when the marginal note was written, and they did not object ; I cannot say whether they all understood the purport of it, or whether it was explained ; Joseph Leandre Prevost appeared to be their representative.

Q. by the same—Look at the prisoners before the Court, and declare whether you saw them from the first to the thirtieth of November last ; if so, when, where and how engaged ?

A.—I saw the prisoner, Bouc, at his own house, in Terrebonne, on the forenoon of the eighth of November last ; I had gone there, if I recollect rightly, in relation to the agreement that was to be signed ; Bouc remarked to me, that Mr. Masson had promised to wait on him that morning, when I said, " You may as well come with me to the house of Dumas, where we will find all the parties ;" he did so ; at the time the paper was signed, there was an unusual number of *habitans* in the village, but I saw none of them armed ; the largest number that I saw together was thirty ; there was not an unusual number

of persons at Dumas' house when the paper was signed ; they were at the upper end of the village ; I remarked no difference of rank among the persons assembled at Dumas' house. I saw the prisoner, Leclaire, at Mr. Masson's, on the morning of the day on which the paper was signed ; he was unarmed. I saw the prisoner, Roussin, at Dumas' house, also unarmed.

Q. by the Court—Who was the “ Joseph Leandre Prevost,” alluded to by you in your evidence, and in what capacity did he act when he signed the paper ; and where is he now ?

A.—He was a notary of Terrebonne, and acted as a *partie* ; I do not know where he is now.

Q. by the same—You have said, you did not see any *habitans* with arms in their hands ; did you see any arms anywhere in the village of Terrebonne, between the first and thirtieth of November ?

A.—On the day that the arms were surrendered to the magistrates, I saw two or three persons with arms, which they were going to give up to them, but when the unusual number of people were in the village, I saw no armed men.

Q. by the same—Did you not see any of the arms, alluded to in the paper to which you were a witness, and by which paper it was agreed that the party which Mr. Bouc represented, should lay down their arms.

A.—I saw none ; when the paper was signed at Mr. Dumas', they had no arms ; but as arms were alluded to in the paper, I presume they had some elsewhere.

Q. by the same—How long has Joseph Leandre Prevost been absent from Terrebonne, and when, and wherefore did he leave it ?

A.—Since the beginning of January ; I do not know why he left it, but, I presume, from some political cause.

The Honourable JOSEPH MASSON, of Terrebonne, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and state whether you saw them, at any time between the first and thirtieth November last ; if so, how engaged ?

Answer—I saw the prisoner, Bouc, on the seventh of November, near his own house, in the street of the village of Terrebonne ; he was armed with a sword and a knife, like a hunter's knife ; I was requested to wait upon Bouc and others ; I asked Bouc what was the object of the meeting, which consisted of fifteen or twenty men, some of whom were armed ; Bouc replied, that on the preceding evening, or some time before, an attempt had been made to make them prisoners ; that he did not know why, nor was he disposed to suffer it ; he said also, “ You, Gentlemen, have been engaged in disarming us, and we would like to know why ? without which information we will not allow ourselves to be taken ; ” I recommended them to disperse, and not to disturb the peace ; Bouc said, that they would not then disperse ; but that their remaining together should not disturb the public peace ; he promised not to allow the circulation of liquor ; I said, “ Disperse, and I and my party will undertake that what you have done already will be overlooked by Government, and that we will abstain from causing any arrests to be made in consequence of your recent acts ; ” Bouc and party appeared to be satisfied with this, and I withdrew ; this occurred about half-past five in the evening ; on the same day, I offered to sign an agreement in writing, but they said it was unnecessary ; next morning, J. B. Prevost came to my house, accompanied by some other persons, and said, that all were not equally satisfied with the arrangement which had been made ; they were unwilling to meet me at my own house, to make new arrangements, and I was unwilling to return to Bouc's, so we agreed to meet at the house of one Dumas, half way ; it being stipulated, that as we were unarmed, they should come unarmed also. We met at Dumas', three on one side, viz ; Mr. John Mackenzie, Jean Bte. Prevost, and myself ; the other party consisted of twelve or fifteen persons ; there were besides,

Dumas, the father and son, and one Gideon Melasippe Prevost, who signed the paper as a witness for us. On my asking what more they wanted, Joseph Leandre Prevost said, that their party had been sufferers—that Bouc's house had been set on fire, and a part of his furniture destroyed, and that he ought to be paid for it; I answered that I was not disposed myself to contribute anything for such a purpose, nor that any of my party would do so; my party were the loyalists, and the other the patriots, or rebels; after some discussion, Prevost gave up his demand for indemnity, but required that the agreement, which had been entered into the evening before, should be in writing. On the morning when Jean Baptiste Prevost came to my house, in consequence of an intimation received from him, we prepared three or four drafts of our understanding of the agreement which I produced; after some little alteration, the agreement was entered into; it was the same as that now produced; it was signed, and a marginal note added. The document marked C being now shewn to me, I believe it is the original of the agreement entered into at Dumas' house. The body of the document is, I believe, in the handwriting of Frs. Xavier Valade, notary, of Terrebonne, and the marginal note in the handwriting of the above-mentioned Gideon Melasippe Prevost. The marginal note was written at the request of Joseph Leandre Prevost, and its object was to extend the provision of the agreement to all acts which might be committed, up to twelve o'clock of the eighth of November, by the patriot party; I apprised them of my intention to transmit the agreement to the Government as soon as possible; and as I apprehended that my messenger or myself, had I been the bearer, might be insulted on the road, they consented, at my request, that one of their party should accompany my messenger, or myself, to Montreal; I subsequently forwarded the document to Government, by Jean Bte. Bruver, tranquillity having been restored; signatures and marks were affixed to this document in my presence, and I believe the signatures and marks now shewn to me are the same as those affixed in my

presence ; I saw the prisoner, Bouc, some days after. I saw the prisoner, Leclair, at Mr. Dumas', when the aforesaid document was signed, and he was one of those who signed it. I saw the prisoner, Roussin, near Bouc's house, in the evening of the seventh of November last, when the verbal agreement was made, and he was also present when it was signed at Dumas' house, and he fixed his mark ; at the time this paper was signed, there was an unusual number of men in Terrebonne, some of whom were armed ; I think Roussin was armed with a gun, on the evening of the seventh, but I will not be positive ; he said, " You want to take us prisoners, but we will not allow ourselves to be taken, without knowing why." The prisoners of whom I have spoken were connected with the unusual assemblage at Terrebonne.

Q. by the Judge Advocate—What do you consider to have been the ultimate object of that unusual assemblage of armed men ?

A.—To defend themselves in case any more prisoners should be made, and to resist persons making them prisoners ; on Sunday or Monday previous, a person had been arrested.

Q. by the Court—Are you a magistrate, and did you propose the agreement, or was it forced upon you ?

A.—I am a magistrate, and I proposed the agreement, and considered, under the then existing circumstances, that such a proposition was prudent ; I did not propose it as a magistrate, in which capacity I very seldom act ; three magistrates approved of my project, and a number of other loyalists.

Q. by the same—When you entered into the agreement with the rebels, did you do it under apprehension of danger, either to your party or their property from them ?

A.—I did.

Q. by the same—Do you know if the unusual number of armed men were assembled at Terrebonne for a treasonable purpose ?

A.—I think their purpose was, as I have stated, to defend themselves.

Q. by the same—Do you believe any arrests to have been made, except by the lawful authorities; and did you understand that Bouc's party were prepared to use arms in resisting Government, if it should order the arrest of any of them?

A.—I believe that no arrests were made, except by the lawful authorities; and I did understand they were so prepared.

Q. by the same—Were there no illegal meetings, or armed men, in the village of Terrebonne, prior to the arrest spoken of, or between the first of November and the day of arrest?

A.—None, to my knowledge.

Q. by the same—Do you believe, that in assembling in such numbers, they had no other object than to prevent one another from being arrested?

A.—They had no other, I believe.

Q. by the same—What was the nature of those acts for which an amnesty was promised to Bouc's party in the written agreement, on condition of that party laying down their arms?

A.—I believe that the acts against the consequences of which they sought to protect themselves, were their illegally assembling to resist the arrest of Bouc, and firing on the bailiff, Loiselle, as I heard.

Q. by the same—Had anything, to your knowledge, occurred in or near Terrebonne during the interval between your verbal agreement, on the evening of the seventh, and the time of signing the written document, on the eighth, and previous to the insertion of the additional condition in the margin, proposed by J. Leandre Prevost; if so, state what it was?

A.—Nothing, to my knowledge, had taken place.

It being four o'clock, the Court adjourns until to-morrow morning, at ten.

SECOND DAY, *Saturday, March 2, 1839, ten o'clock, A. M*

The Court meets. Present, the same members as yesterday.

Examination of the Hon. Mr. Masson continued.

Question by the prisoners Bouc, Roussin, and Leclaire—Did not the people who, you say, signed the agreement, declare to you, that they were ready to give up their arms to any one who would satisfy them of his authority to receive them ?

Answer—I do not recollect that those who signed the agreement made that offer, at the time, but Bone repeatedly offered to give up his arms after the agreement was signed ; Roussin was present, and, perhaps, he may have made the same offer.

Q. by the same—Did you hear any of the persons whom you allude to as having been prepared to resist arrests, say anything against the Government, or that they had any intention of opposing the Government ?

A.—No, I never did.

Q. by the same—Did we not express to you, at the time of signing the convention you have alluded to, our earnest desire to maintain order and tranquillity ?

A.—Yes.

Q. by the same—Is it not to your knowledge, that when the unusual number of persons you allude to, were assembled in Terrebonne, on the seventh, there existed no indications whatever of military organization amongst them ?

A.—There were armed men among them, as I said before ; cartridges were brought to my house, as having been, I believe, taken in the village ; they consisted of ball cartridge and buck shot. The people were armed with common fowling pieces, and, I believe, there was a rifle among them.

Q. by the same—It has been stated, that there had been some attempts at disarming the population in or near Terrebonne, previous to the signing of the agreement ; do you know if the individuals had

any competent authority from the Government to adopt such proceedings ?

A.—I do not know, but I believe they had ; they did not show me their authority.

Q. by Bouc—In what manner did I conduct myself after the agreement in question was signed ?

A.—In no improper manner, I believe.

Q. by the same—Did you not, shortly after the convention, offer me a situation in the police ; if so, what situation ?

A.—I never did ; you came to my house often, and shewed yourself so penitent, that I said, if any police were established in Terrebonne, I would recommend you, as I believed you would do your duty as an honest man ; you enjoy a good character as an honest man.

Q. by Leclaire—Is it not a fact, that I was not present when the unusual number of men were in the village, but that it was after those persons had retired to their homes, that I went and placed my mark to the agreement ?

A.—I cannot say ; you might have been in the village, but I do not recollect having seen you on the seventh ; there was still an unusually large number of men in the village on the eighth, when the agreement was signed, and to which you affixed your mark.

Q. by all the prisoners—Had we, or any of us, made any prisoners before the agreement was signed, or did we attempt to make prisoners at any time since ?

A.—Not to my knowledge ; one of my servants had been detained by an armed party, on the other side of the river, on his way from Montreal, as he told me ; he had four or five letters, most of which were opened ; I do not believe it was by the party assembled in the village, but I think they acted in concert together ; he was taken about a mile from the village.

Q. by Bouc and others—Is it not to your knowledge, that the mail

to and from Terrebonne, arrived and departed without any interruption or molestation whatever, during the period specified in the charge ?

A.—I think it was not interrupted.

Q. by all the prisoners—Is not the place at which you understood your servant had been stopped, in Isle Jesus, and not in the seigniory of Terrebonne ?

A.—Yes.

Q. by the same—Did not the persons who came to the village on the seventh, for the purpose of entering into an agreement, come from the north of Terrebonne, and not from the direction of Isle Jesus ?

A.—They were principally from the seigniory of Terrebonne, but some were from Isle Jesus, one in particular, named Michel Bastien, who was present at the agreement and signed it.

Q. by Roussein—Did you see me frequently after the convention was entered into ; if so, what was my conduct upon those occasions, and what did I say ?

A.—I saw you frequently walking about peaceably ; I spoke to you twice, once in particular, when one of our party had been insulted, after the signing of the agreement ; you said, that the person who had done so, ought to be arrested, and you offered to go yourself and arrest him, saying, that the peace ought to be maintained.

Q. by Bouc and others—Do you not know that the conduct of the unusual number of men assembled in Terrebonne, as you have stated, was inoffensive to persons and property, and that no acts of violence were committed ?

A.—There were none committed, to my knowledge.

Q. by the Court—Did you not expect to be attacked by the armed men assembled at Terrebonne, between the first and thirtieth November, and did you not prepare your house to resist such expected attack ?

A.—Yes.

Q. by the same—Did you know that your servant had been taken

prisoner, and your letters opened, by the rebel party, at eight o'clock in the morning of the eighth, previous to the insertion of the marginal note in the document before the Court; if you did, did you not consider such an act as an infraction of the verbal agreement entered into by you and the prisoners before the Court, on the seventh; or was that marginal note inserted to cover such act?

A.—I believe the party contracting were not aware of it, nor was I, at the time of the signing of the agreement or the insertion of the marginal note.

Q. by the same—What was the first day on which it was known to you that there was an unusual assemblage of people in the village, and on which Bouc's party began to shew themselves in arms?

A.—Wednesday, the seventh November last.

Q. by the same—Was there not more than an usual number of arms amongst the population of Terrebonne, as well as an unusual degree of excitement amongst them, at the period you have been speaking of; if so, what was the cause of it?

A.—I do not think there was an unusual number of arms in the parish; there was an unusual degree of excitement; the real cause I cannot tell, but it was ascribable to the new troubles.

Q. by the same—Was it not notorious, that some districts of the province were in open rebellion at this time, and that that was the cause of it?

A.—Yes, it was notorious, and I believe that to have been the cause of the excitement.

Q. by the same—What prisoners had been taken on the part of the loyalists, as well as by the party of the prisoners before the Court, that it was agreed in the treaty they should reciprocally exchange or return them?

A.—The prisoners taken by the loyalists were, one Marié, who was not included in the agreement as having the benefit of the exchange, as I understood, he having been taken on the fourth; the others were

Domptage Prevost, Fleuremont, and Gideon Melasippe Prevost. I know of none taken by the other party, except my servant, who was discharged in consequence of the verbal agreement, which was entered into on the seventh November, as I believe.

Q. by the Court—To your knowledge, were the people assembled at Terrebonne in arms, in support or opposed to the Government?

A.—As I have stated, their object was, I believe, to defend themselves against arrests.

Q. by the same—In the written agreement, “any offences that may have been committed against Government,” are mentioned. Are you not aware what offences are alluded to?

A.—I am not aware of anything farther than what I mentioned yesterday.

JOHN MACKENZIE, of Terrebonne, Esquire, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court; did you see them at any time between the first and thirtieth November last; if so, where, and how employed?

Answer—I saw the prisoner, Bouc, at Dumas’ house, in Terrebonne, on the eighth November last, and on the seventh, at Viger’s bridge; he was then with a band of rebels, and had a sword in his hand; Viger’s bridge is at the entrance of the village of Terrebonne; he was there with the intention of attacking the village; I saw him twice on the seventh; on the first time I was armed myself, and went up with one Pierre Beauchamp, and one J. Bte. Prevost, to see what their object was; the party with which Bouc was, was then armed; I sent Prevost, who was unarmed, to enquire their intentions; some of them called out, “*Point d’arrangement, point d’arrangement*—we want our prisoners given up. Beauchamp told me, “Mr. Mackenzie, you are not prudent in remaining where you are—they are presenting their guns at you.” There were six or seven of those with guns, in

front of me ; I retired to the side of a house, and then returned home. Prevost overtook me, and called out, "Stop, they are ready to make arrangements, provided the arms and prisoners be returned." They had been partly disarmed that morning ; I said that I could not settle that alone, and I went with Prevost to Mr. Masson's. I left my pistols there, and returned to the rebels with Mr. Masson. We found they had taken up a new position at Bouc's house ; we advised them to return home ; Bouc had a sword, and I told him he might as well have left it aside, as we were unarmed ; the prisoners were returned to them, viz : Domptage Prevost, Melasippe Prevost, and Fleuremont, but the arms were not returned that day. They sent two men with me to the Isle Jesus side of the bridge, to tell the party assembled there, to disperse ; I told them there, that we had settled with the party in the village, and recommended them to disperse. The two men came with me on purpose to confirm my statement ; I went back to the village with one or two of the party, who were going home, and who took the opportunity of accompanying me ; I stopped at Mr. Masson's, where all the loyalists were assembled, and one named Desjardins, who belonged to the Isle Jesus party, and who was armed with a gun, asked me to accompany him to Bouc's house, to protect him, which I did ; it was dark then, and I went into the house, which was full of the rebels ; I again advised them to retire, and they said, "as we are here, we shall remain ;" I returned home after this. I saw the prisoner, Roussin, on the seventh, along with Bouc's party, at Bouc's house, but not armed. On the eighth November, I saw Bouc, at Dumas' house, about eleven, A.M. ; he and Leclair, the prisoner, had been sent for, with others, by Mr. Masson and our party, in order that a general settlement might be made towards giving up the arms already taken from them ; an agreement was drawn out, and signed by the parties, of which paper three or four copies were made, one of which we kept, and gave the others to Bouc's party. I recognize the document marked C, as the agreement signed on that occasion ; after

this, they got their arms, and the party dispersed. I am not aware that Bouc's party had taken any prisoners.

Q. by the same—What do you believe to have been the ultimate object of this unusual assemblage of men, thus being in arms at Terrebonne, as you have above stated?

A.—I supposed, at the time, to destroy the few loyalists who were there; the houses were shut up, and men, women, and children were leaving the village.

Q. by the same—By whose authority had the disarming of which you have spoken, taken place?

A.—I saw a party of policemen, from Montreal, go to disarm them; Mr. Ovide Turgeon, Major of Militia, and Mr. John Fraser, Adjutant, accompanied them, in their official capacity, besides some others.

Q. by the same—Have you any knowledge of arrests having been attempted to be made at Terrebonne, by the authority of Government, for High Treason, or other political offences, and of resistance being made by any, and which, of the prisoners, to such attempt at arrest, between the first and thirtieth November last?

A.—On the night of the sixth November last, a body of police arrived at Terrebonne, six or seven in number, accompanied by Messrs. Alex. M'Kenzie and Pangman, Justices of the Peace, to apprehend the prisoner, Bouc, as I understood, for High Treason; being informed by my son, that the party had been fired on from Bouc's house, and one of them wounded, I went up there, but on reaching Mr. Masson's house, on my way, I found the party of police there; they proceeded in a body to Bouc's house, and found it deserted, upon which some of the police fired into it, previously calling on Bouc to surrender, without receiving any answer; on entering the house, we found no one in it; the policemen set fire to a palliasso in the house, but the fire was extinguished by the order of myself and Mr. Pangman; we then went home; I saw the wounded man, mentioned by my son, at the house of Dr. Fraser, in Terrebonne, on the evening of the sixth; his name

is Loisselle, and he is a constable from Montreal ; I saw one wound in his abdomen ; next day he told me he had another wound in the pit of his stomach.

Q. by the Court—Are you a magistrate ; did you or your party propose the agreement ; and did you hold out any promise of forgiveness for what they had already done, if they dispersed quietly ?

A.—I am a magistrate ; I went there with that paper, and told them, if they dispersed quietly, that nothing would be done to them.

Q. by the same—What time does it take to cross by the bridge to Isle Jesus from Terrebonne ?

A.—About five minutes.

Q. by the same—Did you consider that this agreement was to be binding on any one, except on yourselves, as representatives of the loyal party ?

A.—It was, I considered, a local agreement, not at all binding on the part of the Government.

Q. by the same—You said you considered the immediate object of the rebels assembling at Terrebonne was to destroy the loyalists, what did you consider to be their ulterior object ?

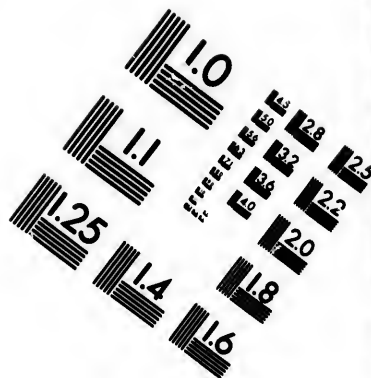
A.—From what I heard, they expected the Americans in to assist them in taking possession of the country ; this was a fact of public notoriety ; I did not hear this from any of the prisoners before the Court.

Q. by the same—What induced you to enter into a contract of the kind with rebels, after the authorities had been fired upon, and a policeman wounded by them in the execution of his duties ?

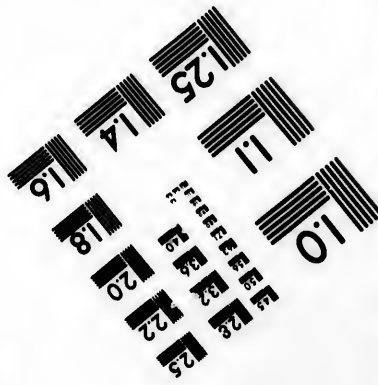
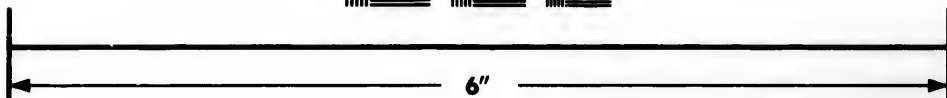
A.—Their force was so superior to ours, that we were induced to enter into this arrangement, for the sake of our wives, families, and property.

Q. by the same—Should you consider the taking of prisoners, by the party in the Isle Jesus, before twelve o'clock on the morning of the





Resolution test chart showing patterns of vertical and horizontal lines with numerical values ranging from 1.0 to 4.0.



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eighth of November, an infraction of the verbal agreement on the seventh, and were any prisoners there made?

A.—I would so consider it; I was told that Mr. Masson's man was detained there, the night before, after the verbal agreement was made; letters of which he was the bearer were opened, I presumed by that party; I saw the opened letters; Mr. Masson was my informant.

Q. by the same—Will you explain why the marginal note was inserted in the written agreement, on the eighth of November?

A.—The document marked C was written before the meeting took place, and as the parties required some time to disperse and get home, the marginal note was inserted to enable them to do so.

Q. by the prisoner Bouc—Do you mean to say, that it was a matter of public notoriety that the Americans were coming in to assist the people of Terrebonne in particular?

A.—It was generally reported that the Americans were coming in to assist the Canadians to take the country, but not to assist the people of Terrebonne in particular.

Q. by the same—Was there a warrant against me at the time you say certain policemen came to Terrebonne for the purpose of arresting me; if so, did you see it?

A.—I did not see the warrant, nor do I know if there was one or not.

Q. by the same—If you did not see the warrant against me, how can you say that I was to be arrested at that time on a charge of High Treason?

A.—I understood it from Mr. Alexander Mackenzie, Turgeon, and others.

Q. by the prisoners Bouc and others—Can you state specifically the terms and tenor of the verbal agreement you have spoken of?

A.—We were to deliver the prisoners and arms, on our part, and they were to disperse and go home.

Q. by Bouc—Do you not know that all my furniture and the wearing apparel belonging to myself and children were burned when the fire was set to my house?

A.—The only thing that I saw burning was the palliasse; I did not enter the house.

Q. by the same—What has been my conduct, to your knowledge, since the convention in question?

A.—I never have heard anything against you since.

Q. by Bouc and others—Do you not know that the conduct of the unusual number of armed men at Terrebonne was inoffensive, and that no acts of violence were committed, except the alleged resistance offered to Loisele's party?

A.—They *did* nothing; but came there, I presume, with evil intentions.

Q. by the same—You stated, upon your examination in chief, that the armed men assembled near the bridge, were there to attack the village; upon what grounds do you state this?

A.—They prevented people crossing and re-crossing the bridge, as I saw when I went there.

Q. by the Court—Do you call it being inoffensive taking a gentleman's servant prisoner, and opening his letters; or what do you consider the fact of the armed party pointing their guns at yourself?

A.—I did not see them point the guns myself; I know nothing farther about the gentleman's servant than what I heard.

JEAN BAPTISTE PREVOST, of Terrebonne, trader, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Did you see any of the prisoners before the Court, between the first and thirtieth of November last; if so, how were they engaged, and where did you see them?

Answer—I saw the prisoner, Bouc, on the day on which the concourse of people was in Terrebonne, during the month of the troubles,

come to the village with a number of people from the upper part of the Côte of Terrebonne ; to the best of my knowledge, he wore a sword, and those who were with him were mostly armed with guns. The prisoner, Leclaire, was with the body ; I cannot say whether he was armed. Roussin was there, armed with a gun. The prisoner, St. Louis, was there ; I did not see him armed. I went with Mr. John Mackenzie to meet this body of men ; Mr. Mackenzie was armed with a gun. They stated that they wanted the liberation of the prisoners that had been made, and the arms which had been taken from them. I told them, that if they required nothing more, their request would be granted. I went to Mr. Masson's with Mr. John Mackenzie, and there it was agreed that they should get what they wanted. They then withdrew for the night to Bouc's and other houses. Next morning they required that the verbal agreement entered into the evening before should be reduced to writing, which was accordingly done, and signed by Mr. Masson, Mr. Mackenzie, and myself. The paper marked C, now shewn to me, I recognize as a copy of the agreement I signed on the day alluded to. I saw the assemblage of men, of which I have spoken, on the dates mentioned on the paper. There might have been from sixty to eighty men in the village at this time, perhaps a third of whom were armed with guns, than which I saw no other arms. I was present when the document C, now shewn to me, was signed at Dumas' house. The armed men were distributed through the village, and waited for the completion of the agreement ; after which, I believe they went quietly home.

Q. by the Court—Are you a magistrate ; did you or your party propose the convention ; and did you promise forgiveness for anything already done, if they dispersed quietly ?

A.—I am not a magistrate ; they proposed the convention and we granted it ; we also promised forgiveness, on condition of their dispersing quietly.

WILLIAM CORRIGAN, servant to the Hon. Mr. Masson, of Terre-

bonne, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Were you stopped and detained by a body of men at any time during the month of November last ; if so, state where, and under what circumstances ?

Answer—I was stopped within a mile of Terrebonne village, by about twenty men, on the Thursday of the week of the rebellion ; some of these men were armed. I was stopped on Isle Jésus, about fifty rods from the bridge ; they ordered me out of a cart into a house, and said they would not molest me. They asked me if I had any letters from town, and I said, no ; but afterwards, on their threatening to search me, I gave them up. Ten or fifteen of them went into an inner room with the letters, which they returned with the seals broken, and in this condition I gave them, (five in number), to my master. One of the men who spoke English, in answer to my inquiries, stated, I would perhaps be let off that day, and perhaps not. I was taken prisoner at eight, A. M., and after being detained about three hours, I reached Mr. Masson's house at about twelve, noon. I did not see any of the prisoners before the Court in the armed body alluded to.

PIERRE BEAUCHAMP, of Terrebonne, miller, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you see any of the prisoners before the Court, between the first and thirtieth November last ; if so, where, and under what circumstances ?

Answer—I saw the prisoner, St. Louis, at Viger's bridge, at the entrance of Terrebonne village, on the seventh November last, about sunset, with a body of armed men, thirty or forty in number ; he was armed with a gun ; the leader of the party appeared to be one Dagenais, who came out in front, and said, “ no mercy, unless our prisoners are given up to us, and the arms you have taken returned ; ” I recognized two other persons, namely, the prisoner, St. Louis, and one

Jean Venne ; I believe Dagenais and Venne have fled to the States, with their families ; they were all together, but I only recognized the three I have mentioned ; it was Dagenais who cried out " no mercy ;" when they said this, they presented their muskets at us ; I was in company with Mr. John Mackenzie and Mr. Jean Bte. Prevost ; on seeing the arms presented, I said to Mr. Mackenzie, " You are not in a safe place ;" upon this, Prevost advanced towards them, and on his return reported what they wanted ; Mr. Mackenzie then proceeded to Mr. Masson's, and, subsequently, met the same party at Mr. Bouc's house the same evening.

Q. by St. Louis and others—What did Jean Bte. Prevost report, when he returned as you have just stated ?

A.—He reported what we had heard, namely, that they wanted the prisoners and their liberty.

Q. by the same—Is it not solely because Dagenais spoke, that you call him a leader ?

A.—He appeared to be the leader, and to intend to form a camp there.

Q. by all the prisoners—Did Dagenais tell you he was going to form a camp, or was that merely your opinion ?

A.—It was merely my opinion, because some slept in the adjoining houses, and some at Mr. Bouc's ?

Four o'clock, P. M.—The Court adjourns until Monday morning, at ten.

THIRD DAY, *Monday, March 4, 1839, 10 o'clock, A.M.*

The Court meets. Present, the same members as on Saturday.

JEAN BAPTISTE HUPE', of Terrebonne, carriage-maker, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you see any of the prisoners before the Court between the first and thirtieth November last ; if so, state where, and how employed ?

Answer—I saw the prisoner, Bouc, at Terrebonne, about the first November last, at Edouard Paschal Rochon's shop ; when he came, there were some people making cartridges, he said " Attention, my boys," and then went away ; the prisoner, Roussin, was there at the time, making ball-cartridges ; I saw about a tureen-full of powder in the shop, and some balls on the counter ; I did not see Rochon, the prisoner, there ; I saw, at that time, three barrels containing powder ; I do not know if they were full ; they were in a barn, and covered with I think, canvas ; I was induced by the prisoner, Rochon, to subscribe a dollar, for the purpose of buying powder ; I, myself, made cartridges in his shop by his permission ; I was a workman in Rochon's shop ; about the same time a secret oath was administered to me, by Rochon ; this was done in his own house, and the import of it was to keep secrecy regarding the ammunition in his possession ; by the oath, we were placed beyond the danger of capture and trouble ; he told me, that if we met any of our enemies on the road, who insulted us, we might kill them with impunity, and that arms and ammunition were coming from the United States, to arm the Canadians, that they might be enabled to protect themselves in tranquillity at home ; he told me, that if I revealed the secret, I would run the risk of being killed by the patriots. I cannot say whether these things were done for, or against the Government. I was quietly at home when I heard that a body of police had arrived, for the purpose of making Roussin, Bouc, and Rochon prisoners ; Rochon made his escape from his own house, and remained absent about eight or ten days ; on his return, I myself, by his orders, transported some powder from Terrebonne to Mascouche ; he ordered us, who were in his employment, not to speak on politics ; it did not appear to me, when Bouc entered Rochon's shop, that he knew

what was going on there ; he appeared very tipsy, and remained there nine or ten minutes.

Q. by the Court—When you gave your dollar as subscription, did you understand it to be in aid of Government ?

A.—I did not understand it was to aid the Government.

Q. by the same—When you took the ammunition to Mascouche, where did you deposit it, or whom did you give it in charge to ; how was it removed, and at what time of the day ?

A.—At one Cadez's, a cousin of Rochon, who took charge of it ; Mr. Rochon had been there the same morning, to tell him that it was coming ; I removed it on a train in the evening, about half-past six ; it was dark ; I cannot recollect the day of the week.

Q. by the same—When Rochon told you, your oath permitted you to kill your enemies with impunity, what did he mean ; what enemies ?

A.—He meant the volunteers of Rawdon and New Glasgow particularly.

Q. by Rochon, Bouc, and Roussin—Upon the oath you have taken before this Court, will you swear that it was not before the first November you saw us in Rochon's shop ?

A.—I cannot say the time.

Q. by Rochon—Upon your oath, will you swear that it was not before the first November that the pretended oath was administered ?

A.—I cannot say the time, nor whether it was before, or after *Toussaints*.

GEORGE FERVAC DIT LAROSE, of Terrebonne, painter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you see any of the prisoners before the Court between the first and thirtieth November last ; if so, when, where, and how employed ?

Answer—I saw the prisoner, Bouc, at Terrebonne, on the second

November last ; he was at Rochon's house ; I did not know what he came for, or what he was doing ; I saw him on, I think, Sunday evening, the fourth, when Loïselle came to arrest him ; he said that the Government had sent persons to arrest him, and that he did not deserve it, nor would he allow himself to be taken ; I saw him the next day ; he sent me with a letter to Rochon, who had fled from the village ; I was in Rochon's employment, and when, on Monday morning, I went, as usual, to my work, I was told he had fled the preceding night, to avoid being arrested ; I knew part of the contents of the letter, and took it to an uncle of the prisoner, Rochon, at Lachenaye, about two and a half leagues from Terrebonne, where I found him ; in answer to the letter, he directed me to tell Bouc, that if the danger was too pressing at Terrebonne, he should fly, but if, on the other hand, he could form a camp, and make a fight, he should do so, and that the best place for a camp was a house at the extremity of the village near the bridge, belonging to Mr. Turgeon ; he also added, that guards should be posted in the woods round the village ; I left Rochon, when he called me back, and told me, if there was an engagement, to take up arms, and to be sure and shoot, and execute Mr. Alfred Turgeon, Mr. Alexander Mackenzie, and Mr. Reeves. I took the secret oath in the presence of Jacques Roy, who administered it to me ; he and Bouc told me that Rochon said unless I took it, I would betray them. This took place about the first November ; Rochon was well aware that I had taken the oath, and by it, as he subsequently told me, I was bound to protect him from injury, and the ammunition in his hands from discovery ; the object of the oath was to bind me to keep secret everything that should pass among the rebels, under pain of having my head cut off, and if I had property, of having it destroyed. There was at this time a secret society at Terrebonne, bound and constituted, by secret oaths, as well as I could see ; its object was to observe secrecy, and to make all ready to take up arms at one time, to fight against the Government ; at

the same time, I always heard them say, they would not fight unless attacked. Rochon, the prisoner, appeared to me a principal leader, and Bouc a subordinate leader. From the letter I carried to Rochon, it seemed that Bouc had been brought into trouble by obeying Rochon's orders. About the end of October, I heard Rochon, at his shop, tell a man, named Robert Dagenais, that he would be the first to be killed. I have seen a fusil in Bouc's house, but never saw him armed except on the evening of the day on which they fired at Loiselle, when I saw him wearing a sword at his own house; the sword was attached to a leather belt; there were a great many people assembled at Bouc's house on this day, prepared to resist the arrests; among them, there were some armed with guns; I have often heard Bouc say, that he would only injure those who sought to injure him, and he said so on that occasion; I believe all those who came to Bouc's house were members of the secret society; they came to assist him in resisting the arrest. Rochon told me himself, that he had ammunition concealed in his house, and to take it to Bouc's or elsewhere, so that it might easily be got at, in the event of a battle; I saw there a deal box, such as window glass is packed in, full of ball cartridges, and two barrels of powder, untouched; there were besides, as much as three tureens-full of balls, in a sack. Rochon left his house on the evening of the fourth November; I myself learned the news of the troubles on the next afternoon; I do not know when the news reached Terrebonne. I saw the prisoner, Gravelle, at Terrebonne, unarmed, but with the armed party, on the day after the troubles at Terrebonne; I mean on the day that the people came there to form a camp; it was during the week after the first November, I believe on a Friday; I saw him one afternoon at Bouc's house, with the people who had come to form a camp; he lives about a mile from the village, and I saw him afterwards, walking about in the village, but unarmed. I saw the prisoner, St. Louis, on the day that the agreement was entered into, at Terrebonne, between Mr.

Masson and the rebels ; he had come down with the armed men, and was standing at the door of a small house by the river side, with a gun on his shoulder.

Q. by the Court—Do you know when the powder came to the village ?

A.—I knew nothing about it until Rochon told me.

JACQUES ROY, of Terrebonne, painter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Do you know the prisoner, Edouard Pascal Rochon, and were you in his service on, or about, the first November last ?

Answer—I know him, and was in his employment then.

Q. by the same—Do you know, that, about the same time, secret oaths were administered at his house by his permission and knowledge ?

A.—I do not know it personally.

Q. by the same—Do you know that ammunition was concealed in the house of the said Rochon, on or about the first of November last, or at any other, and what time ?

A.—About seven or eight days before the first November, I saw a barrel, which he told me contained powder ; I saw some balls about the same time ; and I also saw Rochon cutting and finishing them ; I saw him thus occupied several times ; as I moved backwards and forwards, he did not disturb himself, nor attempt any concealment on my account ; I had gone into his shop to get some brushes, and I saw there the barrel ; I asked if it contained money, and he said, “ Oh no, it contains powder, but say nothing about it.” I said, “ What though I do speak of it ;” and he replied, “ Nothing.” I did not think any evil of it.

JOSEPH OCTAVE ALFRED TURGEON, Esquire, of Terrebonne, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Relate your knowledge of the disturbances which occurred at Terrebonne between the first and thirtieth November last, and the share which the prisoners had therein ?

Answer—On the second November last, a number of persons came and told me that a second rebellion had broken out ; that a conspiracy had been formed, and a great many persons had taken a secret oath. I understood the conspiracy of Terrebonne to be only a branch of a general conspiracy ; also, that Joseph Leandre Prevost was the principal person in administering the oath. On the same day, I received a letter from the superintendant of police at Montreal, requesting me to proceed there, to confer on matters of moment respecting the approaching troubles. I arrived accordingly at Montreal, on the morning of the fourth of November. I then received more ample information respecting the rebellion, and gave evidence to the superintendant of police against such as I conceived the most active instigators at Terrebonne. The information I gave was from my knowledge of the persons' characters in the previous rebellion ; from the notices given by Captains of Militia ; and from the perusal of depositions given under oath by other persons. I gave it as my opinion, that if the principal leaders were arrested at Terrebonne, the rebellion there would be defeated ; and I undertook to accompany a body of police to make the arrest. Before leaving town, I met with Mr. Alexander Mackenzie, a magistrate, who had come to Montreal for the same purpose as myself. I asked him to share in the responsibility of the expedition, as magistrate, and he consented to do so. We learned from good authority, that boxes of arms had been taken to Terrebonne, and also, that the prisoner, Rochon, had endeavoured to induce a habitant of Isle Jésus to take the secret oath. We arrived at Terrebonne on the night of the fourth of November, about half-past eleven. We had at first been promised a force of twelve or fifteen policemen, but we started with Captain Comeau and Loiselle, a constable, making four in all. On arriving, we went to Joseph Leandre Prevost's house to

arrest him, but he was absent. We then went to Eloi Marié's, whom we took. The Hon. Joseph Masson, a magistrate, told me to go to the prisoner, Rochon's house, and arrest him, but he was absent, having fled to Lachenaye, as we were told. We returned the same night to Montreal, with Marié. Before leaving Terrebonne, we were told that we would encounter on the road a party of ten men, who would endeavour to recapture the prisoner, and we forded the river instead of crossing the bridge. On arriving at Montreal, we told that the arrest of Marié had excited the parish, and that resistance would be made to further arrests in Terrebonne. We returned to Terrebonne, on Tuesday, the sixth, accompanied by eight policemen, also by Mr. Pangman, and Delisle, the constable. On our arrival at the village, we were told there was a gathering at the house of Charles Bouc, one of those whom we were charged to arrest. Previous to going there, we were told that resistance would be made, which we did not believe. I placed myself beside Loiselle, the constable: we had with us two magistrates, Mr. Pangman and Mr. Alexander Mackenzie, under whose orders all the party acted in proceeding to arrest Bouc on a charge of High Treason. The two magistrates were on horseback in the street, and Loiselle, Labontai, (the sergeant of police), and myself, entered the house. When we entered a room, we saw five or six persons take up their arms which were by them. I heard some one say, I think, and to the best of my knowledge it was Charles Bouc, the prisoner, though I cannot positively swear to it, "Let us fire, let us fire!" and they did so at the same time, to the number of six or seven: the room filled with smoke, and I saw nothing more at that moment. The police sergeant, who was farther in the apartment, went out, I followed with Loiselle, and cried out, "Now is the time to make your arrest, for they are unloaded;" but the firing had frightened the horses, and the magistrates and police had disappeared. I left the place after examining the premises, and then heard that Loiselle had been wounded. The police were unarmed. Among the party in the

house, I distinctly recognized the prisoner, Bouc, who was standing opposite me : I do not think he fired his gun, for if he had done so he must have shot me : he was prevented by Loiselle, who, I believe, seized his (Bouc's) gun. I joined the rest of the party at Mr. Masson's, and having procured arms, we returned to Bouc's to make the arrest by force, but found the house empty : we fired into the windows, after having called out to any that might be inside to surrender ; we broke open the door, and set fire to a palliasse, intending to burn the house, under the excitement of the moment, but Mr. Pangman, as a magistrate, ordered us to extinguish the fire, which was instantly done. We found balls and cartridges in two houses, but none in those of the prisoners ; nor did we succeed in making any arrests, the persons to whose houses we went having all fled. On the morning of the seventh, Major Turgcon, Captain Raussé, and Adjutant John Fraser, together with three or four policemen, proceeded to the upper part of the Côte, and there disarmed some of the habitants, along about three miles of the road, but were induced to desist by the appearance of an armed party from a wood, as I was told. All the inhabitants of the village deserted it, and concealed themselves in the wood. We then learned, with certainty, that the inhabitants of the Côte were coming to take the village, and form a camp there, which they did ; this was on the evening of the seventh. By forming a camp, I mean establishing themselves there as the centre of their operations. They did so at the same house where the arrest of Bouc had been attempted. I myself saw nearly thirty men about Bouc's house, but I was not near enough to see if they were armed. We learned that the bridge which leads to Isle Jésus had been taken, and that we were surrounded on all sides, except on that of Lachenaye. Before I went to Mr. Masson's, I had made two prisoners ; on one of them, Domptage Prevost, I found a pistol, and the other person I took, because he would not agree to take up arms in defence of Government. On the same evening a treaty was made with the rebels, but not signed until next day ; and in the

mean time we remained under arms. After the signing of the agreement, when occasion required it, we called upon Bouc, Roussin, and Leon Prevost, as leaders of the rebels, to assist us in enforcing its observance, which they did.

Q. by the Court—Were you and the magistrates who went with you to Bouc's house armed?

A.—I had a brace of pistols in my pocket, and I believe the magistrates had pistols in their pockets, though they were not visible; I saw Mr. Mackenzie's pistols in his hand before we left Montreal.

Q. by the same—Did you, with the assistance of two policemen, disarm all the inhabitants in the village of Terrebonne?

A.—All the suspected persons we disarmed.

Q. by Bouc—Had you a warrant for my arrest upon a charge of High Treason?

A.—I had none, but I acted under the orders of two justices of the peace.

Q. by the same—How can you swear that there was a charge of High Treason against me?

A.—I have not stated under oath that there was such a charge against you, but that I understood from the magistrates there was such.

Q. by the same—Who told you that I would make resistance if any person should attempt to arrest me?

A.—No one told me that you in particular would resist; but I was informed by Captain Raby, of the militia, and another person, whose name I know not, that a party had assembled in your house to offer resistance.

Q. by all the prisoners—Had Major Turgeon any competent authority to disarm the inhabitants of the Côte?

A.—As authority to that effect had been given to me, I directed him to act, he being a person of weight and influence, considering it the most peaceable way of effecting the object.

Q. by Bouc, Roussin, and Leclaire—By whom was authority given you to disarm the people of Terrebonne ?

A.—I waited with Mr. Leclere, at the Government House, on General Clitherow and Colonel Wetherall, and after a brief consultation, I received authority to disarm, and to act in the best manner for the interest of Government ; this was on the fourth November last.

Q. by the same—Did you make known publicly in Terrebonne that you were thus vested with authority ?

A.—I did not publish it at every corner, but I made it known to the magistrates.

It being four o'clock, the Court adjourns until tomorrow morning, at ten o'clock.

FOURTH DAY, Tuesday, March 5, 1839, 10 o'clock, A.M.

The Court meets. Present, the same members as yesterday.

Examination of J. O. A. Tugeon, Esquire, continued.

Question by all the prisoners—Did you receive power, at the same time, from General Clitherow, to delegate your authority to whomsoever you pleased ?

A.—I received no orders to delegate my authority, but I received instructions to employ any persons I pleased in the service of Government.

Q. by Bouc—Was it not in the night you came to arrest me ; was there any warrant shewn, or was it in any other way intimated to me that you came to execute a public duty ?

A.—It was towards midnight, but all the village was on the alert ; all the houses were lighted up, and a great number of people were in the street ; the same state of things had existed for two days, for when we went to arrest Eloi Marié, every one was up and the houses lighted. I had no warrant, and none was shewn ; my intention was to have told

you that we came to arrest you by order of Government, but time was not given us to do this, as we were fired on the moment we entered the room, as I stated before.

Q. by the same—Did you knock at my door before you entered ; did you not ; on the contrary, rush in with extreme violence, and without having given any previous notice of your approach ?

A.—I did not knock at the door ; we entered with precipitation, but not with violence, and without giving notice of our approach ; I was convinced that if I found you alone, I should induce you to surrender quietly, inasmuch as I am your cousin-german, and enjoy your confidence.

Q. by the same—Have you seen me frequently since the convention you speak of ; if so, state what has been my conduct, to your knowledge ?

A.—I have seen you frequently since ; your conduct has been, as it always was, extremely open ; you fell into error by allowing yourself to be influenced by the mob ; I endeavoured to convince you that they were only making a tool of you, and you replied, “that you knew very well, that yourself and two or three others were the only men who would fight.”

Q. by all the prisoners—When proceeding from Terrebonne to Montreal, did you see the men who were stated to be collected to oppose you, or did you encounter any obstacles whatever ?

A.—We avoided the bridge by taking the ford higher up ; in passing Champagne's tavern, where we had been informed a party was assembled to oppose us, we saw several persons apparently watching us ; we passed rapidly and encountered no obstacle.

Q. by Bouc—Is it not to your knowledge, that immediately after the signing of the convention alluded to, I went to Mr. Masson's, and offered to become an officer in the police, to assist in maintaining order and tranquillity in the village ?

A.—I know that you did so, but I must also state, that you would only act under the special orders of Mr. Masson, for on one occasion, when we had information, on oath, that there was ammunition concealed on the premises of Pascal Rochon, and called upon you to assist in searching for them, you refused to do so, unless we exhibited a written order from Mr. Masson ; you said, you would not act under the orders of the Frasers, the Turgeons, or Mackenzies ; adding, that if Mr. Masson desired it, you were ready to assist in disarming all the inhabitants of the place.

Q. by all the prisoners—Had you a warrant against Eloi Marié, when you went to arrest him ?

A.—I had a warrant in my pocket, but did not shew it ; I previously enquired if it was necessary to have warrants to arrest the leaders ; it was considered perfectly ridiculous to send to Montreal for warrants, when the people were in arms, and, for my part, I acted on this principle.

Q. by the Court—Can you inform the Court, why so great a preference was given by the prisoner, Bouc, to Mr. Masson, and why he objected to act at the desire of the Mackenzies, the Frasers, or Turgeons ?

A.—I understood his object was to shew his approbation of Mr. Masson's conduct, and his great disapprobation of ours ; yet we had all, including Mr. Masson, acted in concert.

AMABLE LOISELLE, of Montreal, constable, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Court—Have you been present in Court since the commencement of this trial ?

Answer—I came in two or three times, to call out witnesses who were in the Court, and to point them out to the Provost Marshal, but I did not overhear any part of the evidence given.

Question by the Judge Advocate—Were you employed by the authorities to effect any, and what, arrests at Terrebonne in the month of November last ; if so, under what circumstances ?

Answer—I was employed to arrest Leandre Prevost, and others, who were to be pointed out by the magistrates at Terrebonne, on the fourth November last, on a charge of High Treason. On arriving at Terrebonne, about eleven at night, we searched Prevost's house, and found nothing in it ; we then went to the house of the prisoner, Rochon, which we searched, and found nothing ; he himself had fled. We had gone there both to search the houses and to apprehend the people. Our party consisted of Mr. Alfred Turgeon, Mr. Alexander Mackenzie, Captain Comeau, of the Police, and some of the villagers, whose names I know not. We searched another house, where we found and arrested Marié, and brought him to town. On the sixth of November, I returned to Terrebonne, at the instance of Mr. Leclere, Superintendent of Police, accompanied by Mr. Alexander Mackenzie, Mr. Alfred Turgeon, Mr. Pangman, and a few policemen ; on our arrival at Terrebonne, about eleven o'clock at night, I dismounted, and Messrs. Pangman and Mackenzie remained on horseback ; we proceeded by the orders of the magistrates there present, to Bouc's, the prisoner's, house ; my instructions were to obey them implicitly ; I caused the house to be surrounded by the policemen, that none might escape ; I requested Mr. Turgeon to enter the house, in order to point out the persons to be arrested ; Mr. Turgeon and I went in, accompanied, I believe, by a policeman ; when we opened the door we encountered a man who was posted behind it, and on advancing further, we saw another man at the north-east window ; these two men left their places and went towards a cupboard, crying, "*Aux fusils, aux fusils.*" On taking up their guns, they made for the kitchen, and on their way, a long gun fell, which I picked up ; no sooner had I picked up the gun than they cried, "*Tirez donc, tirez donc ;*" they fired, and wounded me in two places, in the abdomen and in the pit of the stomach ; among the men

who fired on me, was the prisoner, Bouc, but I do not know if he fired ; I dropped the gun from weakness, and left the house ; I was carried to Dr. Fraser's, and I do not know what happened afterwards. I had received, at Montreal, orders to arrest Bouc, which I was to do by the direction of the magistrates accompanying me, viz : Mr. Pangman and Mr. Alexander Mackenzie. We found the village of Terrebonne in a state of great excitement on our arrival there on the sixth November, the people were all up that night, as well as on the fourth November ; I saw no armed persons except those in Bouc's house, and a man named Prevost, who had a pistol ; he was arrested after I was wounded ; there were about twelve persons in Bouc's house armed with guns.

Q. by Bouc—Do you mean to say that you saw a dozen of persons in my house on the occasion you allude to, or merely twelve guns ?

A.—I mean to say a dozen guns.

Q. by Rochon—State your knowledge of my having fled from my house, as you have stated ?

A.—It was by the appearance of the room ?

Q. by Rochon—When you went to my house, as you state, did the persons you saw there tell you where I had gone ?

A.—The persons there would not tell us ; had they informed us, we would have gone in pursuit of you.

Q. by the same—Give the names of the magistrates who were to point out the individuals you were to arrest at Terrebonne, when you went to take Prevost and others, on the fourth ?

A.—The two Mr. Mackenzies.

Q. by Bouc—Did you not state to James Delisle and one Pierre Urbain, that you were satisfied that I had not fired upon you ?

A.—I do not recollect ever having made such a statement, although persons, sent I presume by Bouc, frequently endeavoured to ascertain what testimony I would give respecting him.

Q. by the Court—Was Bouc's house lighted when you went to arrest him, on the night of the sixth ?

A.—There was a lighted candle on the table, near the door.

Q. by the same—Do you not mean that the guns were in the hands of persons ?

A.—There appeared to me to be more guns than men, there being only about six or seven men, who took up guns and fired.

ALEXANDER MACKENZIE, of Terrebonne, Esquire, one of Her Majesty's justices of the peace, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Relate what you know of the arrests made, or attempted to be made, at Terrebonne, in the month of November last, for High Treason, or other political offences ?

Answer—On the fourth of November last, I went to Montreal to take measures for the arrest of several individuals at Terrebonne, among whom were all the prisoners, except Paul Gravelle. Accompanied by Mr. Turgeon, I procured warrants from Mr. Leclere, Superintendent of Police. Loiselle, the constable, and Mr. Comeau, went with us to Terrebonne, and we arrested one Marié for High Treason. We searched several suspected houses, and found no person. In one house, (not that of any the prisoners), we found ammunition and cartridges. Afterwards, we returned to Montreal with Marié, about three in the morning of the fifth. On the sixth November, we again went to Terrebonne for the same purpose, accompanied by two magistrates, two constables, and nine or ten policemen. On reaching Terrebonne, about eleven or twelve at night, we went to the house of the prisoner, Bouc, to arrest him for High Treason. Mr. Loiselle and Mr. Turgeon entered the house, and I remained outside. Loiselle was fired upon and wounded. I recognized the voice of the prisoner, Bouc, among those who were in the house ; I only heard the shots. Loiselle then acted under the orders of myself

and Mr. Pangman, as magistrates, and from authority of Mr. Turgeon, who had received instructions in Montreal. We saw several people about the streets when we arrived at Terrebonne. When we arrived there on the night of the fourth, there was an unusual excitement. I did not take particular notice if the houses were lighted on the sixth. I cannot recollect Bouc's words when I heard his voice.

Q. by the same—Do you know that the prisoners have been engaged in the disturbances of November last at Terrebonne, and what share they have had therein?

A.—Nothing farther than what I have stated in regard to Bouc.

ROBERT DAGENAIS, of St. Rose, painter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Have any, and which of the prisoners, administered to you the secret oath; when, where, and under what circumstances?

Answer—Rochon, the prisoner, did so in his own house, at Terrebonne, on a Friday, I do not exactly know at what time; I think it was in the month of October; the oath required secrecy of politics, and not to denounce any of the rebels whom I might know, or anything of their affairs.

[The prisoners here hand in a document, annexed to these proceedings, marked D, which is overruled by the Court].

I was told, that if I violated the oath, and refused to act with the rebels, I would be the first to be killed. The same oath was administered, in my presence, to two or three persons, by Rochon; his object in administering it was to obtain success in the fight against the Queen.

Q. by the same—Have you seen ball-cartridges and other ammunition at the house of, or in the possession of the prisoner, Rochon?

A.—I have seen powder, balls, and ball-cartridges, in the same month as that in which the oath was administered; I saw three bar-

rels of powder on his premises, also a barrel full of ball-cartridges ; I saw him prepare balls ; he had lead for making them ; he employed several persons belonging to his shop in making balls.

Q. by the same—Did Rochon give any, and what, instructions, as to what was to be done, in case officers were sent to arrest him ?

A.—He told us to allow him to be taken, and then to way-lay and kill the constables ; this was in the same month.

Q. by the same—Did you see any of the prisoners in connection with the troubles of November last ?

A.—I saw Bouc making cartridges, at Rochon's, in, I think, October last ; I cannot be sure if I saw him in the month of November, connected with the troubles ; it was in the week of the troubles ; he was armed with a sword, at his own house, in company with four or five other persons, armed with guns ; they said the arms were to protect themselves from being made prisoners ; I cannot state what day of the week it was. I saw the prisoner, Gravelle, during the week of the troubles, armed with a gun, at Bouc's house ; I saw him several times, but only once armed ; he was with the others, four or five in number, and with the main body when they held the large meeting ; I saw a body of forty or fifty armed men come into the village, with whom Gravelle was, but I saw no arms about him ; I saw him again after the agreement made with Mr. Masson, when they refitted Bouc's house. I saw the prisoner, Roussin, making ball cartridges, at the prisoner Rochon's house, between the months of October and November last ; I think it was in the end of October ; some days after, I again saw him, armed with a gun ; this was during the week of the troubles, at Bouc's house ; there were four or five armed persons in the same party ; when I speak of the week of the troubles, I mean that on which the Americans were expected to take Montreal, and the week on which Bouc, Roussin, and others took up arms, and the same on which an agreement was made between Bouc and others with Mr. Masson ; I was not present

at the time ; three or four days before, I saw Roussin at Bouc's ; I saw him, armed with a gun, with four or five armed men in the street ; I cannot say what day of the week this was ; when the troubles commenced, Rochon fled from his house, and remained absent eight or nine days ; he left on the Sunday night when they came to make him prisoner ; Mr. Alfred Turgeon and others came for this purpose ; I was in Rochon's service for about three months, from, I believe, the thirtieth September, and left it in December last.

Q. by the Court—Did Rochon, or any other of the prisoners, state to you what they were making the cartridges for ?

A.—They said they were for protection, when I was averse to joining them, and when I did join their party they explained nothing farther.

JOHN FRASER, of Terrebonne, Adjutant of the Militia, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Questoin by the Judge Advocate—State your knowledge of the connection which the prisoners before the Court had with the late troubles, at Terrebonne, between the first and thirtieth November last ?

Answer—I have no knowledge of any.

JEAN BAPTISTE HENEAU, of Point Claire, blacksmith, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—State your knowledge of the connection which the prisoners had with the late troubles, between the first and thirtieth of November last, at Terrebonne ?

Answer—I know nothing.

Q. by the same—Have you been in the employ of the prisoner, Rochon ; and during what time ?

A.—I have worked for him for about four months, and do so still.

Q. by the same—Have you seen in the possession of the prisoner, Rochon, any ammunition or arms ; and when ?

A.—Before the first November, I saw two barrels, which I considered contained powder ; I did not ask Rochon what was in them, nor do I know whether they were there after the first November ; I also saw the balls, but when I know not.

Q. by the same—Were any ball-cartridges made at Rochon's house and shop ; when, and by what number of persons ?

A.—Yes ; before *Toussaint* ; I do not know by whom ; they were made there with Rochon's knowledge ; I cannot say how long before the troubles.

MATTHEW MOODY, of Terrebonne, blacksmith, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—What knowledge have you of the disturbances which existed at Terrebonne, between the first and thirtieth November last ?

Answer—I never saw any armed body, or any meetings, nor do I know anything of the prisoners before the Court, in connection with the troubles.

Q. by the same—Have you a knowledge of any meetings of the rebels having been held at the house of any, and which, of the prisoners, at Terrebonne, in the month of November last ?

A.—I have not.

Q. by the same—Do you know anything of the plans of the rebels, in the parish of Terrebonne, after the first of November last ?

A.—No.

Q. by the Court—Did you hear of any one having been wounded, at Terrebonne, during the month of November ; if so, by whom, and in what cause ?

A.—I heard of a man being wounded on Tuesday night, the night the police came to Terrebonne ; I believe the third November.

PIERRE URBAIN, of Isle Jesus, farmer, having been brought into

Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners, and state if you saw any, and which of them, between the first and thirtieth November last ; if so, when, and how engaged ?

Answer—I saw Bouc, for the first time, at the door of his own house ; he was speaking with Mr. Masson ; it seems he had sent for him and Mr. John Mackenzie ; Mr. Masson asked what he wanted, and Bouc said, “ to live peaceably ; ” Mr. Masson said his wish was the same ; it was then agreed that a treaty of peace should be drawn up in writing, and signed on the following day, which was done at one Dumas’ house ; it was about a quarter past five, P.M. when I saw him on the seventh ; I have no knowledge of the existence of any troubles, previous to the time I speak of ; Mr. Masson proposed the treaty ; among the persons assembled at Bouc’s house, on the seventh, were some armed with guns ; the prisoner, St. Louis, was there, but I know not if armed.

Q. by the same—Have you a knowledge that a party of rebels marched upon the village of Terrebonne, during the month of November last ; and do you know who their leader or leaders were ?

A.—No.

Q. by the same—Did you see a body of armed men at or near the village of Terrebonne, in the month of November last, and who were their leaders ?

A.—I saw about twenty-five men, a fourth, at least of whom was armed ; this was on the seventh November, about quarter-past five, P. M. ; I do not know who were their leaders ; when they sent for Mr. Masson, the men brought forward Mr. Bouc to confer with him.

Q. by the same—Did you see any ball-cartridges, or other ammunition, at Terrebonne, during the month of November last ?

A.—On entering the village, on the seventh, I saw about one hundred cartridges in a tureen on Viger’s bridge.

Q. by the same—Did you, on that occasion, meet with any armed person, and what did he say and do to you, and who was he?

A.—I saw a man on horseback; he appeared to have a sword in a scabbard; whether accidentally or intentionally, I know not, but he struck me in the chest with the point of what he carried; I do not think he saw me; he was alone; I did not then know him, but I know him now; I do not know whether it was Bouc or not?

Q. by the Court—Look at the prisoner, Bouc, and say upon oath whether that was the man you met on horseback near the bridge?

A.—I cannot swear if it was the same man.

Q. by the same—You have sworn that you now know who it was that struck you; state who it was?

A.—I mean to say I know Bouc now; but I do not mean to say I know now the man who struck me.

Q. by the same—Have you ever before this day taken an oath of any kind; if you have, say when, where, and on what occasion?

A.—I took an oath of secrecy at St. Rose, in the month of October, without compulsion.

It being four o'clock, the Court adjourns until tomorrow morning, at ten.

FIFTH DAY, *Wednesday, March 6, 1839, ten o'clock, A. M.*

The Court meets. Present the same members as yesterday.

CHARLES LAURIN, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Look at the prisoners before the Court, and state your knowledge of their connexion with the troubles in November last?

Answer—I saw the prisoner, Bouc, with the band, on, I believe, the fifth November last ; some of them were armed, and some not ; they were about three acres from Terrebonne ; Bouc was on horseback, and armed with a sword ; it was after *Toussaint*, and I am very sure it was either on the fourth or fifth ; the band was proceeding towards the village of Terrebonne, and consisted of forty or fifty men ; he afterwards left the party, and I did not see him any more ; the band separated into two divisions ; I saw him after the agreement, at Terrebonne, conducting himself very peaceably, saying, he regretted very much what he had done—that he would never meddle in politics again—and that if any of his people disturbed the peace, he would assist in arresting them ; Bouc is of a mild disposition, and an honest man. I saw Leon Leclair at the same time, and with the same party, following the others. I was endeavouring to make my escape, on horseback, from my house, (which is the first in the village), when they took me. The prisoner, Roussin, said, “Come along with me, old fellow !” He was armed, but from my emotion, I could not say with what. My house is detached from the village. After my being taken, I went into a house to warm myself, with the intention of escaping. I saw the prisoner, Gravelle, with the same party, armed with a gun. They did not say why they were armed, or why they were there.

CHARLES DAUNAIS, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and state what you know of their connexion with the troubles at Terrebonne, between the first and thirtieth November last ?

Answer—I saw the prisoner, Bouc, on the day the party came down to Terrebonne, on, I believe, the sixth or seventh November last ; he was on horseback at my house, where the band stopped, which consisted of perhaps forty or fifty men, or less ; some were armed with guns ; my house is a short distance from the village, and I asked

what they were going there for ; they replied, " to see what is going to be done with us ;" Bouc was the only person I saw on horseback. I was in the barn when they came to my house, and the prisoner, St. Louis, who was armed with a gun, called me out. When I reached the house, the prisoner, Roussin, who was armed with a weapon, three or four feet in length, asked me if I would go with them. I believe the prisoner, Gravelle, was there, but I cannot say if he was armed. They did not take me with them. They said they were not going to harm any one ; but that they wanted to know why they were going to be made prisoners and disarmed. Roussin and others spoke to me.

JOSEPH ROCHON, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Have you any knowledge that the prisoner, Rochon, administered secret oaths to any and what persons ; if so, when and where ?

Answer—I do not know from personal knowledge.

Q. by the same—Do you know that Rochon had in his possession ammunition of any and what description, and at what time ?

A.—He told me so himself, before *Toussaint* ; I believe, he had some after the first November, as he told me that he meant to deliver them up to the police at Montreal ; I think he told me this about the fifteenth November ; the ammunition consisted of ball and powder, and leaden bars ; his reasons, as he stated, for having the ammunition in his house, were, that he feared being taken if the enemy should come, and being obliged to fight against his own people ; he said the refugees from the States were coming in, and he feared that he would be forced to assist in expelling them, which he would not do ; he said he was a patriot.

Q. by the same—Did you accompany the prisoner, Rochon, to the United States, and when ; and, during the journey, was anything said or done by him, connected with the political state of this country ?

A.—I accompanied him there in October, or in the end of the month of September last ; and, during the journey, he neither said nor did anything connected with the political state of the country ; he went to Champlain.

Q. by the same—When at Champlain, did you, or did you not, with the said prisoner, Rochon, hold intercourse with political refugees from this country ; if you did, state what passed between the said Rochon and the said political refugees ?

A.—We saw two of them, and asked news from them, when they turned their backs on us ; we asked how the refugees were getting on, and they said very quietly ; we asked one of them when he thought he would return ; my question had reference to their return by permission.

JEAN BAPTISTE L'APIERRE, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners, and state what you know of their connection with the troubles at Terrebonne, in November last, and how engaged ?

Answer—I saw Gravelle at Pascal Desjardin's house, at the Côte, one league from Terrebonne, a few days after the first November, about one o'clock, P.M. ; we were running after Desjardin to frighten him ; Gravelle was armed with a gun ; we stopped at Desjardin's ; the others of the band, consisting of about fifty, had gone farther down ; some of them were armed ; I do not know who was the leader ; I was not among the fifty ; after remaining about fifteen minutes with Desjardin, I returned home ; I was armed myself with a gun, but it was not loaded ; I left my house of my own accord, and met with Gravelle at Desjardin's ; I never took the secret oath ; we overtook Desjardin in the field, and brought him back to his house and left him there.

Q. by the same—Was there any one on horseback with the band, and who ?

A.—Not to my knowledge.

PASCAL DESJARDIN, of Terrebonne, farmer and tavern-keeper, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and state your knowledge of their connection with the late troubles, in November last, at Terrebonne ?

Answer—I saw Bouc, on the sixth or seventh November, come from the Côte to Terrebonne, with four or five others ; he was on horseback ; I did not see him armed ; he had a shoulder belt on ; I cannot say whether those with him were armed ; several parties passed during the day, some of whom were armed ; Bouc rode quietly away on horseback. I saw Leon Leclair on the same day ; he was coming down with the others ; I cannot say if he was armed, but some of the party with whom he was, were armed. I saw Gravelle on the same day, and at the same place, with a great many persons, some of whom were armed ; he was armed with a gun ; six of them ran after me, among whom was Gravelle, and threatened to shoot me ; among them, also, was a man named Landemain, who attempted to fire, but his gun snapped ; Gravelle also attempted to fire ; they said, “ you must come with us,” and I said “ no, I’d rather be killed than go with such rascals.” Gravelle twice attempted to fire on me, but his gun snapped ; one of them said, “ if you will not go with us, remain quiet ;” he said, on turning to Gravelle, “ you see it is by the providence of God that your gun did not go off—this man is not to be killed ;” I think they were mocking me when they attempted to fire ; they then left me. I cannot say if they had any ammunition with them, but I saw a powder flask at Gravelle’s side. I did not see any fire ; the locks of the guns were percussion, and the caps did not strike. I saw Roussin on the same day, about the same hour, and at the same place ; he was with the band, part of which were armed. I saw St. Louis in like manner, armed with a gun ; he was with about thirty others, some of

whom were armed ; I do not know what they were going to do, nor do I think they knew themselves. I do not know if Rochon meddled with the troubles.

OLIVER CORBEAU, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoners before the Court, and state your knowledge of their connection with the troubles at Terrebonne, between the first and thirtieth November last ?

Answer—I saw Bouc, I believe, the seventh November last, towards noon ; he was going down in the direction of Terrebonne village ; I live at the Côte ; Bouc was on horseback, but had no arms, that I saw ; he was behind a party of about fifty men, some of whom were armed ; I saw him again in the village, about sunset, in his own house ; he had a sword in his hand, and was conversing with a great many persons ; I saw him again after Mr. Masson had sent his belt knife back to him, which, I believe, was taken from him when they went to arrest him ; before the agreement, I heard him say, that if he was left alone, he would never again meddle with politics, and that if any person disturbed the public peace, he would be the first to arrest him. I saw Leon Leclair, armed with a gun, with the same party ; also Paul Gravelle, armed with a gun, in the village. I saw Roussin with the same party, at the Côte, armed with an iron weapon. I saw François St. Louis, with the same party, armed with a gun. The party was not always united ; they were divided sometimes into two brigades.

Q. by the same—What did you understand to be the ultimate object of this armed body ?

A.—They said they were going to learn what was to be done with them, and that they wanted to get their prisoners back, and to know why they were disarmed ; the prisoners I allude to were Domptage Prevost and two or three others, as I understood.

Q. by the Court—Was there not, at that time, in various parts of

the Province, disturbances, with a view of subverting the Government, and do you not believe the party in Terrebonne acted in concert with them ?

A.—So I heard ; but I cannot say if the party at Terrebonne acted in concert with them.

Q. by the same—Do you not know, that the bands of armed men you have spoken of, were so collected, and armed, for the purpose of resisting the legal authorities of the Government ?

A.—I do not believe they would have resisted ; I know nothing farther of their object than what I have stated.

JOSEPH BOURGOINE, of Terrebonne, journeyman carriage-maker, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Have you seen ammunition at the house of the prisoner, Rochon ; of what kind, and when ?

Answer—Both before and after the first of November, I saw the barrels, in which, I was informed by Rochon himself, the ammunition, (gunpowder,) was contained ; I also saw lead in bars ; I saw no one employed making balls at Rochon's, though I saw small bullets there ; I never knew what was to be done with the ammunition ; I have seen Rochon cutting up lead, both before and after the first November, but I know not for what ; I also saw ball cartridges at Rochon's, at the same time.

Q. by the same—Did the prisoner, Rochon, employ you, as well as his other journeymen and apprentices, in making cartridges or balls ; how often, and when ?

A.—He employed me once or twice for that purpose ; I believe it was before the police came to Terrebonne ; I do not know whether before or after *Toussaint* ; after the police came, he absented himself.

Q. by the same—Did you assist Rochon in concealing ammunition in some, and what part of his premises, or elsewhere, and when ?

A.—I know that some was concealed, but I did not assist in con-

cealing it; it was about the time that the police came to take Rochon.

Q. by the same—Are you aware, that Rochon administered secret oaths to you or others, and when?

A.—I have no knowledge of such.

Q. by the same—What did you understand to be Rochon's object in collecting ammunition at his house, and in preparing, or causing to be prepared, cartridges and balls there?

A.—I neither knew nor asked.

Q. by the same—Were you at Rochon's house when he fled, on account of the police coming to take him; why did he do so, and did he leave any message at his house, to any, and which of the prisoners, or any of the persons then engaged in the troubles?

A.—I was in the house, asleep.

Q. by the Court—Is lead used to any extent in the carriage-making business, or does it form a necessary part of a carriage-maker's stock?

A.—I do not know that it is used.

Q. by the same—Did you, at any time, see any powder, ball, or cartridges, removed from Rochon's premises; say when, where to, and by whom?

A.—I never did.

Q. by the same—Do you know where the bar-lead was procured, which, you say, Rochon had in his house?

A.—No.

Q. by the same—What became of the powder and ammunition you say were concealed in Rochon's house or premises, and do you know if they are there now or not?

A.—I was told he brought them to Montreal, to the police.

Q. by the same—Have you ever taken an oath, of any description, before this day; if you have, say when, where, and upon what occasion?

A.—I twice took an oath before the Commissioners' Court at Terrebonne.

Q. by the same—Did Rochon ask you, or did you subscribe money to pay for powder or ammunition, or for other purposes connected with the late rebellion ?

A.—No.

JOSEPH DE LORME, of the parish of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you receive any ill-treatment from any, and which of the prisoners at the bar, and when, on account of your loyalty ?

A.—Yes ; the prisoner, Russin, ill-treated me when the party came down from the Côte to the village of Terrebonne ; Roussin had, what appeared to me, a sword, and the prisoner, St. Louis, had a gun ; he said to me, swearing, “ Cursed family, cursed house, family of the devil.” He did not ill-treat me ; I understood the abuse was given to me, on account of my loyalty. There were a great many people coming behind these two men, some of whom were armed ; Roussin did not say the abuse was given on account of my loyalty.

Q. by the Court—For what cause did Roussin use these expressions to you ; have you ever had any quarrel with him ?

A.—I cannot say ; I never quarrelled with him.

The Judge Advocates declare the prosecution closed, and the prisoners are called upon for their defence.

The prisoners apply for delay until Monday next, the eleventh instant, to prepare their defence.

The Court is closed to deliberate, and delay is granted until Friday next, at twelve o'clock.

Two o'clock, P.M.—The Court adjourns until Friday, the eighth instant, at twelve, noon.

SIXTH DAY, FRIDAY, *March 8, 1839, twelve o'clock, Noon.*

The Court assembles, pursuant to adjournment. Present, the same members as on Wednesday.

BAPTISTE ROI, of Terrebonne, trader, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by all the prisoners, except Rochon—Do you know for what purpose certain persons came into the village of Terrebonne, on the seventh November last ; if so, state it ?

Answer—I only know by report.

Q. by the same—In what manner did the people of Terrebonne, and the neighbourhood generally, conduct themselves previous to the seventh November last ?

A.—I cannot speak positively as to dates, but, to the best of my knowledge, I believe peaceably, before the seventh November.

Q. by the same—Have you any knowledge of there having been any meetings, or *rassemblemens*, previous to the time at which certain individuals were arrested by Turgeon and others ?

A.—I have not.

Q. by Bouc—Have you had any, and what opportunity, of becoming acquainted with my character, habits, and disposition ; if so, state what they are ?

A.—In all transactions I have had with you, I have found you upright and honest.

Q. by all the prisoners, except Bouc—Do you know us ; if so, state what character we respectively enjoy in the neighbourhood where we reside ?

A.—I know the prisoner, Leclair ; he has the reputation of being a worthy man. I know Gravelle ; I believe him to be a worthy man. Roussin is an honest man. St. Louis I know well ; he is a good, honest man, and a peaceable character, except when he takes a little

drink. Up to this period, I have never known a more peaceable character than Rochon.

JEAN BAPTISTE PREVOST, of Terrebonne, trader, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :

Question by all the prisoners, except Rochon—Have you any knowledge of an assemblage of men in the village of Terrebonne, on the seventh November last, and do you know what the object of that assembly was ?

A.—I know there was such on the seventh ; I do not know the object.

Q. by the same—Do you know what caused the persons so to assemble on the seventh November last ?

A.—I do not know.

Q. by the same—When the assembly in question was at Terrebonne, did there exist any obstacle to their taking the village and imprisoning the loyal inhabitants, had they intended to do so ?

A.—It was in their power to do it if they wished it.

Q. by Bouc, Roussin, and Leclaire—Do you know our respective characters ; if so, what are they ?

A.—I have transacted business with Bouc and Roussin, and found them to be honest men ; Leclaire is reckoned one of the most worthy, pious men in the parish ; he has erected a school at his own expense.

Q. by all the prisoners, except Rochon—When you went to Viger's bridge, on the seventh November last, with Mr. John Mackenzie, what did the persons you went to meet say, respecting the object they had in view in coming to the village of Terrebonne ?

A.—They said, they did not come to do any harm, and that they wanted to be allowed to remain in peace at home.

Q. by the Court—Had the loyalists resisted the people assembled on the seventh, what do you think might have been the result ?

A.—I think the people might have done damage, had they wished ;

Bouc offered his services to any one who might require them, saying, he did not wish to do harm to any one.

Q. by the same—Who were the persons speaking at that time ; name them, if you know them ?

A.—One named Garipey ; Bouc and Roussin were present, and also spoke ; many others were present.

Q. by the same—Was any mention made of the Government ?

A.—Not to my knowledge.

Q. by the same—If they did not come to do any harm, why did they come armed ?

A.—It must be presumed, that they were provoked by an attempt being made to arrest Bouc and others.

PIERRE ROBINEAU, of St. Thérèse, student at law, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Leclaire—Had I any, and what conversation, with you respecting the object had in view by the persons who went to the village of Terrebonne, on the seventh November last ; if so, state when ?

A.—On the eighth November last, I conversed with you, on your return from the village ; you stated, that for several days past, you, and others in the village, had been insulted by several individuals, and that you had, therefore, projected going to the village to know whether you were disarmed by the authority of Government, and if not, to take your arms back, but if by the order of Government, to give them up.

TOUSSAINT FREREAU, of Terrebonne, blacksmith, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Roussin, Leclaire, and St. Louis—Have you any knowledge of political societies existing at the Côte de Terrebonne, in the beginning of November last, previous to attempts having been made to disarm the inhabitants of the parish of Terrebonne ; did there exist any agitation among them ?

Answer—I know nothing of the existence of political societies ; the inhabitants were perfectly quiet up to that period.

Q. by the prisoner Leclaire—Did you speak to me on the seventh November ; if so, what did I say to you ?

A.—I did speak to you on that day ; I was with the party that went to Terrebonne on that day ; you turned round at a short distance from the village, and said, “ Stop, I want to speak to you ; if there be any among you who are going to the village with the intention of doing any harm, I do not approve of it ; if you wish to do any harm, say so, and I will go home.”

Q. by the Court—What answer was given on that occasion ?

A.—They all said, “ We are not going to do any harm ; we are going to enter into an agreement for peace.”

Q. by the same—Have you any knowledge of political societies or secret meetings, being held in Terrebonne, after the first November ; did you take any secret oath at any time to obey orders, or not to divulge the proceedings of any party ?

A.—I have no knowledge of such, nor have I taken any secret oath.

Q. by the same—Did you never hear of secret oaths being administered in the village or Côte of Terrebonne ?

A.—I never heard them spoken of.

LOUIS CUSSON DIT DESORMIERS, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Leclaire—Did I speak to you, in the beginning of November last, about the disarming the inhabitants of the parish ; if so, when and what did I say ?

Answer—You said, on the seventh November last, that you were ready to surrender your arms, if you knew it was by the authority of Government that the disarming took place.

Q. by the same—Was there not an impression among the inhabit-

ants, that the disarming took place without any authority from Government ?

A.—Yes, the impression existed.

Q. by Leclaire, Roussin, and St. Louis—Have you any knowledge of the existence of political societies, or any agitation, previous to the disarming in question ?

A.—I have no knowledge of either.

ELOI MARIE', of Terrebonne, clerk to Madame Coyteux, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question by all the prisoners, except Rochon—Were you arrested in the beginning of November last ; if so, when, and by whom ; was any warrant exhibited to you, and how long did you remain in custody ?

Answer—I was arrested, either on the night of the fourth or morning of the fifth November last, by Mr. Comeau and Mr. Turgeon ; I heard Mr. Comeau was a police constable ; no warrant was shewn to me ; I remained in custody ten or eleven days.

Q. by all the prisoners—Where did you remain in custody ; and were you discharged unconditionally or otherwise ?

A.—I was detained in the city of Montreal, under the superintendence of Mr. Leclere ; I was never told why I was arrested, and was discharged unconditionally, in consequence of an application by Mr. Masson in my behalf.

JACQUES ROY, of Terrebonne, painter, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Rochon—How long have you known George Fervac dit Larose, who was a witness for the prosecution ; what was his behaviour while in my service, and his general character ?

Answer—I have known him for four or five years ; when I first knew him in your service he conducted himself well, but about the

third year he changed his conduct as a workman, and behaved very ill towards you and me, as such, and yet I have nothing to say against his general character ; I would not say anything against his honesty.

Q. by the same—Did the said Fervac dit Larose inform you of the reason which induced him to depose against me ; if so, state when, and what he said ?

A.—About the twelfth or thirteenth of November last, I went into the shop, and seeing him idle, I asked why he did not work ; he replied : “ My time is up ; ” after a conversation between us, he added, “ If Mr. Rochon arrests me, on the ground of not fulfilling my indentures, I shall no sooner be in prison, than I will cause him to be arrested.”

Q. by the same—Did I, or did I not, cause the said Fervac dit Larose to be arrested ; if so, was it subsequently to the conversation you allude to ?

A.—You did ; about fifteen days after the conversation.

Q. by the Court—Did Fervac dit Larose tell you, he would depose what was false against Rochon, in consequence of being on bad terms with him ?

A.—No ; he bade me tell Mr. Rochon, that if he (Rochon) arrested him, he (Fervac dit Larose) would depose against him, and cause him to be arrested.

ANDRE' DUBOIS, of Montreal, shipwright, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Rochon—Do you know one George Fervac dit Larose, a witness for the prosecution ; what is his character, and would you believe him under oath ?

Answer—I do know him ; but I cannot state what his general character is ; I would not believe him under oath, in consequence of what he has told me.

Q. by the Judge Advocate—Did the said Fervac dit Larose ever take a false oath, to your knowledge ?

A.—No, not to my knowledge.

Q. by the Court—Why would you not believe him on his oath ; state your reasons ?

A.—He told me, on Saturday last, at half-past three, P. M. when I was on the point of starting for Terrebonne, that two words of his would hang or save Rochon ; Jacques Roy, (the last witness), my brother-in-law, was present when these words were uttered ; upon this, I told him, that if he did not hold his tongue, I would take him to the police ; I am a policeman.

Q. by the same—Did he appear to have any malice against Rochon when he said this ?

A.—He did ; I could not imagine any motive but malice for his saying what he did.

SOLOMON GALEZE, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by St. Louis—Did I speak to you on the eighth November last ; if so, what did I say to you on that occasion ?

A.—I saw you in the village of Terrebonne ; you were armed with a gun ; I asked you where you came from, and you said you were come to inquire why the people were disarmed ; that you were ready to give up your arms, and had come for that purpose.

PIERRE LEMOGES, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by all the prisoners, except Rochon—Have you any knowledge of an unusual assemblage of persons at Terrebonne, on the eighth November last ; if so, what was the cause of it ?

Answer—I have a knowledge of a gathering of men, who, I be-

lieve, came to ask for peace, and for permission to remain quietly at home.

Q. by the same—Were there any persons on that day bearing arms in the village of Terrebonne ?

A.—I did not see any ; the arms had been all taken away.

Q. by the same—What time of the day were you in Terrebonne, on the eighth November ?

A.—About eight or nine o'clock, A. M.

It being four o'clock, the Court adjourns.

SEVENTH DAY, *Saturday, March 9, 1839, ten o'clock, A.M.*

The Court meets. Present, the same members as yesterday.

THEODULE FLEUREMONT, of St. Anne, shoemaker, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by all the prisoners, except Rochon—Were you taken prisoner in the month of November last ; if so, were you arrested on a warrant, or not ?

Answer—I was taken by Mr. Turgeon, without a warrant, in that month ; I saw no warrant, at least.

Q. by the same—How long, and where were you confined ?

A.—Two hours, in Mr. Masson's cellar.

Q. by the same—By whom were you liberated, and were you informed for what you had been arrested ?

A.—By Mr. Masson ; I was not informed of the reason of my arrest ; they told me, " Begone to your house."

Q. by the same—Did you ever hear any of us offer to deliver up our arms ; if so, when and where ?

A.—On the evening of the seventh, being the day on which they met at Terrebonne, Bouc and Roussin told me they had come to Terrebonne to see if Mr. Turgeon had any authority from Government to disarm the people; I heard them, (viz. Bouc and Roussin), say, that they were ready to deliver up their arms, if Mr. Turgeon had any authority from Government to take them.

Q. by the same—Where were you coming from, and where were you going, when you were arrested?

A.—I had come from St. Annes, and was going for advice to Dr. Fraser, at Terrebonne, being sick.

Q. by the Court—When Bouc and Roussin said they were ready to give up their arms, did they speak of the arms of the whole party, or of their own arms only?

A.—They spoke of the arms of the whole party.

EDOUARD BOUC, of Terrebonne, farmer, brother to the prisoner, Bouc, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Have you been in Court during this trial?

Answer—I have been in this morning, for fifteen minutes, and yesterday out and in during the day, also on Wednesday during the prosecution; I had no idea there was any impropriety in coming in.

[The Court, upon the foregoing answer of the witness, is of opinion that he cannot be admitted to give evidence in this case, and he, accordingly retires.]

VITAL LEMOGES, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by Leclaire—Did I go of my own accord to the village of Terrebonne, on or about the eighth November last, or was I sent for, and by whom?

Answer—You did not go of your own accord; you were sent for

by, I believe, Mr. Dumas, to sign the agreement; I was not present, but Leclaire told me himself.

CHARLES OUMET, of Terrebonne, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by St. Louis—Were you present when John Mackenzie and one Prevost, went up to confer with certain persons who were assembled at Viger's bridge, on the seventh November last; if so, state whether any of the party presented their guns at Mackenzie or Prevost?

Answer—I did not see the assemblage.

CHARLES ROY, of Terrebonne, carriage-maker, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by all the prisoners—What are our characters and dispositions, respectively?

Answer—You are all honest respectable men.

[The prisoners here conclude their defence.]

The Judge Advocates, by permission of the Court, call upon EDWARD WORTH, Esquire, Lieutenant of Police, to rebut certain points adduced in the defence. The charge being read, he is duly sworn, and states as follows:—

Question by the Judge Advocate—Look at the paper, marked E, now shown to you, purporting to be a warrant, for the arrest of Eloi Marié, for High Treason, and state if you effected any, and what, arrest, under the authority of the said paper?

Answer—I went to Terrebonne, with Captain Comeau of the police, who had the paper, marked E, in his possession; I left Captain Comeau, on his arrival there, and was not present when Marié was arrested; a constable accompanied us; I have no doubt but that Captain Comeau had the said warrant with him at Terrebonne.

Q. by Bouc and others—You say, you have no doubt but Comeau had a warrant; did you see it in his possession, and where?

A.—I did see it, in Montreal and at Terrebonne.

The case is closed, and the prisoners apply for delay until Tuesday, the twelfth instant, to prepare their written defence.

The Court is closed to deliberate thereon, and delay is granted until one o'clock, P.M., on Monday, the eleventh instant.

Twelve o'clock.—The Court adjourns until Monday, the eleventh instant, at one o'clock, P. M.

EIGHTH DAY, *Monday, March 11, 1839, one o'clock, P.M.*

The Court meets, pursuant to adjournment. Present, the same members as on Saturday, the ninth.

By permission of the Court, the prisoners' Counsel read their written addresses, hereunto annexed, marked F, G.

The Judge Advocate's address is here read, and annexed to these proceedings, marked H.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges against the prisoners, together with what they have stated in their defence, is of opinion, that they, the prisoners, viz: Charles Guillaume Bouc, Leon Leclair, Paul Gravelle, Antoine Roussin, otherwise called Joseph Roussin, Francois St. Louis, and Edouard Pascal Rochon, are individually and collectively guilty of the charges preferred against them.

The Court having found the prisoners guilty, as above stated, and the same being for offences committed between the first and thirtieth days of November last, in furtherance of the rebellion which had then broken out, and was existing, in this Province of Lower Canada, do sentence the prisoners in manner following, viz:—

That Charles Guillaume Bouc be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Leon Leclair be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces may appoint.

That Paul Gravelle be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Antoine Roussin, otherwise called Joseph Roussin, be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Francois St. Louis be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

That Edouard Pascal Rochon be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,

CHAS. D. DAY,

ED. MULLER, *Capt. the Royal,*

Joint and severally Deputy Judge Advocats.

C

7 Novembre, 1838—5½ heures, P. M.

Il est convenu entre M. M. Joseph Masson, John Mackenzie et Jean Baptiste Prevost, d'une part, et M. M. Capitaine Bastien, Joseph Roussin, Charles Bouc et Jean Baptiste Dagenais, d'autre part, que les premiers s'abstiendront de toute atestation, contre ces derniers et leur parti, pour tout ce qui a été fait ou commis par eux contre le Gouvernement jusqu'à cette heure; et que les derniers mettront à bas les armes et se retireront dans leurs maisons, en par les dites parties se rendant reciproquement les prisonniers par elles faits et ent signé à l'instant à Terrebonne.

Le présent sera en force jusqu'aujourd'hui à midi. Le 8 Novembre, 1838.

sa
JOSEPH + ROUSSIN,
marque.

sa
LEON + LECLAIRE,
marque.

sa
PIERRE + URBAIN,
marque.

sa
PIERRE + LABELLE,
marque.

J. L. PREVOST.

CH. G. BOUC.

MICHEL BALENT.

TOUSSAINT BASTIEN.

ANT. DUMAS, fils, }
G. M. PREVOST, } *Témoins.*

D

THE QUEEN,

vs.

C. G. BOUC AND OTHERS.

The prisoners most respectfully except to the evidence now being adduced, as not in any way bearing upon the offences with which they stand charged. The crime of levying war being distinct in its nature and punishment from that of administering unlawful oaths.

E

PROVINCE OF LOWER CANADA, }
DISTRICT OF MONTREAL. }

OFFICE OF THE PEACE.

P. E. Leclerc and H. Barron, Esquires, two of the Justices of our Sovereign Lady the Queen, assigned to keep the Peace within the said District.

To the High Constable, all other Constables, Peace Officers, and others, the Ministers of our said Lady the Queen, within the said District, and to every of them. Greeting,

Whereas Eloi Marié, of the parish of Terrebonne, in the County of Terrebonne, and District aforesaid, gentleman, stands charged with the crime of High Treason,

These are therefore to authorize and command you, or any of you, in Her Majesty's name, forthwith to apprehend and bring before us, or either of us, the body of the said Eloi Marié, to answer to the said charge, and be further dealt with according to law.

Herein fail you not.

Given under our Hands and Seals, at Montreal, this third day of November, 1838.

P. E. LECLERE, J.P.

H. EDWARD BARRON, J.P.

[Produced by the Deputy Judge Advocates, at the time of the examination of Edward Worth, 9th March, 1839].

F

ADDRESS OF CHARLES GUILLAUME BOUC.

Mr. President, and Gentlemen of the Court,

I did consider that it would have been unnecessary for me to enter upon any defence of my conduct before this Tribunal, or even to ex-

plain, in any way, the evidence which has been brought against me upon the prosecution.

I have, however, in justice to myself, and perhaps for the more complete satisfaction of the Court, been induced to offer some remarks upon the nature of the facts established against me, and to attempt a concise exposition of the law constituting the crime and punishment of levying public war actually against the Government, and constructively against the Queen. Another motive inducing me to offer the following remarks, is this, while I maintain that it has not been even partially shewn, that I am guilty in the manner and form, and to the extent alleged in the charge, upon which I stand arraigned before you,—yet it does appear that I am not wholly innocent of all offence against the laws of my country,—that my conduct has not been free from reproach and undeserving animadversion, and I wish to explain and establish the distinction between the offence of High Treason, as charged, and the offence of which I have been really guilty; I wish to make a free, a full and unconstrained acknowledgement of the rash acts with which I am justly chargeable.

I shall, as briefly as possible, recapitulate the evidence adduced, and then I must be permitted to shew, that, by a rational, a legal, and just interpretation of human actions, no treasonable intention can be imputed to me; and to prove, that, consequently, the facts, as established and characterized in the case, will not, in any way, justify an application of the law of High Treason, in any of its branches or dispositions whatever.

In recapitulating the facts of this case, as they appear by the evidence upon the prosecution, I shall add, as I proceed, such statements as may be necessary to form a more complete narrative of the transactions at Terrebonne, on the fifth, sixth, seventh, and eighth days of November last. It appears, that in the beginning of that month, there existed in the minds of some individuals of the village vague and unfounded suspicions against several persons in the parish; that late on

the night of the fourth, some arrests were made. It is not my duty to inquire, in this place, whether these arrests were made in due form of law, or not; the impression among the villagers at the time was, that they were not authorized; but it is sufficient to observe, that it appears these individuals so arrested, subsequently received from the Government an unconditional discharge from imprisonment. From this circumstance we may derive a presumption, that the suspicions against them were unfounded. Arrests were made the day following; these individuals, after a short confinement in Mr. Masson's cellar, were likewise discharged. These proceedings excited some apprehensions among the inhabitants of the parish, which, up to that date, was in a state of profound tranquillity.

On the fifth, it was announced that other arrests would soon be made, and it was intimated to me, that I would be amongst the next apprehended. Knowing that I was innocent of any offence against the law, this intimation gave me much surprise; but as I had enemies of resentful dispositions in the village, I supposed that they had been active in exciting suspicions against me, and I apprehended, that I might possibly be thrown into prison, upon the false representations of malignant minded men. I considered, however, that no lawful authority could be obtained for such an oppressive and unwarrantable breach of my personal liberty, in absence of all offence against the law on my part. But it appears, by evidence before the Court, that late on the night of Tuesday, the sixth of November last, Mr. Pangman and Mr. Alexander Mackenzie, two magistrates, with one Loiselle, a constable, and some policemen, came to my house to make me a prisoner, upon, as they pretended, a charge of High Treason: it further appears, that they had no warrant, but the constable and policemen acted under the orders of these magistrates before-mentioned. It has been shewn, by the evidence of Mr. Turgeon, a respectable witness for the Crown, that this party entered my house with great precipitation. I had no notice of their coming at that moment—they did not go through the

usual courtesy of demanding entrance in the ordinary form—they rushed in, and, without any special, (if any at all), warrant or authority for such a step, proceeded to seize me. It appears, that during this time, Messrs. Pangman and Mackenzie were at some distance on horseback : it was late at night, I could not see them : I did not know they were there. I knew that Mr. Turgeon was not a magistrate ; the others I knew not ; they exhibited to me no authority for my arrest ; I considered they had none ; and I then did resist the violence offered to me, in such an hour, and in such a threatening and alarming form. It appears that Loiselles was wounded, and that the others fled. Here I must pause for a moment in the course of my narrative, to consider the question, whether the constable and his party had competent authority, under the circumstances, to arrest me upon a charge of High Treason. If I shew that they had not, this act of mine must be viewed in the light of justifiable resistance to so many desperadoes invading my house in the sacred and tranquil hour of night ; an act of justifiable self-defence.

It is pretended, that they were acting under the authority of two magistrates ; and I suppose it will be said, that this is a sufficient sanction for arresting a man upon a charge of High Treason. I admit the fact, viz., that the constable was under the direction of the magistrates, but I deny the sufficiency of that authority ; it is a mere nullity in the present case. Sir William Blackstone says, “ Arrests may be “ made by a justice of the peace, who may himself apprehend, or “ cause to be apprehended, by word only, any person committing a “ felony, or breach of the peace in his presence.” The presence of two magistrates only divides the responsibility, but does not in any way enlarge their powers ; and this law contains an implied limitation to felonies, or breaches of the peace, committed in his presence. This limitation has been recognized in England, because it is laid down, in Sir Matthew Hale, that great advocate for the authority of justices of the peace, that “ if the felony, or other breach of the peace, be done

" in his absence, then he must issue his warrant, upon the oath of the
 " party requiring such warrant, in writing under his seal and signature
 " for the apprehension of the malefactor."—(2d Hale, P. C., p. 86—
 14 H. 7, 9 V.) It must seem strange to the Court, that no person
 could be found to depose against me, when so many were there ready
 to drag me to prison. I humbly submit this point for the judgment of
 this Tribunal; and should you be of opinion, Gentlemen, contrary to
 my expectation, that these men had competent authority, even in that
 case, my conduct, upon that occasion, cannot be judged treasonable; ;
 my offence, if such it be, does not amount, in law or reason, to the
 high crime of levying war against the Queen's Government.

By this act, if it be not considered justifiable upon the legal grounds
 which I have just mentioned, I became a disturber of the public peace,
 and thereby guilty of a serious breach of the law. After this occur-
 rence I left my own house.

On the following day, the disarming of the inhabitants of the
 Côte, near the village of Terrebonne, took place; and it has been
 shewn, by most ample evidence, and to which I respectfully refer the
 Court, that, up to the seventh, there existed at that place no excite-
 ment or political agitation whatever.

Alarmed, however, at this proceeding, which appeared to the inha-
 bitants to be unwarranted, because it remained unexplained, men's
 minds became anxious and apprehensive of some great and impending
 evil; they thought, and with good reason, that there was no good and
 substantial cause for this violent disturbance and invasion of their
 heretofore tranquil and undisturbed dwellings. For myself, I am in no
 wise disposed to say, that no circumstances, independent of an orga-
 nized conspiracy detected, or active insurrection, could justify such a
 step. The state in which the parishes on the south banks of the Saint
 Lawrence were, the supposed extent of the rebellion then in operation,
 may have justly rendered this a measure of wise precaution: all I
 pretend to say is, that it was not viewed in this light by the inhabitants.

Neither before nor after the seventh, did there exist at the Côte any political societies, or any conspiracy against the Government ; and, previous to this period, there existed no agitation ; nothing which could characterize the proceedings I am about to relate as treasonable, or in any way directed against the lawful authority of the Government. Alarmed by these measures, and by reports from the village, a number of inhabitants assembled, and came down to Viger's bridge near the village ; I admit that many of them were armed, and that I joined them near the bridge ; but I do maintain most solemnly, before this Court, that the object of this assembly was to ascertain the cause and object of these disturbances ; why they had attempted to disarm and arrest us ; to know if there existed any competent authority to warrant these proceedings ; if there was no such authority, to retain our arms, and to resist any unauthorized attempts upon our personal liberty : if we were made satisfied of this authority, to give up our arms, return tranquilly to our homes, and endeavour, by every means, to preserve tranquillity and order in the village and in the neighbourhood thereof. In support of this assertion, I would beg leave respectfully to refer the Court to the testimony of the Honourable Mr. Masson, a witness for the Crown, and a gentleman of high character and respectability, and to that of others, who fully corroborate his statements. I am free to admit, that even with these intentions, this proceeding constituted a high misdemeanour, but not treason ; because it never was intended or thought of for a moment, that we should commit any acts of violence, or act in general defiance of the Government and its authority. Such an intention has not been proved. At the bridge, we were met by some of the principal men of the village, who demanded of us what we wanted, and what were our intentions ? We replied by asking them what they wanted, and what they intended doing with us ? that for our part we were desirous of remaining tranquil and undisturbed at our homes ; to retain our arms, and maintain tranquillity. This is further corroborative evidence of what I have stated above. Subse-

quently to this, we dispersed in small bodies through the village: it was now about six o'clock in the evening. The Honourable Mr. Masson came up to me and some others, and expressed himself anxious that we should return quietly to our homes, and spoke with us to that effect; and we promised, that no violence or wrong should be committed; and again stated to him our intentions to be, as above-mentioned. He told us if we went home the past would be forgotten. This promise of amnesty I was most ready to accept, inasmuch as I knew that I might, possibly, be considered guilty of an offence against the law in resisting Loisselle's party. I supposed also, that this tumultuous assembling, and marching to the village, might be construed in a light very unfavourable to us. In order to secure more surely and effectually the advantage of such a promise, this verbal agreement, as it is called, was reduced to writing, and signed on the following day, and all the conditions thereof were forthwith and most strictly fulfilled on our part. Mr. Masson, and other gentlemen, fully testify that we dispersed quietly to our respective homes, and that ever after, up to the day of my arrest, I was most desirous of acting in every respect, and did, in fact, act up to the terms and spirit of the convention. This will, I hope, upon special reference being made to the evidence, be found to be a faithful account of what has been proved to have taken place, in so far as I was in any way concerned in these transactions. In addition to the above plain and explicit explanation of my conduct, I would represent to the Court the great improbability there exists, that the persons assembled in the village had any treasonable, or even criminal design in view upon the occasion in question:—

Firstly, There is a sufficient cause for the meeting of this assembly shewn before the Court, and their object has been proved by evidence; and it would be unjust and irrational to presume that they were there, to execute the deliberate and premeditated schemes of a conspiracy against the Government, or to accomplish any criminal act whatsoever

because the cause and intent proved are directly at variance with such a presumption.

Secondly, By the evidence upon the prosecution it has been shewn, that no deeds of violence were committed by this assemblage of armed men ; no acts of sovereignty or usurped jurisdiction and authority were attempted ; and it is quite manifest, that there existed no insuperable barrier to the execution of any of these, had such been their intention. Surely if they intended a rebellion they would have done something more decisive than to march to the village, remain quietly there for a few hours, and ask for tranquillity and protection from their seignior, and return quietly home. Certainly this conduct does not bear the appearance or character of a revolution in its slow and deliberate preparations, in its extensive plans of operation, and in its destructive progress, towards the accomplishment of its criminal and dangerous designs.

Thirdly, It appears that all the parishes on this side of the St. Lawrence were in a state of profound tranquillity at this time ; and it is manifestly improbable that forty or fifty men, surrounded on all sides by this peaceful population, should, alone and unprepared with arms, leaders, or resources, have attempted to revolt against the British Government—should, one half armed and one half unarmed, without organization or discipline, have coolly proceeded to levy war for the overthrow of almost the greatest colonial power upon earth, and to establish an independent Government upon its ruins. Had we been carrying into execution the schemes of a conspiracy deliberately framed, the manifestations of that conspiracy would have been more unequivocal, the overt acts of Treason would have been easily and more conclusively established by those who witnessed our proceedings.

Fourthly, There is a strong improbability that we acted with the insurgents upon the south bank of the St. Lawrence, or that we expected, as it is pretended, aid or countenance from the Americans. This improbability is derived, first, from the absence of all proof of

such a fact. It has not been proved that any communication whatever existed between us and the disaffected on the other side of the river, or between the people of Terrebonne and the Americans. This proof, I humbly apprehend, would be necessary to establish even a presumption of a similarity, mutual co-operation, or privity in our designs and expectations; no concert can be proved in this case, because the facts contradict such a supposition. The disturbances broke out upon the fourth, on the other side—the assembly at Terrebonne took place on the seventh and eighth. Had the insurgents, on the south side been in communication and acting in concert with the people of Terrebonne, it is fair to presume that this connection would have been more extensive, and not confined to one isolated parish—but no disturbances having taken place in the others, we must presume that there was no intention to rise among any of the inhabitants on this side of the river. I have exhibited the facts as they are proved, and attempted to shew how improbable it is that we had any treasonable or even criminal design in assembling and marching to the village.

It cannot, for a moment, be suspected, Gentlemen, that there exists, even in this distracted country, any tribunal disposed to measure the civil rights of a British subject, by his supposed political or natural predilections, or by any other rule than the established law of the land. I know I am now addressing men fully aware of the solemn responsibility of their situation—men who have the dignity of their Sovereign and the supremacy of the law greatly at heart, who, while they are disposed to crush disaffection to the Government, will, at the same time, deliberate calmly, and judge and condemn by just and rational principles of mercy and impartiality—of merited retribution upon the guilty—of prompt and unconditional justice to the innocent; who, as British subjects must be aware of those consecrated principles of English jurisprudence and constitutional policy by which justice is administered in mercy to every subject of the kingdom, guilty or not guilty—whether he be the hero who falls foremost in defence of his country,

or the political assassin who aims his traitorous blows at her existence. By the laws of the land they must all be judged, acquitted, or condemned—to these laws I submit myself, and by these I hope to prove my innocence of the offence charged.

The Provincial Ordinance, second Victoria, chapter three, creates no new offence, and in determining whether any part of the law of High Treason can be applied in this case, reference must be had to that law, as it existed in England, previous to its introduction into this country.

Constructive levying war against the Queen, the charge of which I stand arraigned, is, in truth, more directed against her Government than against her person—in legal construction it is levying war against the Queen. This is when an insurrection is raised to reform some national grievance—to better the established laws or religion—to punish Magistrates—to introduce innovation of a public concern—to obstruct the execution of some general law by an armed force, or for any other purpose which usurps the Government, in matters of a public and general nature. These are the terms by which it is generally defined—it is the general nature and universality of the design which makes it rebellion against the Government, and an insolent invasion of the Queen's authority.—*Black. vol. 4.* But when there is no general defiance of public Government, it will be no more than a riot. Sir Wm. Blackstone says, “what shall be considered a levying of war is, in truth, a question of fact, and requires many circumstances, which it may be difficult to enumerate or define;” “for example,” says Sir Matthew Hale, “when people are assembled in great numbers, with weapons defensive, or weapons of war, if they march thus armed in a body—if they have chosen commanders or officers—if they march with banners unfurled, and with drums and trumpets and the like.” This is the law which, no doubt, it will be pretended, applies to my case.

But, Gentlemen, it has not been proved before this Court that there

existed any military organization—any order or martial array—any discipline or subordination in this assembly. The entrance of the *habitans* into the village was not accompanied by military display, or scarcely by one of the circumstances mentioned in Lord Hale's definition of what may have the appearance of levying war. But even if such proof had been made, has it been shewn that our intention was treasonable? "The true criterion," says Michael Foster, "in all these cases of assemblage of armed men, is *quo animo*, did the parties assemble?" It has not been proved that this assembly had collected for the purpose of reforming a national grievance, that our intention was to alter the established law or religion—to punish Magistrates—to introduce innovation in matters of a public concern—to obstruct the execution of a general law, by an armed force, or for any other purpose which usurps the Government in matters of a public or general concern.—*East, P. C. vol. 1.*

The great statute of Treason, speaking of armed assemblies, not treasonable, declares:—"If any man ride armed, openly or secretly, with men of arms, against any other, to slay or to rob him, or to take him and keep him till he make ransom for his deliverance, it is not in the mind of the king and his council that it shall be judged Treason, but it shall be judged to belong to trespass according to the law of the land of old time used, and according as the case requireth." Foster says, speaking of this, "that though the statute mentioneth only the cases of assembling to kill, rob, and misprision, yet these, put as they are, by way of example only, will not exclude others which may be brought within the said rule."—*Foster, vol. 1.* I deny that there was any intention on the part of this body of men to commit any acts of violence whatever. But supposing proofs of such acts to exist, yet no treasonable design being established, I would claim my acquittal upon this act alone. But putting the very worst construction upon our conduct on that occasion, it cannot be made out Treason against me, for having participated therein, because it is laid down by many

celebrated legal writers, "that when the object of the insurrection is a matter of a private or local nature, affecting, or supposed to affect only the parties assembled, or confined to particular persons or districts, it will not amount to High Treason, although attended with the circumstances of military parade always alleged in indictments for levying war."—*1st East, P. C. p. 75*, and the other authorities there referred to. I shall not weary the attention of the Court any longer with my case; the facts and circumstances, as they are proved before you, shew no treasonable design, and I therefore humbly contend that no application of the law of High Treason can be made. I shall wait, with confidence, my acquittal of the charge brought against me.

G.ADDRESS OF LECLAIRE, GRAVELLE, ROUSSIN, AND
ST. LOUIS.

Mr. President, and Gentlemen of the Court,

The day of our arraignment was not to us, as to many of the unfortunate men who have preceded us, a day of gloomy foreboding of dread anticipation—it was the day we sighed for, from the moment we were dragged from our peaceful homes to be cast into the gloom of the dungeon, and we hailed its approach with joy, for we looked forward to it as to the dawn of our deliverance. Because, although we felt that a military tribunal must ever assume a formidable appearance to the eyes of a civil subject, and more especially to those of ignorant and inexperienced men, like ourselves, yet, conscious that we were innocent of any conspiracy against the Government, we felt, that a Court composed of British officers could never be urged to torture our acts into a proof of High Treason. And now, that the moment is at hand, when, after a long and tedious investigation of those acts, you will be called upon to decide solemnly as to their character, it may be deemed a work of supererogation in us to address a single word to you in our defence, so completely have the prosecutors failed in establish-

ing any integral part of the charges laid against us. But, lest our silence should be attributed by prejudice or malignity, to motives far different to those which might produce it, we deem it more prudent to shew, in a few words, how far the proof adduced on the part of the Crown falls short of establishing the charges preferred against us.

In these we are accused of Treason, in having met, conspired, and agreed amongst ourselves, and with divers others, to subvert, and cause to be subverted and destroyed, the Legislative rule and Government now duly established in this Province, and to depose, and cause to be deposed, our Sovereign Lady the Queen, from the Royal State and Government in the Province, and with having, for that purpose—(I pray ye gentlemen to remark, that we are thus charged with having levied war *for the purpose of overthrowing the Government and deposing the Queen*, and for no other, and further, we are accused of having excited and assisted in a rebellion then existing in the Province)—of having levied public war against the Queen, and of having been found in arms against her rule and Government.

Now what are the facts proved in support of this grievous accusation? From the evidence we gather, that vague, but not unfounded apprehensions, had been excited in the minds of all the inhabitants residing in the neighbourhood of Terrebonne village, in consequence of the arrest of one or more individuals, without any apparent reason, by persons clothed with no visible authority, and of the disarming of divers others, by parties whose acts assumed an illegal appearance, not only from the rude and lawless behaviour of those parties, but still more from the character of the individual who headed them, and who but recently was conspicuous in the ranks of those, who, in times of peace, were openly opposed to the administration of the Government in this Province. Wearied by daily insults, and nightly inroads, a few of the suffering inhabitants of the Côte of Terrebonne assembled together, and determined on going to the village, in order to ascertain whether, in fact, any order had issued from the authorities to compel them to deliv-

er up their arms. In pursuance of this determination, they proceeded to the village, and those who still possessed arms carried them down, with the intention of depositing them at once at the feet of the authorities, if required. We find, that on arriving at the entrance of the village, the Honourable Mr. Masson repaired to the spot where they were assembled, to the number of from twenty-five to forty at the utmost. On enquiring as to the object of their coming, he is answered, that they have no other purpose in view than that of maintaining peace and tranquillity, and of ascertaining the cause of the recent arrests and attempts at disarming. Thereupon Mr. Masson assures them that they will be guaranteed from arrests, and shall be subjected to no further molestation ; and, upon giving this assurance, the honourable gentleman retires, promising to draw up conditions, in writing, to that effect, to be signed by all the parties. This occurs upon the seventh November. On the following day, Mr. Masson repairs to Mr. Dumas' house, and sends for the inhabitants of the upper part of Terrebonne, to sign a certain agreement, which he had drawn up, and it is consequently signed, or rather marked, by two of us, one of our fellow-prisoners, and several other individuals. Directly upon this, the inhabitants of the Côte, who, from the moment of their interview with Mr. Masson on the preceding evening, had remained dispersed throughout the houses in the village, returned peaceably to their respective homes, and from that period until the time of our arrest, in the month of January, the peace of the parish was uninterrupted. I need not remind you, Gentlemen of the Court, that, although a great and important portion of our constitutional rights have been wrested from us, we yet lay claim to the advantages arising out of that Statute which entitled the Parliament that gave it birth to the name of the Blessed Parliament. We allude to the Statute of Treasons of 25th Edward III., under which we are indicted and must be tried. This Statute allowed of no other than positive proof in support of any of the seven branches of Treason therein specified, one of which is levying war against the King in his realm.

After the passing of this Act, many attempts were made by tyrannical Judges to warp the intentions of the Legislature by arbitrary constructions of the Statute, and it was consequently deemed necessary, in the reign of Mary, to pass an Act, declaring that nothing should be considered as Treason save such acts as are specified and *expressed* in that Statute of Edward the Third. "By which law," says Lord Coke, in his commentary upon the subject, "the safety of both the King and " of the subject, and the preservation of the common weal, were wisely " and sufficiently provided for, and in such certainty that *nihil relictum* " *arbitrio judicis*, no opening was left to the caprice of the Judge," and Lord Coke goes on to say, "Two things are to be observed, first, " that the word *expressed* in the Statute of Mary excludes *all implications or inferences whatsoever*; secondly, that no former attainder, " judgment, precedent, resolution, or opinion of Judges or Justices of " High Treason, other than such as are specified and expressed in the " Statute of Edward the Third, are to be followed or drawn into example."

Lord Coke, in the same commentary, page 12, speaks still more pointedly on the subject of the proof required to establish charges of High Treason. "It is to be observed," says he, "that the word in " the Act of Edward III., *provablement*, means upon direct and manifest proof, not upon *conjectural presumptions* or inferences, or strains " of wit, but upon good and sufficient proof. The expression *provably*, hath great force, and signifieth a direct plain proof, which " words are as forcible as upon direct and manifest proof. Note the " word is not probably, for then *commune argumentum* might have " served, but the word is provably."

The celebrated Hale, though not so minute, is equally explicit on the subject, as Lord Coke: "It appears, first," says he, "how necessary it was that there should be some known, fixed, settled boundary for this great crime of Treason, and of what great importance " the Statute of the 25th Edward III. was in order to that end; second,

“how dangerous it is to depart from the letter of that Statute, and to
“multiply and enhance crimes into Treason by ambiguous and gene-
“ral words, such as accroaching Royal power, subverting fundament-
“al laws, and the like ; and third, how dangerous it is, by construction
“and analogy, to make Treason where the letter of the law has not
“done it. For such a method admits of no limits or bounds, but runs
“as far and wide as the wit and invention of accusers, and the detes-
“tation of persons accused, will carry them.” These enactments, as
interpreted by the first legal writers, accord well with that noble spirit
of humanity which pervades the laws of England, and furnishes an
ample safeguard against accusations of constructive Treason. When
the law, as it thus stands, is applied to the case before you, will any
one, Gentlemen of the Court, have the hardihood to insult your intel-
lect and discrimination, so far as to tell you that the evidence has esta-
blished an overt act of levying war against us, or any one of us. We
cannot think so ; for so far from having any *plain direct proof*, such
as required by law, to establish that the persons assembled at Terre-
bonne, on the seventh November, had congregated together for the
purpose of causing *the Queen to be deposed from the Royal State and
Government in the Province*, we have more even of *conjectural pre-
sumptions* against that supposition than for it. Not one of the wit-
nesses could say, that we uttered a single word of animadversion
against the Government ; we, on the contrary, declared, that if we
were certain the high handed measures which had been adopted
towards us, had originated with the authorities, we were ready to sub-
mit. All the witnesses acknowledge that no act of violence was com-
mitted by the persons assembled, and so long as no act which could
stamp our proceedings, in an unequivocal manner, with a rebellious
tendency, was committed, the intention with which we were ani-
mated can only be judged of by our own declarations at the time.
We were astonished to hear the evidence of our expressions at that
time objected to on our defence, the more especially as they had been

ardently sought for as subject matter of proof against us. To shew the fallacy of the objection, we shall cite the remarks of one of the learned Judges who sat on the trial of Thomas Hardy, to the Jury in that case. They are in part as follows :—

“I shall only remind you, that an enquiry into a charge of this nature, which undertakes to make out that the ostensible purpose is a mere veil under which is concealed a traitorous conspiracy, requires cool and deliberate examination, and the most attentive consideration, and that the result should be perfectly clear and satisfactory. In the affairs of common life, no man is justified in imputing to another a meaning contrary to what he himself expresses, but upon the fullest evidence.”

To this we may add, the direction of Lord Chief Justice Holt to the Jury, on the trial of Sir John Perkins: “Gentlemen, it is not fit that there should be any strained or forced construction upon a man’s actions, when he is tried for his life,—you ought to have a full and satisfactory evidence that he is guilty before you pronounce him so.” We stated, that every probability was against the supposition of our having assembled at Terrebonne, with traitorous intent towards the Government. Was it, indeed, to be supposed, that the inhabitants of Terrebonne, who, while the standard of rebellion was unfurled in the adjoining parishes last winter, remained then true to their allegiance, and refused to join the force which was assembled at St. Benoit, and said to be at one time six thousand strong,—was it, we ask, to be supposed, that, having rejected so favourable an opportunity of manifesting our feelings, if disaffected, we should have risen, unsupported, in the north, to the number of fifty men, for the purpose of taking possession of the country. The supposition is monstrous; but admitting, for argument’s sake, that our minds could have been so far alienated as to conceive such a project, when we found all the inhabitants of the village, their property, and their wealth, in our power, would we not, had we risen in rebellion, have proceeded to make ourselves masters

of the village. But so far from doing so, you have seen, that not a single act of violence was committed—that extreme care was taken to prevent the circulation, among the people of the Côte, of any stimulants which might excite their minds, and thus render them liable to disturb the peace, and that, upon the agreement being signed, they all returned peaceably to their homes.

It has been, and will again, perchance, be attempted, to impart a treasonable colouring to that agreement; it is strange, however, that such an attempt should be made. For, supposing it to be proved, (and no such proof has been adduced,) that those who affixed their marks were fully aware of its contents, still what would it amount to? To nothing more than an acknowledgment of some *unknown* persons having committed some *unknown* acts against the Government. But, considering still further, that this acknowledgment could be so construed as to render it applicable to all who affixed their marks to the document, it could not yet be said that it formed proof of any specific crime, for it will not, surely, be said, that levying war, the crime of which we stand accused, is the *only* offence which can be committed against the Government, since every social crime is, in fact, an offence against the established rule. This document could only have had effect in corroborating the proof of some specific crimes against the Government, if any such had been committed; but so far from any such offence being imputed to us, Mr. Masson, under whose dictation the paper was drawn, is not aware of any breach of the peace having been committed previous to the signing of that document, save the act of resistance which was stated to have taken place at the house of one of our fellow-prisoners. But, whatever may be the inference drawn from the document, it can affect no one of us; for, although we, Roussin and Leclaire, are proved to have affixed our marks thereto, yet it has not been established before you, that the paper was ever read to us, and, consequently, cannot, either in equity or law, be considered as our act. We feel confident, that the prosecutors would not hesitate

to acknowledge this omission, as well as the correctness of the inference we draw from it, if the paper referred to could have any material bearing on our case. But we have shewn clearly, that it can have none. We have dwelt but in a transitory manner on the facts of the case. It would be painful to us, and still more to the Court, to enter into a detail of the immense volume of evidence produced against us, composed, for the greater part, as it is, of hearsay supposition and other illegal testimony. We leave the facts to the Court, confident that it will not admit against us any evidence of illegal, or even doubtful, character, and that all will be viewed through the medium of the principles of law, which we have selected from writers, whose authority can neither be impugned, nor, in the slightest degree, controverted. We have a firm and unshrinking confidence, Gentlemen of the Court, that your deliberations will terminate in our acquittal; but, before closing, we deem it our duty to call your attention to the fact of the authorities having allowed us to remain in our homes until the beginning of the month of January, although fully apprized of all that had occurred on the seventh and eighth of November. This of itself is a clear proof that our acts were not considered as treasonable. But if they are to be considered by you as such, which we cannot think, what will be the consequence? In condemning us you will pronounce a sentence upon the Honourable Mr. Masson and Mr. John Mackenzie. For if our acts amount to Treason, these gentlemen have been guilty of misprision of that crime. Far be it from us to impute that crime to either of those gentlemen, farther still to harbour, even for a moment, the desire that they should be brought to share our misfortunes. We merely point out the absurd result of a conviction, which our consciousness of innocence, not more than our confidence in respect for the laws, the impartiality, honour, and integrity of our Judges, forbid us to fear.

ADDRESS OF EDOUARD PASCAL ROCHON.

Mr. President and Gentlemen of the Court,

I abstain from commenting, in detail, upon the evidence adduced against me in the cause, inasmuch as it has reference, for the greater part, to matters over which this Court has, avowedly, no jurisdiction, and has not the most remote tendency to establish the charges preferred against me.

It was a matter of surprise to me, that the prosecutors should have persisted in adducing testimony relative to facts alleged to have occurred previous to the first of November last. The Court did not fail to remark the illegality of that proceeding. Had it been proved that I was seen in arms, or accompanying the persons assembled at Terrebonne on the seventh of November last, evidence of my intentions on that occasion might, I admit, have been sought for in my conduct previous to the first of November, but it is, doubtless, the first time that an attempt has been made in a Court of Justice, to prove the intention of a party accused, without any act applicable to the charges laid against him having been previously established. As a man's intentions are liable to vary not only from day to day, from hour to hour, but even from this moment to the next, and his intentions, though marked with unusual constancy, can only injure society where they develop themselves in open and vigorous action, for the thoughts conceived or the designs formed in the secret recesses of the mind, no man can be made amenable to any human tribunal. One witness alone, George Fervac dit Larose, has attempted to speak in reference to facts supposed to have taken place within the time over which this Court can exercise jurisdiction. I shall not stop to dwell upon the character of that individual, or upon the vindictive motives which urged him to give testimony against me, because that testimony, inasmuch as it does not tend to prove any overt act of Treason, and is wholly unsupported, cannot prejudice me in the slightest degree. If I adduced proof of the base

motives which animated him, it was merely to absterge my character from the false imputations he had cast upon it, but not through any apprehension that the prosecutors might be considered by the Court to have established in evidence the crime I am accused of. I repeat, there is no evidence of record against me, tending, in the most remote degree, to establish any act of Treason, by levying war, either directly or constructively, against the Queen—and the proof which comes within the jurisdiction of the Court, has been drawn from one witness alone.

I, therefore, humbly pray for that acquittal which, by law, I am entitled to.

H

ADDRESS OF THE JUDGE ADVOCATE.

May it please the Court,

This case may be said to be of a novel character, so different are its leading features from those already submitted to this Court.

There will be required in its investigation the exercise of a nice discrimination, in order that the proof of that main and constituent ingredient of every offence—intention, leave not a doubt in the minds of this Court, respecting the ultimate object of the prisoners.

The charge of Treason against the prisoners is in the form hitherto adopted in framing accusations for offences committed in furtherance of the rebellion.

The disturbances seem to have commenced at Terrebonne under the following circumstances, on the second of November last:—Mr. Alfred Turgeon, an Advocate, residing there, received a visit from a number of persons, who informed him that a second rebellion had broken out, that a conspiracy had been formed, and that a great many persons had taken a secret oath. He understood the conspiracy at

Terrebonne to be only a branch of the general conspiracy, and that one Joseph Leandre Prevost, a Notary, was the principal person in administering the oath. On the same day, Mr. Turgeon received a letter from the Superintendent of Police in this city, requiring his presence here, to confer on matters of moment, respecting the approaching troubles. He, accordingly, arrived at Montreal on the morning of the fourth of November, when he received more ample information respecting the rebellion, and gave evidence to the Superintendent of Police against such persons as he considered the most active instigators at Terrebonne. This information rested on the previous character of the persons implicated, and on the knowledge of the conduct pursued by them, during the first rebellion, also from information received of Captains of Militia, and the perusal of depositions given under oath by other persons. He gave it as his opinion, that if the leaders were arrested at Terrebonne, the rebellion would be defeated, and he undertook to accompany a body of police, to make the arrests. Mr. Alexander Mackenzie, a Justice of the Peace, consented to share the responsibility of the expedition with Mr. Turgeon. They arrived at Terrebonne on the night of the fourth. On arriving, they proceeded to the house of Joseph Leandre Prevost, but he was absent, having fled. They then went to the house of Eloi Marié, whom they made prisoner. They were directed by the Hon. Joseph Masson, a Magistrate, to arrest the prisoner, Rochon, but he also had fled. On their return to Montreal, with Marié, they were informed that his arrest had produced excitement in the parish, and that resistance would be made to further arrests in Terrebonne. They returned to the latter place on the sixth, with Mr. Pangman, a Magistrate, Loisselle, the constable, and eight policemen. They heard that there was a gathering at the house of Bouc, one of the prisoners, and one of those whom the party was charged to arrest. Mr. Turgeon went to Bouc's house, where resistance was expected to be made, and placed himself beside Loisselle, the constable, having with them two Magistrates, Messrs. Pang-

man and Alexander Mackenzie, under whose orders the party acted in proceeding to arrest Bouc for High Treason. On entering the house Mr. Turgeon, with Loiselle and a serjeant of police, saw five or six persons take up their arms, which were close to them, and heard, at the same time, one of these people, whom he believes to be Bouc, though he does not swear positively to the fact, say, "Let us fire—let us fire," and they did so, at the same time, to the number of six or seven. The room filled with smoke and nothing now could be seen. Loiselle was wounded by the fire. Amongst the party in the house, Bouc was distinctly recognized by Mr. Turgeon, but he believes that Bouc did not discharge his gun, being prevented by Loiselle, who seized hold of it. As the police were unarmed, they left the spot to arm themselves and returned, but in the interval the house had been abandoned. The party found balls and ball-cartridge in the houses of persons whom they were charged to arrest, none of them, however, being among the prisoners. On the morning of the seventh, Major Turgeon, Captain Roussie, Adjutant John Fraser, and three or four policemen, proceeded to the upper part of what is denominated by the witnesses the Côte of Terrebonne, and disarmed some of the inhabitants. All the people of the village deserted it, and concealed themselves in the wood. It was then ascertained that the inhabitants of the Côte were coming to take the village, and form a camp there, and they actually did so on the evening of the seventh. They established themselves at the house where the arrest of Bouc had been attempted. Information was, at the same time, received, that the bridge connecting Terrebonne and Isle Jesus had been taken, and that the loyalists were surrounded on all sides, except in the direction of Lachenaye. Two prisoners were made about that time, one Domptage Prevost, on whose person a pistol was found, and another, who, on being ordered to take up arms in defence of the Government, refused to do so. It was on that evening that a treaty was made between Mr. Masson and others, on one side, and some of the prisoners and their confederates

on the other, although it was not signed until the following morning. After the signing of the agreement, the loyalists called on Bouc, Roussin, and Leandre Prevost, as leaders of their party, to assist them in enforcing the observance of the treaty, and they did so. By the treaty, which forms part of the record of this Court, it is stipulated by Mr. Masson and the loyalists, on one side, and Bouc, Leandre Prevost, Roussin, Leclaire, and others, that the prisoners taken, as well on the one part as on the other, should be returned. That arms shall be laid down, and that the loyalists should use their best endeavours to obtain for the party of the rebels, (for so they are designated by several witnesses) a pardon for what they had done or committed against Government. The signature of Bouc, and the marks of Roussin and Leclaire are clearly proved to have been affixed to this document. Ample evidence is afforded by this paper, that the prisoners, Bouc, Roussin, and Leclaire, with their confederates, including all the prisoners, except Rochon, had been in arms against the Government, and that he needed its forgiveness. It will be for the Court to consider how far the evidence and the case made for the prisoners have explained and done away with the treasonable character which belongs to this important document. The trust is a most difficult one, and as the result presents a pure question of fact, and more properly within the province of the Court, it is unnecessary for us to express our opinion on this point. The proof of criminality in Bouc, Roussin, and Leclaire, does not rest only in the avowal which the treaty furnishes against them. They, as well as their fellow-prisoners, Gravelle and St. Louis, are proved, by the testimony of from two to six witnesses each, to have been in arms, and to have associated with the assemblage of armed men engaged in the disturbances at Terrebonne, in November last. They are stated to have acted in concert with another armed party at Isle Jesus, of whom Michel Bastien, one of the signers of the agreement, was a leader, and to have given orders to that party for dispersing, when the treaty had been concluded. By these men it was that Mr. Masson's servant

was taken prisoner and his letters opened. Their ultimate object is differently stated by different witnesses. But among other facts capable of throwing light on their views and projects, their connexion with Joseph Leandre Prevost, Dagenais, and Jean Venne, who had fled, from political causes, is clearly established. Several witnesses are found to assert, that they intended only to protect themselves from arrest ; others, that it was to defend themselves, in case that any more prisoners should be made, and to resist persons making them prisoners. Mr. Masson, who calls them by the name of patriots, or rebels, states, that he believes they were prepared to resist arrests made by the authority of Government. If the cause which called them together can furnish any clue to their ulterior views, we have Mr. Masson's statement, that it was notorious that the cause of excitement in Terrebonne was the troubles in the other parts of the Province ; and from this we have to infer, that the arrests alone had not occasioned the disturbances. Mr. John Mackenzie, a magistrate, and lieutenant colonel of militia, supposes their object was to destroy the few loyalists who were there, and that they expected the Americans in, to assist them in taking possession of the country. This was a fact of public notoriety. He adds, what is confirmed by other witnesses, that the houses were shut up, and that men, women, and children, were leaving the village. From testimony like this, we cannot be at a loss to infer, that some fearful collision was believed, by the inhabitants themselves, shortly to take place ; and it is plain, that if resistance to legal authority alone was expected to produce it, nothing could be of easier attainment than the averting of the dreaded calamity, by yielding obedience to the constituted authorities. It is in proof that they intended to take the village, and that Bouc was at their head ; they were posted near a bridge, at the entrance of the village, and prevented people from crossing and re-crossing. Indeed the evidence of martial array could not be more complete. If the connexion between Rochon, Bouc, and his other associates, be, in the opinion of the Court, sufficiently established, no

doubt can be entertained that the ultimate object of these men was the subversion of Her Majesty's Government, by revolution and an appeal to foreign assistance.

The case of Rochon demands a separate and a very attentive consideration at our hands. The leading facts established against him are, the administering of unlawful oaths—the making, and causing to be made, balls and ball-cartridge—having in his possession a quantity of lead and gunpowder—being in intelligence and acting in concert with Bouc and Roussin. The two latter facts are principally found in the testimony of Huppé and Fervac dit Larose; the others are substantiated by numerous witnesses, and do not call for a particular reference to the evidence. By Huppé we are informed, that, about the first of November last, he saw Bouc at Rochon's shop. When he came there, there were persons making cartridges. He said, "Attention, my boys," and then went away. The prisoner, Roussin, was there at the time making ball-cartridge. The witness saw about a tureenful of powder in the shop, and some balls on the counter. He did not see Rochon there then. He saw at that time three barrels containing powder in his possession, but knows not if they were full; they were in a barn, and covered, he thinks, with canvas. He was induced by Rochon to subscribe one dollar for the purpose of buying powder. The witness himself made balls in Rochon's shop, and by his permission. About the same time, a secret oath was administered to him by Rochon. This was done in his own house; and the import of it was, to keep secrecy respecting the ammunition in his possession. By the oath, they were placed beyond the danger of capture and trouble. Rochon told the witness, that if they met any of their enemies on the road who insulted them, they might kill them with impunity; and that arms and ammunition were coming from the United States to arm the Canadians, that they might be enabled to protect themselves in tranquillity at home. He told witness, that if he revealed the secret, he would run the risk of being killed by the patriots.

When a party of police came to arrest Rochon, he fled, and remained absent from home about eight or ten days. The witness, by Rochon's orders, transported some powder from Terrebonne to Mascouche. He ordered the witness, and those in his employment, not to speak on politics. It did not appear to the witness, when Bouc entered Rochon's shop, that he (Bouc) knew what was going on there. He appeared very tipsy, and remained there nine or ten minutes. In answer to a question from the Court, if when the witness gave his dollar as subscription, he understood it to be in aid of the Government, the witness answered in the negative. In cross-examination, he is unable to speak with precision as to the time, and whether it was before or after the first of November, that he saw Bouc and Roussin at Rochon's shop. As it is not intended to support a conviction of these two individuals on the testimony of that witness, but merely to establish intelligence between them and Rochon, in corroboration of other testimony, corresponding with the time in the charge, the date is not of material importance. Fervac dit Larose saw Bouc at Rochon's on the second day of November last. The witness did not know what he came for, or what he was doing. He saw him again on the fifth. He sent the witness to Rochon, who had fled from the village, with a letter. The witness took the letter to an uncle of the prisoner, Rochon, at Lachenaye, where he found him. In answer to the letter, Rochon directed the witness to tell Bouc, that if the danger was too pressing at Terrebonne, he should fly; but if, on the other hand, they could form a camp, and make a fight, he should do so, and that the best place for a camp was a house at the extremity of the village, near the bridge, belonging to Mr. Turgeon. Rochon also added, that guards should be posted in the woods round the village. The witness had left Rochon, when he called him back, and told him, if there was an engagement, to take up arms, and to be sure and shoot Mr. Alfred Turgeon, Mr. Alexander Mackenzie, and Mr. Reeves. The witness took the secret oath in the presence of Jacques Roy. Bouc told witness that Rochon had

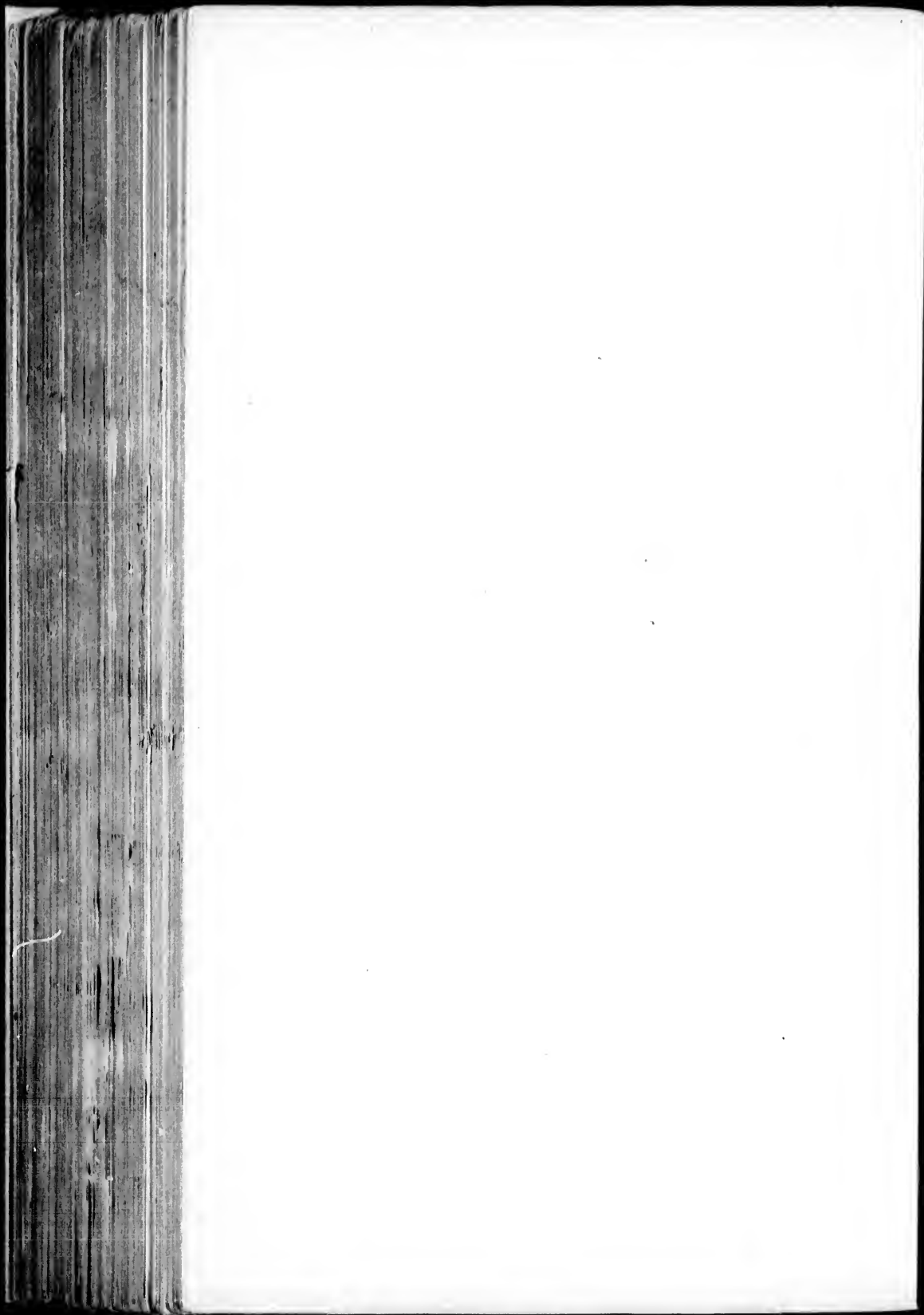
stated, that unless the witness took the secret oath, he would betray them. This took place about the first of November, and Rochon was well aware that the witness had taken the oath, as he subsequently told him. By the oath, the witness was bound to protect Rochon from injury, and the ammunition from discovery. The object of the oath was, to bind witness to keep secret everything that passed among the rebels, under pain of having his head cut off, or if he had property, to have it destroyed. There was at this time a secret society at Terrebonne, bound by secret oath, as well as witness could see. Its object was to observe secrecy, and to make all ready to take up arms, at one time, to fight against the Government. At the same time, the witness always heard them say, they would not fight unless attacked. Rochon appeared a principal leader, and Bouc a subordinate one. From the letter which witness carried to Rochon, it seemed that Bouc had been brought into trouble by obeying Rochon's orders. Rochon himself told witness, that he had ammunition concealed in his house, and to take it to Bouc's, or elsewhere, so that it might easily be got at in the event of a battle. He saw a deal box, such as window glass is usually packed in, full of ball-cartridge, and two barrels of powder untouched, besides as much as three tureensful of balls in a sack. It is worthy of observation, that this witness was not cross-examined, and that the attempt made to impeach his character has resulted in an utter failure. We are told by Fervac, that Rochon threatened Robert Dagenais, that he would be one of the first killed if he did not take the oath ; and we find Dagenais confirming this statement in his testimony, using the identical expressions employed by Fervac dit Larose. We have, therefore, in the testimony of Fervac dit Larose, much important matter, connecting Rochon with Bouc ; and if the Court be satisfied of the existence of this intelligence, and concert between them, the acts of Bouc and his confederates, become those of Rochon, to every legal intent.

Dagenais saw Bouc making cartridges, at Rochon's, in October last.

Roussin was also seen by the witness, at the same place, and similarly employed, he thinks, in the latter end of October. It is proper that we should here distinctly express to the Court our opinion, that the arrest of Marié was legal; that the arrest of Bouc, though without warrant, would, in view of two magistrates, and considering that he and his party were in arms, have been also perfectly justifiable. Resistance was therefore criminal; and the protest of the illegality of these arrests, as well as that of the disarming, could furnish no excuse for the audacious conduct of Bouc and his associates. The novel example of resistance to authority, which they have exhibited, is of that highly dangerous tendency, that were there not redeeming circumstances in the conduct of these prisoners, we could not too severely animadvert on the character of their rebellious proceedings. At so critical a juncture, it was, more than at any other time, the duty of the prisoners to submit, in order that the difficulties of the times might not be increased; and this unquestionably would have been the conduct of loyal men, had they been unjustly accused. The numbers in arms—the parties in which they were subdivided—their connexion with Rochon—their taking of prisoners—the flight of several among their leaders—all these circumstances, we fear, deprive the prisoners of the presumption, which they might otherwise invoke, that they were actuated by no worse motive than to assert their rights as British subjects, to recognize no authority, but that of the law.

The evidence on the part of the defence calls for no particular observations. The character of the prisoners, for honesty and private worth, rests on strong and abundant proof. The other testimony leaves, in our opinion, the charge untouched, but deprives the offence, we are willing to admit, of its harsher features.

With these observations, the case is submitted to the consideration of the Court.



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THE QUEEN
VS.
BENJAMIN MOTT.

GENERAL COURT MARTIAL.

{ MONTREAL, LOWER CANADA,
April 10, 1839.

Members of the Court and Deputy Judge Advocates, the same as in the case of the Queen against Cardinal and others—(see vol. I. page 17)—are duly sworn.

The prisoner having been brought into Court, the warrants are read, and the names of the President and members called over. The prisoner does not object to any of the members of the Court.

The President, members, and acting Deputy Judge Advocates, having been severally sworn, and Edward Macgauran having been sworn as translator of French, the Court proceeds to the trial of Benjamin Mott, late of the Seignior of Lacole, in the District of Montreal, in the Province of Lower Canada, gentleman.

By order of His Excellency Lieutenant General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath and of the Royal Hanoverian Guelphic Order, Governor General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain Ge-

neral and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and their several dependencies, Vice Admiral of and in the same, and Commander of all Her Majesty's Forces in the said Provinces of Lower and Upper Canada.

For offences committed between the first and fifteenth days of November, in the second year of the reign of our said Lady the Queen, in furtherance of the rebellion which had broken out and was then existing in the said Province of Lower Canada.

First charge, to wit: For that the said Benjamin Mott, on the seventh day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said seigniory of Lacole, did aid and assist in the said rebellion, which had broken out, and was then existing, in the said Province of Lower Canada, and was then and there, to wit, on the day and year last aforesaid, in the seigniory of Lacole aforesaid, actively engaged in the said rebellion, and in the furtherance thereof, against the laws in force in the said Province of Lower Canada.

Second charge: For that the said Benjamin Mott, on the seventh day of November, in the second year of the reign of our said Lady the Queen, and on divers other days, as well before as after, in the said seigniory of Lacole, together with divers others whose names are unknown, then and there assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did, in furtherance of the said rebellion, which had broken out, and was then existing, in the said Province, prepare and levy public war against our said Lady the Queen, and was then and there taken in open arms against her said rule and Government in the said Province, in furtherance of the said rebellion, and against the laws in force in the said Province of Lower Canada.

Third charge: Murder, In this, that the said Benjamin Mott, and divers other persons whose names are unknown, on the seventh day

of November, in the second year of the reign of our said Lady the Queen, in the said seigniory of Lacole, being armed with guns, loaded with leaden shot, bullets, and gunpowder, did, in furtherance of the said rebellion, which had then broken out, and was existing, in the said Province, make an assault upon one Robert M^cIntyre, and then and there, in furtherance of the said rebellion, feloniously, wilfully, and of their malice aforethought, did shoot and discharge the said guns, so loaded as aforesaid, upon the said Robert M^cIntyre, and him, the said Robert M^cIntyre, with the leaden shot and bullets aforesaid, by the force of the gunpowder aforesaid, discharged and sent forth, then and there, in furtherance of the said rebellion, did feloniously, wilfully, and of their malice aforethought, strike, penetrate, and wound, in the abdomen, giving to the said Robert M^cIntyre, then and there, with the leaden bullets and shot aforesaid, by means of shooting off and discharging the said guns, as aforesaid, and by such striking, penetrating, and wounding the said Robert M^cIntyre, as aforesaid, one mortal wound in the abdomen of the said Robert M^cIntyre, of which said mortal wound the said Robert M^cIntyre, then and there, instantly died.

Fourth charge: Murder, In this, that divers persons unknown, on the seventh day of November, in the second year of the reign of our said Lady the Queen, in the said seigniory of Lacole, being armed with guns, loaded with leaden shot, bullets, and gunpowder, did, in furtherance of the said rebellion, which had then broken out, and was existing, in the said Province, make an assault upon one Robert M^cIntyre, and then and there, in furtherance of the said rebellion, feloniously, wilfully, and of their malice aforethought, did shoot and discharge the said guns, so loaded as aforesaid, upon the said Robert M^cIntyre, and the said Robert M^cIntyre, with the leaden shot and bullets aforesaid, by the force of the gunpowder aforesaid, discharged and sent forth, then and there, in furtherance of the said rebellion, did feloniously, wilfully, and of their malice aforethought, strike, penetrate, and wound

in the abdomen, giving to the said Robert M'Intyre, then and there, with the leaden bullets and shot aforesaid, by means of shooting off and discharging the said guns, as aforesaid, and by such striking, penetrating, and wounding the said Robert M'Intyre, as aforesaid, one mortal wound in the abdomen of him, the said Robert M'Intyre, of which mortal wound the said Robert M'Intyre then and there instantly died, and that the said Benjamin Mott, in furtherance of the said rebellion, then and there feloniously, wilfully, and of his malice aforethought, was present, aiding, helping, abetting, comforting, assisting, and maintaining the said persons, whose names are unknown, in the felony and murder in the manner and form aforesaid, to do and commit.

The prisoner having been called upon to plead, hands in the following plea, viz :

THE QUEEN

vs.

BENJAMIN MOTT.

COURT MARTIAL.

" And now the defendant comes here into Court, and for plea says, " that this Court has no legal or constitutional jurisdiction of the subject matter or matters with which he is charged.

" BENJ. MOTT."

The prisoner before the Court being again called upon to plead, hands in the following plea :

" And now the defendant comes here into Court, and for plea says, " this Court, as a Court Martial, can take no legal cognizance of the " subject matter or matters with which he stands charged, for this, to " wit : he, the defendant, is a citizen of the United States of America, " and not a member of any military corps in this or any other Province ; by reason of which, he cannot be tried by Martial Law, the " Civil Law only being made and provided for such cases, and this he " is ready to verify.

" BENJ. MOTT."

The prisoner being a third time called upon to plead, pleads Not guilty.

The examination of the witnesses is then proceeded with.

JOHN SCRIVER, of Hemmingford, Lieutenant Colonel of the Hemmingford Loyal Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Were you, at any time between the first and tenth days of November last, in the seigniory of Lacole ; if so, under what circumstances were you there, and state what occurred ?

Answer—On the seventh November last, about two o'clock in the morning, I received a despatch from Colonel Odell, of Odelltown, in the seigniory of Lacole, expressing his apprehension that his volunteers would be overcome by the rebels, and requesting assistance from me, if I had any disposable force to send him. I was then at my place of residence in Hemmingford, where I command the volunteers. I immediately answered Colonel Odell by letter, saying, I would be with him, and all my disposable force, by ten o'clock. I accordingly set out, and arrived there by ten o'clock, with four companies of volunteers, consisting of about two hundred and twenty men ; when about one mile from Colonel Odell's force, and two miles from the rebel camp, I first heard the discharge of a piece of ordnance ; it was repeated twice ; of one shot I saw the smoke ; the discharges proceeded from the rebel camp. Colonel Odell's force and mine then united ; after consulting with that officer, we determined to attack the rebel force, and accordingly we advanced upon their camp ; when within a quarter of a mile of the rebels, I wheeled my men into line, and a piece of ordnance, loaded, I believe, with grape, (as some of them passed near me,) was fired by the rebels against my men ; I then saw a large number of armed men about the place whence the discharge had proceeded, and they immediately commenced a fire of musketry on us ; they were lying along the fences and covering themselves by

some buildings there ; I ordered my men to return the fire, and to advance ; they continued their fire, and I advanced with my men, loading and firing as fast as we could ; when within about one hundred and fifty paces of the buildings, Robert M'Intyre, one of the loyal Hemmingford volunteers, who was within three feet of me, was struck by a ball, either from a musket or a rifle ; I saw him fall ; he was struck in, I believe, the lower part of the body, near the groin ; this appeared to me to be the case from the flowing of the blood, but I did not see the body stripped afterwards ; on falling, M'Intyre exclaimed, "I am a dead man." I then ordered my men to charge, which we did, and so getting over the fence, the rebels fled, leaving a number, I believe eleven, dead. After the flight of the rebels, I returned to where M'Intyre had been shot, and found that he had crawled a little distance from the spot towards the fence ; he was quite dead. This was about ten or fifteen minutes after he received the wound ; I afterwards proceeded a little farther, and found another man, named William M'Intyre, senseless, from wounds received ; he died shortly after. A third of my men I found severely wounded, and he died of the wound next morning, as I was informed. There was, I believe, but one cannon among the rebels during the battle, from which three shots were fired, after the action commenced, making six discharges in all. The rebels, when they fled, left behind them as many as two or three hundred American muskets, some swords and rifles ; the cannon, also, we took ; it had some letters marked on it, which caused me to believe it was an American gun. Some ball and ball cartridge, and a quantity of grape and cannister shot, were likewise left by the rebels, and taken by us. I should judge, from the discharge of musketry when the action commenced, that there must have been four hundred men there opposing us.

Q. by the Court—What distance from the American territory was the scene of action ;

A.—About two hundred or three hundred yards from the frontier line ; the action was in the Seigniory of Lacolle.

Q. by the prisoner—In what direction was M'Intyre faced, at the time you say he was shot, and was he advancing or standing still ?

A.—He was faced towards the enemy, and standing still.

Q. by the Court—Could M'Intyre have received a shot in the right side, when faced to the enemy from the discharge of their musketry, or was the direction of the wound such as to warrant you in the belief ?

A.—The blood flowed from the front down the right leg ; I did not see the wound, nor did I say that he was wounded in the right side ; there was nobody between him and the enemy ; he stood in the front rank.

Q. by the same—Was there not a flanking party of Volunteers, and is it not possible that M'Intyre might have been wounded by that party, or some other of the Volunteers ?

A.—A flanking party had been sent into the wood, towards the north, to prevent the escape of the rebels ; they did not come up to the rebels so soon as my men did ; I am confident that the shot which struck Robert M'Intyre came from a house in possession of the rebels.

Q. by the same—Were there not shots fired upon your force from the American side of the Province line ?

A.—Not to my knowledge.

DAVID DERBY, of Caldwell's Manor, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Were you, at any time between the first and tenth November last, in the Seigniory of Lacolle ; if so, under what circumstances were you there, and what occurred ?

Answer—On the day on which the first battle took place at Lacolle between the rebel force and the loyal Volunteers, being, I believe, the seventh day of November last, about two or three o'clock, P.M. ; I was

at Lacolle, and after the battle was over, with the assistance of John Vosburgh, William Vosburgh, and Richard Vosburgh, I made a prisoner of Benjamin Mott, now before the Court; I and the persons who took Mott were not enlisted as Volunteers, but we turned out with our guns to assist them; we found the prisoner, Mott, concealed under the sill of a barn, about two hundred yards from the Province line; I mean by the *sill*, one of the lower timbers which supports the frame-work; between the sill and the ground there is an open space sufficient for a man to crawl under; as I said, the party with me were turning the corner of the barn, one of them said, "there is a man;" the prisoner then shifted his position a little, and some one of us said, "there's Ben Mott;" Mott replied, "yes, it is I, but I am no friend to the patriot cause, I came here accidentally;" he said he had come over to collect a note due to him, by a man named, I believe, M^cAllister, and the firing having commenced as he was passing, he had crawled under the barn, from fear; the battle had taken place between the barn and the frontier line; there was a horse that had been recently shot lying dead in the barn-yard; I saw fragments of arms, stocks of guns, etc. etc. near the barn; when Mott came from under the barn, he appeared very lame, and thinking he might be wounded, we examined his clothing, but found no visible sign of a wound; he attributed his lameness to rheumatism; when out a short time, he recovered a little; he offered to shew me the note which he was going to collect from Mr. M^cAllister, but I did not look at it; he had a number of papers in his hat, which he gave to me, and I delivered them to Captain March; when I got up to Odelltown Street, I saw a large cannon, which they said had been taken at the engagement, also a number of American muskets.

Q. by the Court—Were you previously acquainted with the prisoner, and can you state where his usual place of residence is?

A.—I was acquainted with him, and he lives at Alburgh, in the State of Vermont, about two miles from the place where he was taken.

Q. by the same--Is the barn where you found Mott, in the direct line from Alburgh to where M^cAllister lives?

A.—Yes, I should think it was.

Q. by the prisoner—Had not the whole of the Volunteers, at the time you captured me, left the battle ground; if so, was there anything to prevent me crossing the Province line to the United States, if I had been so disposed?

A.—I do not recollect seeing any Volunteers there; there were one or two men between the barn and the lines, at the house which was burning; I presume they were the owners; had you got up and walked away quietly, as an honest man attending to his business would have done, I daresay you might have crossed.

Q. by the same—How long after the battle was it that you captured me?

A.—I believe that the battle had taken place about ten or eleven o'clock; I heard firing about that hour; when I took you, I should think it was about two or three, P.M.

JOHN VOSBURGH, of Caldwell's Manor, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by the Judge Advocate--Were you, at any time, between the first and tenth days of November last in the Seigniory of Lacolle; if so, under what circumstances were you there, and what occurred?

A.—On the seventh November last, I was in the Seigniory of Lacolle, being the day of the first battle between the rebels and loyal Volunteers; it was in the afternoon, and I had no watch with me; I went to the ground where the battle had taken place, in company with David Derby (the last witness) and Richard and William Vosburgh; we walked over the field, looking at the dead, (six in number) and were attracted by a dead horse, lying near a barn; we went up to see where he had been shot; we approached the barn, and two of our party went into it, while I and William Vosburgh went round it; on turning a

corner of the barn, my companion discovered Benjamin Mott, the prisoner, concealed under the sill ; Mott lay still, until he was discovered, and then crept out ; the other two had rejoined us, and one of the party said, " there's Ben Mott ;" Mott answered, " Yes, boys, I am here, but I am none of your patriots ;" I asked, " what brings you here, Mr. Mott ?" and he said he had an obligation against a man named M^cAllister, that he had started to get paid, but had been just caught in the troubles, and had crept under the barn for safety ; I asked him whether he had known that the rebels had marched through Alburgh early that morning, from Beech Ridge, to take up a position in Lacolle ; he said, on his honour, he had not ; we said he might consider himself as a prisoner, and that he must go to Odelltown ; he expressed his willingness to go, and he was accordingly sent there ; I was not then an enlisted Volunteer, but turned out with my gun to assist them.

Q. by the same—When you discovered Mott, were your party all armed ?

A.—None of us were, when we arrived at the battle ground.

Q. by the same—What had become of the loyal Volunteers at the time you discovered Mott ?

A.—I was informed they had gone back to Odelltown.

Q. by the prisoner—What distance from the barn in question were the bodies of the six dead men you speak of ?

A.—Two of them were within about forty yards of the barn, I believe ; the rest a little farther ; all that I saw were between the barn and the Province line.

Q. by the same—Did I not appear pleased with falling in with yourself, and others with whom I was acquainted.

A.—No ; on the contrary, you appeared so much agitated and discomposed, that we asked you if you were wounded ; you replied that you were not but that you were afflicted with rheumatism.

Q. by the same—Had not the whole of the Volunteers, at the time you captured me, left the battle ground ; if so, was there anything to

prevent me crossing the Province line, to the United States, if I had been so disposed ?

A.—I supposed, as I stated before, that the Volunteers had all left ; nothing but the fear of stragglers could have prevented you from escaping ; we remarked, at the time, that you could have made your escape, if you had attempted it.

Q. by the Court—Were there any other buildings, besides the barn, on or near the battle ground ; if so, describe them, and how situated ?

A.—None but the house which was burning, and a small stable ; the house was about forty paces from the barn, in the direction of the frontier line ; two dead bodies of the rebels lay in the stable yard.

JEAN BAPTISTE COUTURE, of Caldwell's Manor, aged sixteen years, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoner and declare whether you saw him at any time between the first and tenth November last ; if so, when, where, and how occupied ?

Answer—I saw the prisoner, Benjamin Mott, during the week of the troubles, on the day of the first battle at Lacolle, in the month of November last, I believe ; I cannot say on what day of the week it was ; he was firing off the cannon ; one shot had been fired before I reached, and I saw Mott fire off the second and third shots ; other shots were fired, but I did not take notice who fired them, as I moved away ; when he was firing the cannon, there were about two hundred or three hundred men there, many of whom were armed ; Dr. Côte and Gagnon were there, and a third, a Frenchman, who is now in the United States ; when the cannon was fired, they were fighting against the English, but I cannot say if they were Regulars or Volunteers ; the battle took place after breakfast, or rather before we had entirely done ; some of the companies had finished breakfast, but the one in which I was, had not ; there was a fire of musketry also between our party and the advancing force ; we (the Canadians) began by firing the cannon, and

then sending on an advanced guard ; there were a number of Americans among the Canadian party, I should think about twenty ; Mott was unarmed.

Q. by the same—Was there a barn near the place where the battle was fought ; and if so, was it any time during the battle in possession of the rebel force ?

A.—There was a barn ; I was not at it, and cannot say if the rebels held it any time during the battle ; I cannot say if the English came in the direction of the barn, or if they passed it ; I was near the barn ; the Canadians used it for the horses of their cavalry ; I saw the horses put into the barn.

Q. by the Court—With what did he fire off the cannon, and how far were you from Mott, when he fired it ?

A.—With a piece of lighted wood, about two feet long, which he kept alive by waving in his hand ; I was within a few yards of Mott ; after he put fire to the cannon, he ran back, so that he came still nearer to me, with the lighted wood in his hand.

Q. by the same—How was the prisoner dressed when he fired the gun, and did you know him by sight before ?

A.—I think he wore a white hat, but I am not sure ; I think his clothes were dark, but I am not certain of the colour, ; I knew him before.

Q. by the same—Did the Frenchman you saw with Côte and Gagnon hold any command, and what sort of a looking man was he ?

A.—He held the chief command ; he was tall man, pock-marked ; he wore a blue cap, with a yellow band.

Q. by the prisoner—Where did you first see me ; and who told you my name was Mott ?

A.—I saw you first at your own house ; I know your name, because I and my father were in your employ, about two years ago.

Q. by the same—What kind of a house did I live in, and where is it ; where have you been since, and have you seen me ?

A.—Your house was in the States, in Alburgh ; the house was old and small, built of square logs ; you now have a new and better house ; I have lived since at home at Caldwell's Manor ; I believe I saw you after I left your service, and before the battle, but I cannot say where ; I know you perfectly.

Q. by the same—How do you know that I have a better house now, than I had when you say you lived with me ?

A.—Because I have often passed it, and was in it last winter.

Q. by the same—How long before the battle at Lacolle was it, that twenty Americans joined the rebels ?

A.—I cannot say ; I saw them for the first time on parade just as the battle commenced ; they were under the command of one Bryant.

Q. by the same—Have you at any time since the battle of Lacolle made any and what statement relative to the transactions there, concerning which you have deposed today, to any person and whom, at Alburgh ; if yea, were such statements made under oath ?

A.—Since the battle of Lacolle, I was taken by your brother, Joseph Mott, to Alburgh, and afterwards to Plattburgh, and back again to Alburgh ; his object, I believe, was to prevent my coming to this country in time for your trial ; when at Alburgh he endeavoured to cause me to make a deposition to the effect that I had not seen you fire the cannon, and, in fact, that I did not know you ; I had stated to your farmer, in your old house, that I saw you fire the cannon ; your brother drew up a paper writing, the contents of which I did not know ; he induced me to put my mark to it ; I cannot write or read ; they wanted to swear me, but I would not.

Q. by the same—Is it not possible that at the battle of Lacolle, you might have mistaken some other person for me, in consequence of being frightened ?

A.—I was not sufficiently frightened not to recognize you.

Q. by the same—Have you been promised any reward by any person, to give evidence in this case ?

A.—I was told that I should be paid for my lost time ; I have been promised no other reward.

Q. by the same—Do you know William H. Lyman, a justice of the peace, in Alburgh, in the United States ?

A.—I know a Mr. Lyman there, but am ignorant if he is a justice of the peace.

Q. by the Court—What induced you to put your mark to a paper, the contents of which you did not know ?

A.—They *worried* me, and I did not know what to do ; they did not threaten me.

Q. by the same—In what time did the rebel force come to Lacolle, and where did they come from ; where did the gun come from ?

A.—It was after daylight ; they came from St. Valentine, and the gun came from the States, I believe from Alburgh ; I did not see Mott or the cannon, until I saw them on the field of battle.

Q. by the prisoner, through the Court—Were you not told by some person or persons residing in Canada, that you would be punished unless you came forward to swear against me ; and that, if you did swear, you would be exempted from punishment ?

A.—I was told that I should be punished if I did not come ; that it was absolutely necessary I should come, otherwise I would never be able to put my foot in the country ; Captain Vaughan came to my father, and said this to him, and he told me ; Captain Vaughan had been twice at our house during my absence in the States ; this I heard from my father ; Captain Vaughan said nothing to me.

It being four o'clock, the Court adjourns until tomorrow, at ten, A.M.

SECOND DAY, *Thursday, April 11, 1839, ten o'clock, A.M.*

The Court meets. Present, the same members as yesterday.

JOSEPH NOEL, of Lacolle, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoner, and declare whether you saw him at any time between the first and tenth November ; if so, when, where, and how occupied ?

Answer—I saw him on the seventh November last, in the seigniority of Lacolle, near the frontier line ; I first saw him before daylight on that morning ; he came across in a boat, with seven or eight others, from the United States and the south side of the river ; this was about three o'clock in the morning ; the men had not arms in their hands, but they conveyed arms in the boat ; they told me they had with them about three hundred and fifty American muskets ; I heard no order given but I was told by the men in the barge, that Mott commanded ; I did not then know him, but they pointed him out to me, as the one who commanded. A party of about thirty men, sent from the rebel camp, disembarked the arms from the boat ; the rebel camp was about three acres from the frontier line, and in Lower Canada ; this party received the arms and conveyed them to a house within the limits of the camp ; the boat returned, but I cannot say if the prisoner returned with it or not ; I saw him again at the camp, about nine o'clock the same morning ; when I saw him, the fourth discharge from a piece of cannon there was being fired ; it was fired by a large man, who, I was told, was an American ; Mott was close by the cannon ; I enquired of a man there, what his name was, and I was told that it was [Benjamin Mott ; I recognize him as the prisoner now before the Court ; when I saw him, he carried a piece of wood, which had a piece of match at one end, and a piece of iron at the other ; the cannon was not fired with it, as it was not lighted ; they fired the fourth shot from the cannon with another piece of wood lighted ; it was fired against the Queen's troops ; the confusion then became so very great from the firing, that

every one got out of the way as quickly as he could, and I saw no more of Mott; the leader in the rebel camp was Dr. Côte, and the military commander was a Frenchman named Touvrey.

Q. by the same—Was there a barn near the place where the battle was fought; and if so, was it at any time during the battle in possession of the rebel force?

A.—There was a new barn at the east of the camp towards the river, and about two acres from the line; it was about six acres distant from the rebel camp, and I know not if it was in possession of the rebels; there was another barn nearer the camp, to the east of the road, about four acres from the line; the cannon was between the house and this barn, and about one and a half acres from the barn towards the Province line; this barn was in the possession of the rebels, and they kept their horses there; when the British troops advanced, they approached from the direction of the barn, but I cannot say if they reached it, for I went away; the Province line was on the left of the camp.

Q. by the Court—Were the arms lodged in a house, or barn, or stable, and do you know if the house was afterwards burned?

A.—They were lodged in a house, which was afterwards burned.

Q. by the same—Did Mott appear to take any part whatsoever in serving the gun, and how was he dressed at the time?

A.—I did not see him render any assistance; he wore a blue surtout, to the best of my recollection.

Q. by the same—Did you hear any more shots fired from the cannon after you went away?

A.—I heard two shots more fired.

Q. by the same—What was the object of the rebels in fighting the Queen's troops; what were they fighting for?

A.—I heard from some of them that their object in fighting was to establish the independence of the country.

Q. by the same—What made you ask Mott's name a second time?

A.—The first time I saw him in the boat, I asked who commanded, and they said, Benjamin Mott; it was dark, and I could not distinguish his features, so I asked a second time when I saw him near the gun; I knew several of the Americans that were in the rebel camp, but I did not know Mott.

Q. by the same—Were the arms brought over in packages, or loose, and were they issued out to the rebels, or were they destroyed in the house that was burned?

A.—They were all loose, and I saw them; some of them were issued out, but the greater part remained in the house; I cannot say if they were destroyed by the fire.

Q. by the prisoner—Was it at the usual ferrying place that the arms you speak of were landed, as you pretend?

A.—It was at the old landing place, near the lines, I believe on the Canada side.

Q. by the same—How far was the alleged cannon from the frontier line, and was there any river between the pretended battle ground, where you say the battle was, and the territory of the United States?

A.—About three, or three and a half acres from the frontier line; there was no river running between the battle ground and the frontier line.

Q. by the same—Try to recollect yourself, and state what kind of hat, waistcoat, and other garments the person you took for me wore at the engagement you speak of?

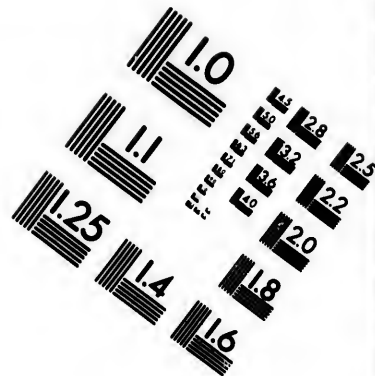
A.—I can only add, that he wore boots; I cannot recollect any other portions of his dress.

Q. by the same—What is the name of the person who told you I was the individual who held the match, as you have stated?

A.—His name was Edward Noel; he is at Plattsburgh, in the State of New York; he is a Canadian, and a brother of my own.

Q. by the same—Do you know Jean Baptiste Couture, who gave





A resolution test chart featuring several groups of horizontal and vertical lines of varying thicknesses. Each group is accompanied by a numerical value indicating the resolution. The values include 1.0, 1.1, 1.25, 1.4, 1.6, 1.8, 2.0, 2.2, 2.5, 2.8, 3.0, 3.2, 3.6, 4.0, 4.5, 5.0, 5.6, 6.3, 7.1, 8.0, 9.0, 10, 11.2, 12.5, 14, 16, 18, 20, 22.5, 25, 28, 32, 36, 40, 45, 50, 56, 63, 71, 80, 90, 100, 112, 125, 140, 160, 180, 200, 225, 250, 280, 320, 360, 400, 450, 500, 560, 630, 710, 800, 900, 1000, 1120, 1250, 1400, 1600, 1800, 2000, 2250, 2500, 2800, 3200, 3600, 4000, 4500, 5000, 5600, 6300, 7100, 8000, 9000, 10000, 11200, 12500, 14000, 16000, 18000, 20000, 22500, 25000, 28000, 32000, 36000, 40000, 45000, 50000, 56000, 63000, 71000, 80000, 90000, 100000, 112000, 125000, 140000, 160000, 180000, 200000, 225000, 250000, 280000, 320000, 360000, 400000, 450000, 500000, 560000, 630000, 710000, 800000, 900000, 1000000, 1120000, 1250000, 1400000, 1600000, 1800000, 2000000, 2250000, 2500000, 2800000, 3200000, 3600000, 4000000, 4500000, 5000000, 5600000, 6300000, 7100000, 8000000, 9000000, 10000000, 11200000, 12500000, 14000000, 16000000, 18000000, 20000000, 22500000, 25000000, 28000000, 32000000, 36000000, 40000000, 45000000, 50000000, 56000000, 63000000, 71000000, 80000000, 90000000, 100000000, 112000000, 125000000, 140000000, 160000000, 180000000, 200000000, 225000000, 250000000, 280000000, 320000000, 360000000, 400000000, 450000000, 500000000, 560000000, 630000000, 710000000, 800000000, 900000000, 1000000000, 1120000000, 1250000000, 1400000000, 1600000000, 1800000000, 2000000000, 2250000000, 2500000000, 2800000000, 3200000000, 3600000000, 4000000000, 4500000000, 5000000000, 5600000000, 6300000000, 7100000000, 8000000000, 9000000000, 10000000000, 11200000000, 12500000000, 14000000000, 16000000000, 18000000000, 20000000000, 22500000000, 25000000000, 28000000000, 32000000000, 36000000000, 40000000000, 45000000000, 50000000000, 56000000000, 63000000000, 71000000000, 80000000000, 90000000000, 100000000000, 112000000000, 125000000000, 140000000000, 160000000000, 180000000000, 200000000000, 225000000000, 250000000000, 280000000000, 320000000000, 360000000000, 400000000000, 450000000000, 500000000000, 560000000000, 630000000000, 710000000000, 800000000000, 900000000000, 1000000000000, 1120000000000, 1250000000000, 1400000000000, 1600000000000, 1800000000000, 2000000000000, 2250000000000, 2500000000000, 2800000000000, 3200000000000, 3600000000000, 4000000000000, 4500000000000, 5000000000000, 5600000000000, 6300000000000, 7100000000000, 8000000000000, 9000000000000, 10000000000000, 11200000000000, 12500000000000, 14000000000000, 16000000000000, 18000000000000, 20000000000000, 22500000000000, 25000000000000, 28000000000000, 32000000000000, 36000000000000, 40000000000000, 45000000000000, 50000000000000, 56000000000000, 63000000000000, 71000000000000, 80000000000000, 90000000000000, 100000000000000, 112000000000000, 125000000000000, 140000000000000, 160000000000000, 180000000000000, 200000000000000, 225000000000000, 250000000000000, 280000000000000, 320000000000000, 360000000000000, 400000000000000, 450000000000000, 500000000000000, 560000000000000, 630000000000000, 710000000000000, 800000000000000, 900000000000000, 1000000000000000, 1120000000000000, 1250000000000000, 1400000000000000, 1600000000000000, 1800000000000000, 2000000000000000, 2250000000000000, 2500000000000000, 2800000000000000, 3200000000000000, 3600000000000000, 4000000000000000, 4500000000000000, 5000000000000000, 5600000000000000, 6300000000000000, 7100000000000000, 8000000000000000, 9000000000000000, 10000000000000000, 11200000000000000, 12500000000000000, 14000000000000000, 16000000000000000, 18000000000000000, 20000000000000000, 22500000000000000, 25000000000000000, 28000000000000000, 32000000000000000, 36000000000000000, 40000000000000000, 45000000000000000, 50000000000000000, 56000000000000000, 63000000000000000, 71000000000000000, 80000000000000000, 90000000000000000, 100000000000000000, 112000000000000000, 125000000000000000, 140000000000000000, 160000000000000000, 180000000000000000, 200000000000000000, 225000000000000000, 250000000000000000, 280000000000000000, 320000000000000000, 360000000000000000, 40000000000000

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his evidence before you in this case ; if so, state whether or not you saw him at the engagement you speak of ?

A.—I did not know him until I came to town with him now ; I do not recollect if I saw him at the engagement.

Q. by the Court—Where did your brother, Edward Noel, reside previous to the engagement at Lacolle ?

A.—He resided at St. Valentine.

Q. by the same—What were you doing at Lacolle when you saw me, as you pretend, on the seventh, at the alleged battle there ?

[The witness, by permission of the Court, declines answering this question, as tending to criminate himself.]

Q. by the same—Did you go to the States after the engagement you speak of ; if so, state how long you remained there, and when you returned to this Province ; and what induced you ?

A.—I went to the States, and remained there two months and eight days ; I returned on the thirteenth of January ; I came back for the purpose of remaining in the country as a British subject.

Q. by the same—Have you a family ; if so, state whether your family remained in this Province, or went with you to the States.

A.—I have a family, and they remained in this Province.

Q. by the same—Have you not been promised exemption from trial and punishment, on condition that you would give evidence against me ?

A.—No.

Q. by the same—What induced you to go to the States, after the engagement at Lacolle, and leave your family behind you in this Province ?

[By permission of the Court, the witness declines answering this question, as tending to criminate himself.]

Q. by the same—Had you any conversation with Jean Baptiste Couture, (the witness spoken of,) respecting the evidence you were to give ?

A.—I simply asked him if he knew Mott, and he said he did ; we had no further conversation on the subject.

Q. by the Court—Have any threats been held out against yourself, or family, if you appeared to give evidence on this trial ; if so, by whom ?

A.—No.

LOUIS MARTEL, of Rousse's Point, in the State of New York, ferryman, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

[This witness having been sworn, prays permission to address the Court before giving evidence, and states, that an individual named Walden, residing at Rousse's Point, about half a mile from his house, has threatened all those who should come forward to give evidence against the prisoner, Mott, with destruction of property by fire, and that if he himself came to give evidence, he should have to remove from that part of the country ; there are many rebels in that neighbourhood. The witness, consequently, claims protection.]

Question by the Judge Advocate—Look at the prisoner, and declare if you saw him at any time between the first and tenth November last ; if so, when, where, and how occupied ?

Answer—I know the prisoner well, and have often passed his house, which is, I believe, in the State of Vermont ; I do not know what the name of the town is ; I have seen him frequently ; I saw him, for the last time, last autumn, on the day of the first battle, near the river Lacolle ; it was about six or seven o'clock, A.M., as well as I can recollect ; about forty persons, as near as I could judge, came to my house, at Rousse's Point, close to the water ; the party waited for a cannon, which I saw arrive by water in a small barge ; this barge could not come near the shore, from draught of water ; they then said it would be necessary to take the scow, which drew less water ; this was said by a man named James Bullis ; the scow belonged to me ; the cannon, with its wheels, was taken from the barge and put on board the

scow, and so landed on the Canada side of the line ; they had taken my scow from where it was usually moored, on the American side of the line, for the purpose I have stated ; I was afraid to approach the rebels, seeing there were so many, from apprehension that they would oblige me to join them, (I having left Canada two years before, to avoid political troubles,) but when they took away my scow, I followed the course of it, and on their having disembarked the cannon, I took the scow home again. The prisoner, Mott, was there, assisting to disembark the cannon ; he spoke, and encouraged the others to make haste ; he was addressed as Captain Mott by some of them ; the place where they disembarked the cannon was about fifteen acres from the place where the battle was fought, very near the boundary line, but on the Canada side ; I know there was a battle there the same day, because I heard the shots, and went up into the upper part of my house and saw it ; I also saw parties of rebels making their escape ; I cannot state on what day of the week or month this was, but I am quite certain it was on the day of the first battle ; this was the first and the last time I saw Mott last autumn. There was grape shot in the boat brought with the cannon. I do not mean to say that two battles were fought at the same place ; the second took place at Odelltown.

Q. by the prisoner—Is my house in a village or in the open country, and is it on the shore of Missiskoui Bay, or at any, and what distance from that Bay ?

A.—The house that was pointed out to me as yours, is not in Missiskoui Bay, which I believe is in Canada ; it is near a village, of which I do not recollect the name, although I have heard it ; I did not take notice what distance it was from the shore.

Q. by the same—How often have you seen me, and where ?

A.—I think I saw you two or three times at the village of Champlain ; I learnt your name by hearing Americans address you as Mr. Mott ; I saw you some time last summer at Champlain ; there are two Champlains, an inland village, and one near the water's edge ; it was

at the latter I saw you ; it is two miles from the frontier line, in the United States.

Q. by the same—How far is it from your house, by land, to the place where the alleged disembarkation of the cannon took place ; and how long does it take you to go from your house, by water, to where the cannon was put on shore ?

A.—About eight acres by land ; the scow was a little lower down than my house, and I think ten minutes sufficient to accomplish the distance ; I think I could do it in that time.

Q. by the same—At what distance from the place where you say the cannon was disembarked, is the mouth of Lacolle river ?

A.—I have heard it said, that the distance from the mouth of Lacolle river to the Province line, is five miles, but I do not know myself.

Q. by the same—Describe minutely the dress of the person whom you pretend to recognize in me, and who you say was engaged in disembarking the cannon near the battle ground at Lacolle ?

A.—I saw your face and recognized you, but did not take time to notice your dress ; I was too much confused and frightened.

Q. by the same—At what distance did the scow generally keep from the land, where you followed it to the place of disembarkation ?

A.—Generally about half an acre, I should judge.

Q. by the Court—Did you observe the remarkable movements in the eyelids of the prisoner at the time you saw him when disembarking the cannon ?

A.—I did not observe if he was winking or not, but I am positive of the man, as I know him well.

FRANCIS MANNIE, of the seigniory of Lacolle, Lieutenant in the Noyau Volunteers, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Look at the prisoner, and state if you saw him between the first and tenth November last ; if so, when, where, and how occupied ?

Answer—I know him ; I saw him on Monday, the fifth November last, at Beech Ridge, in the county of Rouville, in Caldwell's Manor, and Province of Lower Canada ; I was then a prisoner in the hands of the rebels, under Bryant, in the house of one Cook. I saw the prisoner pass and repass in front of the house, with some of the rebel party, who had made me prisoner. During my confinement, I heard two discharges from a piece of cannon, apparently very near the house ; there was not at that time any battle there. I did not see the prisoner, Mott, before the cannon was discharged, but about twenty minutes or half an hour after, I saw him. Bryant, their leader, told me, that his party was four hundred strong ; half of those I saw were Americans ; I do not believe I myself saw more than seventy persons ; they were mostly armed ; all had not arms in their hands, but there were arms stacked in the different corners of the room ; some of the arms were American muskets, and some rifles of American manufacture ; Mott does not live at the place where I saw him ; Alburgh and Caldwell's Manor are adjoining each other. Mott was unarmed.

Q. by the Court—What did you understand from the party who took you prisoner, to be their object and design in taking up arms ?

A.—Bryant told me, that it was to overthrow the British Government, and to establish a form which should give equal rights to the Canadians, which the present Government did not do.

Q. by the prisoner—Is it not a fact, to your knowledge, that I have a cultivated farm immediately adjoining to where you pretend you saw me on the fifth ?

A.—You have a farm, I believe, very near there ; I cannot state positively if it adjoins the place where the rebels were ; your farm is in the Canada side of the line.

Q. by the same—Was there any person living upon the farm last autumn, to your knowledge ?

A.—There are buildings on the farm ; but I cannot say if they were on that part which belongs to you ; they were occupied.

ROBERT STEPHENSON, of Odelltown, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Were you at the battle of Lacolle, which took place in the beginning of November last ; if so, state on what day, and what occurred there ; state also, if any persons, and who, were killed there, and how they were killed ?

A.—I was at the battle of Lacolle, which took place on the seventh November last, in the seigniory of Lacolle, about two hundred yards from the Province line ; the Odelltown volunteers were there, commanded by Captain March ; the Hemmingford volunteers were there also, under Major Scriver ; two brothers, Robert and William M'Intyre, of the Hemmingford loyal volunteers, were killed there, I believe by a musket ball ; I did not see Robert M'Intyre fall, nor did I go close to him afterwards, but I went within about thirty feet of him, and knew him well ; he was not then quite dead ; this was immediately after the firing ceased ; I returned to the same spot three or four minutes afterwards, and he was then quite dead ; I did not go very close to the body, nor examine it. There were several cannon shots discharged against us, but I was too busy firing to count how many. The body of Robert M'Intyre was conveyed to our barracks, at Odelltown, and remained there either to the morning or evening of the following day ; it was then buried by our men until such time as it was taken away to Hemmingford, perhaps a week after.

JAMES MORRISON, of Odelltown, labourer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Were you at the battle of Lacolle, in the beginning of November last ; if so, state on what day and what occurred there ; state also if any persons, and who, were killed there ?

Answer—I was at the first battle which took place in the Seigniory

of Lacolle, near the Province line, in the beginning of November last ; I am an Odelltown loyal Volunteer, and our corps was there commanded by Captain March ; the Hemmingford Volunteers were also there ; the battle took place, I expect, about the distance of a mile from the frontier line ; I do not know precisely where the frontier line is ; Robert Stephenson, the last witness, was in the battle with me ; two brothers were killed there, whose names I do not know ; I saw one of them lying up against the fence, and the other on his back, on the spot where the battle was fought ; the one lying on his back was quite dead ; they were two of the Hemmingford Volunteers ; I thus saw them nine or ten minutes after the battle was fought.

The Reverend JOHN MERLIN, of Hemmingford, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by the Judge Advocate—Did you, at any time in the month of November last, see the body of one Robert M^cIntyre ; if yea, state when and where, and if you examined the same ; and declare also by what means he appeared to have come by his death ?

Answer—On the sixteenth November last, the body of Robert M^cIntyre was disinterred, and brought, at my request, to the premises of William Scriver, at Hemmingford, and placed in his stable, in a coffin which I caused to be prepared for it ; I examined the body ; he had received one wound in the right thigh, about six inches above the knee, apparently from buck-shot ; he had received a second wound in the inside of the same limb, close up to the body, apparently from a musket ball ; the ball appeared to me to have cut the femoral artery, and to have caused death by the effusion of blood ; I did not probe the wound, but examined it externally, and applied my fingers to the orifice ; I do not know if any medical man saw the wound ; Robert M^cIntyre, whose body I examined, was one of the Hemmingford loyal Volunteers ; the body appeared to me to be that of a man who had been dead for some days, and report said he had been killed at the bat-

tle of Odelltown ; the body was not in a state of decomposition ; the weather was cold, and it had been buried, I was told, in a wet place, besides it appeared to have been totally drained of blood ; I studied anatomy for about three months when at college, and consider myself sufficiently qualified to judge of the cause which produced M'Intyre's death ; I saw no other wound or hurt on him but a scratch between the two wounds I have just described ; I must have seen if there had been any other wound in front ; he lay on his back in the coffin, and I did not turn him over.

The prosecution is closed, and the prisoner applies for delay, until Friday the nineteenth instant, to prepare his defence. He states his reasons verbally.

The Court is closed.

The Court is opened, and delay granted until Wednesday next, the seventeenth instant, at eleven o'clock.

Three o'clock.—The Court adjourns until Wednesday, the seventeenth instant, at eleven o'clock.

THIRD DAY, Wednesday, April 17, 1839, eleven, A. M.

The Court meets. Present the same members as on Thursday, the eleventh, except Captains Thornton and Mitchell, reported sick.

The prisoner is called upon for his defence.

LOUIS SOWELS, junior, of Alburgh, State of Vermont, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you see me in the beginning of November last ; if so, state when, where, and how I was occupied ?

Answer—I saw you on the fifth November last, on Beech Ridge, where I went to take away my sister ; I met you on horseback, before the house of Jasper Cook ; you were stopped by the sentinel of the re-

bel force, posted opposite Cook's house ; you tied your horse, saying you would return home with me, so soon as you had gone to your farm, which was close by ; you then went under a wood-shed, where you conversed about fifteen minutes with a man named Nicols ; I heard there was a prisoner, named Mannie, taken by the rebel force, in Cook's house, whom I saw, but did not speak to ; on leaving the house, I saw you, and you said you were ready to go home ; you then went with me, as far as my house, which is eight miles distant, and proceeded towards your own house, which is two miles farther on ; we left Cook's about two or three, P.M. and it was dusk when I reached home ; three or four others were with us when we left Cook's house ; your farm is on the Canada side of the lines.

Q. by the same—Did you observe, near Cook's house, any unusual number of armed men ; if so, did I appear to be connected with them, or was I armed ?

A.—I saw about twenty-five or thirty armed men, and about the same number who had come from curiosity, as I thought ; you did not appear to be connected with them, nor did I see you armed ; the armed party were mostly Canadians, but there were some Americans ; I judged from our conversation and your appearance, that you were not connected with the rebels.

Q. by the same—What was my object in going to Beech Ridge ?

A.—You said you came to see if the rebels were taking the hay from your farm, and finding that they had no horses, you said you would return home.

Q. by the Court—Did you observe a cannon with the armed party, by whom Mott was stopped ; or did you see one any where in the neighbourhood of Cook's house, or on Mott's farm ?

A.—I saw one about twenty rods to the west of Cook's house, and three or four rods on the Canada side of the line ; I heard a cannon discharged four or five times before I left Alburgh to go to Cook's house, between eleven and twelve o'clock, and thinking there was an engagement, I started to bring my sister.

WILLARD NICOLS, of the Seigniory of Noyau, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you see me in the beginning of November last ; if so, state when and where, and how I was occupied ?

Answer—I saw you at Mr. Crook's house, on Beech Ridge, on, I think, the fifth November, some time in the afternoon ; you were talking with me there, under a shed, for about fifteen minutes ; you said you had come there to see about some hay ; you then said you were going home, and I saw no more of you.

Q. by the same—Did you observe near Cook's house any unusual number of armed men, and did I appear to be connected with them ; was I armed ?

A.—You had no arms that I saw, but there were about thirty or forty armed men there, mostly Canadians, but some Americans ; there was a cannon there, which was fired more than once, I think.

Q. by the Judge Advocate—How far do you live from Cook's house, and what brought you there ?

A.—I live about seven miles and a half from it, in Canada ; I had land there at that time, which I have since sold.

Q. by the Court—Were you present when the cannon was fired ?

A.—I do not recollect if I was ; I think I was at the house ; I have seen the man who, I was told, fired it, but I do not know his name ; they told me they were firing at a tree.

JASPER COOK, of Beech Ridge, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you see me at your house, in the beginning of November last ; if so, when, and how was I occupied ?

Answer—I saw you on a Monday, I believe, the fifth or sixth November last, at my house ; you came into the house, and I gave you a

chair and left the room ; when I returned, a few minutes afterwards, you had gone.

Q. by the same—Were there near your house any armed men ; if so, was I armed or connected with them ?

A.—There were such about the house, but the main body was behind the hill, out of sight of the house ; I should think their numbers did not exceed a hundred ; I did not see you connected with them ; when I saw you, you were unarmed.

Q. by the same—Have you known me long, and what is my disposition and general character ?

A.—I have known you, by sight, since your boyhood ; I believe your character is generally pretty good ; I do not know anything to the contrary.

Q. by the Court—Who was with Mott when you gave him a chair, and left him in the room ?

A.—No one, I believe.

Q. by the same—Who commanded the main body of the rebels behind the barn ?

A.—It was said they were commanded by a man named Bryant.

DANIEL D. SALLS, of Caldwell's Manor, Justice of the Peace, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Do you know Louis Martel, of Rousse's Point ; if so, had you any conversation, and what, with him, respecting me ; are you a Magistrate ?

Answer—I am a Magistrate ; a man, who said his name was Louis Martel, whom I never saw but once, and who told me he was the ferryman at Rousse's Point, was brought before me to make an affidavit ; I, amongst other questions, asked him if he knew Mr. Mott, and if he had seen him at the battle of Lacolle ; Martel said he had not seen him at the battle ; in the morning, when he was absent from home, he said his wife told him that some persons had come and taken away his

scow, to land a cannon ; he said he went down to the place to which the scow had been taken, and there he saw some rails which had been placed over a marsh, as if to land a cannon ; Martel was brought by Colonel M'Allum, to make affidavit concerning burnings which some people in Champlain had threatened to do on Caldwell's Manor ; while his deposition was preparing, I took the opportunity to ask Martel the above questions ; he did not come to depose concerning Mott, but he told me he was not present when the scow was taken ; he said he did not see Mott at all that day.

Q. by the same—When Martel made this declaration, did he seem prepared to support it by oath ?

A.—He was giving affidavit concerning the threatened fire, and whilst the sentences were writing, I asked the questions ; I do not suppose he knew if his answers formed part of the affidavit or not.

Q. by the same—In what manner did you put the oath to Martel ; did he swear to answer the truth to all such questions as you would put to him ; and was it after having taken the oath that he made the declaration concerning me ?

A.—It was previous to his having taken the oath.

Q. by the same—Had Martel stated that he had seen me on the morning of the fourth, at the battle of Lacolle, would you, or would you not, have embodied his declaration in the deposition ?

A.—I think I would not ; I would have made a separate one.

Q. by the same—What was the opinion you formed of Martel's veracity, from the statements he made to you, in regard to the threatened burnings ?

A.—His affidavit amounted to nothing, being based merely on general report ; I was of opinion that he rather came over to find out something from us, than to make any important disclosure ; I had no reason to doubt the truth of what he stated, for I knew nothing about him.

Q. by the same—Are you acquainted with one Jean Baptiste Cou-

ture, a witness for the Crown ; if so, what is his general character ?

A.—I know a boy, named Baptiste Couture, about sixteen years of age ; he is generally called a lazy, lying, idle boy ; he has lived in my house ; I do not know anything criminal against him ; I do not know if he has been examined for the prosecution.

Q. by the Judge Advocate—How long is it since the boy lived with you ?

A.—About a year ago ; he may have been at my house occasionally for a day since ; he lived with me, at different times, for a few days at once ; his family live near me.

Q. by the Court—What induced you to enquire at Louis Martel, whether he saw Mott at the battle of Lacolle ; and did you know Mott before ?

A.—I considered it my duty, as a Magistrate, to get information concerning Mott, to send to head-quarters ; I had known Mott before.

Q. by the same—Was Martel's deposition read to him, and was Mott's name in it ; were the deposition, and your conversation with Martel in English or French ?

A.—It was read to him, but Mott's name was not in it ; the deposition and conversation were in English.

Q. by the same—Did Martel make any statement about his own house or property being destroyed ; or that he himself had been threatened in any way ?

A.—He said that one Mr. Walden, in whose house he lived, had threatened to burn it over his head, if he came to give his evidence, or make any disclosures on this side of the lines ; Mr. Walden lives in Champlain, and is, I understand, a patriot or sympathizer.

Q. by the same—Do you believe that J. Bte. Couture would, without any inducement, make a false oath, to take a fellow-creature's life ; if yea, state your reasons ?

A.—He never was brought before me, as a Magistrate, consequent-

ly I am unable to judge of his knowledge of the obligations of an oath, and cannot answer the question.

FREDERIC DERRICK, of Caldwell's Manor, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Do you know one Jean Baptiste Couture, a witness for the prosecution ; if so, what are his habits and general character for veracity ?

Answer—I have known one Jean Baptiste Couture from his youth, and I hear he has been a witness in this cause ; he is not a boy of good habits ; he is always running about from place to place, and though he has a home he is seldom at it ; I know nothing criminal against the boy ; he might accidentally tell the truth, but people do not put much confidence in what he says.

Q. by the same—Did you ever hear any, and what conversation, recently, between Couture and any person, and whom ; when, where, and what was its purport ?

A.—Some time last winter, Joseph Mott, the prisoner's brother, and Couture, met at my house ; Mr. Mott asked Couture if he had been at Odelltown ; he said he was there at the battle ; Joseph Mott then asked if he knew Benjamin Mott ; Couture replied, he knew him a little ; Mott then asked if he saw his brother Ben fire the cannon ; Couture said, he believed not, he was some way off from the cannon ; the prisoner's brother then enquired why he had said that Benjamin Mott had fired the cannon ; Couture said a man had told him so, but he was not certain of it himself ; Couture said he saw a man standing near the cannon, who another man said was Ben Mott ; the prisoner's brother cautioned Couture to speak the truth, and not to try to injure any one ; they were speaking of the battle which took place near the lines—the first battle.

Q. by the same—Are you positive in stating that Couture said he had seen a man at the cannon, who he was informed was I ?

A.—I believe that was what he said ; they had a great deal of conversation, and I did not remark particularly what was said.

Q. by the Court—Do you believe that on grave charges, such as those now under investigation, affecting the life of an individual, Couture would swear falsely and with premeditation ?

A.—I should be very loath to believe him ; there is no saying what he might do ; I should not think much of what he said either one way or the other ; it is hard to answer such a question.

Q. by the same—Was the boy menaced in any manner by Joseph Mott, or others, when the conversation took place, or did he appear alarmed ?

A.—He was not threatened at all, nor did he appear alarmed.

ENOCH WHITE, of the seigniory of Noyau, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Are you a volunteer ; and had you any particular conversation, in November last, with one Jean Baptiste Couture, a witness for the prosecution ; if so, when, where, and what was its purport ?

Answer—I am a volunteer in the Clarenceville Rangers ; in November last, three or four days after the battle at Lacolle, I had some business down at the lines, at Squire Sowles', who lives in Alburgh, in the States ; I met there Jean Baptiste Couture, who was a witness in this trial ; I saw that he looked rather down, as if he had been crying ; I asked him if he was at the battle of Lacolle, and he said he was ; I asked him also if he had a gun there, and had been firing, and he said yes ; likewise I enquired if he knew who managed the cannon, (as I understood Ben Mott had done so,) and he said he was rather too far off to know exactly who managed the cannon ; I asked him if he knew Mr. Ben Mott, and he said he did not know him.

Q. by the same—How did you understand that I managed the cannon ?

A.—Several of the volunteers who had been at the battle, said so, particularly one Mandigo.

Q. by the same—Did you see Couture, subsequent to that period, at Clarenceville, and if so, did you see any person, and whom, in earnest conversation with him, and what was the purport of the conversation ?

A.—I saw him afterwards there ; I saw one of the volunteers talking to Couture ; he said to Couture, “ You are the person I want to see.” They went into the room where Captain Vaughan was, and I heard no more.

Q. by the Judge Advocate—Who was in Squire Sowles’ house, at Alburgh, when you saw the boy, Couture, there ; and why had he been crying ?

A.—I do not recollect of seeing any but the volunteer, Mandigo, and Mr. Sowles himself ; Couture said, he wanted to go home to see his father and mother, on the other side of the lines, and that they would not let him ; by the term “ they ” I understood the volunteers and people on our side.

JOHN M. SOWLES, of Alburgh, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Examine the paper writing herewith produced, marked A, and say if the name, John M. Sowles, thereunto subscribed, as the name of a witness, is, or is not your signature, and whether the said affidavit was made and sworn to by Jean Baptiste Couture in your presence ?

Answer—The name John M. Sowles is my signature, and the affidavit was sworn to in my presence by Jean Baptiste Couture.

[The said document is appended to these proceedings, marked A.]

Q. by the same—Do you know William H. Lyman, of Alburgh ; if so, state whether or not he is a justice of the peace, and whether the name W. H. Lyman, subscribed to the said affidavit, is his signature ;

look, also, at the name J. Mott thereto set as a witness, and say whose signature it is, and whether or not it was subscribed in your presence ?

A.—I know W. H. Lyman, who acts as a magistrate at Alburgh ; the name, "Wm. H. Lyman, just. peace," subscribed to the aforesaid paper, is his ; the name, "J. M. Mott," thereto subscribed, was set in my presence, and is that of Joseph M. Mott, brother to the prisoner.

Q. by the same—Do you know the seal of the County Court of Grand Ile County, in the State of Vermont, and the signature of the Clerk of the Court ; if so, state whether the seal affixed to the paper writings herewith produced, and marked B, be the seal aforesaid, and whether or not the name "Joel Allen" thereunto subscribed is the signature of the said clerk ?

A.—The seal set on the document, marked B, is that of the County Court of Grand Ile County, and the name "Joel Allen" is that of the clerk of the said county.

[The said document is hereunto annexed.]

Q. by the same—Where does Baptiste Couture, who swore to that affidavit, as you have stated, reside, and what is his stature and appearance ?

A.—I do not know, except from hearsay ; I do not know his age, but he appeared fifteen or sixteen years old ; he is about middle size for one of that age ; he has darkish hair.

Q. by the same—Under what circumstances did Baptiste Couture give the affidavit now submitted to the Court ?

A.—I happened accidentally to be at the place, and heard the affidavit read—first, altogether, and then by sentences, in English ; afterwards it was read by a man in French ; I do not understand French, and cannot say if he translated it word for word ; this was in the office of Mr. Hazen, a lawyer.

Q. by the same—Can Couture speak English ?

A.—Quite broken English.

Q. by the same—Did Couture give his affidavit voluntarily ?

A.—He did, as far as I discovered.

Q. by the Judge Advocate—By whom was Couture brought to Mr. Hazen's office at Alburgh ; who was there, and what passed ?

A.—I do not know ; the affidavit was, I believe, prepared before I entered the office. There were ten or twelve persons there at the time, among whom was Mr. Lyman, a justice of the peace ; there was not more than one of the prisoner's, Mott's, brothers there ; the affidavit is in the hand writing of Mr. Hazen, the lawyer ; the man who interpreted the affidavit was a Canadian, who lived at Alburgh ; I believe he was not sworn as an interpreter ; I know of no time since the period of the troubles, but there have been more or less Canadian refugees at Alburgh, and there must have been some at the time the affidavit was sworn ; my impression is, that the oath was administered by the magistrate to Couture in English, and translated in French, but I am not sure ; he was not sworn on a book, but with uplifted hand, which is the manner with us there ; he was offered the privilege of swearing upon a book if he preferred it ; the form of the oath is : "The affidavit subscribed by you contains the truth, the whole truth, "and nothing but the truth—so help you God."

It being four o'clock, the Court adjourns until tomorrow, at eleven, A.M.

FOURTH DAY, *Thursday, April 18, 1839, eleven o'clock, A.M.*

The Court meets. Present, the same members as yesterday.

WILLIAM H. LYMAN, of Alburgh, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Do you know Jean Baptiste Couture, a witness for the prosecution ; if so, had you any, and what conversation, with

him, a few days after the battle of Lacolle, in November last, respecting the person who fired the cannon for the patriots on that occasion ?

Answer—I believe I know one Jean Baptiste Couture ; I saw him almost every day for twelve or sixteen days after the first battle, near the Province line, in November last, and I questioned him about the battle, as I knew Ben Mott, who resided in our vicinity, and was aware that he was in prison ; Couture said he was at the battle ; I asked him if he knew Mr. Mott, the prisoner, and he said he did not ; I also asked him if he knew who touched off the cannon, and he said he did not, for that he was at a distance at the time it was fired ; Couture is a boy, I should think from his appearance, of from sixteen to nineteen years of age, and is not the size of a full grown man ; I mean to say, that I am positive I know a person who calls himself Baptiste Couture, and is commonly known by that name, but I am not positive he gave evidence before this Court.

Q. by the same—Examine the paper writing filed of record, marked A, purporting to be an affidavit made before you, and say whether or not it is the affidavit of the person called Jean Baptiste Couture, whom you allude to, and whose are the signatures thereto subscribed ?

A.—The paper writing, marked A, is an affidavit made before me, as justice of the peace in the State of Vermont, on the date mentioned thereon, by Jean Baptiste Couture, who then set his mark thereto, and the names “ John M. Sowles ” and “ J. M. Mott ” were then subscribed, as witnesses to the said affidavit, in my presence, and signed by me, “ Wm. H. Lyman, just. peace.”

Q. by the same—Was the affidavit in question given voluntarily by Jean Baptiste Couture, and what were the formalities observed in administering the oath to him on that occasion ?

A.—The affidavit was given voluntarily, for anything that I know. Jean Baptiste Couture held up his right hand, and the oath was administered in the following words : “ You solemnly swear, in the presence of the ever living God, that the facts contained in this deposi-

"tion are the truth, and nothing but the truth." No book is used. He had signed the affidavit previous to the administering of the oath ; the form of oath is prescribed by our Statute, and I may not now have given the precise words to the Court.

Q. by the same—Was the conversation with Couture in November last, in English or French ; did you converse with him in English when the affidavit was taken, and do you believe he understands English sufficiently to know the contents of his deposition ?

A.—I never spoke to him in any other language but English, for I do not understand French ; I believe he has a sufficient knowledge of the English language to understand the contents of the deposition ; when it was taken, a Canadian, named Lafleur, who lives in Alburgh, was present, and translated the deposition in French, as I suppose, for I do not understand that language ; the affidavit was read in English to Couture before he set his mark to it ; before the affidavit was drawn up, I heard Couture repeat the substance of it four or five times in English ; the affidavit was drawn up in my presence.

Q. by the same—On what terms have you and I been for some time back ?

A.—We have not been on good terms for two years past.

Q. by the Judge Advocate—At the time you had the conversation with Couture, in November last, did he know that the prisoner, Mott, was in gaol in Montreal ; who was present during that conversation, and what induced you to question him ?

A.—He knew it from information ; the conversation took place at the store of Wm. L. Sowles, in Alburgh, a short distance from the Province line ; some five or six persons were present ; Sowles himself was one ; I heard Couture tell the same story, at the same store, to different people, eight or ten times, in answer, I believe, to questions asked him ; I cannot recall, at this moment, their names ; by the *same story*, I mean that which I have stated he told in the month of November ; I was induced to make enquiries concerning the prisoner,

Mott, because it was reported he had been taken on the battle ground of Odelltown, in Canada, and lodged in Montreal Gaol, I enquired for him, he being the only person of my acquaintance who was so situated ; I am acquainted with his friends and family also ; I questioned Couture, because he was the only Canadian refugee there that I knew ; I had seen him previous to that time.

Q. by the same—At whose request did you take Couture's affidavit in January ; who were present, and where was it taken ?

A.—At the request of Joseph M. Mott, brother to the prisoner, Ben Mott ; I had heard that a board was sitting in Montreal for the examination of the evidence against the prisoners detained there, and that in cases where such evidence was not very strong, or could be contradicted, the prisoners were discharged without trial ; it was reported about Alburgh, that the only evidence against Benjamin Mott was the deposition of the boy, Couture, and Joseph Mott was desirous of getting the boy's deposition to take to Montreal ; he (Joseph Mott) informed me that he was going to start the same night for Montreal ; John M. Sowles, (a former witness,) Mr. Hazen, Mr. Kinsley, all residents of Alburgh, were present ; there were ten or twelve persons present ; I cannot, at this moment, recall the names of the others ; the affidavit was taken at Mr. Hazen's office ; it was a day on which the Justice Court was held there, and there were people passing in and out.

Q. by the same—Had Couture continued to reside at Alburgh, from the time of the conversation, in November, up to the date of deposition ; if not, where was he, and by whom was he brought to Alburgh ?

A.—I should think he did not ; I do not know at what time he came to Alburgh to give his deposition ; I did not see him from the month of November, until the time he gave his deposition, nor have I seen him since.

Q. by the same—Who asked Couture to give a deposition ; at whose request was it made ?

A.—I do not know that I can answer this question ; I was requested by Mr. Joseph Mott to go into Mr. Hazen's office, to swear the boy, as I have stated.

Q. by the same—Were there, about the time in November, at which you saw Couture, and also at the time in January, when you administered the oath to him, any considerable number of Canadian refugees in the town of Alburgh and its vicinity ?

A.—I do not know of many in the town of Alburgh ; there were four or five in different parts of the town, who, I was told, were Canadian refugees ; I could not say if there were any in the vicinity, except by report.

Q. by the Court—At the time you administered the oath to J. Bte. Couture, did you think him, from his general character, worthy of belief ?

A.—I then thought him worthy of belief, but I have since heard more of his character, and now, from the common reputation of the boy, from the best people in his neighbourhood, I would not credit him on oath ; the boy's father lives five or six miles from me, and the boy, I believe, lives with him.

Q. by the same—You say you saw Couture every day for about sixteen days after the battle of Lacolle ; how did you happen to see him so frequently, and where and how often did you converse with him, and what about ?

A.—Mr. Sowles' store, where I saw him, is within ten rods of my dwelling-house ; the boy used to come to it, in hopes of seeing people from near his father's, on the Canada side, as he was afraid to go home ; I was frequently in the store and saw him ; it was there I conversed with him, and we generally talked about the battle near the lines, and the one which took place at Odelltown Church ; it was then a time of excitement, and this was the usual topic of conversation ; I was told Couture lived at a Canadian's house, about a mile from Alburgh.

Q. by the same—You say that you had no conversation with *Canadian* refugees, on the subject of the battle of Lacolle and the individual who touched off the gun ; have you had any conversation with American citizens on the same subject, or have you heard them speak of the battle ?

A.—I have heard a great many citizens, both at Alburgh and Champlain, speak of the battle ; I have heard them enquire who touched off the gun, but none of them said who did so.

Q. by the same—Do all persons, of whatever religion, take the same oath in the United States, and is it considered binding ?

A.—I believe all denominations, except the Quakers, take the same oath ; they never swear, but affirm.

Q. by the same—Was the boy offered to be sworn on the Holy Evangelists ?

A.—Yes ; he first said he would swear on the book, but afterwards said he would be sworn in our usual way of holding up the hand.

Q. by the same—Were you not aware that the boy was a British subject, and that under the British Government an oath is always administered on the Bible ?

A.—I supposed him to be a British subject, and have never seen the oath administered in any other way in Lower Canada but on the Bible.

EZRA MARNEY, of Rousse's Point, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you see me in the beginning of November last ; if so, where, on what day, at what hour ; state specifically ?

Answer—I saw you on the seventh November last, about sunrise, at Lewis' tavern, at Rousse's Point, in the United States, about two miles and a half from the frontier line.

Q. by the same—How far is Lewis' tavern from Martel's ferry, and was I alone, or with others when you saw me ?

A.—To go by the land road, about three miles, and by water, two miles ; you were alone.

Q. by the same—Did you see me subsequently on that morning ; if so, at what hour, and where, and did I appear to be sober ?

A.—I saw you a second time, between eight and nine o'clock, when you appeared to be very much in liquor ; you were passing my house, half a mile nearer the boundary line than Lewis' tavern ; you were on foot and alone.

Q. by the same—At what hour did the sun rise on the seventh November last ?

A.—A few minutes after seven o'clock.

Q. by the same—What was the state of the roads near the place you saw me the second time, and how long would it have taken me to go from where you last saw me to Martel's ferry ?

A.—The roads were very muddy ; the latter part of the question I cannot answer.

Q. by the same—Were you near the battle which took place on the seventh November last ; if so, state for what reason you went, and if you saw me upon that occasion or not ; had any cannon been fired ?

A.—I was near the battle, having been asked by one Webb to ride down, and see how many radicals there were ; I was stopped by a radical sentry, because, he said, I was a Tory ; and whilst standing with him, I saw Captain March's company of Volunteers coming up the road, from the Odelltown direction, approaching the rebel camp ; two volleys had been discharged from both parties, when I saw you and about twenty or thirty others, running from the rebel camp right down east ; you then appeared to be tipsy, and you staggered and fell once ; those who were with you took a south-easterly direction, and crossed the line ; you made for a barn, about twenty or twenty-five rods from the rebel camp, and I saw you no more ; I saw you running before I heard the cannon fired ; after you had started to run, it was fired, and I heard it fired five or six times afterwards ; I had heard five or six

discharges of the cannon before I saw you running, and before I saw Captain March's company, and before the firing of the musketry had begun ; when I first heard the cannon discharged, it was about an hour and a half after I saw you pass my house ; the six discharges which I heard before I saw you, began about three quarters of an hour before I saw Captain March's company ; these discharges followed each other in close succession ; the interval between the last discharge of the first six shots, and the first round of the second six, may have been about a quarter of an hour, or less ; I cannot be positive as to the precise time.

Q. by the same—Were there any persons standing along the limits of the rebel camp, on that occasion, like yourself ; and if so, did I appear to be one of the number, or there accidentally ?

A.—There were a number of spectators on the American side of the lines, where I stood ; I did not see you until the battle began ; you were then on the Canada side of the lines ; it is more than I can tell if you were there accidentally ; there were also some spectators on the Canada side of the line ; when I first saw you, you were twenty or twenty-five rods from me ; a rod is sixteen feet and a half.

Q. by the same—Did the persons you there saw running, with whom I was, appear to be among the number of spectators ?

A.—They were people from our side, and were running away from the camp ground, without arms.

Q. by the same—What dress did I wear at the several places and times you have mentioned ?

A.—You had on a short-tailed dark-coloured coat, grey pantaloons, and a black hat, I believe.

Q. by the same—Do you know one Louis Martel, a witness for the prosecution ; if so, what is his general character and reputation ?

A.—I know him ; his general character amongst us is bad ; he keeps liquor to sell, and has a gang of low people about him on Sundays.

Q. by the same—What is the Christian name of the Webb, whose name you have mentioned ; where does he live, and what occupation does he follow ?

A.—His name is Nathan Webb ; he lives at Rousse's Point, and is a merchant.

Q. by the same—At what distance was I from the cannon when you first saw me near the battle ground ?

A.—I should think you were seven or eight rods from the cannon which the rebels had, when I first saw you.

Q. by the Court—At what hour did you start to go to the battle, and how long did it take you to get there ?

A.—It was, I believe, about half-past nine, and it took me about fifteen minutes to go there.

Q. by the same—Was Mott lame when you first saw him in the morning, and was he armed when you saw him the second time ?

A.—He did not appear to be lame at all, nor was he armed.

Q. by the same—Why did Mott run towards the barn, think you, instead of running in the same direction as the rest of the radicals ; did he appear to stagger from drunkenness, or as if wounded ?

A.—I do not know why he ran in that direction ; I take it he staggered from drunkenness, considering the state in which I saw him before.

Q. by the same—Was the barn you saw Mott running to, between you and the camp, or was it at the other side of the camp ?

A.—It was at the other side of the camp.

Q. by the same—Were you in the camp of the rebels before you saw Captain March's company ?

A.—No ; I was not there at all.

AUSTIN MOREHOUSE, of Rousse's Point, inn-keeper, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you visit the battle ground, at Lacolle,

shortly after the battle ; if so, state how long after ; under what circumstances, and whether you saw a cannon there, or not ?

Answer—I visited it immediately after the battle ; I crossed the line to meet the officers of the Volunteers, Colonel Odell and others ; I saw the cannon and some ammunition which had been taken with it ; I was on the ground where the cannon was, about half an hour after the battle.

Q. by the same—How far was the cannon from the lines ; how far from a barn there ; and in going from the cannon to the one and across the other, what direction would you take respectively ?

A.—The cannon was about twenty or twenty-five rods from the lines when I saw it, and about the same distance from the barn ; there was a house nearer the cannon than the barn, which was burnt ; also was another house, some distance farther from the barn, to the south of the barn, between the cannon and the barn ; there were two barns, one east of the cannon, at a considerable distance from it, and the other nearly north of it ; if you had started from the cannon, and gone directly towards the lines, you would not have passed the barn, which was to the north of the cannon ; it would have been out of your way to have passed by the east barn, which is much farther from the cannon than the lines.

Q. by the same—How long have you known me ; what is my disposition and general character ; am I not the father of a numerous family ?

A.—I have known you for ten or twelve years, and never heard anything against you ; you are the father of several children.

Q. by the same—Do you know Louis Martel, the ferryman, a witness for the Crown ; what is his general character ?

A.—I know Martel, the ferryman, at Rousse's Point, and his character is not considered very good.

JOHN VOSBURG, of Caldwell's Manor, farmer, having been brought into Court, and the charge read to him, he is duly sworn and states as follows :—

Question by Mott—Did you see me in the beginning of November last ; if so, state when, where, and how I was dressed ?

Answer—I have already been examined in this cause, and have stated when and where I saw you ; I do not recollect any part of your dress, but your hat, which was black, about half worn, and your coat which was of dark, home-made cloth, and straight-bodied ; I had seen you frequently dressed in the same way before.

Q. by the same—Were there two barns near the battle ground ; if so, in which did you see me ?

A.—I saw but one barn, which was north of the battle ground, and in that we found you.

WILLARD NICOLS, of Noyau, farmer, is recalled into Court, and examined on his former oath.

Question by Mott—Do you or do you not know that I have suffered some time from rheumatism ?

Answer—You have suffered for about a year with rheumatism, so as to make you lame.

The prisoner declares he has no more evidence to adduce, and applies for delay until Saturday, at two o'clock ; to prepare his written defence.

The Court is closed to deliberate.

The Court is opened and delay is granted until Saturday next at ten o'clock.

Four o'clock.—The Court adjourns until Saturday, at ten, A.M. twentieth instant.

FIFTH DAY, *Saturday, April 20, 1839, ten o'clock, A.M.*

The Court meets, pursuant to adjournment. Present the same Members as on Thursday, except Colonel Barnard, reported sick.

It being found that the Court, by the absence of Lieutenant Colonel

Barnard, is reduced below the legal number, it is adjourned until Tuesday next, at eleven o'clock.

SIXTH DAY, *Tuesday, April 23, 1839, eleven, A.M.*

The Court meets. Present the same Members as on Saturday, and from the continued indisposition of Lieutenant Colonel Barnard, is adjourned until Wednesday next, the first proximo, at ten o'clock, to the Mess Room of the Grenadier Guards, in McGill Street.

SEVENTH DAY, *Wednesday, May 1, 1839, eleven o'clock, A.M.*

The Court meets. Present:—

President:

MAJOR GENERAL JOHN CLITHEROW.

Members:

Lieut. Colonel Sir JOHN EUSTACE, K.H.

“ “ HENRY W. BARNARD.

“ “ WILLIAM GRIERSON.

“ “ JAMES CRAUFURD.

Major SAMUEL DELMAN PRITCHARD.

“ HENRY TOWNSEND.

“ ARTHUR W. BIGGS.

Capt. WILLIAM BRUDENELL SMITH.

“ ROBERT MARSH.

“ HENRY ALEXANDER KERR.

“ AUGUSTUS COX.

“ The Hon. GEORGE CADOGAN.

The prisoner applies, by a paper writing, marked C. hereunto annexed, supported by an affidavit, marked D, also annexed, to be

permitted to examine Stephen P. K. Lewis and Michel Boulet, material witnesses in his behalf.

The Court is closed to deliberate thereon.

The Court is opened, and the prisoner is permitted to examine the said S. P. K. Lewis and Michel Boulet, upon the facts alleged in the said affidavit, and no other.

STEPHEN P. K. LEWIS, of Rousse's Point, State of Vermont, a minor, aged seventeen, being brought into Court, and the charge read to him, he is duly sworn, and states as follows:—

Question by Mott—Did you see me on the day previous to the battle of Lacolle, in the month of November last; if so, where, at what hour, and where did I spend the night?

A.—I saw you on the sixth November last, the day before the first battle of Lacolle, at the house of my father, who keeps a tavern at Rousse's Point, in the State of New York; you remained in our house until between eleven and twelve o'clock at night. There had been a gathering of people at our house that day, on account of the State election, which took place there that day; I went to bed after fastening up the house; you were very much intoxicated, and not being able to get you up stairs to bed, we fixed a place for you down stairs, for you to sleep on.

Q. by the same—Could I have left the house during the night without your knowledge?

A.—Yes, you could, for I slept up stairs, and I should not have known it.

Q. by the same—Did you not lock the doors before you went to bed up stairs; if so, did you not take the keys with you?

A.—The doors are not fastened with locks, but by putting something over the latches to keep them down.

Q. by the same—At what hour did you rise in the morning ?

A.—It was late, as I was tired from my previous day's work—perhaps seven or eight o'clock.

Q. by the same—At what distance is your father's house from the Province line ?

A.—It is called two miles.

MICHEL BOULET, of the parish of St. Edouard, farmer, having been brought into Court, and the charge read to him, he is duly sworn, and states as follows :—

Question by Mott—Did you see a party landing small arms at the Province line, near the battle field of Lacolle, during the night which preceded the battle ; if so, state where the arms were landed, when they were landed, and at what hour, and was I present ?

Answer—I did not.

Q. by the same—Did you see a cannon, or any other arms, disembarked on the morning of the battle ; if so, where, at what hour, and was I present ?

A.—I saw a piece of cannon disembarked, just before sunrise, on Wednesday ; you were not present ; I did not know you until you were taken prisoner ; the cannon was disembarked a little on the American side of the line.

Q. by the same—How was the cannon disembarked ; do you know the leader, and how was he dressed ?

A.—By means of a boat or scow ; I cannot say exactly ; I do not know the persons who disembarked it, nor the leader, but he wore a black overcoat, grey hat, and grey trowsers.

Q. by the same—Do you know who fired the cannon at the battle of Lacolle ; if so, was I present or not upon that occasion, and did I, to your knowledge, fire the cannon or not ?

A.—The man whom I described in my last answer fired the cannon ; I did not see you on that occasion.

Q. by the same—Are you positive, that all the shots discharged from the cannon in the battle, were fired by another individual, and not by me ?

A.—They were all fired by another person.

Q. by the same—How long was it after the battle that you first saw me ?

A.—I saw you about three or four, P.M., of the same day.

Q. by the Judge Advocate—How many people were present at the time the cannon was landed, and were they Canadians or Americans ?

A.—About thirty or forty unarmed Canadians were present ; I saw no Americans.

Q. by the same—How many shots were discharged from the cannon during the battle ?

A.—I cannot say.

Q. by the same—Were you a prisoner, at any time during the past autumn or winter, in the gaol of Montreal, and if so, for what ?

[The witness, by permission of the Court, declines answering this question.]

Q. by the same—Were you present at the battle of Lacolle, and if so, what were you doing there, and how near to the cannon ?

[The witness, by permission of the Court, declines answering this question also.]

The evidence for the defence is here closed, and the prisoner proceeds with his written defence, which is hereunto annexed, marked E.

The Judge Advocate's address is here read, and marked F.

The Court is closed.

The Court having maturely weighed and considered the evidence in support of the charges preferred against the prisoner, together with what has been stated in his defence, is of opinion, that he, the prisoner, Benjamin Mott, is guilty of the first charge, that he is guilty of the

second charge, that he is not guilty of the third charge, that he is guilty of the fourth charge.

The Court having found the prisoner, Benjamin Mott, guilty, as above stated, of the first, second, and fourth charges, the same being for offences committed between the first and fifteenth days of November last, in furtherance of the rebellion which had broken out, and was then existing, in this Province of Lower Canada, do sentence him, the prisoner,

Benjamin Mott, to be hanged by the neck till he be dead, at such time and place as His Excellency the Lieutenant General, Governor in Chief, and Commander of the Forces, may appoint.

JOHN CLITHEROW, *Major General,*
President.

D. MONDELET,

CHAS. D. DAY,

ED. MULLER, *Capt. the Royal,*

Joint and severally Deputy Judge Advocate.

A

I, Baptiste Couture, of the Parish of Noyau, in the Province of Lower Canada, of lawful age, do testify and say, that I was in the affray that took place in Odelltown, near the lines, on the seventh day of November, 1838, between the patriots, so called, and the Provincial volunteers. Some days after this, how many I cannot say, I returned to Canada, and I was enquired of, if I was in the affray, as aforesaid, and if Benjamin Mott was there; they stated that he, Mott, was there, and touched off the cannon, and that they knew it, and if I denied it, or did not state so, they would have me sent to Montreal and hung; I then stated that Benjamin Mott was there, and put match to the cannon twice. I further say, that on the first or second day of January, instant, I made a statement to two gentlemen, as I understood, from

Montreal, in substance as above ; I was induced to do so, in the first instance, through fear, and, in the second instance, I was told I must tell the same story to the aforesaid gentlemen that I had previously told, or I would be in danger, &c. I further say, that I did not see Benjamin Mott at the affray, as aforesaid, and did not see him put fire to the cannon, and do not know that I should know him if I should see him. In presence of us, witnesses.

BAPTISTE ^{his} + COUTURE.
mark.

JOHN M. SOWLES,
J. M. MOTT.

Sworn to and subscribed, after being read to the above deponent, in my presence and before me, this twenty-eighth day of January, A.D. 1839, at Alburgh, in the county of Grand Ile, and State of Vermont.

WM. H. LYMAN, *Just. Peace.*

B

STATE OF VERMONT, }
Grand Ile County, S.S. }

{ CLERK'S OFFICE, NORTH HUE,
April 13, A.D. 1839.

I, Joel Allen, Clerk of said Grand Ile County Court, do hereby certify, that William H. Lyman, of Alburgh, is a Justice of the Peace within and for said Grand Ile County, duly qualified and commissioned,—that his term of office commenced on the first day of December, A.D. 1838, and will expire on the last day of November, A.D. 1839.

In testimony whereof, I have hereunto subscribed my name, and affixed the public seal of our said Court, the day and year above written.

JOEL ALLEN, *Clerk.*

C

THE QUEEN

vs.

BENJAMIN MOTT.

Motion on behalf of the prisoner, that he be permitted to examine Stephen P. K. Lewis and Michel Boulet—the first to prove that he, the prisoner, spent the night preceding the battle of Lacolle, at Lewis' tavern, and the second to prove that he was not present at that battle, and other important facts.

Montreal, 1st May, 1839.

D

THE QUEEN

vs.

BENJAMIN MOTT.

DISTRICT OF MONTREAL.

Joseph Mott, of Alburgh, in the State of Vermont, in the United States of America, being duly sworn upon the Holy Evangelists, deposeseth and saith :

That when the defence was closed in this case, he was not aware, nor was his brother, that the depositions of Stephen P. K. Lewis and Michel Boulet were material and necessary to the said defence.

That since that period, the said deponent has learned that the depositions of the two abovenamed witnesses were material and necessary to the defence of his brother, Benjamin Mott, inasmuch as the first witness, Stephen P. K. Lewis, can prove that the said Benjamin Mott remained in his (the said Stephen P. K. Lewis) father's house till twelve o'clock on the night preceding the day on which the first battle of Lacolle took place. And inasmuch, moreover, as the second witness can prove that he was present at the disembarkation of the cannon and small arms referred to, that the said Benjamin Mott was not

present at all when the first battle took place, and that he did not fire the cannon in question. And further the deponent saith not, and hath signed.

J. M. MOTT.

Sworn before me, at Montreal, this first of May, 1839.

E. GUY, J.P.

E

Mr. President and Gentlemen of the Court,

For many months past, I have anxiously looked forward to this day; my hopes increased with its approach, and are now sustained and animated by the arrival of the hour when I am to lay before you, in a connected and comprehensive form, what I consider conclusive evidence and unanswerable arguments in vindication of my innocence. All I ask of you, Gentlemen, at this solemn moment is to hear me patiently, and to grant a favourable attention to what I have to urge in my defence. This is but justice to the accused, and this I feel confident I shall obtain. I shall but allude to those questions of international jurisprudence which might, under other circumstances, be elaborately discussed. *First*, the question how far the subject of a foreign state can become amenable to the general criminal Legislation of another, upon charges such as those upon which I stand arraigned, may be worthy of close and careful consideration at the hands of this Court. *Secondly*, the question how far I may be brought before this tribunal under the special legislation of the Act, 2d Victoria, cap. 2, becomes also very important by its decision in the legal character of my case. It becomes necessary for me to make the Court fully acquainted with the facts of my case, as they are proved almost upon every point conclusively by the evidence for the defence.

On the fourth of November last, I became informed that a collection of armed men was likely to take place at Beech Ridge, and some

disturbance likely to occur there. I had a small farm with a barn upon it in that neighbourhood. I allowed this farm to remain in meadow, and secured a large quantity of hay from it ; out of this I used to realize a considerable amount. Upon hearing this report, I thought it probable my hay would be exposed either to be burned or consumed by the horses of the rebels in such disorderly times. I, therefore, determined to visit the place on the following day, to satisfy my mind upon this point ; I set out, accordingly, late in the afternoon. Arrived there, I found that there was apparently no danger for my property, at least that all was safe, and I returned home, after remaining there a very short time ; and while I was there, I was neither armed nor in any way connected with the assemblage of armed men. No more is heard of me until the morning of the seventh, the day on which the battle took place at Lacolle ; and in order to explain more fully my conduct and appearance upon that occasion, it will be necessary for me to mention to the Court, that on the sixth I left my own house to go to Odelltown, to collect a debt due me there, and to transact some other private business in the immediate neighbourhood. From my own house I proceeded to Windmill Bay, and crossed over to Rousse's Point, on the New York side of the lake. I remained the night of the sixth at Lewis's tavern, and on the following morning I pursued my journey towards Odelltown, by the way of the lake shore, that route being the shortest, and the roads generally better. I regret to say, that when I left Lewis' I was much intoxicated ; I, however, proceeded on foot at about half-past eight o'clock. The roads being very bad, I, in the state in which I unfortunately was, proceeded but very slowly ; after having passed the frontier line, I directed my course across the fields, as affording a shorter and more favourable route. I was now quite near the rebel camp. Before I had advanced far, I heard a cannon fired ; I know not at this moment how often ; seeing the volunteers advancing, and preparations apparently making for an engagement, I remained stationary for some mo-

ments, with some others, who, I believe, were there as spectators. At the first discharge of the cannon, I ran first in an easterly direction, and then turned north, towards the barn, which I thought would be the safest place as a refuge from immediate danger. I reached it, and some time after, two or three individuals came up to the barn. They saw me, and supposing they had discovered one of the sympathisers, called to me, and I joined them, and, as they themselves state, without any hesitation. I then took occasion to protest, that I was going in the direction of Odelltown upon business, and that I was not, nor had been, in connection with the rebels; they, however, led me to Captain March, and thence I was conducted to prison, to stand my trial. Here I may be permitted to enter into a consideration of the evidence adduced upon both sides, in order to shew clearly to the Court how far, in my humble estimation, that for the prosecution contradicts, how far that for the defence substantiates, this statement, at least in every important particular. Ten witnesses have been produced on the part of the Crown.

The first witness, Mr. Scriver, establishes the fact of a battle having taken place on the seventh November last, at Lacolle, between a party composed of American citizens and Canadian refugees, on the one side, and loyal volunteers on the other, and that during this battle, Robert M^cIntyre, one of the volunteers, was killed by a wound received in the groin from a ball discharged either out of a musket or a rifle. Vosburgh and Derby, the next in succession, prove that some short time after the engagement, they found me concealed in a barn, at a short distance from the battle ground, whither they had gone in company with Richard and William Vosburgh,—that one of their party having recognized me, I answered to my name, and being asked as to the cause of my being there, I disclaimed all connection with the rebels and sympathisers, and declared, that on my way to Odelltown, to collect a note due me by a person of the name of M^cAllister, I had been caught in the troubles, and had crept under the

harm for safety, and, moreover, that I affirmed, on my honour, I was perfectly ignorant of the fact that the rebels had marched through Alburgh early that morning, to take up a position in Lacolle. I shall not now refer to the remaining portion of their evidence, but proceed to the testimony of Jean Baptiste Couture and Joseph Noel—the two witnesses on whose statements the prosecutors must have principally, if not solely, relied for the substantiation of the crimes imputed to me.

Couture deposes that I fired the second and third shots which were discharged against the volunteers from a piece of ordnance in possession of the insurgents and their allies—that the discharges were effected by means of a match of lighted wood, which I kept waving in my hand—that when the cannon was fired they, (for Couture acknowledged that he was one of the invading party,) were fighting against the English—and that a fire of musketry was kept up at the same time between the conflicting parties. He refused to designate the clothes I wore, except in so far as he believed them to be of a dark colour, and that I wore a white hat on that occasion.

Joseph Noel, after having stated that he saw me at three o'clock on the morning of the seventh November last, crossing in a boat from the south side of Lake Champlain, in company with seven or eight others, who told him that I was their commander, that he also saw me on the battle ground, at Lacolle, about nine o'clock on the same day, close by the cannon of the rebels, at the moment when the fourth discharge was being fired—that on this occasion, I held in my hand a match, which consisted of a piece of iron at one end, and a piece of wood at the other. He could not name the individual who fired the fourth shot; he was a stout man, and an American. The confusion then became so great, says this witness, that every one got out of the way as fast as possible, and I saw no more of the prisoner. He stated, also, that I wore a blue frock coat on the occasion—then added, that he was not certain, but that, to the best of his belief, I did, and when urged to be specific in the description of the dress of the indivi-

dual whom he pretended to have taken for me, he would only state, in addition to the designation previously given, that I wore boots.

Louis Martel having been brought forward to corroborate the testimony of the two witnesses lastly alluded to, by my supposed conduct on the territory of the United States on the morning of the battle, deposed, that about six or seven o'clock on that morning, forty persons went to his house, saying, they were waiting the arrival of a cannon which was being borne over the water in a *barge* towards that place—that, perceiving the barge drew too much water to approach the shore, the party took possession of the witness' scow, and having rolled the cannon into the scow, conveyed it in this manner into Canada—that I aided in the disembarkation of the cannon, which was effected at a short distance from the Provincial line, and that I was styled Captain by those men, and urged them to be expeditious in their movements.

The seventh witness for the prosecution proves my presence at Cook's house, on the Beech Ridge, on the fifth of November at a time when a party of rebels were assembled there—but adds, that I owned a farm in the immediate neighbourhood. Robert Stephenson and James Morrison prove the death of McIntyre at the battle of Lacolle, and the Reverend John Merlin gives an account of the imperfect examination of the body of that individual, nine days after the death, and asserts that he believes his death to have been occasioned by a wound from a buck shot in the thigh. Thus stood, in substance, the evidence against me, before I entered into my defence. The objections which arise intrinsically out of the testimony of Couture, render it imperative upon you, Gentlemen of the Court, to pause before enregistering a conviction against me, even though I had forborne from adducing a single witness in exculpation. In the first place, the statements of Couture and Noel, who were accomplices in the acts of hostility with which I am accused, required, in law, a strong corroboration before you could rest a sentence of condemnation upon

them, no testimony of record went to support these statements in a positive manner, save that of Louis Martel. But in what light must his testimony have been viewed by you after the incredible assertion, by means of which he obtruded himself upon your attention, before a single question had been propounded to him by the prosecutors ; you heard him swear that destruction had been threatened to himself and family, should he be so bold as to give evidence against me ; and yet, he, an inhabitant of the State of New York, in no wise amenable to your jurisdiction, and with these threats of vengeance hanging over him, his wife and children, stood before you, on the soil of Canada, in the British dominions, to volunteer his evidence against me. A moment's reflection must have led you to enquire, within yourselves, "Why, and for what purposes, did this man come before us ? It cannot be supposed, that he who has long since abandoned the protection of the British Government for that of a foreign power, is so devoted to its interests, as to sacrifice his property, his family, and himself, to their promotion. Strong, then, must have been the inducement which has led this man, if we can believe his story with regard to these threats, to expose all that he holds dear, to death or destitution—and whether such inducement arise from feelings of resentment, or hopes of reward, it must be such as to invalidate testimony. On the other hand, if he come unenticed, his tale must be a false one." Thus must you have reasoned among yourselves, Gentlemen, and in this inevitable dilemma, your discernment, your knowledge of human nature, and your sense of justice, must have led you to the conclusion that you could yield no credence to his testimony. It must appear at once strange and most suspicious to you, Gentlemen, that not one of those loyal volunteers who were in the engagement at Lacolle, have been brought to swear that I worked the cannon upon the occasion—none who could identify me as the man ; none of them would have pretended to do so, none of them could have done so ; but, on the contrary, the prosecutors, to substantiate the charges pre-

ferred against me, were obliged to have recourse to Canadian refugees ; to persons involved in the commission of those crimes with which I stand charged before you—to those, whose life and liberty depended upon the sacrifice of mine. I shall hereafter more especially allude to the character of that evidence ; at present I shall proceed with the discussion of the evidence for the defence.

By the testimony of Lewis L. Sowles, Willard Nichols, and Jasper Cooke, my appearance at Beech Ridge is most satisfactorily accounted for, and my conduct, when there, most minutely detailed. They swear, that I arrived there about three o'clock in the afternoon of the fifth, on horseback, and after some discharges of a cannon in the neighbourhood had been fired. They state my business to have been what I have mentioned above—that I was not armed, or in any way connected with the armed men assembled there ; and I believe it is not stated in the evidence for the prosecution, that I was. Inferences unfavourable to me might have been drawn from that testimony, but any attempt now to draw such inferences must be defeated by the evidence of these men upon the defence. They state, moreover, that I did not remain there more than three quarters of an hour, and then left with Lewis L. Sowles, one of these witnesses, whom I accompanied home.

At this stage of my defence, it becomes my duty to discuss, at some length, the evidence which tends to affect, if not wholly set aside, the testimony of Martel and Couture, two witnesses for the Crown, and the first in order is Couture.

The bad character of this boy is specifically deposed to by Mr. Salls and by Patrick Derrick, both highly respectable men, and living near where Couture resides, and who have had good opportunities of knowing his character. They swear he is much given to lying, and that his habits are bad—that, in short, he is a worthless boy, and entitled to very little, if any, credit. This evidence, taken in connection with the boy's situation, when he first gave his evidence, would be

more than sufficient to cast a doubt over his statements—but happily for me, we have, in his instance, special means for discrediting the testimony he has borne against me. Derrick, Wright, and William H. Lyman, depose, that at the several times and places which they mention, they heard this boy voluntarily declare, that in the battle of Lacolle he was at some distance from the cannon, that he did not know who fired it—that some person had told him it was I, and that he was acquainted with me but very slightly.

The evidence of these individuals is very circumstantial, and they report specifically the same avowals made by the boy. These contradictory declarations, thus fully substantiated, would, perhaps, when taken in connection with the unfavourable considerations abovementioned, entirely set aside his evidence, as wholly undeserving any credit in this case, but, for the complete satisfaction of this Court, I have adduced, if possible, more conclusive testimony upon this important point.

In the month of January last, this same boy, at Alburgh, made a deposition before Mr. Lyman, whom I have mentioned above, in which he swears that any deposition he may have made on this side of the line, was made through fear, and he deposes, generally, as he had declared in the conversation above reported. This deposition was attested to in the presence of two witnesses, and the document has been fully authenticated and filed among the records of this Court. I beg to refer to it as containing and setting forth more fully than I have stated, what he deposed to upon that occasion. William L. Sowles, one of the witnesses, and Mr. Justice Lyman himself, swear that the boy gave his deposition voluntarily, and was sworn, according to the custom of the country; he was made to understand the contents of the deposition, by having it read carefully to him in English, which language he understood, and lest a single expression contained in the deposition should be misunderstood, Mr. Lyman had it translated into French for him; all the requisite formalities were scrupulously ob-

served. The character of this boy, the declarations and deposition above stated, must, in my humble apprehension, entirely invalidate his evidence for the prosecution.

I come now to Lewis Martel, the ferryman. The worthless character of this man has been proved by Mr. Morehouse and by Ezra Marney, and the account they gave of him is in itself almost sufficient to invalidate his testimony—but in addition to this, we have the testimony of Mr. Salls, a British magistrate, whose name I have already mentioned, and who resides in the parish of St. Thomas, near the Province line. He deposes, that during the course of last winter, Martel went to his house, to make a deposition relative to some burnings which were about to take place, as he had heard; while Mr. Salls was in the act of taking down the deposition, or ordering it to be taken down, he asked Martel if he knew me; Martel answered, no, and that he had not seen me at the battle; he added, that his wife told him that while he was absent, on the morning of the seventh, some people came to his place for his scow, to convey a cannon to the battle ground; he stated to Mr. Salls, moreover, that he was absent when the barge was taken, and when the cannon was disembarked, and that he had not seen me that day. This man appears to be a refugee from this Province, on account of some offences of some kind, either political or other. When the Court recollects the character given Martel by Mr. Morehouse and Marney, and considers attentively this voluntary declaration to Mr. Salls, which he was prepared to support by his oath, it will, in my humble apprehension, deem his evidence wholly unworthy of any credit or application in this case. His statement, that he saw me assisting when and where the cannon was disembarked, is, moreover, disproved by the testimony of Ezra Marney, who saw me at the same hour at or near Lewis' tavern. The only remaining evidence worthy of notice is that of Noel: this man's testimony is not affected by considerations of general character, but he was an accomplice in the offences with which I am charged, and,

besides, he has fallen into gross contradictions of himself in giving his evidence. He swears he saw me ferrying over arms at three o'clock on the morning of the seventh; he then states that he saw me on the field, firing the cannon—that he enquired of some person my name, not knowing who I was, as he states, and was told it was I. Now it must be quite manifest, that if this man saw and recognized me, and heard me called Captain Mott, as he pretends, in the morning, surely he would know me again a few hours after.

Ezra Marney swears, that he saw me at Lewis' tavern, a little after seven o'clock in the morning of the seventh of November last. Marney swears that when he saw me there, I was sober; he proceeds to state, that he saw me after this, about half a mile from Lewis', between eight and nine o'clock; I was alone, unarmed, on foot, and very much intoxicated. He swears, that I was then going in the direction of the frontier; he exchanged a few words with me, and passed me; subsequently to this time, he saw me on the battle ground, running east with some others; I was staggering, and fell once; the persons he saw me with appeared to be spectators, as well as myself; he swears he saw me running immediately after, in the direction of the barn, north of the battle ground. This witness swears, that before he himself arrived at the Province line, and before the battle commenced, he had heard six discharges of the cannon. This agrees with the statements of Major Scriver and other Crown witnesses; that subsequent to this, and about a quarter of an hour after, he heard, he thinks, six more discharges fired in close succession; he swears positively, that he saw me running in the direction of the barn, when the first of the last six took place, which, as it appears, were the only shots fired during the battle; he states that I disappeared at the barn, and that he did not see me afterwards,—that those with whom I was seen running, in the first instance, crossed the frontier line, and, like myself, appeared to be spectators of the scene. This is clear, uncontradicted testimony, and, supposing Couture's, Noel's, and Martel's

evidence to be set aside, as I humbly conceive it must be, it sufficiently explains my appearance and conduct upon this occasion, and will, most assuredly, satisfy this Court, that I was not there aiding and assisting the rebels, as is pretended. It has been proved, that the cannon was about half way between the barn, where I concealed myself, and the frontier. It has been proved, likewise, that I first ran in the direction of the line. Now, had I been there, assisting in these transactions, it must be manifest to the Court that I would have had every inducement to escape over the lines, where I should have been safe from arrest and punishment; but instead of that, I ran to the barn, where I found a refuge from present danger, and where I must have been quite certain I should be seen after the battle was over. But, Gentlemen, the truth is, I was not apprehensive of being arrested; I sought safety for the moment, and did not entertain any fears about subsequent discovery; I never could have imagined that I should have been brought before a tribunal of justice, charged with murder and with furthering the rebellion which had then broken out in this Province. As to the charge of murder, I would respectfully remark, that there is no murder proved—and I need not dwell at any length upon the legal insufficiency of the evidence adduced to prove it.

To resume, out of three witnesses, whose testimony tended to substantiate the charge of having aided in the rebellion, as preferred against me, two, namely Couture and Martel, have been clearly and satisfactorily proved by my witnesses to be unworthy of your credence. The position in which Noel stands before you, as an accomplice in the crimes imputed to me, the fact of his life being saved by giving such evidence before you as might have endangered mine, added to the contradiction apparent upon his testimony, and more than all, the positive rebuttal of that testimony by three disinterested witnesses, Lewis, Marney, and Boulet, must cause its total rejection. But supposing every portion of this man's testimony should be believed by you, Gentlemen of the Court, it will still remain unsupported before

you, and, therefore, inadequate to serve as a basis of conviction against me. It may not be said that the testimony of Ezra Marney goes to corroborate Noel's statements, for so far from having that effect, it establishes most positively, that I fled towards the barn, at the moment of the attack, when the first volley of musketry and the first discharge of cannon which took place during the action, were being fired, that I was at a distance from the cannon, with other spectators on this side of the line, before the battle began, and that I appeared to be wholly unconnected with the rebels. On the whole, the evidence, as it now stands, is not such as could amount to positive, nay to presumptive proof, of any proposition, how unimportant soever in its nature or consequences. I will, therefore, not do you the injustice of expressing the slightest apprehension that you could, by any possibility, consider it sufficient to support the charge upon which depends the fate of a fellow-creature. I shall forbear from appealing to those feelings which could be so easily excited in the breasts of generous men, by the many and melancholy considerations which naturally spring from the awful situation in which I am placed. My case requires nought but a cool, a calm, and unprejudiced consideration to ensure me an acquittal. I demand nought but justice at your hands, and in the hope of obtaining that justice which British judges have hitherto prided themselves in dispensing, with equal impartiality, as well to the subjects of foreign powers, when called to answer before their tribunal, as to their own countrymen, I leave my fate in your disposal.

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ADDRESS OF THE JUDGE ADVOCATE.

May it please the Court,

The case of the prisoner, Benjamin Mott, resembles, in its general features, one, and one only, which has already been submitted to you. He stands arraigned upon four distinct charges, all alleging offences

to have been committed in the seigniory of Lacolle, on the seventh day of November last, in furtherance of the rebellion.

The first of these charges is, in general terms, for having aided and assisted in the rebellion. The second, for having prepared and levied war against our Lady the Queen. The third, for having, with others, murdered one Robert M'Intyre, by a gun shot wound. And the fourth, for having been present, aiding and abetting, when the said Robert M'Intyre was murdered in the manner stated.

Before proceeding to the evidence of this case, it may not be improper to call to the attention of the Court, that the first two charges are based upon the Ordinance for the suppression of the rebellion, and to observe that all offences committed in furtherance of that rebellion, and all persons aiding and assisting therein, since the first November last, fall clearly within the jurisdiction of this Court, whether they be subjects of the British Crown, or citizens of a foreign State. This opinion is justified by the express terms of the Ordinance, and it is also justified by its manifest spirit and intent. For, indeed, what position could be more absurd than that the law would permit an unprincipled adventurer from a foreign State to lend his most active and mischievous efforts to the cause of rebellion and civil war with impunity, while, for the same conduct, it visits the subject with the most terrible punishment which offended justice can inflict.

In considering the evidence, we shall depart from the order in which the witnesses have been brought up, and adopt one which will present it in a more connected and clearer form.

As to the fact, that a battle was fought on the seventh November last, in the seigniory of Lacolle, between a considerable body of the rebels and the Queen's forces, it is abundantly established by all the witnesses for the prosecution, except Marney and Mr. Merlin—eight in number. The enquiry, of so much importance to the prisoner, whether he was present in any manner assisting in this battle, we shall commence, by adverting to the evidence of Noel, who states that he

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first saw him at three o'clock on the morning of the seventh. He was in a boat with seven or eight others, conveying a quantity of arms from the United States to this Province, in which they were landed in the immediate vicinity of the battle ground at Lacolle. The witness did not know Mott, but on enquiry from the people with him, who commanded, they said, that he was Mott, and pointed him out; it was, however, too dark for the witness to distinguish his features, and he does not swear that the man whom he then saw is the prisoner before the Court. We next hear of him from the ferryman, Martel, who swears he saw him with some forty men, on the day of the first battle at Lacolle, about six or seven in the morning, engaged with a cannon, which had been brought from the United States, and which they were disembarking near the battle ground. This witness cannot state the day of the month or of the week, nor yet the month itself, in which he saw Mott, but there can be no doubt, from his evidence taken concurrently with that of the other witnesses, that the day on which he saw Mott, whom he knows well, was the seventh November last, on which day the first battle took place.

Our next information shews us the prisoner at between nine and ten o'clock of the same day (the seventh) engaged in the battle against the Queen's forces. Two witnesses, Jean Baptiste Couture and the man Noel, already mentioned, depose to having seen him there. Couture, who is well acquainted with the prisoner, having formerly been in his service, saw him twice discharge the cannon, at the commencement of the battle; he speaks of him circumstantially, was within a few yards distance of him, and states that the second and third shots were fired by him. The witness, Noel, saw him during the battle, as the fourth discharge of the cannon was about being made. He did not recognize him, although he had been pointed out to him in the morning; Mott was then standing by the gun with an unlighted match in his hand. The witness asked his name, and was told it was Mott. He perfectly recognizes the prisoner to be the man whom he then saw.

It does not appear from this witness, whose testimony relates to a period subsequent to that included by Couture's evidence, that the fourth discharge of the cannon was made by Mott.

The evidence thus detailed, appears to us to preclude every doubt of the willing and active presence of the prisoner in the battle; but there is something still to be added. We learn from the depositions of Derby and Vosburgh, that some three or four hours after the firing had ceased, they visited the ground, and then discovered the prisoner concealed under a barn, which, as appears from other witnesses, had been in possession of the rebel force, and was occupied for the horses of their cavalry. Mott's first exclamation upon finding himself discovered, was "Yes, boys, it is I, but I am none of your patriots;" he added, in explanation of his being there, that he had come over to collect a note from one M^r.Allister, and being alarmed by the firing, had concealed himself. As to the presumption arising from this exclamation, anticipating and repelling a charge that was not made, connected with the fact of his concealment in that place, and the sensible answer given by Derby, that if he (the prisoner) had got up and walked quietly away, as an honest man attending to his own business would have done, he probably might have escaped, we leave it, without remark, to the judgment of the Court. It is enough to say that the testimony of these last two witnesses, is strongly corroborative of the preceding evidence. Another witness for the prosecution, named Mannie, has deposed to having seen Mott mingling familiarly with a large body of rebels on the fifth November, at Caldwell's Manor, where the witness was held a prisoner, under the orders of the notorious Bryant. His testimony tends to shew, that the presence of Mott with the rebel force at Lacolle was not accidental, but merely a continuance of his previous intelligence with them. Such is the evidence bearing on the first two charges.

In considering it as applicable to the last two, it must be connected with proof of the death of Robert M^r.Intyre, in the battle on the seventh

November, and for this purpose, we direct the attention of the Court to the testimony of Colonel Sriver, Stephenson, and the Reverend Mr. Merlin. The first of these witnesses states, in reference to this subject, that on the advance of his men toward the rebel camp, and when they had approached to within one hundred and fifty yards of some buildings occupied by the enemy, Robert M^cIntyre, one of his men, and then within three feet of him, was struck, either by a rifle or musket ball, in the lower part of the body, near the groin, as the deponent believes, from having seen the blood flow. On falling, M^cIntyre exclaimed, "I am a dead man!" and in about ten or fifteen minutes, the witness returned and found the unfortunate man quite dead.

Stephenson, a loyal volunteer in the same corps with M^cIntyre, strongly corroborates this testimony, and adds, that the body of M^cIntyre was taken to the barracks of Odelltown, after the battle, and buried on the following day. It was disinterred about a week afterwards, and taken to Hemmingford, where it was examined by the Reverend Mr. Merlin, who states, that the mortal wound was from a musket ball received in the inside of the right thigh, close up to the body, and must have caused death by cutting the femoral artery. The body does not appear to have been examined by any professional surgeon, but this last witness declares himself possessed of sufficient surgical skill to form a correct opinion of the cause of M^cIntyre's death. The evidence on this point we consider complete.

We now turn to the defence, which is entitled to a particularly serious and patient consideration at our hands. It commences with the deposition of Lewis Sowles, Willard Nichols, and Jasper Cooke—intended, we presume, to explain the statements of Francis Mannie, that he saw Mott at Beech Ridge, on the fifth November. The testimony of these three witnesses for the defence, the first two of whom, Sowles and Nichols, by no means account satisfactorily for their own presence there, does not appear to us, in any degree, to affect the evidence of

Mannie, which still shews all that it was ever intended to shew, that, previously to the battle of Lacolle, the prisoner had been seen in free and familiar intercourse with the rebel force, under a leader named Bryant, who was afterwards also at that battle. The next step in the defence is more important; it is directed against the credibility of Louis Martel, the ferryman, and the boy Couture, two principal witnesses for the prosecution. For the purpose of impeaching the testimony of the former of those witnesses,—Martel,—David E. Salls, a magistrate of Caldwell's Manor, is brought up to state that Martel, in answer to some questions proposed by him casually while writing down his deposition, on a matter totally unconnected with Mott, and before an oath had been administered to him, said, that on the morning of the battle, when he was absent from home, some persons had come and taken away his (Martel's) scow, to land a cannon; that he went down to the place to which the scow had been taken, and there saw some rails which had been placed over a marsh, as if to land a cannon; and that he did not see Mott at all that day. It is to be observed, in relation to this statement, that a strict application of the rules of evidence would have excluded it altogether; for it is a principle sufficiently well settled, that a defendant intending to impeach the credibility of a witness by proving former declarations, contradicting those given under oath, must first cross-examine the witness himself, as to such declarations, in order that he may have an opportunity of denying that he made them, or of explaining under what circumstances and motive they were made. This is a just rule, and equally necessary for the protection of the witness, and the instruction of the Court. Had it been observed in the present instance, it is probable that the witness would have admitted the truth of Sowles' statements, and have satisfactorily accounted for the declaration then made by him, and indeed in the absence of his own direct explanation, we find enough of record to afford a key to his conduct. We learn from Sowles, that Martel was brought over by Colonel M'Allum, to give a

deposition concerning some threatened burnings, but that he gave scanty and unimportant information, based upon general report, and told him (Sowles) that Weldon, his landlord, had threatened to burn him and his family out, if he made any disclosures in Canada ; and, in fact, so cautious and reserved did he appear to have been, that Sowles said he came to the conclusion, that the man's object was rather to see what he could find out, than to tell any thing. After reflecting a moment upon these circumstances, it could not be expected, that this man, with alarming menaces pending over him, and feeling the necessity of extreme caution, even on the subject concerning which he came to depose, would voluntarily accuse, to one whom he never saw before, an individual, to the vengeance of whose friends he and his family were every day exposed. The strength of his feeling on this subject was clearly exhibited by his claiming, previously to his giving evidence before this Court, its protection, in consequence of menaces of the same character, and coming from the same source with those detailed by Sowles. In addition to this evidence, in impeachment of Martel's testimony, Marney and Morehouse have been examined, the former says his character is bad, because he sells liquor, and has a set of low people about him on Sundays. The latter says his character is not good, without assigning any reason. The Court will, without doubt, give to the whole of this evidence its due weight, but in the absence of all inducement or motive in this man to swear falsely, we cannot see in it any sufficient ground for distrusting the truth of his testimony. As to Couture his credibility has been assailed with materials generally similar to those used against Martel, but of a far more formidable and embarrassing character. The facts established against this boy are, first, that he said in the presence of one Derrick, in answer to certain questions from Mott's brother, who had come to examine him on the subject, that he knew Mott, the prisoner, a little, but that he did not see him fire the cannon, and that he had said he did see him, because a man told him it was Mott who fired it.

Secondly, That he told one White, of Alburgh, that he did not know Mott, and did not know who fired the cannon. He then appeared distressed, and to have been crying.

Thirdly, That he made a similar statement, about the same time, at Alburgh, and frequently repeated it in the presence of Lyman.

Fourthly, That in the month of January last, he gave a certain deposition, before the last named witness, conformable to his previous declaration, and

Fifthly, That his character is extremely bad.

We shall touch very briefly on these several facts. With regard to the three statements made to Derrick, White, and Lyman, which were not under oath, they are liable to the same observation which we have applied to those of Martel, viz. that the witness should himself have been cross-examined upon them, in order to afford him an opportunity of denial or explanation; and we may farther add, what he, probably, would himself have said, and what, in fact, is shewn by the record, that at each time when he made these statements, he was in a position to be powerfully influenced against accusing the prisoner. It is to be remembered, that he is but a boy, and that, in the first instance, he was questioned by the brother of the man whom he had accused, and in the other two instances was at Alburgh, Mott's own place of residence, in a foreign State, and surrounded by those who sympathized to a greater or less degree, not only with the prisoner, but with the cause in which he is charged with having been engaged.

As to the deposition given by Couture, at Alburgh, it was attended with circumstances which must go far to destroy its effect in impeaching his testimony. We find, that a brother of the prisoner having been informed that Couture had made a deposition which was the only cause of his detention, took the boy to Alburgh, and afterwards to Plattsburgh, with the object, as he believed, of preventing his return to this country in time to give evidence on Mott's trial. On their arrival at Alburgh, a deposition was taken at the office of one Hazen, in the

presence of some ten or twelve people assembled there, the oath having been administered by a Magistrate, named Lyman, sent for, for the purpose. Upon these facts we would make three remarks. *First*, That there has, evidently, been a gross and unjustifiable tampering with this witness, exposing a design to suppress or neutralize his evidence, and to interfere with the course of justice. Such conduct is highly reprehensible in all concerned in it, but chiefly in the Magistrate who lent himself to the scheme. His reception of the deposition, knowing, as he did, the youth of the deponent, that he was a British subject, and that he had already given a deposition before a Magistrate in this Province, was to the last degree improper, and justifies the Court in distrusting his good faith, and regarding his evidence with a suspicious eye.

Second, That the circumstances under which the boy found himself—away from home—in the power of the prisoner's brother—surrounded by strangers, and *worried (tourmenté)*, as he expresses himself, into compliance, would sufficiently account for his having made the declarations in question, or indeed any other declarations which might have been suggested to him. His statement, that he did not know what the paper, to which he affixed his mark, contained, might be made with truth by one who cannot read or write, for he could only know the contents by the information of others, and that information he may, with good reason, have regarded with little confidence, or altogether rejected. As to his allegation, that he did not make oath to the paper, it does not necessarily expose him to the imputation of intentional falsehood, for the oath was administered in a foreign tongue, with which he was imperfectly acquainted, and in a way strange and unknown to him—in a manner different from any he had ever seen—and different from that in which it had been administered to himself in this Court. By one so ignorant, it is not unlikely that the swearing without a book was believed to be no swearing at all; and this supposition is confirmed by his statement, that they wanted him to swear

and he would not, and the testimony of Sowles, that he was told that he might have a book to swear upon, which he declined.

Third, No one fact deposed to by Couture has been contradicted, though several are of record, the sufficient contradiction of any one of which would have settled the question of his credibility: there is, for instance, his positive assertion, that two years ago, he and his father were in the employment of the prisoner; this, if untrue, might easily have been contradicted by any of Mott's family, which is proved to be numerous, by any domestic of his house, or by his neighbours—such contradiction would have gone further to destroy the witness' credit, than all that has been proved concerning him. Again, he has said that he stated to Mott's farmer, in his (Mott's) old house, that he had seen him fire the cannon. Why is the farmer not brought up to contradict this statement, if he could do so?

The general character of Couture is stated to be bad, and his reputation for veracity is certainly not an enviable one. It must, indeed, in justice be declared, that the facility with which he yielded to the influences about him, precludes the supposition of his possessing any high qualities of integrity or steady principle, and the conclusion cannot fairly be avoided that he is entitled to credit only when his statements concur with those of others, or bear within themselves, from their minute detail, consistency and other features, intrinsic evidence of truth. We have thus endeavoured to expose to the Court the more prominent grounds upon which its opinion may be formed, whether it will believe Couture at all, and if so, under what modification, and to what extent it will believe him. We have dwelt, perhaps, unnecessarily upon the credibility of this witness, as his evidence might be entirely disregarded without material injury to the case. The only remaining witness of importance is Ezra Marney, and he contradicts, or appears to contradict, the evidence of the Crown witness, Noel, whose character stands unimpeached; his deposition demands some little attention. The question at issue between Marney and Noel is, whether Mott ran

before the discharge of the cannon, during the battle, or after. It is to be observed of Marney's testimony, that it differs from that of all the other witnesses as to the number of shots fired. He says six were fired before the battle, and six after it had begun ; in this he is contradicted by Colonel Scriver, Noel, and Couture, whose statements coincide ; but we take the evidence of Colonel Scriver on this point, as that to which the Court, from his situation and rank, as well as from his opportunities for observing, will be disposed to accord the most perfect credit. He says, that on arriving within two and a half miles of the rebel camp, he heard the report of a cannon—that it was fired three times before he came up—that on arriving within a quarter of a mile of the camp, a round of grape was discharged from it upon his men, and that he then ordered them to advance, and the firing of musketry began. He states distinctly and positively that the cannon was fired three times before the battle, and three times after it began—six times in all. Noel states that he saw Mott standing by the cannon with an unlighted match, when it was fired the fourth time, and that the confusion *then* became so great, *from the firing*, that he went away, and saw Mott no more. Now, it is evident that this fourth shot of Noel is also the fourth shot of Colonel Scriver, which was fired when he was a quarter of a mile distant from the rebel camp, before any discharge of musketry had taken place, and was, in fact, the commencement of the battle, while the discharge of which Marney speaks as having been made after Mott ran, took place after two volleys of musketry had been fired, and must have been the fifth or sixth shot. As to the statement of this witness, that six shots were fired after the battle begun, although we are not disposed to impute to him any intentional falsehoods, yet we feel satisfied, from the reasons already alleged, that he is in error.

The fourth shot spoken of by Noel, was preceded by the two mentioned by Couture, who specifically states that the action commenced with the firing of the cannon, evidently considering it commenced by the

first discharge which Colonel Sriver heard, when at two and a half miles distance, and the statement of the boy is perfectly consistent with probability, for it cannot be supposed that an armed force, possessing the advantage of artillery, would permit the enemy to approach within musket shot, without availing themselves of it.

Before leaving this witness, Marney, we must remark, that had the case required support, it would have been found in his testimony, for he clearly proves the presence of Mott in the rebel camp, during the battle, and the explanation which he afterwards adds, that he was running with other Americans, spectators, is not satisfactory. For we are not disposed to accord, that idle curiosity is either a probable motive, or a sufficient justification for countenancing traitors, by a presence in their camp, while they are actually waging battle against the constituted authorities of the country.

Of the witnesses examined this morning, the one, Lewis, has stated nothing requiring notice, except that he confirms Marney, as to the prisoner having been intoxicated, a fact, although it cannot affect the legal question of guilt, may, perhaps, be considered to soften it, in a moral point of view. The evidence of the other, Boulet, is liable to objection, on the score of vagueness; his presence either at the landing of the cannon, or at the battle, is not distinctly established, and his statements, therefore, cannot be received as of sufficient weight, to contradict those of persons whose means of personal knowledge are fully disclosed, as is the case with Noel, Martel, and Couture. This important defect in his testimony, coupled with his indirect admissions and the refusal to answer questions to which an innocent man might, fearlessly reply, justifies us in declaring our opinion, that little faith can be placed in his statements.

We have deemed it proper to submit this case to the Court, with a somewhat tedious minuteness of detail, in order to render it as plain as its intrinsic and embarrassing nature would permit; and we would remark, in conclusion, that notwithstanding the difficulties it might seem,

at the first view, to present, yet that its leading facts, as drawn from the various witnesses, are singularly coincident with each other, and support one another in a manner which renders it extremely hard to believe that this unfortunate man is not guilty of the offences wherewith he is charged.

The question of his guilt or innocence, so pregnant with awful consequences to him, we leave to the enlightened judgment of the Court.

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THE QUEEN,

vs.

LOUIS DEFAILLETTE	of St. Cyprien.
JACQUES DAVID HEBERT	of ditto.
DAVID DEMERS	of ditto.
THOS. SUPRENANT DIT LAFONTAINE,	of St. Phillippe.
FRANÇOIS SURPRENANT	of ditto.
HYPOLITE LANCTOT	of St. Remi.
LOUIS PINSONNAULT	of St. Edouard.
RENE' PINSONNAULT.	of ditto.
ETIENNE LANGUEDOC	of ditto.
BENONI VERDON	of ditto
ETIENNE LANGLOIS	of St. Marguerite de Blairfindie.

These prisoners were brought before the Court Martial, consisting of the same Members as composed the Court in the case of the Queen vs. Levesque et al. ; and tried upon charges precisely the same as in that case (see vol. 1, page 149).

The evidence for the prosecution established the same facts as were proved in that case, concerning the treasonable assemblage at Napierville on the third and following days of November, and connected all the prisoners with it.

The preliminary objections and plea, to the jurisdiction, produced in all the foregoing cases were also made in this. The line of defence was substantially similar to that in the case referred to.

The evidence for the prosecution commenced on the twelfth March, and concluded on the thirteenth, at three, P.M. That for the defence commenced on the fifteenth March, at noon, and on the nineteenth instant, at eleven, A.M. it was closed, and the Judge Advocate's address read. All the prisoners were found guilty of the charge, and sentenced to death ; but T. Surprenant dit Lafontaine, and Benoni Verdon were recommended to mercy.

THE QUEEN,

vs.

CHARLES MONDAT of St. Constant.
 CLOVIS PATENAUDE of ditto.
 MOYSE LONGTIN, FILS DE JACQUES of ditto.

These prisoners were brought before the Court (Members the same as in the case of Levesque et al.—see vol. 1, page, 149) upon charges precisely similar to those on which Joseph Robert et al. were arraigned (see vol.1, pages 228-229). The same preliminary objections and plea were offered ; also, a special plea of idiocy, in behalf of the prisoner, Mondat, which, being unsupported by evidence, was overruled.

The evidence for the prosecution commenced on the twentieth March, and was concluded on the same day. That for the defence began on the twenty-second, and closed on the same day, at three, P.M. The written addresses, and the Judge Advocate's summing up, were read on the following day, at two, P.M. and the Court found all the prisoners guilty of the first charge ; also, Charles Mondat and Moyse Longtin fils de St. Jacques, of the second, but acquitted Clovis Patenaude thereof.

Sentence of death having been passed, Charles Mondat was recommended for a commutation of punishment.

THE QUEEN,

VS.

MICHEL ALLARY	of St. Clement.
JOSEPH GOYETTE	of ditto.
LOUIS HAINAULT	of ditto.
BASILE ROY	of ditto.
JOSEPH ROY	of ditto.
JOSEPH ROY DIT LAPENSEE FILS DE LOUIS,	of ditto.
EDOUARD TREMBLAY	of ditto.
PHILLIPPE TREMBLAY	of ditto.
FRANÇOIS VALLEE	of St. Martine.
CONSTANT BUISSON	of ditto.
CHARLES BERGEVIN DIT LANGEVIN, père	of ditto.
ANTOINE CHARBONNEAU	of St. Timothé.
JOSEPH COUSINEAU	of ditto.
FRANÇOIS DION	of ditto.
LOUIS JULIEN	of ditto.
JEAN BTE. TRUELLE	of Chateauguay.
MOSES DALTON	of ditto.
SAMUEL NEWCOMBE	of ditto.
JEREMIE ROCHON	of St. Vincent de Paul.

The prisoners were brought before the Court, (Members the same as in the case of Perrigo et al.—see vol. 2, page 141,) upon the same charge as in that case, except that the parishes of Chateauguay, and St. Martine, were added to that of St. Clement. The same preliminary objections were offered, as in that case. The prosecution began on the twenty-fifth March, and closed on the twenty-seventh, at one, P.M. The evidence for the defence commenced on the second April, and was concluded on the fifth, at three, P.M.

The written addresses of the prisoners, and the Judge Advocate's summing up were read on the eighth April, and all the prisoners were found guilty of the charge preferred.

Sentence of death being passed, Louis Hainault, Edouard Tremblay, and Phillippe Tremblay, were recommended for a commutation of punishment.

{ HEAD QUARTERS,
} *Montreal, 6th May, 1839.*

GENERAL ORDER.

No. 2.—The Governor General and Commander of the Forces, cannot dissolve the General Court Martial, of which Major General Clitherow is President, without conveying to the President, Members, and Deputy Judge Advocates of the Court, the expression of his thanks, for the exemplary assiduity and patient investigation with which they have discharged a most painful and important duty.

The General Court Martial, of which Major General Clitherow is President, is dissolved.

JOHN EDEN,
D. A. G.

(A true Copy.)

COLIN MACDONALD,
Town Major.

Advocate's sum-
prisoners were

ard Tremblay,
ommutation of

APPENDIX.

EXTRA-JUDICIAL DEPOSITIONS, &c.

(No. 1.)

RTERS,
May, 1839.

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Major General
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EDEN,
D. A. G.

MONTREAL,

L'examen volontaire de François Maurice Lepailleur, Huissier de la Paroisse de Chateauguay dit et déclare ce qui suit :—Je suis âgé de 32 ans. Vendredi dernier dans l'après midi vers deux heures j'ai reçu ordre de Joseph Duquette du même lieu Clerc Notaire, d'envoyer avertir à St. Timothé de Beauharnois, de se préparer pour un soulèvement générale des habitants la nuit suivante,—je suis allé moi même et ai averti Mr. Prieur, Marchand, ainsi que Charles et François Rapin, de se tenir prêt pour la nuit suivante (c'est-à-dire hier.)

Je suis revenu à Chateauguay hier matin et à la réquisition du dit Duquette ainsi que d'Henri Newcomb et Joseph Cardinal, Notaire de l'endroit, je suis allé faire une levée d'Armes dans la Rivière Chateauguay, et en ai obtenu environ vingt. Je les ai seulement empruntés—je suis bien informé que tout les ordres qui ont été donnés procédant du Docteur Robert Nelson qui est dans les Etats Unis. Hier vers les trois heures de l'après midi nous avons fait sommer les habitants des différentes côtes de venir nous joindre pour aller prendre St. Clement de Beauharnois ; après nous être rassemblés au nombre d'environ deux cent cinquante, nous nous décidâmes à ne pas marcher sur St. Clement mais d'aller à Laprairie, enfin nous abandonnâmes ce projet et fumes au Sault St. Louis afin d'essayer à engager les Sauvages à faire cause commune avec nous ou de se tenir tranquille et nous prêter leurs armes,—avant notre départ hier soir vers sept heures je fus à la Côte Ste. Marguerite le lieu du rendez-vous, afin d'envoyer cent hom-

mes à Laprairie et autant à St. Clement s'ils s'en trouvaient assez.—Il n'y avait point assez de monde pour effectuer ceci et j'ai reçu ordre du dit Joseph Duquette, par le dit Henri Newcomb de me rendre aussitôt à Chateauguay a la Rivière. Nous nous y rendimes en effet, et la le dit Joseph Duquette nous dit que puisque nous n'allions ni à St. Clement ni à Laprairie, qu'il fallait au moins aller faire une levée d'armes. Nous descendimes alors la rivière et fimes une levée d'armes, rendus au bas de la Rivière nous nous décidâmes a aller à Beauharnois—nous abandonnâmes ce projet, et ensuite nous partimes pour le Sault St. Louis comme je l'ai déjà dit.

J'ai prêté le serment de "discretion" c'est-à-dire de garder secret tout ce qui se passerait dans la Société des "Frères Chasseurs," ce serment me fut administré par le dit Joseph Duquette.

Le plan du Docteur Nelson est de se faire frayer un chemin entre Swanton et Laprairie pour les Canadiens, afin de marcher sur ce point avec une force de Volontaires Américains afin de s'emparer plus tard de tout le Sud jusqu'à Sorel.

Il y a je crois des loges de frères chasseurs dans toutes les Paroisses ; Jeudi dernier au soir j'ai reçu une lettre adressée à notre loge à Chateauguay qui est composée de moi même, Joseph Duquette, Henri Newcomb, Samuel Newcomb et de plusieurs autres qui avoient prêté le serment,—cette lettre me fut livrée par le jeune Ducharme de Lachine, fils de Ducharme qui a le bras coupé et qui je crois se nomme Timoleon.

Je l'ai lue et l'ai livrée ensuite à Henri Newcomb, elle fut ensuite livrée à Duquette le chef de la loge et je crois qu'elle est maintenant détruite. Cette lettre nous disoit qu'il fallait se lever Samedi (hier) qu'il fallait marcher sur St. Clement, et la se saisir de Messrs. Ellice, Brown et autres personnes notables de l'endroit et les faire prisonniers, qu'il fallait aussi s'emparer des Steam Boats du Côté Sud de la Rivière, afin d'oter les communications. Prieur est venu à Chateauguay hier et a eu information du contenu de la lettre en question, cette lettre venait au meilleur de ma memoire du "Commandant en Chef" qui je crois est le Docteur Nelson.

Je sais que le but de tout cela était de renverser le Gouvernement pour obtenir l'Inépendance.

F. M. LA PALLIEUR.

Reconnu devant moi,
ce 4 Novembre, 1838.

P. E. LECLERE, J. P. }

(No. 2.)

MONTREAL.

Louis Bourdon, cultivateur, de la paroisse de St. Césaire, après serment prêté sur les Saints Evangiles dépose et dit, dans le mois d'Aout dernier je suis venu à Montréal ou je vis le nommé Celestin Beausoliel, qui me demanda si j'étais toujours patriote et si je pouvais garder un secret. Je lui répondit que oui. Il m'administra alors le serment secret et me chargea de l'administrer aux habitants de St. Césaire. Je l'ai administré à une dizaine de personnes à St. Césaire. Comme je ne tenais point de liste je ne puis me rappeler le nom d'aucunes de des personnes. Beausoliel ma dit qu'il y avait des loges établies dans toute la Province, et qu'il devait y avoir un soulèvement générale au commencement d'Octobre. Il ma dit aussi qu'il n'était point décidé encore si les loyaux devaient être tués ou faits prisonniers.

Dans le cours d'Octobre dernier le nommé E. E. Malhiot, ci-devant étudiant en droit à Montréal, vint à Ste. Marie ou je le vis. Il m'informa qu'il avait été député par un Comité, à la tête duquel était le Dr. Robert Nelson, le Dr. Cote, et Julien Gagnon, pour établir par toute la Province, des loges de frères chasseurs. Il m'a dit aussi alors qu'il y en avait déjà d'établis dans toutes les paroisses au sud du fleuve St. Laurent. Il me chargea alors d'obtenir des souscriptions afin de subvenir aux dépenses. Il me dit que le Gouvernement Americain était contr'eux mais que le peuple était pour eux. Onze paroisses du Sud devaient attaquer Chambly, et s'en emparer, au nombre des quelles se trouvaient Longueuil, Boucherville, Varennes, Belœil, St. Mathias, Ste. Marie, St. Césaire, St. Denis, et L'Acadie. Les autres paroisses au nord et au sud du Richelieu devaient aller attaquer Sorel. Nelson, Cote et Gagnon, devaient venir avec des Americains et des Canadiens prendre St. Jean, et se rendre à Chambly. Le deux dece mois, dans la nuit, il fut distribué aux habitants de St. Césaire, vingt-cinq fusils Americains, huit bayonnettes et un quart de poudre en cartouches.

On m'a informé que ces fusils avaient été achetés par Jean Bte. Tetro, aubergiste de St. Marie, pour les gens de sa paroisse.

On m'a informé aussi que les gens de Ste. Marie n'avaient point voulu s'en servir trouvant qu'il y en avait trop peu et qu'en consequence Tetro les avaient envoyés aux gens de St. Césaire, ces armes étaient déposés dans la paroisse de St. Césaire, sur un grenier à foin à un endroit appelé "Les dix Terres."

Vers le milieu d'Octobre, le dit Malhoit revint à St. Césaire et m'informa que si le soulèvement n'avait point eu lieu plutôt c'était parce que les fregattes étaient encore dans le port de Québec, mais il ajouta qu'il aurait lieu avant le 15 Novembre. Il me recommanda,

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LA PALLIEUR.

alors d'amasser autant de souscriptions que possible vu qu'ils manquaient d'argent. Dans ma capacité de trésorier j'ai réussi à ramasser dix sept piastres et demi que je livrai au dit Tetro qui les porta avec ce qu'il avait lui même ramassé comme Trésorier, au dit Comité. J'ai en ce moment dix sept autres piastres que j'ai ramassés sur prétexte de soutenir les exilés.

Jeudi, le premier de Novembre, le dit Tetro m'a envoyé chercher me disant qu'il venait des Etats ou il avait vu le Docteur Nelson lequel lui avait ordonné, de se soulever Samedi, le trois Novembre, dans la nuit. Il me dit aussi que le dit E. E. Malhiot était revenu avec lui et qu'il devait la même nuit prendre le commandement d'un parti pour prendre Sorel, et que quant à nous nous devions prendre Chambly; que ceux qui n'avaient point d'armes traverseraient en bas de Chambly et attendraient le jour dans des granges ou des armes leur seraient envoyés. Que rendus à Chambly nous devions nous tenir prêts et qu'on verrait pour signal une batisse en feu à St. Jean et que des exprès nous seraient envoyés pour nous donner des ordres ultérieurs. Je laissai le dit Tétro et je retournai à St. Césaire. Le lendemain soir (Samedi, le 3) vers les six heures, environ deux cents personnes de St. Césaire (dont j'étais du nombre,) se rendirent, vis-à-vis à Chambly, à la Pointe Olivier, ou nous sommes arrivés vers une heure et demi le dimanche matin, une trentaine à peu près étaient armés de fusils. Nous sommes restés jusqu'à huit heures du matin et n'ayant vu aucun signal, tel que convenu, ni reçu d'armes ou d'exprès, je me suis rendu au bas de Chambly ou j'ai tout trouvé tranquille. J'ai alors envoyé un exprès aux habitants que j'avais laissés à la Pointe Olivier leur dire que je voyais bien que nous avions été trompés; de s'en retourner chacun chez eux; que quant à moi je m'en allais à Montréal. Je me rappelle d'avoir fait prêter le serment à St. Onge Huissier de St. Césaire.

Le nommé François Xavier Guertin, cultivateur de St. Césaire, est celui qui faisait prêter les serments à St. Césaire, et avait le titre de castor (ainsi que moi même) et commandait une partie de la bande qui s'est rendu à la Pointe Olivier. Il y a trois autres castors qui y étaient aussi, mais il sont des pères de familles et ne puis le nommer ne voulant point les compromettre. Je crois me rappeler que Tétro m'a dit qu'il avait le titre d'Aigle, ce titre répond au rang de Colonel. Malhiot était le Grand Aigle, pour tout le sud du St. Laurent. Le but du soulèvement en question était de renverser le Gouvernement existant, et établir une république en Canada.

Le dit Celestin Beausoleil m'a dit aussi à Montréal que les nommés Féréol Peltier et Richard Hubert, étaient hauts en grade dans la ligue des frères chasseurs à Montréal.

LOUIS BOURDON.

Assermenté devant moi à Montréal, }
ce 12m Novembre, 1838. }
P. E. LECLERE, J.P.

(No. 3.)

MONTREAL,

L'examen volontaire d'Hypolite Lanctot, Notaire de la Paroisse de St. Rémi dit :—Je suis âgé de vingt deux ans, je suis marié et ai deux enfans.

Vendredi le deux du courant, le nommé Médard Hebert est venu chez moi pour me commander d'aller à St. Constant me joindre aux insurgés et venir prendre Laprairie ; quelques jours auparavant le nommé E. E. Malhiot était aussi passé chez moi pour me donner des instructions y relatifs ; je sais qu'il existait une loge à St. Rémi ; mais je n'en ai jamais fait partie, j'ai eu des correspondences avec les nommés Hebert et Malhiot au sujet de l'organisation de la Paroisse de St. Rémi, nous devions nous rendre à St. Constant le trois, où nous nous sommes rendus effectivement ; le quatre nous avons quittés St. Constant, nous portant sur Napierville où nous sommes arrivés le sept sur les quatre heures P. M., quelques uns étaient armés de fusils et les autres de lances, j'avais un sabre au côté à mon arrivée à Napierville, nous étions au nombre de deux cent, et sous les ordres du Commandant Hebert, le Docteur Robert Nelson était Commandant en Chef à Napierville ; nous sommes restés deux jours dans Napierville après lesquels nous sommes partis au nombre de 600 sous le commandement de Nelson et Hebert, pour aller à La Colle, rendus à cet endroit je laissai le parti qui marchait sur Odelltown, pour retourner à Napierville je fus accompagné pendant quelque tems par Abraham Desmarais qui me quitta pour se rendre aux lignes joindre Côte et Gagnon. Le même soir je quittai Napierville accompagné de Guillaume Levéque pour me rendre aux Etats, mais arrivé à peu près deux mille des lignes, nous nous livrâmes à quelques volontaires qui se trouvaient dans une maison sur notre route J'avais reçu une lettre de Mr. Hebert et deux de Mr. Malhiot, Mr. Malhiot m'avait fait prêter le serment et initié aux signaux de l'association secrète. Je n'ai point administré ce serment à qui que ce soit et ne me suis trouvé à aucun engagement. Ceux qui portaient des sabres, étaient généralement considérés comme Officiers. Si je revoyais les lettres que j'ai écrites à Mr. Malhiot, je crois que je les reconnaîtrais, mais je ne me rappelle pas de leur contenu.

HYPOLITE LANCTÔT.

Reconnu devant moi, à Montréal, }
ce 16 Novembre, 1838. }

H. EDMUND BARRON, J. P.

BOURDON.

(No. 4.)

MONTREAL.

Pierre Ponton, cultivateur de Ste. Marie, âgé de trente neuf ans, déclare sur son examen Volontaire : Il y a à peu près deux mois que j'ai prêté le serment du secrét qui m'a été administré par Isaïc Boudreau, de St. Marie, Notaire, ce serment consistait à tenir secrét tout ce qui viendrait à ma connaissance ; de me tenir prêt à agir contre le Government et d'établir l'indépendance du Canada sous peine de mort. Il m'a ensuite enseigné les signes des frères Chasseurs, et J. Bte. Tétro et le dit Boudreau m'ont nommé Castor ; je devais en cette qualité commander sept raquettes qui commandaient chacun neuf hommes. J'ai su que E. E. Malhiot, qui est le grand chef est venu dans notre Paroisse et a organisé le sud du fleuve. Jean Bte. Tetro, nous a commandé de nous rendre le trois Novembre à Chambly, à minuit que nous nous mettrions dans une grange et que là des chefs viendraient nous donner des armes ; que le signal du soulèvement général serait de voir une Batisse en feu à St. Jean. Le quatre Novembre courant, Jean Louis Dufort a diné chez moi et m'a dit qu'ils étaient partis à peu près 80 de St. Césaire et s'étaient rendus chez Tetro pour prendre Chambly, mais que voyant qu'ils avaient été trompés, chacun s'en était retourné chez soi. Tetro m'a dit qu'il avait 25 fusils qu'il avait distribué aux gens de St. Césaire, parceque les gens de Ste. Marie ne voulaient pas marcher ; qu'il avait aussi de l'ammunition. Tetro et Boudreau m'ont dit que neuf Paroisses devaient se jeter dans la nuit du trois Novembre sur Chambly, pour s'en emparer, au nombre de ces Paroisses étaient Ste. Marie, St. Césaire, St. Mathias, St. Damase, partie de Longueuil et quelques autres Paroisses dont je ne me rappelle pas le nom. Quelques jours avant la Toussaint je fus avec le dit Tetro à Henryville voir E. E. Malhiot, pour lui porter le retour des gens qu'il avait enrôlés. Le dit Malhiot nous a dit que tout allait bien, que le coup ne pouvait pas manquer parceque ses plans étaient trop bien organisés.

sa
PIERRE + PONTON.
marque

Reconnu devant moi, à Montréal, }
ce 21 Novembre, 1838. }

P. E. LECLERE, J. P.

(No. 5.)

DISTRICT DE
MONTREAL. }

L'an mil huit cent trente-huit, le onze du mois de Décembre : Par-devant M. Lemay, Ecuyer, l'un des Juges de paix de Sa Majesté pour le District de Montréal, est comparu David Laporte, cultivateur de la Paroisse de Ste. Marie de Monnoir : lequel après serment prêté sur les Saints Evangiles, déclare et dépose qu'ils s'est associé à la société dans le mois d'Octobre dernier, à la Réquisition d'Hypolite Messier et Jean Baptiste Tetro de Ste. Marie, lesquels auraient dit au déposant que s'il connaissait les avantages du Conseil il donnerait vingt-cinq louis, que le dit Tetro lui a au même instant administré le serment du secret dans la boutique du dit Hypolite Messier, en lui faisant mettre la main sur livre, lequel serment consistait à garder le secret sous peine de mort et d'avoir le cou coupé, et d'obéir à tout ce qui lui serait commandé ; le déposant déclare n'avoir été à aucune assemblée, excepté qu'une fois, il a été chez le dit Tetro, parcequ'il avait été réquis, le jour qu'ils ont fait Blais, Gratton et Noel Benjamin prisonniers, que vers neuf à dix heures du soir il est retourné à sa maison, que vers le douze ou le treize de Novembre dernier, par l'ordre du dit Jean Bte. Tetro et d'un nommé Beausoleil de Montréal, il a invité les habitants de la Branche du Rapide et de la Côte Double, d'aller le même soir chez le dit Tetro, parceque le dit Beausoleil en présence du dit Tetro et d'un autre avait dit au déposant, qu'ils avaient des ordres, et que ceux qui ne se rendraient pas, ils les feraient prisonniers et les feraient brûler. Le déposant n'a aucune connaissance que ceux qu'il avait invités avait été chez le dit Tetro, n'y ayant pas été lui même après son invitation. Le dit Tetro a enseigné les signes au déposant qui consistoient pour le jour à se gratter la narine gauche de la main gauche, et l'autre se croisoit les gros doigts de chaque main en mettant le gauche sur le droit ; et pour la nuit l'un dirait il fait beau temps ce soir, et l'autre devait répondre il fait beau pour tel quantième du mois qu'il nommerait. Il y avait un signe pour les femmes, lorsque les gens seraient partis pour faire le coup, si quelqu'un leur demandait où est votre mari ? Elles devaient répondre, mon mari est allé à la chasse. L'intention de la société était de prendre le fort de Chambly et de renverser le Gouvernement, et que ceux qui ne marcheraient pas seroient faits prisonniers et brûlés. Le déposant dit que Pierre Ponton lui a dit qu'il était Castor, c'est-à-dire Capitaine, et qu'il a nommé le déposant Raquette ou Sergent, lui disant qu'il avait en des ordres de nommer ses Raquettes, que dans le même temps le dit Ponton en sa présence et en présence de Jean Bte Nadeau, Jean Bte. Fontaine et Benjamin Menard avait nommé les dits

Nadeau, Fontaine et Menard ses Raquettes, lesquels ainsi que le déposant avaient accepté les dites charges. Le dit Ponton a déclaré être nommé Castor ou Capitaine, et a dit au déposant et autres ses Raquettes de ne point écouter aucun ordre ni marcher sans être tous armés, ajoutant que c'était encore une écartade comme l'année dernière, mais ils nous promettent des armes pour tout le Canada, et lorsque tout le monde sera armé l'on commandera, lorsque tout serait prêt au dire de Tetro, chacun devait prendre des vivres pour cinq jours et qu'il y en aurait assez. Le dit Tetro a déclaré au déposant avoir été aux Etats Unis voir le Docteur Nelson, pour se plaindre de ce que Boudreau ne voulait pas agir, que Nelson lui avait dit de prendre sa place. Le dit déposant déclare que le dit Tetro lui a dit qu'il venait des armes, et que les Americains au nombre de dix mille venaient tous armés et apportaient des armes, et que les Canadiens n'auraient que la peine d'aller prendre des armes à Chambly. Le déposant dit qu'une grande partie de la Paroisse de Ste. Marie était de la Société, et le dit déposant ne dit rien de plus et a déclaré ne savoir signer.

DENIS X LAFORTE.

Affirmé par devant moi, à Ste. }
 Marie, les jour et an susdits. }
 M. LEMAY, J. P.

(No. 6.)

MONTREAL.

Jean Bte. Filiatreau, Instituteur de la Paroisse de Ste. Rose, étant assermenté sur les Saints Evangiles dépose et dit :

Le premier de Novembre dernier étant allé chez Messire François Magloire Turcotte, prêtre à Ste. Rose par affaire, il me dit qu'il avait appris qu'il devait y avoir un massacre général dans le District de Montréal et que tous ceux qui ne marcheraient point seraient massacrés, ce mouvement devait se faire par le parti Rébelle. Je lui fis la dessus la remarque qu'en conscience il en devait instruire les Autorités, il répliqua la dessus que les autorités l'étaient et savaient tout.

Il me proposa alors de partir le lendemain pour les Etats Unis, et nous partîmes en effet le lendemain matin, nous nous rendîmes à Troy quelques jours après. Pendant que j'étais à Whitehall (ou nous restâmes trois ou quatre jours,) j'appris d'un nommé Renois ou Mr. Turcotte que le Sud s'était soulevé mais que le Nord avait été parfaitement tranquille.

Les nommés Eusebe Ouimet et Severe Chartrand partirent de Ste. Rose avec Mr. Turcotte et moi et nous fîmes route ensemble. Pendant le voyage Ouimet m'a parlé d'un serment secret, et je crois qu'il m'a dit l'avoir prêté.

Je suis allé jusqu'à New York où je logeai chez un nommé Broyer à un café Français.. J'ai vu là, Ludger Duvernay, Alphonse Gauthier, Robert Bouchette, Wolfred Nelson et quelques autres personnes du Canada. J'ai dit là, que j'avais acheté de la poudre et des balles, à Mr. Renaud, mais ceci était faux et dit dans le but de savoir ce qui se passait relativement au Canada.

Je suis revenu en Canada il y a eu Samedi huit jours.

J. B. FILIATRAULT fils.

Assermenté devant moi, à Montréal, }
ce 12^{me} Decembre, 1838. }

E. LECLERE, J. P.

(No. 7.)

MONTREAL.

Jean Gagnon, Commerçant de la Paroisse de Ste. Rose, après serment prêté sur les Saints Évangiles dépose et dit : Je réside dans le Village de Ste. Rose, à environ un arpent de chez le nommé Augustin Tassé, Aubergiste de la même Paroisse. Je suis reconnu dans la Paroisse pour un loyal sujet de Sa Majesté. J'ai vu en différentes occasions, peut être, au nombre de vingt, qu'il se tenait des assemblées politiques chez le dit Augustin Tassé, de jour et de nuit. Ces assemblées varioient en nombre depuis vingt jusqu'à cinquante personnes. Je juge que c'était des assemblées politiques par les personnes qui y assistoient qui étaient des meneurs politiques dans la Paroisse.

Les personnes que j'ai reconnues qui y assistoient étaient François Labelle, Pierre Vezina, François Ouimet, Joseph Ouimet, Fanfan Ouimet fils, Joseph Chapelot, François Chapelot, Joseph Archambault, Joseph Charbonneau, Jean Bte. Archambault, Augustin Delorme, Jean Bte. Desloriers, Joseph Desloriers, fils, Charles Leclair, Charles Bellhumeurs, Eusebe Leviellé, François Leviellé, — Ouimet, Fostin Limoges et d'autres dont je ne me rappelle pas les noms. Je ne sais pas ce qui se passait à ces assemblées car je n'y suis point allé.

L'assemblée la plus nombreuse qui se tint chez Tassé, fut le deux Novembre dernier, le soir. L'assemblée se tenait encore à onze heures du soir ce jour là.

Le trois de Novembre au matin Tassé vint chez moi et me dit que le feu et le train allait commencer qu'il fallait se réunir ; qu'ils avaient eu ordre des chefs de tuer tous les *Chouayens*, avant de commencer le train.

Je lui remarquai là dessus qu'ils devaient au moins ménager les Canadiens à quoi il répliqua, non, qu'il fallait tous tuer et n'en pas laisser

de graines. Je compris par là, qu'il voulait détruire hommes femmes et enfants. Il me dit aussi qu'il était allé à la ville la veille ; qu'il avu le grand gand chef ou maître, qui lui avait dit qu'il n'était point encore temps de frapper le coup.

Il me dit qu'ils (lui et son parti) allaient mettre des gardes à toutes les traverses pour arrêter les communications ; qu'ils attendoient les "Pieds Noirs" (voulant dire les gens de St. André et de Chatham,) mais qu'ils seraient bientôt expédiés car ils étaient organisés et les bateraient aisement ; qu'ensuite ils marcheraient sur la ville de Montréal pour la prendre. En parlant il disait souvent il faut tous s'unir, car ceux qui ne le feraient point seraient tués.

Ce même Tassé a, quand il a obtenu sa license ce printemps, prêté le serment de fidélité à la Reine. Tassé me dit aussi à cette occasion qu'ils avaient des armes.

Sa
JEAN X GAGNON
Marque.

Assermenté devant moi, à Montréal, }
ce 15me. Decembre, 1838. }
E. GUY, J. P.

(No. 8.)

DISTRICT DE }
MONTREAL. }

Examen volontaire d'Alexis Bouthillier, Cultivateur de Longueuil, âgé de quarante-trois ans, homme marié, avec onze enfans, déclare :— Depuis long temps, on faisoit circuler dans les Compagnes que l'on auroit du trouble. Le vendredi le deux du mois passé tout le monde disoit que l'on auroit du train subitement et qu'il falloit se tenir sur nos gardes, mais ni le jour, ni l'heure n'étoient fixés,—vers neuf heures du soir du Samedi, on est venu huit ou neuf chez moi dire qu'il fallait absolument marcher, alors moi et mon engagé Clement Languedoc sont partis avec eux, nous avons pris deux fusils que j'avais et de la poudre et des balles. Vers la St. Michel, quelques jours avant, Narcisse Trudeau m'a mis en main un quart de poudre pour me servir en chasse, et qu'en cas qu'il aurait besoin pour la chasse il pourrait aussi s'en servir. A peu près huit jours après le train, j'ai jeté ce quart de poudre à l'eau pour la détruire, dans ce temps là les troupes du Gouvernement étaient devers chez nous.

Lorsque je me suis en allé le Samedi dans la nuit avec la brigad, j'ai fait à peu près une soixantaine d'arpens et je me suis arrêté chez un nommé Bessette que nous trouvâmes au lit, il y avait des person-

nes qui disaient qu'il y avait un contr'ordre pour aller chacun chez lui, alors tous se sont en allés chez eux. Je ne puis pas dire le nom du commandant, si par cas il y en avait un. Je n'ai pas prêté de serment ni été aux assemblées secrètes,—et je ne sçais signer.

Reconnu par devant moi, ce }
18 Decembre, 1838. }
DUNCAN FISHER, C. E.

(No. 9.)

DISTRICT DE }
MONTREAL. }

Examen volontaire de Edouard Paschal Rochon, de la Paroisse de Terrebonne, Facturier de voitures qui dit : que Samedi dernier il a déclaré à Edward Bann, Ecuier, Juge à Paix, qu'il avait entre ses mains deux barils de poudre, de vingt-huit livres chaque, et à peu près dix à douze livres de poudre faites en cartouches avec des balles de plomb, qu'il avait acheté cette poudre vers la fin d'Octobre, mais qu'il ne peut dire la date, et qu'il avait aussi acheté du plomb pour couler des balles, ces cartouches furent faites par lui et ces hommes, c'est-à-dire Jacques Roy, Robert Dajenais, George Ferrac dit Larose, le nommé Joseph Huneau ; que les nommés Joseph Roussin et Charles Bouc sont venus chez lui quand ont les faisaient, mais ne sçait pas s'ils y ont aidés. Qu'il fit ses préparations pour se mettre en défense contre qui que ce fut qui voudroit le faire marcher pour la guerre, de part ou d'autre, et qu'il croit que les autres qui l'ont aussi assisté, auraient la même idée de se défendre, qu'il s'est ainsi décidé à cause des bruits généralement répandus qu'il devait y avoir des troubles par le soulèvement du monde et l'arrivée des Américains qu'on disait venir pour se battre,—mais que lui le déposant avait dessein de ne pas s'en mêler, ni d'un côté ni de l'autre, qu'avant ce tems il n'avait eu aucun entretien avec les meneurs ou chefs qui suscitaient le peuple, et qu'il n'était pas d'accord avec eux et n'en connaissait aucun à ce sujet là ; qu'à sa connaissance on n'a pas dit, pendant qu'on faisait les cartouches, et lorsqu'on en trouvait de bien faites qu'elles seraient bonnes pour faire l'affaire d'aucune personne particuliere ni de la tuer. Que le Dimanche le quatre de Novembre dernier, lorsque le déclarant était pour partir pour aller à la Côte des Neiges, c'était vers minuit, il est venu un de ses hommes l'avertir qu'il était arrivé des connectables pour le prendre, il s'est sauvé à Lachenaye, chez Madame Mathieu, que là George

Ferrac dit Larose, est venu le trouver et lui demanda s'il voulait se rendre à Terrebonne pour y établir un camp pour défendre les gens de cet endroit en cas qu'on vint les prendre prisonniers ; que le déclarant lui dit qu'il ne voulait point, qu'il vouloit s'éloigner d'avantage pour ne pas être trouvé, et qu'il conseilla que chacun qui craignait être pris fit la même chose, pour que tout fut tranquille ; que G. Ferrac a persisté à vouloir induire le déclarant d'y aller disant que sa femme était bien inquiète à son sujet ; que le déclarant refusa disant que sa femme ne devait pas s'inquiéter, et qu'il partit immédiatement pour l'Assomption, et resta là toute la semaine, et après cela revint chez lui, ayant entendu dire que tout était tranquille ; que pendant son absence quelques personnes qu'il ne connaît pas ont enlevé une partie des cartouches, et on lui a dit aussi que les enfants en avaient gaspillé ; qu'il n'a aucune connaissance qu'on ait tenu aucune assemblée à Ste. Rose ni à Terrebonne, où qu'il s'agissait d'établir un camp dans l'un ou dans l'autre de ces lieux, et qu'il ne peut dire que Messire Turcotte de Ste. Rose ait conseillé à qui que ce soit de former un tel camp ; que même il n'avait pas su que Mr. Turcotte était de retour après son départ le printemps dernier, que dans la semaine dernière la nommée Bélair du Fauxbourg St. Louis femme d'un tailleur, lui dit qu'elle avoit entendu dire que Mr. Turcotte était venu faire une assemblée politique à Ste. Rose, et qu'elle le blâmait pour cela ; que dans le mois d'Octobre dernier, dans le Village de St. Clement, il a prêté le serment secret qui lui fut administré par une personne qu'on appelait par son nom de baptême "Jacques Michel" dont le nom de famille lui est inconnu, le serment était qu'on devait s'entre-aider contre toute autorité qui voudrait les obliger à quelque chose ; qu'il n'y avait d'autres personnes présentes ; que c'est un de ses frères qui lui conseilla de prêter ce serment, comme moyen de sureté pour lui et ses propriétés ; que de retour à Terrebonne il fit prêter le serment à plusieurs de ses amis, entre autres à Dagenais, Jean L. Courval, Hupé et Pierre Beaudry, de la même paroisse. Les cartouches furent prêtes pour le quatre de Novembre, mais qu'il n'avait reçu aucun ordre de faire telle préparation ; qu'il n'avait qu'un fusil ; que cette poudre, dont il a déjà parlé, fut achetée chez Amable Prevot de Montréal, et le plomb dans un magasin en ville.

Lorsqu'il prit le dit serment, on lui dit qu'il y avait un autre serment, mais qu'il refusa de le prêter, qu'il a cru et croit que sous le dernier serment il y avait quelque dessein revolutionnaire, mais qu'il pensait qu'il n'y avait pas grand mal à prêter le premier serment parcequ'il n'obligeoit pas à porter d'armes, et qu'il n'obligeoit pas de faire aucune chose qui put préjudicier aux assermentés, leurs biens ou leurs familles.

E. B. ROCHON.

Reconnu par devant moi, ce }
20 Decembre, 1838, à Montréal. }

A. BUCHANAN, *Commissioner.*

(No. 10.)

DISTRICT DE }
MONTREAL. }

L'an mil huit cent trente-huit, le trente de Décembre, pardevant moi, Theophile Lemay, Ecuier, Juge de Paix de Sa Majesté, résidant en la paroisse Ste. Marie de Monnoir, dans le district de Montréal.

Est comparu Louis Degrange, Charron de la paroisse de St. Mathias, lequel après serment prêté sur les Saints Evangiles a dit et déposé ce qui suit :

Premièrement, qu'il est agé de cinquante huit ans, qu'il demeure depuis la fin du mois d'Aout dernier, chez Jean Baptise Lague dit Sancier, menuisier, charpentier et cultivateur de la Paroisse St. Mathias.

Secondement, qu'environ quinze jours après son arrivée chez le dit Jean Bte. Lague, ce dernier a fait un voyage à St. Valentin, après lequel voyage il a dit au dit déposant "il s'est fait une assemblée en haut ou il y avait assez de monde pour couvrir cinq arpens de terre en superficie, et il n'y a eu que deux personnes qui n'ont pas voulu être de cette assemblée, et elles ont été chassées, et cette assemblée est la fortune du Pays," ajoutant "si vous voulez venir à St. Jean je vous y menerai et ça vous vaudra bien de quoi.

Troisièmement, que quelques jours après ce voyage le nommé Jean Baptiste Tetro, de Ste. Marie, et maintenant absent pour causes politiques, est venu chez le dit Jean Bte. Lague, et tous les deux ont eu un entretien particulier ; qu'ensuite le dit Jean Bte. Lague s'est presque constamment occupé à voyager dans les environs, et a aller très souvent avec plusieurs personnes du côté de Ste. Marie, où il a voulu emmener le dit déposant, lui disant qu'il deviendrait dans ce voyage, aussi savant que lui.

Quatrièmement, que vers le commencement d'Octobre dernier, le dit Jean Bte. Lague ayant eu un entretien secret avec un nommé garçon Steben, voyageur sachant lire et écrire a cessé ses voyages, et que très souvent il allait chez lui, sur les huit et neuf heures du soir, plusieurs hommes qu'il faisait entrer en un appartement de sa maison où le dit Lague se trouvait seul de sa maison avec eux et le dit garçon Steben, et si ce dernier n'y était pas, le dit Lague l'envoyait chercher à chaque fois qu'il venait quelqu'un chez lui vers les dites heures du soir, et cela a duré jusqu'au Vendredi soir, le deux de Novembre dernier, et pendant la durée de ces entretiens secrets et nocturnes qui se faisaient chez le dit Jean Bte. Lague, ce dernier a souvent sollicité le dit déposant pour le faire mettre du conseil lui disant que c'était son bonheur et que s'il ne s'en mettait pas il serait tué et culbuté avec bien d'autres.

ROCHON.

Cinquièmement, que dans la nuit du trois au quatre de Novembre dernier environ soixante hommes sont arrivés armés d'environ vingt-trois fusils à bayonnette, chez le dit Jean Bte. Lague, et presque aussitôt le dit Jean Bte. Lague a envoyé son fils à la Pointe, chez Louis Meunier pour avoir, a-t-il dit, des nouvelles de St. Jean, et le dit fils a son retour vers quatre heures du matin, a rapporté que l'homme n'était pas revenu de St. Jean ; en conséquence le dit Jean Bte. Lague a dit aux gens, "et bien mes amis, c'est difficile pour nous d'aller en avant seuls, tâchez de vous placer ici alentour, on va avoir la nouvelle de moment en moment, et l'on vous fera avertir."

Sixièmement, que dans le cours de la journée du trois de Novembre dernier, le dit Jean Bte. Lague a fait préparer ses hardes, en disant qu'il allait partir pour un voyage et qu'il ne savait s'il en reviendrait.

Septièmement, que le soir du même jour, le dit Jean Bte. Lague dit au déposant avant l'arrivée des gens armés, "vous qui ne dormez pas beaucoup, regardez donc du côté de St. Jean cette nuit, et si vous voyez du feu vous me reveillerez, car s'il y a du feu c'est que St. Jean sera pris, et alors nous marcherons à l'instant pour prendre Chambly, et nous le prendrons sans peut être tirer un coup de fusil, car il n'y a pas beaucoup de soldats et nous ferons bruler les casernes et pillerons tous les bureaucrates."

Huitièmement, que dans le cours de la semaine suivante le dit Jean Bte. Lague a passé une grande partie de son temps à faire des cartouches, et que le Dimanche au matin qui était le onze de Novembre, Jean Baptiste Tétro surnommé Mustache Tétro de Ste. Marie est arrivé chez le dit Jean Bte. Lague à la tête d'un grand nombre d'hommes armés, et a dit au dit Lague, et bien tes gens sont ils prêts ? à quoi le dit Jean Bte. Lague a répondu "oui mes amis, bonne nouvelle ; Mr. Malhiot m'a envoyé la nouvelle hier au soir qu'il avait reçu de St. Ours et de St. Denis, mille à onze cent fusils, qui étaient au camp ; et je vais envoyer chercher mon sergent pour commander," et le sergent étant arrivé à l'ordre, a dit au dit Jean Baptiste Lague : "j'irais bien commander, mais les gens ne voudront pas partir, ils n'ont pas de fusils," à quoi le dit Jean Bte. Lague a répondu, "je n'en ai pas, mais il y en a à la Montagne" parlant de la Montagne de Boucherville, "et bien" a-t-il dit "je sais où il y a des fusils, nous allons partir une vingtaine armés et aller de maison en maison pour faire partir les gens, et ceux qui ont des fusils et qui ne veulent pas partir donneront leurs fusils à d'autres," à quoi le dit Jean B. Tétro a répondu, "non, allons au camp tous ensemble, nous verons comme c'est, et demain nous reviendrons et il faudra bien qu'ils partent," et alors le dit Tétro et ses gens se sont mis en route pour la Montagne de Boucherville, en disant au dit Lague, prépare toi et viens nous rejoindre, à quoi le dit Jean Baptiste Lague a répondu "je vais aller déjeuner et aller de suite vous rejoindre, allez toujours" ; et environ une heure

et demi après le dit Jean Bte. Lague a pris son fusil et en a donné un autre qui était neuf, à un nommé Guertin et se sont mis en route pour le camp de Boucherville.

Neuvièmement, que le lendemain au midi, le dit Jean Bte Lague est revenu chez lui, et le dit déposant lui a dit, quoi vous voilà revenu, votre guerre est bientôt faite : a quoi le dit Jean Bte. Lague a répondu, "Ha ! ha ! c'est pas fini, Eustache Tétro est allez faire des prisonniers à Ste. Marie et faire partir son monde pour le camp de Boucherville, et Mercredi nous allons prendre prisonniers les Franchères, Soupras, Davignon, Cathien et Mr. Rouville, et il faut que ces gens là nous donnent chacun six cens louis, et Mr. de Rouville quinze cens, et plutôt que de se voir hacher ils les donneront bien ; ont va gagner le pays, et il faut que tous les bureaucrates culburent, Cheffers, Théophile Lemay et Mr. Hatt eux autres on les tue et on se partage leurs biens, il n'y a point de grâce pour eux." Le dit déposant dit et dépose : que Mardi au soir un homme est arrivé chez le dit Lague, venant du camp de Boucherville, il lui a dit que les gens avaient abandonné le camp, ce qui a paru bien mortifier le dit Lague qui a dit plusieurs fois au dit déposant que ce n'était pas fini ; enfin le dit déposant dit que le dit Jean Bte. Lague, a fait tout ce qui était en son pouvoir pour renverser le Gouvernement, et a paru bien disposé à piller et tuer tous ceux qui n'étaient pas disposés à l'aider dans ses plans de révoltes, si toute fois il gagnoit le dessus. Le dit déposant dit et dépose, que Jeudi le vingt-sept de Décembre dernier, il a vu le dit Jean Bte. Lague, à son retour de Montréal, trainer Marie Brunette son épouse qui est enceinte, par dessus des pierres jusque dans le chemin du Roi, et en suite dans sa maison, et que depuis ce temps là le dit Lague a fait beaucoup de trouble dans sa maison et a maltraité sa femme, et a dit que le trouble n'était pas fini, que les Américains venaient. Le dit déposant ne dit rien de plus, et ayant déclaré ne savoir signer, de ce enquis a fait sa marque d'une croix après lecture faite.

Sa
LOUIS X DEGRANGE.
Marque.

Affirmé par devant moi, à St. Marie de }
Monnoir, ce 30 Decembre, 1838. }
M. LEMAY, J. P.

(No. 11.)

MONTREAL.

Declaration volontaire de François St. Germain, cultivateur de St. Philippe, âgé de quarante-neuf ans, homme marié avec sept enfans

dit que le trois de Novembre dans la nuit vers onze heures, Capitaine Joseph Robert qui était aussi Capitaine de Milice et qui était à cheval armé d'un sabre est venu chez moi pour me soulever et me forcer à marcher, et j'ai marché en effet. Il y avait bien deux ou trois armés de fusils parmi eux, lorsque nous nous sommes rendus près de chez Vitty nous fîmes haltes parceque Charles Sanguinet dit qu'il croyait qu'il y avait une garde chez Vitty, après quelques moments ayant été certifié que ce n'était que le bruit des voitures qui avait fait penser à Sanguinet qu'il y avait une garde, on avança de nouveau par l'ordre du Capitaine Robert et nous nous sommes rendus à la maison de Vitty ; là on rapporte au Capitaine Robert que la porte était fermée et que l'on ne voulait pas l'ouvrir. La dessus le dit Capitaine à dit puisqu'ils ne veulent pas se rendre "mettez le feu et tirez," alors son frère Jacques Robert à dit "pour l'amour de Dieu laissez les donc tranquilles;" on est avancé defoncer la porte et j'ai vu un homme qui se nommé Petit Hamelin defoncer la porte ; au moins j'ai pensé dans le moment que c'était le dit Hamelin et je n'ai plus raison de doubter car je l'ai entendu dire qu'il s'était fait mal en la defonçant ; suivant la meilleure de ma connoissance aussitôt que la porte avait été defoncée on tira des coups de fusils du dedans de la maison, et tout de suite les gens du Capitaine Robert ont tiré par la porte dans la maison ; il y avait de la lumiere dans la maison, il y avait autant que j'ai pu entendu une dizaine de coups de fusil en tout, aussitôt le feu fait Ambroise Sanguinet à dit "en voilà un à terre" en voulant dire que quelqu'un de la maison été blessé ou tué. Dans l'instant plusieurs sont entrés dans la maison et moi aussi ; rentré là, j'ai vu un nommé Bachant dit Vertefeuille, qui avait un fusil à la main et qui insultoit Madame Walker. J'ai vu aussi le petit Hamelin qui avait defoncé la porte il avait aussi un fusil à la main et était après faire mettre à genoux Madame Vitty ; je l'ai oté d'elle. Je ne connois pas les noms d'aucune autre personne qui étoient dans la maison, j'ai vu le corps de Walker étendu près de la porte d'une petite chambre et j'ai vu qu'il était mort.

Vitty que nous trouvâmes dans le grenier de la maison où il avait retraité était à terre blessé ; c'est par ordre de Hamelin que je fus monté là, nous avons descendu Vitty en bas et je fus lui chercher de l'eau, vu qu'il en avait prié, après cela je me suis sauvé et je ne sais écrire.

Acknowledged before us this }
third day of January, 1839. }

A. BUCHANAN, C.E.

DUNCAN FISHER, C.E.

(No. 12.)

PROVINCE DU BAS CANADA, {
DISTRICT DE MONTREAL, }

Michel Charest, Notaire, de la Paroisse de Ste. Rose, après serment prêté sur les Saints Evangiles, dépose et dit comme suit : Vers le milieu d'Octobre dernier, j'étais à passer la veillée chez Madame veuve Osterout, à Ste. Rose, en compagnie avec Messire Magloire Turcotte ; Madame Osterout ; Mademoiselle Baron, sa nièce, Sophie Manthet, Zoe Dutrisac, François Dutrisac, père et fils, et Joseph Ovide Manthet, y étaient. Dans le cours de la conversation, il fut question de l'état critique dans lequel se trouvait alors le pays, et Mr. Turcotte y prenait une part active et paraissait prendre fort du côté de ceux que l'on appelaient "Patriotes." Je lui entendis dire, qu'il y avait un plan de formé, dès le mois de Février dernier, pour effectuer une Révolution et que le trouble arriverait bien vite. Il paraissait connaître l'époque ou les troubles commenceraient mais ne la fixa pas. Il dit ensuite que si le Gouvernement résistait aux Rébelles, il y aurait un massacre ou carnage général qui ressemblerait au Jugement Général ; que personne ne pourrait fuir. Le dit Turcotte m'offrit alors de parier que ces troubles arriveraient sous peu de temps, offrant en même temps de coucher par écrit, ce qu'il connaissait, relativement à ce qui devait arriver.

Cet écrit devait être scellé et n'être décacheté qu'après les événements arrivés, je refusai.

Il dit aussi que cette Révolution serait suivie de carnages plus grands que ceux de la Révolution Française, et qu'il y aurait un massacre général.

Il ajouta qu'il connaissait la disposition des gens d'en bas, à venir jusqu'à Québec, inclusivement, qui étaient presque tous bons Patriotes.

Voyant que Mr. Turcotte arrivait des Etats et que, par conséquent il pouvait être au fait des projets des Rébelles ; ce qu'il dit ce soir là eut l'effet de m'effrayer un peu.

Les troubles ont éclaté dans la nuit du trois Novembre dernier, et le dit Turcotte avait laissé Ste. Rose dans la nuit du premier de Novembre. J'ai su depuis que le dit Turcotte était allé aux Etats Unis.

Je n'ai aucun doute que le dit Turcotte était au fait, avant le trois de Novembre dernier, du soulèvement qui eut lieu ce soir là, dont le but était de renverser le Gouvernement.

M. CHAREST.

Assermenté devant moi, à Montréal, }
ce 20 Février, 1839. }
P. E. LECLERE, J. n

(No. 13.)

EXTRACT FROM THE COPY OF A VOLUNTARY DEPOSITION
OF ONE OF THE STATE PRISONERS, IN NOVEMBER, 1838.*(Translation.)*

MONTREAL PRISON, Nov. 1838.

I went to the United States, on the twenty-seventh December, one thousand eight hundred and thirty-seven, with Messrs. Et. Chartier and Chamilly de Lorimier. On arriving at St. Albans, we found all the people in motion, occupied with preparing and organizing an expedition against Lower Canada. All was conducted under the auspices of Louis Joseph Papineau, who was then at Albany, where he held secret consultations with Governor Marcy, Dabaworth the State Chancellor, and some others of the most distinguished men in the State of New York. Amedie Papineau himself, who studied law with the Chancellor, and lived in the most intimate terms with him, communicated these facts, and I am very much inclined to believe them perfectly true. When Papineau was at Albany, he received, in the beginning of December, offers of service, on the part of Generals Scott and Wool. These officers were then out of service in their country. They offered to Papineau to come and command the Canadians, and not to exact a single penny from the government which they went to establish, until the independence of the country was secured, and to bring with them a great number of subaltern officers, volunteers, and soldiers. Papineau hesitated, and in the mean time, the American Government required the service of these Generals on the frontier, and I heard no further mention of them afterwards, except as commanders of American forces. Wool afterwards showed his spite and ill-humour, by acting against the patriots, being indignant that they had neglected his offers of service, and because they had exposed all. Papineau, who had been given to understand that he could borrow two hundred thousand dollars at New York, Albany, Baltimore, Philadelphia, and other places, came to Middlebury, on the first January, to meet all the Canadian fugitives, who had appointed that little place, in Vermont, as their rendezvous. E. E. Rodier, Dr. Bouthillier, Joseph Vincent, Beaudrieau, Courcelles, and Dr. Davignon, with many others, whose names I do not recollect, came there at that time. Papineau kept himself concealed, and saw but few, shewing himself opposed to the abolition, without restriction, of the seigniorial rights, and he brought on himself the animadversion of most of them, who began to suspect that he had interested views. There were warm disputes between Rodier and Papineau. Dr. O'Callaghan thought with Papineau. Cote, Nelson, and Bouthillier recounted these facts to me, and I guarantee them to be correct.

DEPOSITION

838.

, Nov. 1838.

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Papineau, from that time, ceased to conduct the preparations against Canada. Nelson, who, till that time, had remained quiet at Champ-lain, impelled, he said, by the dangerous condition in which were placed his country, his property, and his own brother, came forward, and declared himself chief of the expedition which was then organizing. He caused me to be enquired for at Plattsburgh, by Chevallier de Lorimier. All the Canadians then united in their work. We took the house of a man named Heath, a marble cutter, which we used as a workshop, and we employed ourselves in the upper part of it, to the number of twenty, thirty, or forty, according to necessity or circumstances.

Cote, Madame Cote, R. Nelson, Fleuremont, Courcelles, Malo, Joshua Bell, James Davis, and two others, named Davis, of the County of Two Mountains, Beaudricau, and myself, with the help of some Americans, such as M. M. Sarley, Sarburn, Brock, father and son, made nearly eighty thousand cartridges, or thereabouts. We obtained upon credit, a great portion of the ammunition. We had only to buy the trifling articles. Most of the bullets, lead, and powder were obtained from a small town, near Plattsburgh. The Americans furnished us with sleighs to pass the lines. When we returned, on our retreat to the United States, General Wool, on the first of March, one thousand eight hundred and thirty-eight, I think, took all our arms and ammunition. There were about fifteen hundred or two thousand stand of arms. Most of the arms we had procured from the arsenal of Elizabeth Town, State of New York, with the bayonets; and they bore the distinctive and open mark of being American arms. All these arms were sent with the ammunition to the arsenal of Vergennes. A portion, however, if I recollect rightly, with the cannons, which were not there in time for us to take over the frontier, remained with one Caine, of Swanton, an innkeeper. The Canadians in the United States, succeeded in collecting arms in a considerable quantity from individuals. I know one Mr. McKeerman, a tavern-keeper, (*vivandier*) of St. Athanase, who thus collected more than fifty stand, and the towns of Cambridgeborough, Johnstown, and Swanton, each furnished a piece of artillery. The towns of Montpelier and Middlebury also furnished carabines and cannon so well, that in entering by Caldwell's Manor, we found at our disposal nine or ten pieces of artillery, of different sizes, which were reclaimed by the different towns, on our defeat, under the promise of allowing us to take them again, in case of our resolving to re-attack Canada. Bryant, of Bangor, in the State of Maine, was very active in our service all this time. He is a sober, enterprising, bold man, and had been in service for some time in Texas, and has his mind filled with martial ardour. He was the organ of which the Government of Maine made use, in order to engage us secretly, to cause embarrassment to the English Government, in Lower Canada, whilst he engaged himself to oblige Congress to exert itself immediately in the matter of the disputed territory, and to cause a plan of it to be made out, with a line in prospective. The Governor of

Maine (Kent,) hoped to cause a rupture, by means of the disputed territory, and to serve our interests by engaging the whole Union in our quarrel. This is what Eryant said before me, several times, in speaking to Nelson, Cote and others. When Lord Durham came to Canada, the Canadian fugitives who were opposed to all means of reconciliation, such as R. Nelson, Malliot and Cote, continued forming new plans of invasion. Desperate, at seeing all their secrets exposed by the indiscretion of their people, and having absolute need of secrecy—a necessary quality in all those employed in the conspiracy—they resolved to establish an association, of which the existence should be concealed, as well in the United States as in Canada. I will describe elsewhere, the name, object, signs, and secrets of this society, and will now continue my narration. I was at St. Albans, thinking only of my return to my beloved family, when Nelson, Chevalier de Lorimier, and Doré, of St. Edouard, arrived at St. Albans, coming from Burlington. They told me that they had to confide to me a great secret, and to make me enter into a plot against the English Government; that they were sure of success; that they had at their disposal a considerable force, and that the conspiracy had already ramifications in the whole universe. I yielded to their solicitations. Nelson, Cote, Doré, and De Lorimier, in Campbell's Hotel, received me with my eyes blinded, and on my knees. I then became acquainted with their new plans. The month of September was fixed for the execution of the project. They were in constant communication with McLeod and Mackenzie. McLeod, himself, came to St. Albans, Plattsburgh, and other places, to have an interview with the chiefs of Lower Canada. He was entirely destitute of money, and Sarburn, De Lorimier and myself supplied him with funds, to enable him to continue his journey respectably. He told us, that with the number of men, and the quantity of arms and ammunition at his disposal, he was in a condition to make a successful invasion on Upper Canada. The Americans of Detroit, Cleveland, Munroe, Buffalo, Rochester, Oswego, Ogdensburgh, Albany, New York, and other places, would put him in a condition to attack Upper Canada at two different points. He asked only of the Lower Canadians to maintain a hostile and threatening attitude, in order to oblige the British troops to remain in Lower Canada, whilst he, (McLeod,) should attack Upper Canada in two different places, with a formidable force, by the Western District, where he said he still reckoned on meeting many partisans, and by the Johnstown District, to cut off the communication by the St. Lawrence between the two principal points, Montreal and Kingston. He desired that the inhabitants of the county of Two Mountains and of Vaudreuil should cut off the communication on the Ottawa, stop the steamboats, and render useless the interior position of the Rideau Canal. McLeod was received into the society, of which he had not heard mention before; he told us that there existed then a similar associa-

tion in Upper Canada and on the frontier, but much inferior to this, and much more defective; and that on his return among his brethren, he would cause this to be adopted in preference to all others; Nelson was there in search of pecuniary means; he had in view the house of Astor and Creal, New York. He caused a power to be signed by most of the patriots at Swanton and St. Albans, by which he acted as a sort of agent, (*charge d'affaires*), in this loan. Côte, Malhiot, Duquette, Chandler, of Stanstead, (the son,) Vincent, and some others, signed it; I myself signed it, but wished afterwards to erase my name, on the ground that I did not wish to authorise one single person without any security whatsoever to obtain such a loan. They told me I was at liberty to erase my name, when Nelson left suddenly for New York without giving me an opportunity. On his return from New York he told us that he had an interview with the Russian Consul at New York, who had promised him assistance,—that the Imperial Government of Russia would seize with pleasure this occasion to avenge in Canada the deep wounds which the Circassians, sustained by English money and engineers, had inflicted, he said, on the Muscovite armies. In the mean while, on the fifth July, I left the United States to return to Canada. At Montreal I was informed of all by Mr. John M'Donell, (advocate,) Malhiot, Beausoleil, and others, with whom I was associated. John M'Donell's office appeared to be the place where the conspirators in Montreal received the most information. I was there several times. He encouraged the people. Hubert, Peltier, Fereol Therien, a carpenter, in the St. Lawrence Suburbs, were there with me. I ought, nevertheless, to say, that Hubert and Peltier would not take the oath, not wishing to interfere actively in politics any more. They merely had a knowledge of what was doing. M'Donell maintained a close correspondence with Nelson; every week he sent an express to Champlain, with what money he could collect, and the information he received from his country agents. Nelson required the people to form themselves into companies, to ascertain the amount of men, arms, and ammunition, and to make a report of it in the United States. It is to my knowledge, that Beausoleil engaged several persons at the request of Nelson, to borrow from the Banks in Montreal, in order to obtain the money and fly to the United States, assuring him that with these loans, voluntary subscriptions, and other means, they would be in a condition to make war on Lower Canada, and that he would find more ample means in the United States, and from the pillage of the Banks, which he ardently wished to render unable to save their specie. In the month of July, M'Donell went to Quebec, for the purpose of extending the society there. He told me afterwards that he had received Dr. Tasché, A. N. Morin, Chas. Drolet, and P. Chasseur. I afterwards heard, at Chateauguay, from Joseph Duquette and Joseph Dumouchelle, that M'Donell had taken the plan of

Nelson to surprise Quebec, and that the citizens of Quebec and its environs were disposed this year to redeem themselves by their services from the disgrace of their inactivity during the last year. I was also told that whilst the troops and artillery were being reviewed on the Plains of Abraham, in August or September the rebels of Quebec would have tried to make an attack (*essayes un coup de main*;) had they possessed a little more time, but that they would not lose a similar opportunity, for which they waited with impatience. Whilst Malhiot was in Montreal he was very active in organizing, by his agents, all the companies in which there existed any discontent or insubordination. He tried to rouse me—sometimes by compliments, and sometimes by reproaches. He made several secret journeys to different country parts of the United States. Chevallier De Lorimier, N.P., was charged with the organization of the county of Two Mountains, and for this purpose he was to pass a month at St. Scholastique. A man named Langlois, lately of New Orleans, but a native of Quebec, who was of a violent and ferocious disposition, engaged himself very actively with Joseph Duquette, Cardinal, Lepailleur, Newcombe, (father and son,) Dalton, (the son,) and Desmarais, in organizing the parishes of Chateauguay, Beauharnois, St. Regis, and St. Remi. Joseph Duquette was named *Aigle* (eagle) at a meeting held at Madame Duquette's, and Joseph Dumouchelle, of St. Martine, was appointed Commandant of that parish. Joseph Brazeau and Charles Langevin were named Treasurers, and Joseph Dumouchelle received all the rebel inhabitants in the association of St. Martine in his own house; not being able to read, his wife received the oath of discretion, and read to each candidate the form of the oath, and the conditions on which they entered the association. He received many subscriptions and expended the money in buying powder, lead, and daggers at Gauthier's and Francois Mercure's, and he caused pikes to be made by a blacksmith named Xavier Touchette, his second neighbour. The principal adherents were Joseph Brazeau, (merchant), Louis Maheu, (Captain), Louis et Hyacinthe Vallée, Paul Lefebvre, (Peadle), and some others. He had sworn in nearly three hundred men, who were almost all armed, and the ammunition was sufficiently abundant. Brazeau sold several barrels of powder; from living in his house I knew all about it; he also gave it out to arm the people. Joseph Dumouchelle said before me that he wished to kill with his own hand Ross and Norman, of Beauharnois, and all those who would not march—wishing to implicate all in the crime, and to oblige the timid to fight, after having been thrown, in spite of themselves, into the horrors of civil war. The general plan of attack was as follows, as it was communicated to me by Dumouchelle and Malhiot, who often came to St. Martine to see Dumouchelle and others. Nelson and General Martin were to enter by the county of L'Acadie, and attack St. Johns. Mal-

hiot was to take the command of the people of St. Charles, St. Denis, St. Ours, Sorel, Contrecoeur, and to attack the fort of Sorel, where they expected to make a rich capture of ammunition and arms.—Malhiot told me that he was sure of making a successful blow,—that he had already prepared everything—visited the place with two engineers, an American and a Canadian. Martin, Côte, and Nelson, with the people of St. Athanase and of Pointe Olivier, L'Acadie, and St. Jean, would, the same night, with some pieces of artillery worked on the other side of the River Richelieu, destroy the fort, and as the troops should leave the barracks they would be attacked by the rebels, under the conduct of Julien Gagnon.

Dr. Roe and William M'Ginnis were, in the first place, to be killed, as was also John M'Donald of Chateauguay. Beausoleil had made a journey to St. Martine, expressly to engage Dumouchelle and some others to commit this homicide. It was Beausoleil himself who told me that Roe and M'Ginnis, of St. Athanase, must be killed, and he said that we ought to do as much to M'Donald, whose activity and indefatigable vigilance as a Justice of the Peace and a political partizan, were dangerous to the execution of his plans. The two armies of St. Jean and Sorel were to unite at Chambly, to take the fort, in which the 15th Regiment, under Lord Wellesley was said to be quartered.—All the people of our party in the town, having nothing to do in it, were to leave it and go to swell the ranks at L'Acadie or Laprairie, where an attack was to be made, of which I shall speak presently. The young men of Montreal, under the guidance of Lemaitre and Beausoleil, left Montreal on Friday, the second, and Saturday, the third, for different points, their arms having already been sent on before them. The *Britannia*, the Captain and proprietors of which were, I fully believe, in the conspiracy, was the vessel of which principal use was made. I am positive in saying, that the Captain, Mtre. Hebert, N.P., and Joseph Porrier, the first steward of the steamer *Britannia*, were in the plot, for they both avowed it before me one morning I breakfasted with them on board of the boat.

Laprairie was to be attacked the same night by the people of that place, those of St. Remi, and of Chateauguay; Beauharnois was to be so by the inhabitants of St. Martine, St. Timothé, and Beauharnois. Eustace, and Damase Masson had assured Dumouchelle, Cardinal, and myself, that we would find a great quantity of powder and three hundred muskets at Mr. Ellice's house, which were said to have been served out to the volunteers of the township of Beauharnois the year before, and had been deposited in the outbuildings about the seigniorly house.

Hebert and Gariepy were to conduct the attack on Laprairie, and Dumouchelle on Beauharnois. On the north side of the river a movement was also to take place, and A. B. Papineau was to have the

command of the rebels in that section. This, Malhiot himself told me in presence of Joseph Dumouchelle. He had shewn great zeal and ardour in the preparation ; he had made four or five wooden cannons with the aid of a man named , his neighbour, a stammerer. The few rebels in the parish of St. Martine were to form a junction with those of St. Rose, St. Anne des Plaines, and Terrebonne, and they were to take possession of Lachapelle's Bridge, entrench themselves there, and cut off the communication, &c. The county of Two Mountains was to remain quiet, to stop the militia and loyal volunteers of Argenteuil, St. Andrews, Ottawa, and other places. Turcot, the priest, was among the most animated, after his return from the States, in promising the habitants assistance of every kind. Augustin De Lorimier, Augustin Tassé, of St. Rose, and one . . . , a rebel of the village, were chiefs in this quarter, and they had made considerable purchases of powder and arms ; Tassé told me so himself in the village.

Charles Bouc, of the village of Terrebonne, was one of the chiefs of that place, along with Fleuremont, Seraphin Bouc, Villeneuve, and others from the Plains de la Mascouche. They had bought all the powder, shot, and arms. As to this, I only heard it as a report which was repeated at St. Rose on the first November—I cannot remember by whom. Fleuremont, Charles and Seraphin Bouc, declared themselves republicans, the first and the last of them having passed the winter in the United States, in consequence of having been engaged in the affair of St. Eustache. I saw a man named Alexis Taillefer, of St. Martine, who lived with my father there, and he told me that all was ready about Terrebonne—that Papineau, with Laurent Verdon, were occupied in organizing them all. Verdon is avowedly a furious enemy of the English Government, and he has been plotting for some time. I ought to add, that there was a committee of direction in Montreal, the principal members of which, as Beausoleil in my last interview with him, told me, were John Mc'Donell, François Mercure, Lemaitre, Beausoleil, Malliot, and some others, such as Levesque (Guillaume) and Rochon (David)—both employed by the Sheriff, but who left Montreal on the third November. George de Boucherville was also an underhand partizan, but he preserved the greatest caution. Benjamin Ouimet, a grocer, was also one of them.

I now come to speak of the secret association. The original manner of reception, but which was afterwards done away with, as being too singular and disagreeable, was to bandage the eyes of the candidate in an adjoining apartment. In this room was necessarily a *Castor*. The *Castor* took precedence—his two assistants, (for it was necessary there should be three,) were armed—the one with a knife and the other with a pistol. The person about to be initiated then fell on his knees, and was made to repeat word for word the form of the oath.

After the ~~man~~ his eyes were uncovered, and to his great surprise he found himself surrounded by people ready to destroy him. The arms signified that the least indiscretion which was discovered on the part of the newly admitted member, would bring on him inevitable death and the greatest misfortunes. There were four degrees in the institution:—

The Aigle, (Eagle),
The Castor,
The Raquet,

And The Chasseur.

The Eagle was a commander; his rank answered to that of the chief of a division, such as a Brigadier, a Colonel, &c. The Castor held the rank of a Captain, and had under him six "*raquets*," each of whom had the command of nine men—thus forming a company of fifty. The chasseurs were the soldiers, or men without any rank whatever. There was an Eagle for each section of any importance, or where there were a sufficient number of chasseurs. He was the common centre or the chief. The three inferior ranks had each their distinct signs. A chasseur was known when met by saying to him "chasseur, this is Tuesday"—and then, if he were of the society, he answered, "Wednesday," and so on. When I give my hand to a person whom I suspect of belonging to the society, I take his hand, and at the same moment I seize carefully the end of his sleeve below, and pull it, and if he do the same thing he may be considered one of the initiated. If you be not satisfied with these first signs, you may place the forefinger of the right hand in the corresponding nostril, or the little finger of the same hand in the right ear. You may perform one or all of these signs when you are convinced that the first you have made are not satisfactorily answered. The form of the oath is as follows:—

"I, A. B. freely and in presence of Almighty God, solemnly swear to observe the secret signs and mysteries of the said society of Chasseurs—never to write, describe, nor make known, in any way, any things which shall have been revealed to me by the society or lodge of Chasseurs, to be obedient to the rules and regulations which the society may make, provided that I can do so without great prejudice to my interest, my family, or my own person; to aid with my advice, care, and property, every brother Chasseur in need, and to notify him in time, of misfortune that may threaten him. All this I promise without reservation, and consenting to see my property destroyed, and to have my throat cut to the bone."

* "Je, A. B., de mon consentement et en présence de Dieu, tout puissant, jure solennellement, d'observer les secrets signés, et mystères de la société dite des chasseurs, de ne jamais écrire, peindre, ou faire connaître d'une manière quelconque les révélations qui m'auroient été faites par une société ou une loge

The *loges* should be composed of at least three persons. No one could speak of the affairs of the society but in a lodge. I have been told that the signs are changed in consequence of their being discovered by a person taken at Short Hills, in Upper Canada, who gave evidence for the Crown; but I have not learned what the new signs are, and cannot speak of them. This association is extended over all Upper and Lower Canada and the Northern States, principally Michigan, New York, Vermont, New Hampshire, and Maine. The city of New York reckons a good many members. M'Kenzie, Nelson, General Martin, Duvernay, and others, made many proselytes. It has spread even to France, by the instrumentality of some French republican travellers. This society is entirely Canadian in its existence and object; its aim is the deliverance of the Canadians from the English rule; it has connected all the ties which united the rebels; it has formed them into a more compact body—more easy to move. The trial of those accused of the murder of Chartrand furnished a proof of the effects of this society in political affairs. An advocate (Hubert) assured me that more than four of the jurymen were members of the society, and had decided even before hearing the proof, to acquit the prisoners charged with that bloody act. Having resided in the country all summer, I must say that the people are, for the most part, ripe for revolution, and that the indecision and want of firmness and courage, which they have shewn under certain circumstances, are only to be attributed to a sense of inferiority in discipline and military organization in arms. The counties of L'Acadie, Rouville, Laprairie, Terrebonne, Vaudreuil, and Two Mountains, and a good number in the town and county of Montreal, are disposed for a radical change in the Government, and nothing has made them more so than the affairs of St. Charles and St. Eustache. The destruction to life and property, far from suppressing the fire of the rebellion, has only heightened it. All those who have listened to the groans of the sufferers, perceive that, far from being intimidated, they swear revenge on their authors, the victims of war and rebellion. The volunteers, by conduct, arrogant, and, in many circumstances, even cruel, have raised the discontent too far to admit of a complaint to Government. This rebellion is not the affair of a people against the Government, but an affair of party against party. With the exception of some men, whose motives or conduct I will not pretend to qualify, the mass of the people, with a mingled mildness of Government and manly firmness, would be as loyal as they, a short time since, appeared to be. The rebel chiefs

" de chasseurs, d'être obéissant aux règles et réglemens que la société pourra faire,
 " si cela se peut sans nuire grandement à mes intérêts, ma famille ou ma propre
 " personne; d'aider de mes avis, soins, propriétés, tout frère chasseur dans le besoin,
 " de l'avertir à temps des malheurs qui le menacent. Tout cela je le promets sans
 " restriction et consent de voir mes propriétés détruites et d'avoir moi-même le cou
 " coupé jusqu'à l'os.

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make use, with advantage, of the indiscriminate destruction of property, to represent to the inhabitants that the English Government has sworn hatred and death to every one who is a French Canadian, and they thus instigate them to fight, having no other prospect but to take up arms for their fire-sides. Dumouchelle made use of this expedient at St. Martine with a good deal of success. For my part, I am morally convinced, that the troubles will not so soon come to an end. A great number of habitans have left their homes, and are in the meantime on the frontier, waiting a good opportunity to enter in arms. Whilst McLeod and Nelson, Côte and Gagnon are alive, excursions may ever be looked for. The American Government, with all its demonstrations, cannot prevent them, because a great portion of the troops—almost all the citizens and civil officers of that republic—favour these attempts. All the Americans are armed with a Government musket or rifle, in the management of which they are particularly distinguished by the accuracy and precision of their aim. In St. Albans, Swanton, Cambridge, and Johnstown, there were gatherings of arms, and I have seen a single merchant in Johnstown contribute to it five rifles, at three pounds each, to arm the Canadians. Judge Gates, of Cambridge, made me a present of a superb rifle, which has been stolen from me since. If the Canadians in the United States shew any desire to return to Canada with arms in their hands, they will find in New York and Vermont all that they need, and a thousand times have the Americans said to us, "Rally in some corner of the country, and we promise as many men and arms as you require, but we cannot begin for you."

I now come to speak of what I saw done, and did, at Beauharnois, on Saturday evening, the third November, when Messrs. Ellice, Brown, and other loyalists, were made prisoners. On Saturday, about five, P.M., I arrived from Montreal, and I knew then that Beauharnois was to be attacked by us. Cardinal told me so in passing at Chateauguay, and begged me to recommend to Dumouchelle to assemble all his people, and not to miss the capture of Messrs. Ellice, &c., who had in their possession a good number of guns. On my arrival from Montreal, at Brazeau's house, at St. Martine, I went to bed after dinner, about five or six o'clock. I begged of Brazeau, who was captain, that he would consent to exempt me from going to Beauharnois, as I was very much fatigued; he told me at first I might go to bed, giving me to understand that I needed not go. About eight, P.M., he came and awoke me, saying that it was necessary I should go to Beauharnois—that they would probably have need of my services professionally, and that besides, every one must march. I dressed myself, and half asleep, I went with the people, who directed their course from the lower side of the village; I witnessed the brutal manner in which they forced the people to take their arms. A man named Côte, a merchant,

another named Hebert, a tavern-keeper, and one of the name of Dominique, merchant, were pushed out of their houses, and *thrown* into the middle of the ranks. Messrs. Primeau and Trothier were served in the same way, but they succeeded in escaping and concealing themselves for the rest of the night. A man named Henderson, a lumber merchant, of Hinchinbrook, was dragged from a barn, where he attempted to conceal himself, and received a blow of a pike in the hip. I ran to him, at his cries, and prevented them from killing him. I caused him to be put in the house of Mr. Grandbois, a miller, and dressed his wound, which I found not to be of a serious or dangerous nature. I could not see who wounded him; there were many excited people about him; he was well received and treated by Mr. Grandbois. I requested to be allowed to remain near the wounded man, but I was refused and another obtained that permission. We arrived at Beauharnois, and after waiting for the people of St. Timothé, who had not arrived, we were called by the shouts of Dumouchelle, who was on horseback and had been stopped by some of the loyalists, in passing alone through the village to join his people in the rear; we heard also the report of fire-arms coming from near the house of Ross, the merchant; then all the people cried out, "forward," (*en avant*), and ran down the hill from the church, and in the direction of Mr. Ellice's house, whither we just learned all the loyalists, Messrs. Brown, Ross, Bryson, and some others, had retired; all stopped at a certain distance, perhaps half an acre from Mr. Brown's office, and commenced an irregular and ill-directed fire on the office, where I believe Mr. Brown, who was there at the time, was slightly wounded in the hand. I was then without arms, but in front. Dumouchelle had fled during that time—why, I know not. I took upon myself to stop the firing; seeing that they did not obey me, I caused people to be placed in front of the house, and went myself into the yard, where Dumouchelle rejoined me; he gave me a pistol to enter at the head of a certain number of men to the kitchen and interior of the house; at the door I met Mr. Brown, who said, that they all surrendered, considering farther resistance useless. I then begged of the people to be quiet, and to commit no violence. Mr. Ellice appeared with Ross and John Bryson. We had already taken twelve muskets at Mr. Ellice's, eleven barrels of cartridges, all prepared, two fowling pieces, a splendid dagger, which Dumouchelle appropriated to himself, and some more articles which I do not recollect. The people were inclined to treat Brown ill, because they thought that he concealed the arms. I warmly opposed such violence, and told them also that he who should do harm to any of the prisoners should have to pass over my body before touching Messrs. Brown, Ellice, Bryson, Ross, and others. Chevreuil appeared one of the warmest; he threatened me, at the same time reproaching me with being more attached to the interest of the prisoners than to that of

the rebels. It was then decided to send the prisoners to Chateauguay under a guard, and the people told me that it was necessary to take for that purpose the horses from Mr. Ellice's stables. I told them that I objected to that, and that nothing should be taken but arms, without their consent, and that if they did not wish to furnish carriages for themselves and the guard, all should go on foot. Mr. Ellice consented willingly to our taking some horses and carriages. Before leaving, he appeared to entertain fears for the fate of the ladies, and property, which he was going to leave behind, and he proposed that I should remain at his house to protect it and his property; I replied to him in the negative, excusing myself on the dangerous position I held as a rebel, not being able to leave the main body—but I guaranteed that no one should be troubled in his house, and I advised him also to send the members of his family whom he wished to place out of reach of all attempts of their enemies, to Lachine, or to Dr. Mount's, of Pointe Claire. He thanked me, and some time after, an hour or two, we left. Before leaving, I received ten dollars from Mr. Brown, to pay for him, to a man from whom Mr. B.'s servant had taken away a gun. I have since returned the money, not having had an opportunity of seeing the man to whom the money was due. The people of St. Timothé and of Beauharnois arrived a few minutes before our departure, and I had much difficulty in preventing violence from being committed upon the servants of Mr. Ellice, who at the beginning of the action had tied some of the rebels. I was requested to get into the carriage with Mr. Ellice and the coachman; I consented, and left the guards behind. On arriving at Chateauguay, I placed them in the house of Madame Duquette, begging of the people assembled there with their arms, and those of the house, to treat them with attention and kindness. The prisoners asked me if they might write to their respective families: I replied, yes; but the people, who perceived what was passing, opposed their doing so, and were threatening me. Dalton (the son,) Rochon, of Beauharnois, (the carrier,) were the persons who shewed the most violence. I succeeded in getting the letters sent, after Dalton read them. I refused to read them to the people, saying that it was a shame to restrain such people to such a degree. We again embarked in the waggons, but they opposed our departure, because Fenny, the driver, (Mr. Brown's servant,) was allowed to return with us. I told them that we never had any intention to take the driver prisoner, and that though he was at Chateauguay, it was only to conduct his master's waggon. After a few minutes' consultation, during which Rochon menaced me with his arms, I was left at liberty to return to St. Martine. On reaching the house of one Louis Dumouchelle, I took a glass of whiskey, engaged the people to let Fenny return in peace to Beauharnois, and took another waggon. On arriving at St. Martine, I said to Brazeau that as I had been engaged in the Beauharnois expedition un-

willingly, I had decided upon leaving the Province, not to be implicated in any further troubles. I exhorted him to pursue the same course, and he consented to do so. I sent him to find Henderson at Grandbois', to solicit the favour of passing us across the lines, and through the different volunteer posts. Henderson consented with the more pleasure, that we engaged to deliver him from the sort of harrasing detention to which he was then subjected. Meanwhile there came a man named Amable Duquette, brother-in-law to Brazeau, to whom I represented the enormity of the fault he had committed. He was a Captain, and had shewn himself extremely devoted. I told him he had better come with us, and that I would pay his expenses to the United States as long as I had money. He sent his wife to his father's, and we set off without waiting for Henderson, who was a long time in coming. It was Sunday, the fourth November; it rained, and we did not proceed far without being tired. Night surprised us at the distance of three miles from the village, in the wood, and we resolved to return and sleep at Brazeau's. The following morning (Monday,) we left Brazeau's house at four o'clock—crossed English River at Duquette's, and proceeded about six miles into the woods. Duquette then determined to leave us; Brazeau went back with him, and I remained alone in a wood of great extent. I wandered about for some time, discouraged. I attempted to retrace my steps to return to St. Martine. In trying to cross a road, I was perceived at a little distance by Major Campbell, and made prisoner. After this recital of my personal adventures, I ought to say, that there are arms, cannons, and muskets deposited along the river Chambly; Malhiot and Beausoleil have assured me of this. The first told me, and admitted in a friendly confession, that he had introduced the greatest part of them by water, after the capture of the iron cannon at Moore's Corner. Malhiot is the man who conducted the waggon that was taken. He succeeded in escaping with the horses. In the month of July there were depots of arms at Swanton, at the house of one Caine; at St. Albans, at one Sarliten's, a custom-house officer; at Whitehall, at the house of a man named Reynolds, a keeper, of Canadian origin; at Plattsburgh, at one Brock's, (the son of the late Major Brock); and in most of the small towns along Lake Champlain. The place where most of the subscriptions were raised was at Montpelier, capital of Vermont, where one single advocate, a young man, gave four hundred dollars, and neglected his own affairs to obtain arms. Demarais, of St. Johns, was named treasurer of the association. Young Ducharme, of Lachine, told me, that when he carried the money which had been collected to Pointe Claire, Lachine, and elsewhere, there were four thousand dollars in the hands of the treasurer. A great deal of money was sent from Montreal; I can only name L'Esperance, a young man, who, as they assured me, had sent from two to three hundred dollars. I ought to recall a fact which happened last year.

..... appraised Nelson, conjointly with Beausoleil, that he could send one thousand five hundred pounds, if it were necessary. Dr. Vallée had refused to see Nelson's messenger, and refused to furnish money, as Nelson told me.

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I here end my deposition. I dare say I have omitted a great many things which have come to my knowledge, but which I cannot recollect at this moment.

P.S. Part of the barrels of gunpowder and cartridges taken at Beauharnois, were deposited at Brazeau's, and the rest remained with Dumouchelle. I understood by James Mahen, that Chevallier De Lormier, N.P., came to Baker's Camp at St. Martine, to encourage the people to remain firm. I was then a prisoner. Louis Mahen, now in prison, can give information on this subject.



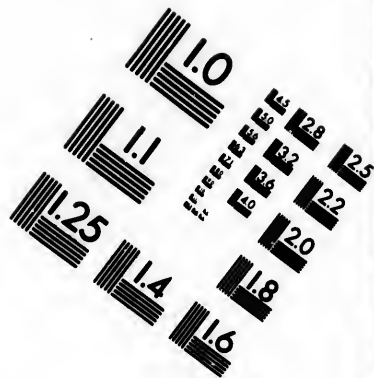
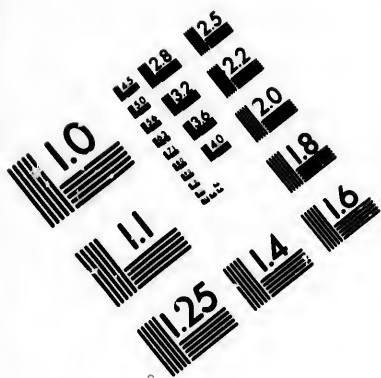
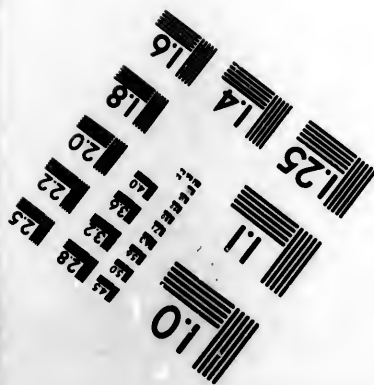
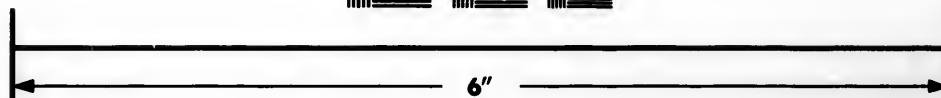
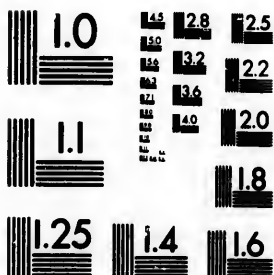


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(No. 14.)

DECLARATION.

WHEREAS, the solemn covenant made with the people of Lower Canada, and recorded in the Statute Book of the United Kingdom of Great Britain and Ireland, as the thirty-first chapter of the Act passed in the thirty-first year of the Reign of King George III. hath been continually violated by the British Government, and our rights usurped. And, whereas our humble petitions, addresses, protests, and remonstrances against this injurious and unconstitutional interference have been made in vain. That the British Government hath disposed of our revenue without the constitutional consent of the local Legislature—pillaged our treasury—arrested great numbers of our citizens, and committed them to prison—distributed through the country a mercenary army, whose presence is accompanied by consternation and alarm—whose track is red with the blood of our people—who have laid our villages in ashes—profaned our temples—and spread terror and waste through the land. And, whereas we can no longer suffer the repeated violations of our dearest rights, and patiently support the multiplied outrages and cruelties of the Government of Lower Canada, we, in the name of the people of Lower Canada, acknowledging the decrees of a Divine Providence, which permits us to put down a Government, which hath abused the object and intention for which it was created, and to make choice of that form of Government which shall re-establish the empire of justice—assure domestic tranquillity—provide for common defence—promote general good, and secure to us and our posterity the advantages of civil and religious liberty,

SOLEMNLY DECLARE :—

1. That from this day forward, the PEOPLE OF LOWER CANADA are absolved from all allegiance to Great Britain, and that the political connexion between that Power and Lower Canada, is now dissolved.

2. That a REPUBLICAN form of Government is best suited to Lower Canada, which is this day declared to be a REPUBLIC.

3. That under the Free Government of Lower Canada, all persons shall enjoy the same rights: the Indians shall no longer be under any civil disqualification, but shall enjoy the same rights as all other citizens in Lower Canada.

4. That all union between Church and State is hereby declared to be DISSOLVED, and every person shall be at liberty freely to exercise such religion or belief as shall be dictated to him by his conscience.

5. That the Feudal or Seignorial Tenure of land is hereby abolished, as completely as if such Tenure had never existed in Canada.

6. That each and every person who shall bear arms, or otherwise furnish assistance to the people of Canada, in this contest for emanci-

pation, shall be, and is discharged from all dues or obligations, real or supposed, for arrearages in virtue of Seigniorial rights, heretofore existing.

7. That the *douaire coutumier* is for the future abolished and prohibited.

8. That imprisonment for debt shall no longer exist, except in such cases of fraud as shall be specified in an Act to be passed hereafter by the Legislature of Lower Canada for this purpose.

9. That sentence of death shall no longer be passed nor executed, except in cases of murder.

10. That all mortgages on landed estates shall be special, and to be valid, shall be enregistered in offices to be erected for this purpose, by an Act of the Legislature of Lower Canada.

11. That the liberty and freedom of the press shall exist in all public matters and affairs.

12. That TRIAL BY JURY is guaranteed to the people of Lower Canada in its most extended and liberal sense, in all criminal suits, and in civil suits, above a sum to be fixed by the Legislature of the State of Lower Canada.

13. That as general and public education is necessary and due by the Government of the people, an Act to provide for the same shall be passed as soon as the circumstances of the country will permit.

14. That to secure the elective franchise, all elections shall be had by BALLOT.

15. That with the least possible delay, the people shall choose delegates, according to the present division of the country, into counties, towns, and boroughs, who shall constitute a Convention or Legislative body, to establish a Constitution, according to the wants of the country, and in conformity with the disposition of this declaration, subject to be modified according to the will of the people.

16. That every male person, of the age of twenty-one years and upwards, shall have the right of voting, as herein provided, and for the election of the aforesaid delegates.

17. That all Crown Lands, also, such as are called Clergy Reserves, and such as are nominally in possession of a certain company of landholders, in England, called the "British North American Land Company," are of right the property of the State of Lower Canada, except such portions of the aforesaid lands as may be in possession of persons who hold the same in good faith, and to whom titles shall be secured and granted, by virtue of a law which shall be enacted to legalize the possession of, and afford a title for such untitled lots of land in the Townships as are under cultivation or improvement.

18. That the French and English languages shall be used in all public affairs; and for the fulfilment of this declaration, and for the support of the patriotic cause in which we are now engaged, with a

firm reliance on the protection of the Almighty, and justice of our conduct, We, by these presents, solemnly pledge to each other our lives and fortunes, and our most sacred honour.

By order of the Provisional Government,

ROBERT NELSON,
President.

PROCLAMATION.

No. 2.

PEOPLE OF CANADA!

We have been oppressed by the hand of a transatlantic power, and unjustly and cruelly castigated with the rod of unrelenting misrule for a long series of years, so long, that the measure of tyranny has filled to overflowing. We unceasingly, but in vain, have attempted to bridle a bad government, rescind bad laws, enact such as would cause our institutions to emerge from the mire of ancient vassallage and rise to the level with those which characterise the recent government of the 19th century. We now are compelled, by the force of tyranny and contrary to our sentiments, to appeal to the force of arms in order that we may acquire and secure to us such rights as are due to a deserving and free people; nor shall we lay those arms down, until we shall have secured to our country the blessings of a patriotic and sympathising government.

To all such persons as aid us, in these our patriotic exertions, we extend the hand of fraternity and fellowship. And to such as shall persist in the blind, headlong, plundering, sanguinary, and incendiary course, that has, to our sorrow, and the suffering of our aged people, our women and our children, so disgracefully stamped the heedless career of Sir John Colborne, the Commander of the British forces, and his adherents, we shall, in self-defence and in common justice to our people and our cause, inflict the retaliation which their own terrific example has set before us; but, as there are many persons who now repent of their conduct, and of the vandalism of their associates, a course which has driven us to war, and as our sense of humanity, of justice, and of honour, is cast in a different mould from that of our oppressors, we cannot reconcile to our principle, or to the morals that elsewhere than in the English government in Canada, distinguish the age we live in, to exercise their savage example towards them.

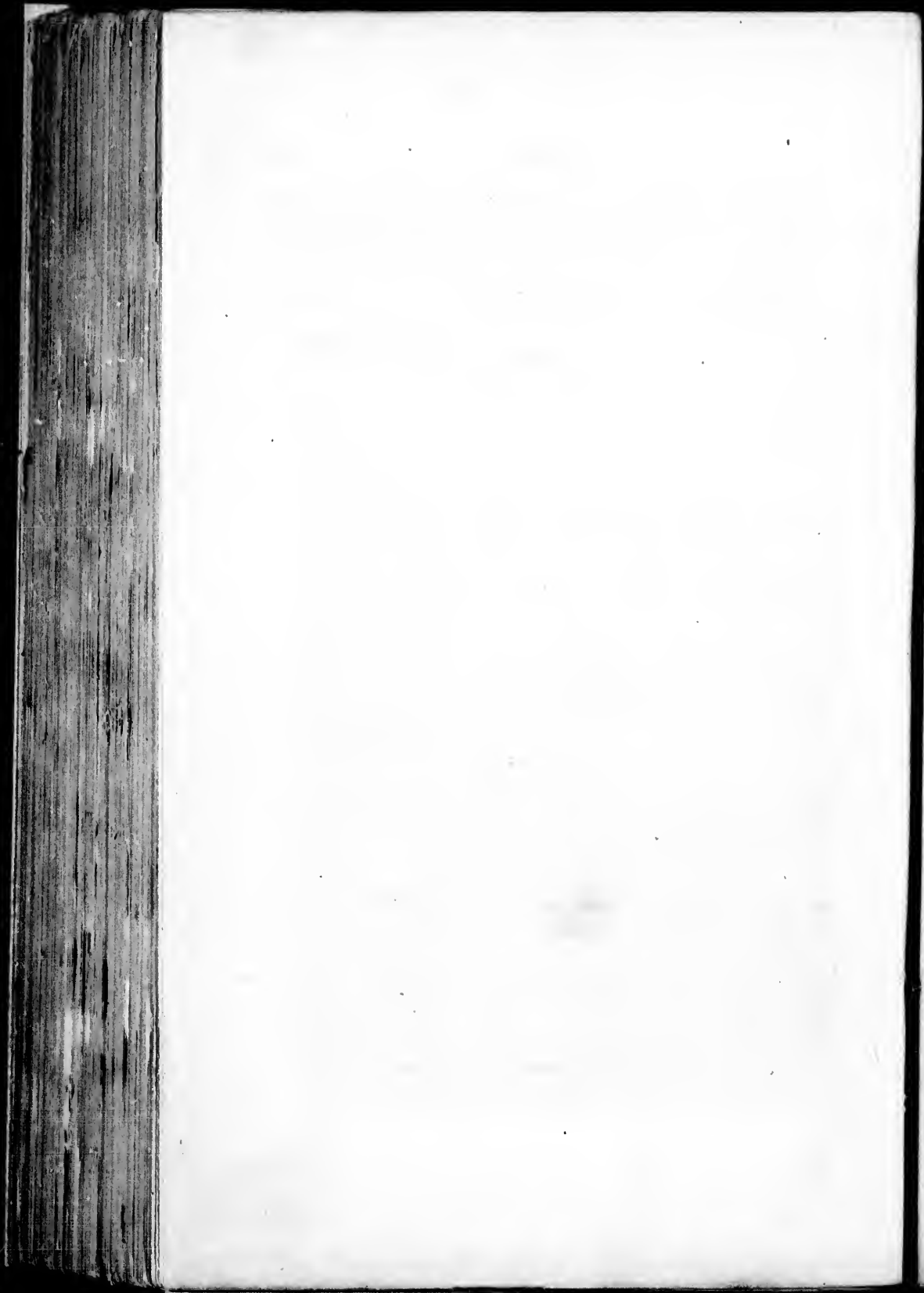
We, therefore, solemnly promise to afford SECURITY and PROTECTION, both in PERSON and PROPERTY, to ALL SUCH AS SHALL LAY

DOWN THEIR ARMS, AND OTHERWISE CEASE TO OPPRESS US—a promise which our character, and the known morals and peaceable habits of our native people sufficiently guarantee. Nor shall we lay down our arms until we shall have effected and secured the object of our first Proclamation.

By order of the Provisional Government of the State of Lower Canada.

ROBERT NELSON,
Commander-in-Chief of the Patriot Army.

THE END.



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. The letter R affixed to the names of certain prisoners, signifies that they were recommended by the Court for a commutation of punishment.

