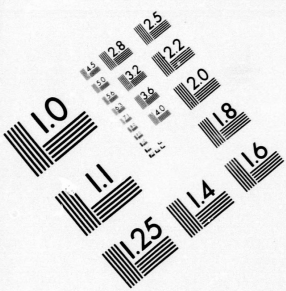

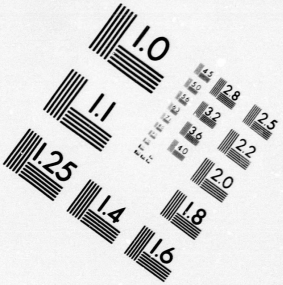

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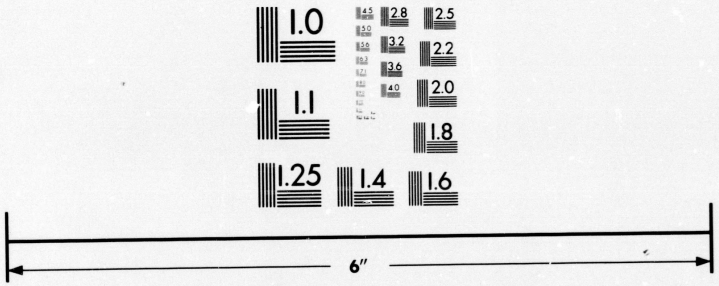

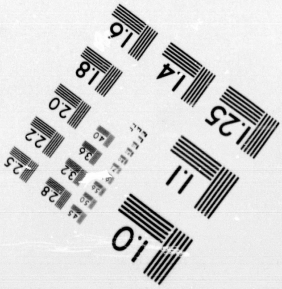

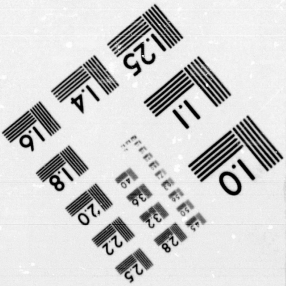

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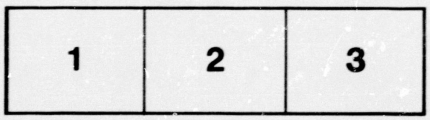

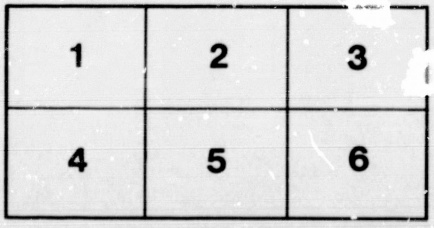

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HISTORY

OF THE

MONTREAL PRISON

FROM

A. D. 1784 TO A.D. 1886

CONTAINING A

Complete Record of the Troubles of 1837-1838. Burning of the Parliament Buildings, in 1849.

THE ST. ALBAN'S RAIDERS, 1864. THE TWO FENIAN RAIDS OF 1866 AND 1870.

AND A

Chronological Digest of all the principal events for the past hundred years. Valuable statistical tables from the Police and Recorder's Courts. Curious Proclamations, Warrants and other documents never before printed, relating to the Patriots of '37, and the administration of justice from the commencement of the Courts in 1784.

With descriptions of Branding on the hand, Standing on the Pillory, the Stocks, Whipping, &c.

BY

REV'D J. DOUGLAS BORTHWICK

TWENTY YEARS CHAPLAIN

Author of "Cyclopædia of History and Geography," "History of Scottish Song," "Battles of the World," "Borthwick Castle," "Harp of Canaan," &c., &c.

MONTREAL

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DEDICATION

TO THE

HONBLE SIR A. A. DORION

Chief Justice, Court of Queen's Bench, Province of Quebec, Canada.

SIR,

I have very much pleasure in being able to dedicate this work THE HISTORY OF THE MONTREAL PRISON, to you.

The high position to which you have attained by your own sterling worth and perseverance, commends itself to every right minded man in the Province of Quebec, of whatever religious denomination or political sect, and should be an incentive to the younger members of the Bar to follow in your illustrious footsteps.

The events of that part of the volume which relates the stirring history of 1837-38, *must be dear to many thousands of French Canadian hearts, and in dedicating this work to you—you have permitted me, an Old Country-man by birth, but now a resident of Canada for five and thirty years, to hope sincerely that in the near future, the National Spirit will so prevail that all party feeling will be obliterated in the one grand name CANADA.*

Wishing you long life in your judiciary career,

I remain,

Sir,

Your obedient servant,

J. DOUGLAS BORTHWICK.

Montreal, 1st January, 1886.

PREFACE

I HAVE often been asked to write the history of the Montreal Gaol. The present building came into existence at a very important period of the history of Canada, and especially of our own province of Quebec and City of Montreal. Almost as soon as it was built, the troubles of 1837 and 1838 took place, and among the first of *political offenders* were those who being prisoners—taken with arms in their hands and in rebellion against the constituted authorities—were incarcerated therein, and as in the case of several of them, suffered the extreme penalty of the law by public execution. Several chapters will be devoted to this interesting period—as the names of many of our great men, and some only lately dead—were connected with that event; and now we can calmly look back on this troubled period and say that these men were indeed the means of gaining for us, what we now so much prize, our present system of parliamentary representation and reform, and all the benefits which the country has since derived.

As Lemoine, the Canadian writer justly says:

"If one reflects how fully England has granted the demands asked for, by the Patriots of 1837, as set forth

in their Declaration of Independence, viz: abolition of seigniorial dues; secularization of the Clergy Reserves; abolition of imprisonment for debt, except in extreme cases; freedom of the press; trial by jury, in an extended form; the use of both languages in public affairs; the control of the Provincial Revenue and Tariff; abolition of sentence of death, except in cases of murder; it seems strange, that it should have specially fallen to the lot of French Canadians to fight to the death, for the possession of reforms and changes, many of them so peculiarly British in their ring, and to achieve which they incurred such a liberal allowance of hanging and outlawry. Was the *real* issue ever before the eyes of the British Canadian in 1837?"

Other events in the history of our city and country will be treated of, notably the Burning of the Parliament buildings, in 1849, where now stands St. Ann's Market, the St. Alban's Raid, in 1864. and the two Fenian Raids of 1866 and 1870, together with such minor and interesting, yet TRUE events as go to make up a *Repertoire* of readable matter from the descriptions of history to the records of crime.

If an experience of twenty years among the criminal classes and in that long period the sight of many phases of human character can add to the interest of this work or the truthfulness of the author's delineations, then these sketches should be more acceptable to the public than those which might be written from imagin-

ation only, besides a large portion of the volume will be devoted to periods of political upheaving, which are intimately connected with the history and advancement of this "Canada of ours."

For all these reasons therefore the author launches his work on the sea of public opinion—knowing well—like *The old man and his Ass* that it is impossible to please everybody, for, while some will say that he has done right in his publication of these sketches, others, and perhaps some of the more interested parties, will reply that he has no right to make again public what, in the period of nearly half a century and down to later times, has been once *the nine days' wonder*, and now has fallen into obscurity or has been forgotten. He feels that certain may thus reason, but those who cavil so, must remember that, what is public, belongs to the public, and therefore the "*vox populi*" must prevail, and he doubts not but that in the case of political offenders, confined in this institution, the history of which is the object of this volume, the descendants of such men, now at this period of Canadian history and enjoying the benefits of their demonstrations, will rather pride themselves on the sayings and doings of those of their own household, their kith and kin, who may appear in the pages of this work as political offenders during that period of 1837-38.

Byron, the great poet, says, in his "English Bards and Scotch Reviewers."

"T'is pleasant sure, to see one's name in print
A book's a book, although there's nothing in't."

However the Author hopes there may be something in this book to amuse as well as to instruct, to speak faithfully as well as historically and therefore he now makes his Editorial bow and retires from the prefatory stage and brings on his panorama of faces and of facts and of deeds, almost, and in a number of instances completely forgotten.

J. DOUGLAS BORTHWICK.

Hochelaga, January, 1886.

P. S.—A great amount of the information which is here given of those persons who figured conspicuously in the Troubles of 1837-8, has been taken from the Author's own publication of "Montreal its History and Biographical Sketches", and the items were either furnished directly to him, by the individuals themselves, or their immediate family, in manuscript for the same book, or culled from Biographies by Mr. L. O. David. He therefore feels that many items in this interesting period will see the public light for the first time, as the above volume had a select and limited edition, of only 200 copies, and is now out of print; also very many items of information relative to 37-38, &c., &c., have been taken by him from old documents in the Court House and Jail, liberty to do so, being freely given by those who have power.

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NOTE

Notwithstanding all the care bestowed in the correction of the proofs by the Author a few typographical errors have crept into the work after it left his hands for which he now craves the indulgence of his readers. They are easily noticed as in

Page	38	Contents, for Girard *read* Girord.
"	50	2nd last line, for bailde *read* bailed.
"	104	last line, for mentionned *read* mentioned.
"	173	2nd line, for gieve *read* give.
"	"	7th line, for O'Callaher *read* O'Callaghan.
"	232	13th line, for not be illtreated *read* be illtreated.
"	234	4th line. for 1876 *read* 1786.
"	235	27th line, for appered *read* appeared.
"	256	20th line, for larcery *read* larceny.

HISTORY OF THE MONTREAL PRISON

CHAPTER I.

Remarks on Crime.—Extract from Richard Hooker. — English punishments.—Punishments in old Montreal.—Present punishments now in vogue.—Description of Branding on the Hand.—The Pillory.—The Stocks.—Cat-of-nine-tails —Sir J. McIntosh's quotation.

"The quality of MERCY is not strained, etc,"
SHAKESPEARE.

When we look back on what was the condition of Prison life at the commencement of this century and when MRS. FRY and other Philanthropists endeavored to ameliorate the wretched state of those who were confined in Gaols and Penitentiaries—and now look at the condition of all such places of punishment and reformation—the difference is indeed wonderful. And when we come to our own city of Montreal and take the statistics of crime and immorality for many years past we see the sure decrease of all such crimes from the efforts of the various Christian and Benevolent Associations of which our city is justly so proud. Yet nevertheless in this age of Christian philanthropy I doubt not but that harsh measures should be sometimes adopted for those who are utterly abandoned, if such really can be found. For certain crimes against

the person SEVERE TREATMENT should be administered, as in desperate deseases,desperate measures are resorted to by the Physician—thus in crime—flagrant and disgusting offences against morality and decency should be so treated that the delinquents would remember for all time to come that reapplication of such punishment would inevitably follow the commission of that crime for which they formerly underwent it. But, still the sage words of "RICHARD HOOKER" must be applicable not only to prisons and their inmates but to all places where large bodies of men and women are found under constituted authority. "The time will come when a few words spoken in Meekness and Humility and Love, shall be more acceptable than volumes of controversy which commonly destroy CHARITY *the very best part* of TRUE RELIGION."

We all know that the prevention of crime is a result for which no true lover of his country would deem any effort too great, or any sacrifice too costly. And many noble men and women have worked all their lives for its decrease. Rapid indeed are the strides which Christian Charity has made within this century. Yet all will be in vain if prisoners are not fully employed both mentally and physically in useful avocations whilst undergoing their sentences.

In England there are two punishments in vogue. *The treadmill* and *solitary confinement.* During the first thirty or thirty-five years of this century, in Montreal, the punishments were *Branding on the Hand, Standing in and on the Pillory, Whipping* or *Lashing, Hanging* and the minor means of carrying out the law. In the present rules and regulations, the punishments

are *for breaches of prison discipline* ; 1st *The hard bed* "with proper covering" *for an indefinite time* ; 2nd *Bread and water for a period of not more than five consecutive days* ; 3rd *The dark cell* and 4th *The chain.*

These punishments as we have said are for refractory and disobedient prisoners in the jail, but are never resorted to as such, by the judges of the Court of Queen's Bench in their criminal sentences. Those two, of the first part of this century, viz : *Branding* and *Pillory*, have passed away, and *Hanging*, for *Forgery*, *Burglary*, *Larceny*, *Uttering base coin* and such like, by the troubles of 1837-38, have been abrogated for other punishments and *capital execution* alone is awarded now for the crime of *Murder* and in some instances, *High Treason*, as during the troubles of 1837-38 and the recent uprising in the North West.

Branding was an inhuman act, unworthy of a Christian country and whether as still kept up in the British Army for desertion, or resorted to in prisons, was and is a brutal act. In these olden times *Branding* on the hand was given by the judges, as a punishment. Let us for a moment see what this branding consists of. The prisoner is brought into the dock from his cell in the jail, made firm by an iron hand at the back of the dock, the palm part being open, THE RED HOT IRON, sometimes ending either in a crown or some other device, is held ready by the Common Hangman and the punishment is inflicted in the centre of the hand. On the 24th August 1826, a man of the name of *J. Bouchard*, for "murder" was reprieved from being hanged, to a certain period in jail with hard labor, and as the sentence reads, "*to be also burned in the hand.*" The

instrument is ready and the prisoner is informed that the moment it touches his flesh, he can repeat as fast as he can these words in French *Vive le Roi*, three times and at the end of the third repetition the punishment would cease—or similar words *God save the King* if an English prisoner—Even in the short space of time equivalent to saying thrice these few words, the red hot iron has hissed into the flesh and made such an indelible mark that all the waters of the deep Atlantic could not efface it.

In the Military Branding, as has been done in the Montreal Jail, the prisoner was stamped on the breast or shoulder with either a *D* for deserter or with *D* and *B C* for deserter and bad conduct.

The Pillory was a senseless and useless punishment and men of no great age in Montreal still remember the punishment of the pillory and many old drawings both in England and Canada show the peculiarity of it. It consisted of a frame of wood erected on posts, with moveable boards and holes, through which holes were put the head and hands of the criminal for punishment, the whole turning on a pivot and in a circle, hence we read afterwards of the sentence in the case of one F. Fournel "passing bad half French Crowns"—Dec. 1829—where he is condemned to "stand in and upon the pillory during one hour."

The punishment of the pillory was inflicted in the Market Place and in later times it was carried out at the base of Nelson's Monument, the culprit facing the River and Market. The Common Hangman attended to pillory punishments and with a whip in his hand

when the wretch wheeled round to face the Monument and save himself from the shower of rotten eggs and perhaps mud, the hangman used his whip, and made the culprit wheel round on the moveable pivot of the pillory. After an hour of standing in the constrained position of the pillory, sometimes the effect was disastrous and people suffered long afterwards from its effects. The hangman had free quarters in the jail and attended to Hanging, Pillory and Whipping punishments which were all frequent in those days.

The pillory was different from the stocks. We read of the Apostle St. Paul and his companion Silas in the Jail of Philippi having their feet made fast in the stocks; also King David says of Joseph "whose feet they hurt in the stocks." This instrument does not exactly figure in the annals of Montreal. It consisted of a machine of two pieces of timber with cut-out half circular holes in each board which when brought to stand one upon the other, narrowise, formed two complete holes into which the ankles of prisoners were placed so that locomotion was impossible. Its substitute is seen in the jail and consists of a strong staple driven into the wall of the dark cell and a chain attached to the ring, which, fastened to the prisoner's ankles prevents him moving about or trying to escape.

These are the different modes of punishment. The "cat-of-nine-tails" need not be described as all know what it is and if it were applied now more plentifully in the cases of wife-beating, criminal assaults on females highway robbery and garotting, these frequent cases, which come under our notice at the present day, would altogether cease or become fewer and fewer.

It will be seen in every punishment of whipping that the invariable number of stripes was 39. This was the Jewish number, as we find in the life of the great Apostle St-Paul, when he enumerates all his troubles and trials which he had undergone for the cause of his Master. In his 2nd Epistle to the Corinthians, he tells us in verse 24th " of the Jews five times received I forty stripes save one," that is he was five times whipped receiving each time 39 lashes, the number ordered by the Mosaic law. This seems to have been the law in Montreal, and by looking at the different crimes for which this number was always administered, we come to the conclusion that a smaller crime received the same amount as one more flagrant. Those who were whipped were tied to the cannon we now see at Nelson's Monument and received their "cat" in the sight of all the people.

Another punishment which was sometimes resorted to, for "Petty Larceny," was,when standing the prisoner in the Pillory for an hour, to have for quarter of the time either at the first or last of the hour,or before he was whipped, if that was his punishment, a placard put on his breast and in large letters the words " Stealing " printed thereon, so that every one who came up to see the punishment could know the crime.

Every one will acknowledge that the office of a Gaol Chaplain is a responsible and important one. Who hears such confessions like what he hears, who sees crime of every hue as he does. His duties bring him there continually to have presented before him the dark side of human nature. He has, when visiting the prisoner, to move in an atmosphere of crime.

He has to encounter the dissatisfied, the designing and the desperate. There is more truth, nevertheless, than poetry in the saying of one of Cromwell's old soldiers "*Increase Mather*" when he says: "I have found more good in bad people and more bad in good people than ever I expected,"—and so with many who find their way to prison.—We must not judge all alike. Many are brought thither by circumstances over which, perhaps, they have had no control, and hence the great utility, as we all know and have found, of the proper classification of those confined in any large Prison or Penitentiary. It is, indeed, a great advance when we can accomplish, with such as I speak of, what *Madame de Stael* says: "Forget the past and live only in the future." The advice is easy enough, but if it is only partially accomplished, such a one when free, begins the world anew, and under Providence succeeds.

Within the walls of any large Gaol or Penitentiary are gathered together a melancholy *Tableau* of the lost, the degraded and the fallen. Confined therein are the forger, the burglar, the high-way man, the coiner, the drunkard and the homicide, besides political offenders. It is a saddening spectacle. Those who boast of the dignity of man—of man's superiority over the brute creation — of the lofty aspirations of which man is capable, of the "inherent nobleness" within his bosom, of human nature in "its glorious and heavenward tendencies" should pause long and anxiously over this sad picture of humanity. Enter one of these institutions and look on the faces of those around. Some seem stolid, some reckless and some even amused, others look hardened, fierce and desperate. Here you may meet

the glance of stern defiance on the one hand and the scowl of deeply seated malignity on the other. Many appear sullen, many careless. And yet once in the "long, long ago," they were all innocent. Once they could all raise their eyes to Heaven with a calm brow and trustful spirit. Once they could all think of the past without shame, and of the future without fear. Once their young hearts beat high and their early trainings and perhaps musings foreshadowed a long career of usefulness and honor! But when looking on them *there* the visitor must remember that they are all partakers of one Common Humanity, that they, as well as all mankind, good or bad, are the Children of the same GREAT ALMIGHTY FATHER, and that every one must at last lie down in his own narrow house appointed for all living. The first sight then of the inmates of a convict prison, to one unaccustomed to the criminal portion of the community, awakens emotions of mingled sorrow, pity and intense moral repugnance, and so, in reading the History of Prisons, of crime and immorality, the mind loathes or shrinks from the idea of reading on, but still an irresistible feeling gains possession of the soul, to see the end. The pithy words of *Sir James MacIntosh*, the eminent philanthropist, endorse this sentiment when he says:—"Those most conversant with the History of mankind will have no difficulty in coming to this conclusion, that of all the convulsions of nature, those produced by the conflicts of human passions are the saddest to gaze upon."

CHAPTER II.

The old Gaol in Jacques Cartier Square — Food, &c. in the new Gaol in 1837 — Boiled beef of the present day.— The administration of justice in 1831.—Names of Judges and their officials.—List of all the Advocates in Montreal in 1831, and remarks.— List of all the Notaries in 1831, and remarks.—Militia of 1831 —List of the Battalions of the Island of Montreal, with the names of the officers of each corps, and district of organization, &c.

I will now begin the history proper of the Montreal Jail, that is, of the present building so called, the previous buildings are mentioned as the History and Digest proceed, and in doing so will avoid all and every thing that can cause any ill-feeling and regret or such like in the part of those who may have had "kith and kin" within its walls for some political offense or other cause.

It lies in the memory of yet a number of our fellow-citizens and they can inform you that the public gaol was not always where it is now standing. Previous to the erection of the present building the old gaol stood in the open space which lies between the Court House and the City Hall Buildings and opposite to Nelson's Monument. The old Guard House was placed somewhere about the present Recorder's position in the City Hall and a garden where the Hall is now built. In these olden times, at the commencement of the present century, and at the close of the eighteenth, things were done differently from now, as regards the admi-

nistration of justice. The whipping post was in existence in these days there being no mawkish sentimentality about its use, and crimes which now, as punishment, receive incarceration for a longer or shorter period, then were punished according to their demerit. Fancy the rapidity of carrying out the law in these early days of Montreal's History. For instance, at the Court of King's Bench in 1803, a man is condemned for "murder" to be hanged, he was sentenced on the 6th of the month and two days after hanged, and his body given over for anatomy. Two cases of "petty larceny" by the same man, also at this term, are punished by six months imprisonment and during that term to be "twice placed on the pillory and twice to receive 39 lashes on his bare back." Some of the more flagrant violations of both civil and moral law were then almost unknown, and it would materially reduce the number of such crimes were now-a-days whipping in several instances to be enforced. Simple incarceration as a punishment and with the easy times and good food and lodging of prisoners everywhere, only tends to propagate and increase instead of diminish crime. Every prisoner should be made to work as much daily, as would pay all the expense of his keeping and something for himself when he leaves the prison, but our prison regulations, actually in some instances, afford a man to be comfortably housed and taken care of for say three or six months, and that both spiritually and temporally and no *hard labor* required of him in return, nothing but simple incarceration, or the taking away of his liberty for a certain specified period.

It may be as well in this chapter to give a few facts connected with the administration of justice previous

to the commencement of the actual History of the Prison. In the year following the building of the present Gaol (1837) one of the inmates recording what their daily food and fare were, tells us that, especially among those gentlemen who experienced the prison diet and regulations, the effect was very apparent on the health and spirits of the prisoners. All the food that prisoners then received was "one and a half pound of bread daily with one gallon of water," the cells remain the same at the present day and they who have within the past few years experienced the same as the patriots of 1837-38 did, have also found as his description says: "Une cellule où un homme pouvait à peine se retourner quand il était couché," but the latter part of the description is now done away with when he says: "Point de lit ni de paillasse pas même une couverture," as every prisoner now enjoys a good straw bed and warm coverings.

No wonder the gentlemen who were incarcerated during 1837-38 found prison life hard to bear. The Grand Jury in April 1837 thus speak of the Jail: "They also think that the diet might be altered, it being at present only bread and water, and that they were shocked to see the destitute state of some of the prisoners, having nothing but one of the prison blankets wrapped around them."

Often has the Chaplain seen prisoners bring in their boiled beef to the office or elsewhere and state that "they could not eat it." This comes of the present system of overfeeding the prisoners. Whilst the building, when opened, entered on a system of Biblical Prison fare of bread and water as we find when the old prophet Jere-

miah was sent to the dungeon, it in all probability will end with a diet regulation so nutritious and plentiful that if our honest and deserving poor throughout the city could only get it during the long and cold days of a Canadian winter there would be very little need of Associated Charities or National Societies in their benevolent work of looking after the poor of their respective classes.

The administration of justice for the District of Montreal in the year 1831, just before the beginning of the agitation, and for some years previous to 1837-38, was in the hands of gentlemen of approved mental ability and of great legal lore. We find that the chief Justice was the Hon'ble James Reid, whilst the Puisne judges were Hon'ble Geo. Pyke, Hon'ble Norman Uniacke and the Hon'ble Jean Roch Rolland. The Sheriff was the Hon'ble Louis Gugy. Deputy Sheriff, Francis Perry. Coroner, Jean M. Mondelet, and clerk of the Crown, John Delisle.

The joint Prothonotary were Samuel W. Monk, and Robert L. Monough, the Gaoler being Edward Holland.

In the year 1837 we find that the Sheriff was Mr De Saint-Ours, A. M. Delisle was clerk of the Court, Mr Wand was the Gaoler then and the Doctor of the Prison was Dr. Arnoldi.

I find in 1831 the following gentlemen as Advocates in Montreal, names many of whom have passed away leaving no successor, whilst others were and have been intimately connected with the advance of Lower Cana-

da, now the Province of Quebec, and especially the City of Montreal.

Amongst them I find Stephen Sewell, K. C., David Ross, K. C., Joseph Bedard, K. C., Hon'ble Denis B. Viger, Janvier D. Lacroix, B. Beaubien, F. H. Bender, Ant. L. Levesque, Hon'ble P. D. Debartzch, Louis M. Viger, F. A. Quesnel, Samuel Gale, John Boston, Hon'ble L. J. Papineau, M. O'Sullivan, Hugues Heney, Chas R. Ogden, Sol. Genl., Alexis Bourret, James C. Grant, D. B. Rollin, Samuel W. Monk, Alex. McMillan, Toussaint Peltier, Geo. S. Henshaw, William Walker, Peter N. Rossiter, Alex. Buchanan, C. C. S. DeBleury, D. Mondelet, Philippe Bruneau, Robt. Morrough, Hyp. St. George Dupré, C. S. Cherrier, C. J. E. Mondelet, Hypolite Guy, E. A. Clark, J. S. McCord, Henry Driscol, Pierre Bibaud, Wm. Badgley, Frederick Griffin, Wm. Ryan, John Stanley, J. H. Johnson, Daniel Salmon, John Bleakly, James G. Scott, Francis P. Terroux, Duncan Fisher, Campbell Sweeney, Edward T. Jones, C. D. Day, E. E. Rodier, Arthur Ross, Levi Adams, Thomas Nye, Thomas Barron, James Smith, Augustin N. Morin, P. B. T. de Montigny, N. C. Radiger, J. M. H. Lennox, Leon Gosselin, Pierre Moreau, John Sexton, William K. McCord, Louis Hyp. Lafontaine, John Usher, Hugh Taylor, Robt. Armour and John Pickel.

When reading over the above list, how many of these names are to the inhabitants of present Montreal as "Household Words." We see the origin of the names of many streets and blocks of buildings taken from them, but above all how many bearing these names in

after years sat on the Bench of Lower Canada or occupied most important situations, either in the administration of justice or in the political arena of their country or were connected with the troubles of 1837-38, very few remain at the present day, one of the last being C. S. Cherrier, Q. C., who died not long ago.

I have inserted these names for it is a well understood axiom that Court Houses, Jails and Penitentiaries cannot exist without Advocates and Lawyers and Law, and very many of these names occur in the History of the Montreal Jail, either as political offenders, or as advocates to prisoners therein contained or as Judges and other functionaries in the administration of justice.

The notaries of 1831, residing in Montreal were Joseph Papineau, Jean M. Mondelet, Thomas Barron, Louis Guy, Charles Provost, F. X. Dezery, Nicolas B. Doucet, Louis H. Latour, Chas Huot, Henry Griffin, Thos Bedouin, André Jobin, Charles Deseve, Peter Lukin, Pierre Ritchot, Genereux Peltier, P. E. Leclerc, Joseph A. Labadie, Wm N. Crawford, Louis Marteau, George D. Arnoldi, Joseph Guy, Etienne Guy, Chevalier de Lorimier, Zépherin J. Truteau, Joseph Belle, James Grant and Joseph D. Vallée.

Again in this list we see many who have left their names in streets etc. in Montreal or who figured in the troubles of 1837-38 or on the checkered board of Canadian History. Very few remain in their descendant's fulfilling the same profession as their fathers or grandfathers. The most remarkable instance of exception being that of the Labadie family who before the grand-

father died not long since consisted of three generations of notaries, grand-father, father and sons all in the same office on St. Lambert Hill.

As the militia played an important part in the troubles of 1837-38 I will finish this chapter with a short sketch of the militia of the Island of Montreal. It will be interesting to our present volunteers and one can see how many French names are enrolled as officers belonging to the corps.

The militia of the City and County of Montreal formed one corps consisting of eight battalions of Infantry, two Troops of Volunteer Cavalry, two companies of Artillery and two companies of Rifles. The first Battalion of Infantry was composed of those residing within the Faubourg Ste. Marie, the division of Ste. Marie and St. Martin and the division of La Visitation, county district and was commanded by Lieut. Col. the Hon'ble Charles Grant, the Majors being Benjamin Beaubien and Michael O'Sullivan. The Col. Commandant of all was Louis Guy.

The 2nd Battalion consisted of all those included in the centre of St. Joseph street, Dalhousie Square, the River and Commissioners St., Craig to Sanguinet St., then to St. Louis St., also the Faubourg St. Louis and St. Michel in the county. Lieut.-Col. The Hon. Louis Gugy ; Majors Samuel Gerrard and Janvier D. Lacroix.

The 3rd Battalion consisted of all between St. Joseph to McGill Sts., Craig St., the River, les Sœurs Grises, la Pointe à Callières and the division of the Tanneries,

county district. Lieut.-Col. J. Bouthillier, Majors Pierre De Rocheblave and L. J. Papineau.

The 4th Battalion consisted of all the suburb St. Lawrence, generally called "Grande Rue of the suburb of St. Laurent," as far as Sanguinet St. and the division of Ste Catherine and that of Cote Notre-Dame des Neiges, of the county district. Lieut.-Col. the Hon. Toussaint Pothier, Majors Fred. Aug. Quesnel and Jos. Shuter.

The 5th Battalion consisted of all within the west part of St. Lawrence suburb, the suburb of St. Antoine and the divisions of St. Antoine and St. Luc in the county district. Lieut.-Col. R. Hervieux, Majors F. A. Larocque and Austin Cuvillier.

The 6th Battalion consisted of all residing in the suburbs of St. Joseph and St. Ann, the division St. Pierre, St. Paul and Island St. Paul, of the county district. Lieut.-Col. John Jones, Majors John Molson and L. M. Viger.

The 7th Battalion consisted of all residing within the parishes of Lachine, Pointe-Claire, Ste. Anne and Ste Geneviève. Lieut.-Col. J. M. Mondelet, Majors Dominique Mondelet and Alexis Berthelot.

The 8th Battalion consisted of all residing in the parishes of Longue-Pointe, Pointe aux Trembles, la Rivière des Prairies, Sault au Récollet and St. Laurent. Lieut.-Col. Jacques Viger, Majors John Delisle and Hypolite St. George Dupré.

Lieut.-Col. The Hon. John Forsyth commanded the

volunteer militia, the Majors being George Gregory (cavalry), John S. McCord (rifles), and Peter McGill (artillery).

Thus having given the names and occupations of the principal people connected with this History previous to the building of the present Montreal Jail, I will now commence the History proper with a short account of the condition of Lower Canada in the years previous to the outbreak.

CHAPTER III.

Condition of Lower Canada in 1832-33 and 34.—Remarks on Papineau.—Indignation meentings.—Death of William IVth.—Accession of Queen Victoria.—Great gathering of Patriots at St. Charles.—British Troops.—Tricolor flag displayed at St. Hyacinthe—The sons of Liberty.—Meeting of Royalists in Montreal.—Montreal Magistrates—A furious mob and riot.—The 1st Royal Regiment.—Destruction of the "Vindicator" office.—T. S. Brown.—Organization at St Charles.—Warrants issued.—Arrest of Messrs. Davignon and Demaray.—Their escape.—Col Gore and Troops at Sorel.—Their march to St. Denis.—Fight and return to Montreal.

"Oh! think what anxious moments pass between
"The birth of plots and their last fatal periods,
"Oh! 'tis a dreadful interval of time
"Made up of horror all and big with death."

ADDISON.

To carry on a succinct account of the History of the Montreal Gaol, we must revert for a little to the history of the Province and the eventful transactions which are found on record during the troublous period of the Rebellion of 1837-38, and explain shortly, the affairs of Lower Canada which happened before and led to the outbreak.

In the Assembly of Lower Canada there was a French Canadian, Louis Joseph Papineau by name, who was the most violent opposant of the government. Wherever Papineau had the opportunity he boldly denounced Lord Dalhousie as a man utterly unworthy of public confidence. For some years a bad feeling had been en-

gendered in the Assembly among its members and in 1832, 1833 and 1834 the discord and excitement were continuously maintained and at last the state of the Province became alarming.

I cannot but insert here the following quotation from the pen of one of Canada's clever writers (Lemoine) where he says:

"We can ourselves well remember the time, when to the excited vision of one of British descent, all that was vile, unprincipled, treasonable and wicked might be summed up in the one word, Papineau. Then, indeed, the eloquent leader of the Canadian Commons, could, like the great agitator, O'Connell, have boasted that he was the best abused man in the country. A superlatively loyal French song of the period, after enumerating the calamities of very hue, which could be charged to the arch-agitator, without forgetting cholera-morbus, earthquakes and the potatoe rot, concluded each stanza with the well remembered words: "*C'est la faute à Papineau.*"

A dreaded monster was he, this same Louis Joseph, in the eyes of superlatively loyal men.

But peace to Louis Joseph's ashes! may they continue to rest where some loving hands have placed them on the 24th Sept. 1871, at Monte-Bello, his own beautiful seat, on the green banks of the Ottawa. Peace to his memory! he is now before a higher tribunal, to answer for his deeds in the flesh."

Such was the state of affairs when Lord Gosford as

governor-in-chief, and two other gentlemen were sent out from England to endeavor to settle the troubled affairs of the Province. This commission reported at great length. Two of them Sir Charles Grey and Sir George Gipps returned to England while Earl Gosford remained in Canada.

In the Imperial Parliament the affairs of Canada were discussed and resolutions were passed which virtually suspended the Canadian Constitution of 1791. When the news reached this country in the middle of April 1837, the opposants of the government determined to observe their duties as loyal subjects no longer. Indignation meetings under the leadership of Louis J. Papineau and Dr. Wolfred Nelson were held. Great Britain was denounced and measures openly proposed for the establishing of a Republic and if necessary by force of arms. All who sided with these two, styled themselves "Patriots," and by their inflammatory speeches created quite a panic among the loyal inhabitants. Almost immediately after, several outrages were committed and the Province was plunged into all the horrors of a civil war.

On the twentieth day of June 1837, King William IVth of Great Britain and Ireland died and was succeeded by Her Most Gracious Majesty, Queen Victoria, the same day. According to the custom, the Roman Catholic clergy throughout the counties round Montreal, and elsewhere, and in all the parish churches celebrated Her Majesty's accession to the British Throne. This was thought a good opportunity for the disloyal and seditious of the different congregations to turn to ac-

count their opposition to the youthful Sovereign and of showing their true colors and sentiments. In a great number of churches many rose from their pews and left, refusing to sanction by their presence, the chanting of the beautiful "*Te Deum*" in honor of the new Sovereign or commingling with the rest of the worshippers in the prayers for the Queen and Royal Family.

This decisive mark of the influence which the agitators had contrived to obtain over the minds of the inhabitants was followed by the adoption of treasonable utterances and resolutions expresed on the 20th October, when a vast gathering of the malcontents was held at a place called St. Charles, situated on the banks of the beautiful river Richelieu, which from Lake Champlain in the United States flows northward and joins the St. Lawrence at the town of William-Henry, now called Sorel. "At this meeting the speakers pretended to pity the soldiers of Britain or as they said "the unhappy lot of the soldiers" and every one of them recommended desertion from the British ranks," but as Dr. Miles states incorrectly "not one single soldier deserted his Queen and country during the troubles of 1837-38."

The "Cap of Liberty" in imitation of the revolutionists of France, was raised on a pole and a solemn oath taken under it that each one would be faithful to the principles of which it was emblematical. All allegiance to the British crown and every pretence to it were then and there thrown off and discarded, and a determination evinced by every one to take the management of public affairs and the reins of government into their

own hands. This celebrated meeting was attended by the Speaker of the House, L. J. Papineau himself, and by no less than twelve members of the House of Assembly, and no time was lost by the chosen leaders in carrying their treasonable part of the resolutions, then passed into effect. Bands of enraged and armed men marched forth, spreading fear and consternation among the peaceable inhabitants of the country, threatening them with the loss of life or liberty or property if they did not immediately acquiesce in their rebellious views and projects. Justices of the peace and officers of the militia were in many cases compelled to resign their commissions and many took refuge in Montreal.

Previous to this grand meeting at St. Charles, public meetings had been held in the fall of 1837, in almost every county and parish of the province, but especially in the district of Montreal. At these meetings the people were harranged by the leading members of the Assembly, in the most inflammatory language, going so far as to repudiate the authority of Parliament, and deny the obligations of the laws. At one time the tri-colored flag was openly displayed for several days at St. Hyacinthe and also in the neighbourhood of St. Charles and St. Denis. At a large meeting held in the latter place, one of the speakers actually warned the people to be ready to arm themselves, and some of the tavern-keepers substituted an eagle in place of their usual signs. The whole idea was to set up a Canadian Republic on the basis of that of the United States. The "Sons of Liberty," as several of the Associations called themselves, issued a manifesto styled "An address to the young men of the North American Colonies." In this

document they openly avowed sentiments of the most dangerous tendency. Every method was put in force to circulate these sentiments, drilling took place openly even on Sundays, and other holidays, armed bands paraded the streets of Montreal during the darkness and silence of the night, the tricolored flag was hoisted and the peaceable inhabitants of the city felt themselves insecure if they ventured out unarmed after the day had closed.

On the same day that the grand demonstration was held at St. Charles, a meeting of the loyal and constitutional inhabitants of Montreal took place for the "maintenance of good order, the protection of life and property and the connection now happily existing between this Colony and the United Kingdom at present put in jeopardy by the machinations of a disorganizing and revolutionary faction within this Province." Troops were sent for both from Nova Scotia and Upper Canada. The Attorney General arrived from Quebec for the purpose of directing measures and dealing according to law with certain individuals and foreign military officers who had been introduced into the Province for the purpose of giving aid to the insurgents.

The magistrates of Montreal having received information on the 5th of November, that numerous bodies of men, of different parties intended on the following day to parade the streets of the city, immediately issued a proclamation to prohibit such a measure. This was on Sunday that the information was conveyed to them and on Monday the 6th, persons were anxiously enquiring as to the motions and intentions of the two dif-

ferent parties, and about 2 o'clock it was well known that a considerable body of men, known by the name of the "Sons of Liberty," *Fils de la Liberté*, had assembled in an enclosed yard, near St. James street, although some of their leaders had pledged themselves to the magistrates that no procession should that day take place. However nearly three hundred men sallied forth, armed with bludgeons, pistols and every other weapon they could procure and made a furious and indiscriminate attack on all that fell on their way. In a short time they had full possession of the street, breaking the windows and threatening all kinds of other mischief. The Constitutionalists were soon aroused and attacking the riotous assemblage soon dispersed it, but they were far from satisfied with this success. About 6 o'clock the Riot Act was read and the military then stationed, in Montreal were called out. A large party of the Constitutionalists or Loyal Party were met with by the Royal Regiment in front of Papineau's house, but happily explanations ensued and cheering the gallant regiment they accompanied it to the Champ de Mars, where it was ordered to take post and stand in readiness for any emergency. One company of the regiment was stationed in St. Denis street near the Bishop's Church where the officer in command received from the loyalists, a seven-barreled gun, two other guns, as word and a banner of the "Sons of Liberty" which had been taken from a house in Dorchester Street where the malcontents were in the habit of meeting for drill. After this, all became quiet and the magistrates ordered the troops back to their barracks again. In proceeding thither the Royal Regiment found a party attempting injury

to Papineau's house, but they instantly desisted when the troops came upon them. In the course of the same evening the office of the newspaper called *The Vindicator*, a most seditious sheet of the times, was totally destroyed by some of the more zealous of the British party. The military patrolled the streets all night till daybreak, and as no further violence was committed and no lives lost and no opposition to the soldiers offered they returned to their barracks.

Among the principal agitators was T. S. Brown, perhaps the only one now alive of all those who took any active part or held a high position in the insurrection of 1837-38. In all public agitation up to the year 1837, Mr. Brown was in daily communication with Mr Papineau and other leaders of his party and he was one of the most active and ubiquitous in writing and public speaking. He write a series of articles and letters signed L. M. N. to "*The New York Express*" on the affairs of Canada. When the "Sons of Liberty" were organized in the month of August, he was chosen general of that body. On the 6th of November, as stated before, when they paraded the streets and broke into riot, Mr Brown was returning home alone after their last meeting and was assailed by a body of the opposite party, the Loyalists, and nearly beaten to death, losing the sight of his right eye which he never recovered and which caused his total blindness at the present day. This happened at the corner of St. James and St. François Xavier streets where stood the old Post office.

The injuries which he, this evening, sustained confined him to his house until the 16th November, when hear-

ing that a warrant for high treason had been issued against him, he went down to Pointe aux Trembles from which after passing a day in bed in an island, he crossed over to Varennes. When at supper there he was joined by Alphonse Gauvin and Rodolph Desrivieres, two chiefs of "The Sons of Liberty," who, by chance, arrived at the same time. These three determined to establish a military camp at St. Charles. Riding over night, they accomplished this the following morning. Mr. Brown being too weak for action, his two associates completed the preparations. The people of the village and county supposing that a general rising had commenced came to the camp in great numbers, and such as had arms of any kind to the number of 200 remained.

Trees were felled to form defensive works, but as there was no time to throw up earth works, it was merely a log fence, nor were there officers or military organization.

In the meantime on the 16th of November, other warrants had been issued besides that against Mr Brown. Large rewards were also offered for the apprehension of twenty-six individuals (Brown included) who were all charged with High Treason. Twenty-five of these warrants were against French Canadian citizens and men of—as some of them were—high position, Mr Brown being in that list the only English speaking one. No less than eight of them were members of Parliament and the greater part were in the higher classes of society. Eight of them being arrested were at once committed to the prison, but all the others who

resided in the city escaped before the warrants reached them, among whom were the three mentioned above who formed the encampment at St. Charles. Two of the leaders resided at St. Johns and one at St. Athanase and the warrants for their apprehension were entrusted to a peace officer who, accompanied by a body of the Royal Montreal Cavalry proceeded to execute them by way of Longueuil and Chambly. Messrs Demaray and Davignon were arrested at St. Johns and the party were returning to Montreal with their prisoners by the same route, when within about two miles of Longueuil, the cavalry and the peace officer in charge of the prisoners were intercepted by a large body of armed peasantry under Bonaventure Viger, who fired upon them from their houses, from behind the fences and from a barn which bordered the road and they compelled the troops to abandon their prisoners and several of the cavalry were wounded and their horses injured, by the fire of the peasant insurgents.

On the 20th of Nov. it was well known from reliable information that Mr. Brown and others had collected a large force at the village of St. Charles on the river Richelieu and that their numbers had now increased to between 700 and 800 men. The authorities in Montreal also learned that another demonstration at St. Denis had occupied a large stone building and thrown up some outworks, being commanded by the celebrated Dr. Wolfred Nelson. A third body held a strong position at St. Ours in the county of St. Hyacinthe. On account of all this, they considered it necessary to disperse these bodies and apprehend their leaders which they had not been able to do since the issuing of their

warrants on the 16th of the month. Consequently they applied, as the civil authorities, to the Commander of the forces for aid in securing them.

On the 22nd a body of troops consisting of four companies of Regulars and a few volunteers from Montreal under Col. Gore embarked on board the steamer *St. George* for Sorel where they landed in the evening. At 10 o'clock they marched towards St. Denis intending to attack the force collected at that place and then move rapidly to assist Col. Wetherall of the Royal Regiment in his attack upon St. Charles. The march was a terrible one on account of the heavy rain and the muddy roads. They did not reach St. Denis till day-break the morning of the 23rd when the Col. found his division not strong enough to carry the position of the insurgents at St. Denis. He had been able to bring on but one small field piece, which did little or no execution. Although he persevered in his attack for six hours he was completely baffled in all his attempts. He found it impossible to dislodge some of the "Patriots," from a large stone building whence they kept up an incessant fire and his men being exhausted by the fatigues of the preceding night and day, the colonel retreated upon Sorel fearing lest his communications should be cut off. He was obliged to leave several wounded men behind as well as his field piece six of his men being killed and 10 wounded. Several of the "Patriots" about 15 men were also killed. Col. Gore after much suffering of his men arrived at Sorel on the morning of the 26th. Strong bodies of armed peasants were seen in various places along the line of march.

The sensation which this unforseen termination

caused was immense. Conjointly with the rescue of the two prisoners, it greatly elated the "Patriots." It was quickly communicated to all parts of the country and these disloyal men thought themselves sure of ultimate victory and success.

We find in all national history that during revolutionary times events march along with terrible velocity and startling rapidity to every one connected with the movement. One day comes and breaks to pieces the hopes of the former, and this day again is itself effaced by the unforeseen circumstances and complications of the next. The troubles of 1837 were no exception to this. The leaders themselves knew not the extent of the movement. History has never yet and can never record the personal sufferings, the domestic sacrifices and the social disruptions which this insurrection occasioned, and it is not far fetched to say that not a family on the banks of the beautiful Richelieu River and in most of the northern counties of the St. Lawrence which to this day does not bear some or other trace of the troubles of that time.

CHAPTER IV.

The Late Sheriff Leblanc.—Chief Justice Sir Louis H. Lafontaine Bart.—Col. Wetherall.—Battle of St. Charles.—Mr. Brown's fall from his horse.—Success of the Troops.—Adventures of Mr. Brown &c.—Mr. Papineau's meeting with his father at Saratoga.—Col. Wetherall's rewards.—Inscription on the plate given to him by the loyal inhabitants of the District of Montreal.—St. Denis.—St. Hyacinthe.—Martial Law.—Troops from Halifax and New-Brunswick arrive at Quebec.—Offers of assistance.—Col. Dyde.—Close of the Rebellion south side of the St. Lawrence.

"Cry havock and let slip the Dogs of War."
SHAKESPEARE.

Among the "*Fils de la Liberté*" who were incarcerated in the Montreal gaol, I find the name of Charles André Leblanc, the late sheriff of Montreal. He was the youngest of the "Patriots" and was the first name on the first warrant for High Treason in 1837. Having become like other restless young spirits implicated in the troubles in Montreal, he was incarcerated for the period of five months. He received the soubriquet of *l'Enfant* on account of his youth. After his liberation he entered into partnership with the late Pierre Moreau, Q. C. in 1848 and afterwards with the late Francis Cassidy Q. C. and at the time of his death occupied the position of sheriff, over that very gaol where he had been a prisoner for nearly half a year.

Another name connected with this period is the late Chief Justice Sir Louis H. Lafontaine, Bart.

In the "Washington Sketches," which were written when the Chief Justice was in the zenith of his fame and political life I find it thus recorded. "At first he was a follower, than a rival of Papineau. The latter was with the *parti prêtre*, the former led that of *La jeune France*, and the priests shook their heads at his orthodoxy; in fact spoke of him as little better than an infidel. But "circumstances alter cases." Both fled in 1837 from warrants for high treason. M. Lafontaine reached England, where not feeling himself safe, by the assistance of Mr. Edward Ellice, (Seigneur of Beauharnois) and who had the greatest single property in Canada, he escaped across the channel into France."

More fortunate than Mr. Papineau, he was very soon enabled to return, there in reality being no evidence against him. I find he was arrested on the memorable 4th November (Sunday) 1838 and discharged by order of Sir John Colborne.

Col. Wetherall had received orders to attack St. Charles at the same time that the other forces were to be engaged at St. Denis. For this purpose he left Chambly at the same time that Col. Gore did Sorel and marched down the right bank of the Richelieu towards St-Charles, but the roads were so bad that his troops were not able to reach till noon of the 25th. His forces consisted of a brigade of infantry, two pieces of field artillery and a small body of cavalry. He had rested a day at St. Hilaire to refresh his troops and the roads beyond that place were good and the weather fine, he approached St-Charles using the ordinary military stratagem in an open level country by setting fire to a few barns as he

approached. The great column of smoke and flame which burst up from them produced its usual terror and the country people came flocking before him. In the midst of this Mr. Brown was thrown from his horse to the frozen ground with such force that in ordinary times would have knocked him senseless, but spirit conquered flesh and he instantly mounted again and endeavored to animate his followers to the coming strife. The houses along the route had been all deserted, all the bridges broken down, barricades had been erected and every precaution taken by the "Patriots" against an attack from Col. Wetherall's little army. Such was the position of affairs when he arrived on the 25th at noon at St. Charles. Halting to reconnoitre he observed that two guns commanded the road and he therefore resolved to attack by deploying to the right. His troops were saluted with a loud cheer from the stockade and a constant fire was kept up by the rebels from the opposite side of the river. About an hour was spent in skirmishing and making preparations for the assuult. When Col. Wetherall had approached within 250 yards from the works, he took up a position with the hope that the display of his force would induce some change among the infatuated people. They however opened a heavy fire which was returned. He then advanced nearer and nearer to the works, but finding the defenders still obstinate he give the order to storm them, which was successfully done, the soldiers burning every building within the stockade except Mr. Debartzch's house which was extinguished and occupied by the troops. The battle lasted one hour. The little army lost 21 men in killed and wounded. The slaughter was great on the side of the "Patriots" of whom no less than

150 were killed and twice that number wounded. T. S. Brown, L. Papineau, J. T. Drolet and others quitted the field of battle and escaped. The leader T. S. Brown proceeded about nightfall to St. Denis where he joined Dr. Wolfred Nelson and after returning for a day to St. Charles remained with him for a week. On the 2nd of December they left with four companions for the United States. Getting separated, all were captured except T. S. Brown and L. Papineau. Brown passing through the woods and sleeping in barns at last reached the United States on the 9th December after many romantic adventures, being at one time so reduced as to subsist on raw peas taken from the field. He found that on his head and others the sum of £2,000 each had been offered by the government as a reward for their capture. Having arrived safely in the States he went to Florida in 1838.

Col. Wetherall having thus captured St. Charles and taken several prisoners and dispersed the insurgents, determined then to attack a considerable body of the "Patriots" who had collected for the purpose of cutting off his retreat to Chambly, and on the morning of the 28th he discovered them in a well chosen position and under the protection of an abattis. They fled, however, as soon as he had formed to attack, leaving their two guns behind them.

The issue of the affair at St. Charles being soon known at St. Denis, the followers of Dr. Nelson lost heart and began rapidly to desert. He, himself with a few friends left the place intending to retire to the United States. He however did not succeed in getting across the border. When he had got as far as Stukeley he was

taken prisoner on the 12th December in company with one Canadian and an Indian guide, all of them almost exhausted with fatigue, hunger and cold. Having been taken to Montreal, he was thrown into the gaol where now were many others who had rebelled. Papineau had been at St. Denis before the troops of Col. Gore attacked the place, but had removed to Yamaska. After the capture of St. Charles, he fled into the United States. A most affecting interview took place at Saratoga between the old father Joseph Papineau and his fugitive son. This was their last time of meeting and they bade each other a final adieu. The old man returned to Canada where he died soon after in 1841 aged 90, and L. J. Papineau started for France.

For the distinguished services which Col. Wetherall had rendered the country he was made by the Queen a Companion of the most honorable Order of the Bath. But what was of peculiar worth to him was the magnificent piece of plate presented to him by the people of the District of Montreal and which bore the following inscription :

TO

G. A. WETHERALL C. B. K. H.

Colonel 2nd Battalion, 1st Royal Regiment.

The Loyalists of Montreal, present this Testimonial of gratitude for his important services to the great cause of

BRITISH CONNEXION

in the defeat of the Rebels, at St. Charles, on the 25th of November 1837, to which, by its moral influence may be mainly ascribed under Providence, the speedy arrest of insurrectionary movement; and of admiration of his wisdom, his conduct, his gallantry in action and his MERCY in VICTORY.

St. Denis was afterwards the scene of some excesses. Col. Gore's detachment returned to the village and the soldiers, enraged by their repulse and the information received of the terrible treatment of Captain Weir who had been lately murdered though bound hand and foot, ruthlessly destroyed the buildings and other property. He then marched on to St. Hyacinthe where he soon put an end to any further display of the Patriots. The Loyalists of the Eastern Townships generally were on the alert for refugees and succeeded in capturing them before they reached the States. Thus all armed opposition was destroyed in all the counties south of the St. Lawrence.

The last stand which the insurgents made in these counties was at Philipsburg in the neighborhood of Missisquoi Bay. The loyalist militia under Captain Kemp, defeated the patriots under a leader named Gagnon. This band had been organized in the States at a place called Swanton in the State of Vermont, from which town they marched into Canada. On the 6th December they were dispersed and fled back to Swanton leaving two field pieces, all their ammunition and a few prisoners in the hands of the loyalists.

Martial law was now proclaimed in the District of Montreal and all those who were leaders of the rebellion as well as all engaged therein were declared guilty of high treason and rewards for them proclaimed by the government. At the end of the 1st week of December there was no more necessity for armed display in the district where the rebellion first broke out. Had not the prompt action of Col. Wetherall and Col. Gore with

the loyalists of Montreal and other volunteers crushed out the rebellion on the south of the St. Lawrence, nevertheless there were numberless offers of assistance from all parts of Her Majesty's Dominions in British North America. As late as November the 6th, part of the 85th Regiment at Halifax started for Quebec. The 34th and 43rd Regiments from New Brunswick proceeded to the same destination in different divisions. These three regiments made a winter march through a country covered with snow and among the inhabitants of the various counties through which they passed, who were all supposed to be friendly to the Patriots. Yet in their long journey they were everywhere treated with marks of kindness and loyalty and when they reached Quebec in the month of December, they felt nothing but pleasure at the success of their march.

Mr. J. V. Pierce thus speaks of the arrival of the 85th Regiment at Quebec:

"This regiment had received a few hours' notice to start for Canada; and, in winter vehicles, proceeded to their destination, the first division crossing at Point Levi on the 28th December. It was an interesting sight to witness the long string of carioles as they came over the hill of the opposite side of the River St. Lawrence; and then the crossing over, amidst the floating ice, in wooden canoes, with flags gaily flying at the stern—the landing at Quebec—the weary and weatherbeaten soldiers as they quietly fell into their ranks, and answered to the roll-call, marching with military precision up Mountain Hill to their quarters for a brief rest, preparatory to proceeding to the seat of war."

Addresses and offers of assistance poured into Montreal from every quarter. They came from the militia of Upper Canada, Nova Scotia and New Brunswick. Volunteers by thousands offered to march to the assistance of the loyal inhabitants of Lower Canada from everywhere. The Highlanders of Glengary, actually were on the point of setting out for Montreal, when word from Sir John Colborne was brought intimating the result of the different actions on the north side of the St. Lawrence.

The loyal inhabitants of the cities of Quebec and Montreal prepared addresses full of patriotism and fire, they filled up the ranks of the volunteer infantry, cavalry, artillery and the home guard soon amounted to a large regiment. In Quebec, Col. Dyde then a young man in the prime of life raised a company of grenadiers in twenty-four hours after the order had issued to raise a regiment of a thousand strong "The Loyal Quebec Volunteers," and thus he became the senior officer.

All this was most gratifying both to the Canadian Government as well as to that of England. And the rebellion being nipped at the very commencement by the decisive action of the British troops and volunteers required no outward assistance from friends at a distance.

CHAPTER V.

Sir George Cartier, Bart.—Dr. Wolfred Nelson.—R. A. R. Hubert.—J. A. Labadie—D. B. Viger.—Sir John Colborne and the troops march to St. Eustache.—Death of Girard, the Leader.—St. Benoit.—Rising on the South shore of the St. Lawrence.—Dr. Robert Nelson.—Caughnawaga.—Chateauguay.—Beauharnois.—Odeltown.—Lacolle engagement.—Names of prisoners—Execution of two patriots in Montreal gaol.—Benjamin Mott the last Patriot condemned to death.

"Can Christian love, can patriot zeal
"Can love of blessed Charity.
"Can piety the discord heal,
"Or stanch the death feud's enmity?
SCOTT.

It is a remarkable fact that the only two gentlemen who were ever created "Baronet" in the History of the Province of Quebec or indeed of Canada were Sir L. H. Lafontaine and Sir George E. Cartier. Both in their younger days were rebels, patriots or whatever else they were or may be called, nevertheless both having warrants issued against them for High Treason. A year before the outbreak Sir George being only 21 years of age was admitted to the Bar of Lower Canada and we all know to whom Canada owes so much at the present day. When he died in London 20th May 1873 his remains were sent over to Canada by the British Government. His funeral was perhaps the most imposing one ever seen in the city of Montreal or in the British North American Provinces.

We have more than once mentioned the name of Dr Wolfred Nelson. Little imagined he when incarcerated as a political offender in the Montreal gaol that he would hold the highest office in Montreal, viz : that of mayor. Having been arrested he was conveyed to Montreal and thrown into gaol. At the end of seven months dreary incarceration, having previously received his sentence, which was banishment for life, he was with several other persons connected with the rebellion taken to Quebec and placed on board one of Her Majesty's ships of war and taken to Bermudas where he remained an exile till 1842 in that island and the United States. When they were in the West Indies the exiles received news of the proceedings which had taken place in the House of Lords declaring their transportation illegal, consequently they were allowed to depart for the United States. In 1842, "a great change had taken place in the opinions of many thoughtful men respecting the circumstances connected with the late rebellions in Canada." Not only in this year were Louis Papineau and William Lyon Mackenzie, the Upper Canada agitator in chief, permitted to return to the country but they, as well as Dr Wolfred Nelson, were elected by a large majorities to seats in the Assembly. "Those once notorious agitators, writes one of our Canadian historians Dr. Miles, two of whom had openly taken up arms against the government came now to be regarded by an increasing number of persons in the light of men who had merely erred in the defense of good principles, and whose zeal had carried them too far in a good cause."

R. A. R. Hubert, the late prothonotary of Montreal is thus spoken of in my "Biographical Sketches." Like

Sir George Cartier who was a near relation of his, he was admitted to the Bar the year previous to the troubles of 1837-38. Having joined the Patriots on the North of the St. Lawrence he was present at the battle of St. Eustache, along with the late Dr Chénier who was in the fight, also J. H. Peltier, advocate, then his co-partner in law and Chevalier de Lorimier, who was one of the victims of the troubles of 1838. The village of St. Eustache is pleasantly situated on the north branch of the Ottawa River or as it is called Rivière du Chêne. The malcontents were strongly entrenched in the church which was set on fire as was also the presbytery and about 60 of the principal houses in the village. Nearly 200 fell victims to their folly from the fire and charges of the troops or they were suffocated in the flames of the buildings destroyed. Mr. Hubert was exposed to the fire of the 32nd Regiment and a battalion of volunteers on the north side when he was riding on horseback on the south side of the Petite Rivière du Chêne, having had a ball pass through his hat, and he would certainly have been killed, exposed as he was to the fire of more than 800 guns if the balls had been better directed but for the most part they lodged in the sides of the houses opposite the Royal Regiments. On the 5th January 1838 Mr. Hubert was taken prisoner with his brother François Xavier Hubert, N. P. of St. Denis, at St. Antoine, River Richelieu, and being carried to Montreal were both thrown into the gaol, where among many others were there confined young Leblanc and Dr. Wolfred Nelson. He remained in gaol for the space of several months till Lord Durham converting his mission into one of peace on the occasion of the coronation of Her Most Gracious Majesty the Queen, caused the gaols of

Canada now crowded with political offenders to be emptied, many being released on giving security for future good conduct. Mr. Hubert gave recognizances of $10,000 that he would not "trouble the peace again for five years. More than 30 years have passed since then and he has lately been gathered to his fathers and an honored man to the last.

Another name, J. A. Labadie, who was the oldest notary in Montreal when he died, is thus spoken of in these Sketches. "En 1838 il fut un des prisonniers politiques. Il fut arrêté en Novembre 1838, en même temps que l'honorable Sir L. H. Lafontaine, l'honcrable D. B. Viger et un nombre d'autres citoyens. Il fut détenu trente-cinq jours." He has just lately died at the advanced age of 80 years.

L'honorable D. B. Viger is also thus written about: "Néanmoins, on arrêta M. Viger tout-à-coup, le 4 Décembre 1838; il fut jeté en prison sans avoir pu apprendre la cause de son arrestation, ses papiers furent bouleversés; on en emporta une partie afin de découvrir quelque chose qui pût le compromettre; on ne trouva rien.

"Les commissaires chargés de s'enquérir de la situation des détenus pour causes politiques lui firent l'offre de sa liberté moyennant un fort cautionnement de bonne conduite. M. Viger pour toute réponse demanda son procès." He was discharged by order of the Hon'ble P. C. Thompson, the Governor.

We will now proceed to relate the circumstances of the affair at St. Eustache. In the course of the summer

and autumn of 1837 rumors were circulated and surmises formed that another rising of the disaffected was in progress or at least in agitation on the north shore of the St. Lawrence. The Patriots however were in ignorance of the failure of their cause on the banks of the Richelieu, and on December, 1837, Sir John Colborne left Montreal at the head of about 2,000 men for St. Eustache. There the Patriots to the number of 1000 men had collected and soon found themselves fully hemmened in. The church, parsonage and manor house were filled by the rebels. As the troops advanced to storm their various positions, shots were fired on them from the Patriots, but all in vain, all the positions after a very short risistance, were carried by the troops. The buildings were set on fire and some of the insurgents unable to escape, miserablv perished in the flames. About 60 houses and the church and a convent were all burnt.

The Patriots lost the large number of 200 killed and wounded and 100 taken prisoners. Of the Royal troops about 10 were killed and wounded.

Girord was the name of the chief agitator in St. Eustache, and escaped early from the scene of conflict. Being pursued and on the point of being captured by the police, he ended his own life, not to fall alive into the hands of the victors.

As soon as the affairs of St. Eustache were finished, Sir John proceeded to St. Benoit and was in the way met by flags of truce in token of the submission of the people of that place. At the same time a detachment under Captain Maitland, received the submission of the

insurgents of Ste Scholastique. The principal persons concerned were sent to prison, the infatuated followers dismissed to their homes.

In the mean time all during the summer and autumn of 1838 the feelings which prompted the outbreak of 1837 were as active as ever. This was seen in an unusual run on the banks and in the demand for cash on the part of the habitants who had notes in their possession, with numerous murmurings and other symptoms, all which gave sign that everything was not at rest. The sympathy as it was called, shown by many of the border States kept alive the expectation. Early in October, if not before, many facts were in the knowledge of the Governor in chief and the Commander of the forces which called for increasing vigilance and active preparation. The lenient measures which had been adopted with regard to those who had been apprehended in the first rebellion, instead of being followed by a grateful return to allegiance, were in many instances construed into fear and abuse, to the purposes of renewed agression and tumult. These seditious movements were chiefly confined to those counties south of the St. Lawrence and lying between Montreal and the United States. On November 3rd armed bodies of men to the number of several hundreds and undismayed by the desastrous issue of St. Charles and St. Eustache, were seen in various places, notably at Napierville, were Dr. Robert Nelson had established his quarters. This gentleman took no active part in the rising of 1837, but in 1838 the most eventful period of his career, he played a conspicuous part in the affairs of his country. Being induced by a number of dissatis-

fied persons of Canada as well as some sympathizers from the States to take up arms against his country, he entered madly into the foolish and chimerical scheme of invading Canada. He was elected the chief of the insurgents and their idea was to make Canada a Republic like that of the States.

Several skirmishes occured at Caughnawaga, Beauharnois and other places during the month of November. Over a hundred rebels from these two places and elsewhere were publicly paraded in the streets of Montreal, having been brought in by the Indians and others as prisoners of war and sent to the new jail. But previous to this the whole affair had been promptly nipped in the bud by the militia of Odeltown and Hemmingford, having attacked and dispersed a body of rebels and Americans at Lacolle Mill, killing 11 and taking 8 prisoners; whilst Sir John Colborne marched against Nelson, who threatened by the frontier militia in his rear and the British forces in front gave battle to the former before Sir John arrived. After a desperate engagement, victory declared for the side of order and loyalty. Sixty of the rebels were killed and a hundred wounded, all the others, save those taken prisoners, fled to the border and escaped into the States, Nelson among the number. In this short lived rising, a vast amount of property was destroyed, several lives too, in addition to those who had fallen in the various engagements, were lost. At the commencement of this uprising martial law had again been established in the country, and the insurgents taken in arms were not this time, consigned to prison for trials in the courts of law, former lenity had failed of its intended purpose, accordingly courts martial were assembled and tried the prisoners.

Thus ended the Insurrection of 1838 : "The Hon'ble D. Mondelet and Charles D. Day Esqr. were appointed judge advocates in conjunction with captain Muller. The court martial commenced on Wednesday 28th November ; Joseph Narcisse Cardinal, Joseph Duquette, Joseph L'Ecuyer, Jean Louis Thibert, Jean Marie Thibert, Léandre Ducharme, Joseph Guimond, Louis Guerin, Edmond Therien, Antoine Coté, Maurice Lepailleur et Louis Lesiège, after a patient and impartial investigation in which the prisoners had the benefit of able advocates, two of them Edouard Therien and Louis Lesiege were acquitted, the other ten were found guilty and condemned to death and two of them J. N. Cardinal and J. Duquette were executed on Friday the 21st December. They were both implicated in the rebellion last year, and were executed in the prison yard but the habitants declared they were not really hanged but only effigies of them.

On the 18th of January following no less than five of the Patriots were executed over the front gateway of the new gaol. viz : P. J. Decoigne engaged at Napierville and J. Jacques Robert, two brothers of the name of Sanguinet and P. Hamelin concerned in the murder of Mr. Walker à La Tortu. The gallows had been removed to a more public situation to convince the habitants of the reality of the executions, for on that point a wide spread incredulity prevailed among them. Decoigne, a notary public, delivered an address on the scaffold before he was hanged, to the effect that they were all convinced of the enormity of their crimes, the justice of their fate and the folly of neglecting the good instructions that had been given them.

On the 17th April, Benjamin Mott, of Albany, Vermont, was found guilty of high treason by the general court martial and sentenced to death. With this trial the court finished its labors, after a session of five months and a half, during which one hundred and four persons had been tried, twelve executed, nine acquitted and the remainder under sentence of death. These ninety-two did not suffer the extreme penalty of the law, fifty-eight of them were banished or transported to Australia, the balance were bailed out, furnishing bonds for good conduct.

CHAPTER VI.

Records from the State Trials—Names of members of Court Martial.—Lists of Patriots condemned to death.

"These scenes their story not unknown
"Arise and make again your own,
"Snatch from the ashes of your sires
"The embers of their former fires,
"And he who in the strife expires
"Will add to theirs a name of fear
"That Tyranny shall quake to hear,
"And leave his sons a hope, a fame,
"They too will rather die than shame,
"For Freedom's battle once begun
"Bequeathed by bleeding sire to son
"Though baffled oft, is ever won."

BYRON.

In the *State Trials*, a very scarce and valuable book, I find that the following were those who composed the Court on 28th November 1838 of "General Court Martial":

PRESIDENT.

Major General Clitherow.

MEMBERS.

Lieut. Cols. Eustache; Henry W. Barnard; Wm. Grierson, 15th Regt.; J. Crawford, 2nd Gre. Guards.

MAJORS.

S. D. Pritchard, Major of Brigade ; Henry Townshend. 24th Regt. ; Arthur W. Biggs, 7th Hussars.

CAPTAINS.

W. B. Smith, 15th Regt. ; Robt. Marsh, 24th Regt. ; Wm. Thornton, Gren. Guards ; H. Alex. Kerr, Royal Regt. ; Aug. Cox, Gren. Guards ; the Hon'ble Geo. Cadogan, Gren. Guards ; Hugh A. Mitchell, Gren. Guards.

The Hon'ble D. Mondelet, Queen's Counsel ; Chas. Dewey Day, Esq., Queen's Counsel ; and Capt. Ed. Muller, jointly and severally Deputy Judge Advocate.

The first prisoners arraigned before this court were J. N. Cardinal, Jos. Duquette, J. L'Ecuyer, J. L. Thibert, J. M. Thibert, L. Ducharme, Jos. Guimond, L. Guerin dit Dusault, E Therien, A. Coté, F. M. Lepailleur, L. Lesiege.

After a long and exhaustive trial the Court pronounced these sentences :

J. N. Cardinal, to be hanged, afterwards executed.
Jos. Duquette, to be hanged, afterwards executed.
E. L'Ecuyer, to be transported for life, afterwards discharged.
J. L. Thibert, to be hanged, transported.
J. M. Thibert, to be transported for life, transported.
L. Ducharme, to be transported for life, transported.
J. Guimond, to be transported for life, transported.
L. Guerin dit Dusault, to be transported for life, transported.

An. Coté, to be transported for life, afterwards bailed.
F. M. Lepailleur, to be hanged, transported.
Ed. Therien, not guilty.
L. Lesiege, not guilty.

In the trials of Cardinal and the others, I will give a letter from Sir John Colborne to Major General Clitherow, which is very interesting. He says:

HEAD QUARTERS,

Montreal, December 14th, 1838.

Sir,

I have the honor to return the proceedings of the General Court Martial, held for the trial of Joseph Narcisse Cardinal and others, and to acquaint you with reference to the accompanying opinion of the Law Officers of the Crown, that it appears the sentence of transportation passed on several of the prisoners cannot legally be confirmed. I am, therefore, compelled to desire that the Court may be reassembled for the purpose of revising the sentence of transportation passed on six of the prisoners.

I have the honor to be,
Sir,
Your ob'dt Servant,
J. COLBORNE,
Commander of the Forces and Administrator of the Government.

MAJOR GENERAL CLITHEROW.

The next trial, that of C. Huot, resulted in the same conviction as that of Cardinal and the others. He was condemned to be hanged, but it is added. " The Court having passed judgment, begs leave to recommend the prisoner Charles Huot, for a commutation of the sentence of death for a punishment less severe." Afterwards he was transported.

Huot seems to have been the quarter master of the Patriots at Napierville, as on the trial many *bons* were produced bearing his signature and which he acknowledged. I will give two as specimens.

No. 9. Bon pour 8 lbs de pain.

CAPT. NARCISSE REMILLARD.

(Par ordre) C. HUOT,

6th November, 1838. *Qr. M.*

No. 29. Bon pour lbs de pain.

CAPT. FRS. NICOLAS,

(Par ordre) C. HUOT,

6th Nov., 1838. *Qr. M.*

On the 24th December, 1838, the following were arraigned, Guill. Levesque, P. Decoigne, D. A. Morin, J. J. Hebert, P. T. Leblanc, D. D. Leblanc, F. Trépannier, fils, P. H. Morin, J. Paré, L. Samelin and J. B. Dozois, all of the parish of St. Cyprien. After a trial of 6 days the following were their sentences :

Guillaume Levesque, to be hanged, afterwards bailde.
P. Decoigne, do afterwards executed.

D. A. Morin,	to be hanged	afterwards transported.
J. J. Hébert	do	afterwards transported.
P. T. Leblanc	do	afterwards transported.
D. D. Leblanc	do	afterwards transported.
E. Trepanier, fils	do	afterwards bailed.
P. H. Morin	do	afterwards transported.
J. Paré	do	afterwards transported.

L. Semelin and J. B. Dozois, not guilty.

Levesque and Trepannier were recommended " for a commutation of the sentence of death, for a punishment less severe."

On the 3rd January, 1839, the trial of Jos. Robert *et al* began. Their names are Joseph Robert, Jacques Robert, Ambroise Sanguinet, Chas. Sanguinet, Pascal Pinsonneau, F. X. Hamelin, Theophile Robert, Joseph Longtin and Jacques Longtin. After a trial of 7 days the following were their sentences.

Jos. Robert, to	be hanged.	executed.
A. Sanguinet,	do	executed.
Chas. Sanguinet,	do	executed.
P. Pinsonneau,	do	afterwards transported
F. X. Hamelin,	do	executed.
Th. Robert,	do	afterwards transported.
Jacques Longtin,	do	afterwards transported.
Jos. Lecompte,		not guilty.
Jos. Longtin,		not guilty.
Jacques Robert,		not guilty.

On the 11th January, 1839, J. B. H. Brien *et al* were arraigned before the Court Martial. Their names are

J. B. Brien, physician, J. G. Chevrefils, farmer, Jos. Dumouchelle, farmer, Louis Dumouchelle, innkeeper, Jacques Goyette, farmer, Toussaint Rochon, carriagemaker, Frs. X. Prieur, trader, Joseph Wattier dit Lanoie, of Soulanges, trader, Chevalier DeLorimier, notary, Jean Laberge, carpenter, Frs. X. Touchette, blacksmith. After a trial of six days the following were their sentences.

Brien, to be hanged	afterwards bailed.
Chevrefils, to be hanged	afterwards transported.
Jos. Dumouchelle, to be hanged	afterwards transported.
Louis Dumouchelle, do	afterwards transported.
Goyette, to be hanged	afterwards transported.
Rochon, do	afterwards transported.
Frs. X. Prieur, do	afterwards transported.
Wattier, do	afterwards bailed.
DeLorimier, do	afterwards executed.
Laberge do	afterwards transported.
F. X. Touchette, to be hanged.	Afterwards transported.

Charles Hindelang had a trial by himself. The proceedings of the Court Martial are dated January 22nd 1839. When called on to make his defense he gave utterance to these words: "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 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 to do so."

After a trial of two days he was condemned to be hanged and afterwards executed.

The trial of Narbonne and others took place on the 26th January, 1839.

The prisoners were P. R. Narbonne, A. Daunais, Pierre Lavoie, Ant. Doré, Ant. Coupal dit Lorraine, Théo. Bechard, Frs. Camyré, Frs. Bigonesse dit Beaucaire, Jos. Manceau dit Petit Jacques and Frs. Nicolas.

After a trial of 6 days the following sentences were pronounced :

Narbonne,	to be hanged	afterwards executed.
Daunais,	do	afterwards executed.
Coupal,	do	afterwards transported.
Lovoie,	do	afterwards transported.
Bechard,	do	afterwards transported.
Camyré,	do	afterwards bailed.
Bigonesse,	do	afterwards transported.
Marceau,	do	afterwards transported.
Nicolas,	do	afterwards executed.

"The Court having passed judgment begs leave to recommand the prisoners P. Lavoie, A. Coupal, Théo. Bechard and Frs. Camyré for a commutation of the sentence of death for a punishment less severe."

Doré was found not guilty and discharged.

The next trial is that of Perrigo and others of date February 7th, 1839. The prisoners were James Perrigo, merchant, Louis Turcot, farmer, J. M. Lefebvre, farmer, Godfroit Chaloux, farmer, D. Bourbonnois, blacksmith, M. Longtin, farmer, Chas. Roy, farmer, F. X. Provost, innkeeper, Isidore Tremblay, farmer, André Papineau, blacksmith, David Gagnon, farmer and Charles Rapin, bailiff.

After a long trial of nine days the following sentences were passed :

Turcot, to be hanged		afterwards transported.
Bourbonnois,	do	afterwards transported.
Longtin,	do	afterwards bailed.
Roy,	do	afterwards transported.
Prevost,	do	afterwards transported.
Papineau,	do	afterwards transported.
Gagnon,	do	afterwards transported.
Rapin,	do	afterwards bailed.

Bourbonnois, Longtin and Roy were commuted for a less severe sentence and Perrigo and Tremblay were discharged.

The next trial was that of Louis Bourdon *et al* on February 22nd, 1839.

Their names were Louis Bourdon, farmer, Jean B. Bousquet, farmer et François X. Guertin, farmer. After a trial of four days the following sentences were passed :

Bourdon, to be hanged		afterwards transported.
Bousquet,	do	afterwards transported.
Guertin,	do	afterwards transported.

The next trial is that of Bouc *et al*, of date 1st March, 1839. Their names were C. G. Bouc, gentlemen, Léon Leclair, farmer, Paul Gravelle, farmer, Antoine Roussin, farmer, Frs. St. Louis, farmer and Ed. P. Rochon, carriagemaker.

After a trial of seven days the following sentences were passed :

Bouc, to be hanged,		afterwards transported.
Leclaire,	do	afterwards transported.
Gravelle,	do	afterwards bailed.
Roussin,	do	afterwards bailed.
St. Louis,	do	afterwards bailed.
Rochon,	do	afterwards transported.

The Queen *vs* L. D. Defaillette *et al* was the next trial of date 12th March 1839. The following sentences were pronounced.

The Queen *vs* :

L. D. Defaillette, to be hanged		afterwards transported.
J. D. Hebert,	do	afterwards transported.
D. Demers,	do	afterwards bailed.
Thos. Surprenant,	do	afterwards bailed.

Frs. Surprenant,	to be hanged	afterwards bailed.
Hyp. Lanctot,	do	afterwards transported.
L. Pinsonnault,	do	afterwards transported.
R. Pinsonnault,	do	afterwards transported.
Et. Languedoc,	do	afterwards transported.
Benoni Verdun,	do	afterwards bailed.
Etienne Langlois,	do	afterwards transported.

After a trial of seven days all the prisoners are condemned to be hanged. T. Surprenant and B. Verdun were recommended to mercy.

The next trial of the Queen *vs* Chs. Mondat, afterwards bailed, Clovis Patenaude, afterwards bailed Moïse Longtin, afterwards transported, began on the 20th March, 1839, and all the three were condemned to death, Mondat being recommended for a commutation of punishment.

The next trial is :

The Queen *vs*	M. Allary,	afterwards transported.
do	Jos. Goyette,	afterwards transported.
do	L. Hainault,	afterwards bailed.
do	Bazile Roy,	afterwards transported.
do	Jos. Roy,	afterwards transported.
do	Jos Roy dit Lapensée,	afterwards do
do	E. Tremblay,	afterwards bailed.
do	Phil. Tremblay,	afterwards bailed.
do	Fran. Vallée,	afterwards bailed.
do	Constant Buisson,	afterwards transported.
do	Chas. Bergevin,	afterwards transported.
do	Ant. Charbonneau,	afterwards bailed.
do	Jos. Cousineau,	afterwards bailed.
do	Frs. Dion,	afterwards bailed.
do	Louis Julien,	afterwards bailed.

The Queen *vs* J. B. Trudelle, afterwards transported.
do Moses Dalton, afterwards bailed.
do Saml. Newcombe, afterwards transported.
do Jer. Rochon, afterwards transported.

The trial began on the 25th March 1839 and lasted till the 5th April when all the prisoners were sentenced to death. Henault, E. Tremblay et P. Tremblay being recommended for a commutation of punishment.

The Queen *vs* Benjamin Mott was the last state trial. April 10th, 1839, and after a trial of seven days he was condemned to be hanged and afterwards he was transported.

The General Court Martial was dissolved on the 6th May, 1839.

CHAPTER VII.

Sketches of Papineau the Elder.— Louis Joseph Papineau. — T. S. Brown.—Dr. W. Nelson.—Dr. O'Callaghan.—Dr. Coates.—S. M. Bouchette.—J. J. Girouard.—J. B. Dumouchel —Girard —L. M. Viger.—Come S. Cherrier.— A. N. Morin. — E. R. Fabre —Dr. Masson.—P. Amiot.—S. Marchesseault —Les Pacaud.—Bonaventure Viger.—André Ouimet.—Captain Jalbert.

This Chapter will be devoted to the sketches of some of the principal persons connected with the Patriots, and first, I will give on the side of the Constitutionalists, a series of short sketches as they appeared in "The United Service Journal" of 1838 and without any remark or comment, the others being culled from other sources or written by the author. Among the sketches from this writer of 1838, it will be seen that he speaks most kindly of several of the Patriots but makes an egregious blunder in causing Dr. Wolfred Nelson to die in the Montreal gaol. The article is given as originally printed :

"*Sketches of some of the principal leaders of the Canadian Revolt in Lower Canada.*

Louis Joseph Papineau is the son of Joseph Papineau, a notary in Montreal, who is still living, although ninety years of age. He has ever been denominated

by the Canadians as "Father of the Patriots," but not a patriot either in the spirit or sense in which it is now applied to his son. This aged individual has never been the enemy of Great Britain, neither was he opposed to the Government at a period when it was generally believed by the Canadians to be the intention of England to make innovations on the institutions and privileges guaranteed to them at the conquest of the country. Yet, naturally jealous and fearful of such consequences, he was induced to take the chair at a large public meeting held on the Champ de Mars, against the then projected Union of the Upper and Lower Provinces, at which a petition was voted to the Sovereign, and afterwards signed by eighty thousand Canadians, expatiating on the blessings they enjoyed under the Constitution as it then stood, and still stands, and praying that it might remain unaltered.

Such was the spirit of the aged parent of the rebel Papineau. We have been induced cursorily to mention him, merely to show that the revolutionary opinions of the son were not inculcated from early youth, but merely the out-breakings of a discontented mind, embittered by events and disasters of his own seeking. On the contrary, we have reason to believe that the aged Papineau earnestly endeavoured to check the rebellious principles exhibited by the son in all his actions for several years past, being fully convinced that he was guided and governed in all his extravagant and rebellious designs far more from vanity and ambition than from any conviction that his patriotism, so called, could lead to the welfare of his country, or that he had the means or ability of carrying his measures into effect.

The individual we have here alluded to is about forty-nine years of age, and of mild and courteous manners, which have no similarity with his opinions or appearance. In height he is about five feet eight, and inclining to be *embonpoint*. His features, which are prominent, have something of the Jewish cast, which is much added to by his dark hair and eyebrows, which are thick and arched, giving much fire to the eye. He is undoubtedly a man of much information, and in society his conversational powers are most fascinating. It cannot but be deplored that an individual so gifted should be led by motives of ambition to seek his own ruin, instead of employing his talents for the benefit of his fellow men.

The Commander-in-Chief of Louis Papineau's rebel army is named BROWN, who appears, if we may judge of his speedy abandonment of the forces under his command, to have as much mistaken his calling as the cause which has joined him with the great Canadian chief. This individual, denominated General Brown, is an American, but very unlike the American portion of the Montreal Community, who, it is but justice to say have always been as true to the cause of Great Britain as the most loyal of her subjects, which, by-the-by, is another argument to the prejudice of Mr. Papineau.

General Brown is a miserable squalid-looking person, of short stature and contemptible appearance; his countenance being stamped with an expression of discontent, meanness, and indecision of character in mind —in fact, by his own countrymen he would be termed a 'crooked cretur.' Not long before the rebellion he became a bankrupt ironmonger, and thus having no-

thing to lose, but every thing to gain, he placed himself at the head of the factious army. In this capacity, however, he proved himself unworthy the confidence of the poor deluded victims whom he and his leader Papineau had seduced into their service.

A character not less conspicuous is Doctor WOLFRED NELSON. His person was handsome and manly; in height about six feet; and his disposition was far more determined, courageous, and active, than any of his brother traitors; and had he been well supported, he would have proved a dangerous and powerful enemy. This individual was the son of an Englishman of high respectability, who formerly kept a school at Sorel. He married early a Canadienne, and settling at St. Charles, the hot-bed of democracy in that section of the country, and being possessed of talent, intelligence, and energy, he was sought out, flattered, and caressed, until, at length falling into the snare, he became the tool of the factious party—until, hurried on step by step, he fell a victim to ultra-liberal opinions—and having had leisure to brood over his follies and disappointed ambition as an inmate of the prison at Montreal, died within its walls, a sacrifice to the cowardice and ill-advice of his flatterers, and his own weakness.

Doctor O'CALLAGHAN may rank next amongst the list of factious heroes. This gentleman is the *ci-devant* editor of Louis Papineau's gazette, mis-termed "The Irish Vindicator," and the coadjutor of the traitor chief in every thing that was vile and miserable. He was first known in Canada as the apothecary at the Montreal Hospital, which place he left for Quebec—being

at that period an Ultra-Tory in every sense of the word. Having persecuted the then Governor, Lord Aylmer, with constant applications for lucrative employment, without success, he forsook his old calling—dissatisfied and inconsistent, he offered himself as an agent for Canadian agitation, and ultimately succeeded in being appointed, by Mr. Papineau, editor of "The Irish Vindicator," in which situation he catered fully for the seditious tastes of his employer. His advance was afterwards as rapid as his fall. Rewarded for his democratic scribbling by a seat in Parliament, he there made himself conspicuous by taking a part prominently and diametrically opposite to that with which he had hitherto sided. He then proceeded with his patron to the action of St. Charles — from whence he accompanied him to his secret hiding-place in the United States—and neither the one nor the other have since been heard of.

Doctor COATES, of L'Acadie, another prominent rebel the chief of that district, is a man of about thirty five years of age, and a member of the Provincial Parliament. He is, however, a man of little ability, and still less personal courage, strength of mind, or fitness to head any party whatever — but is a fit associate for those with whom he has connected himself.

Another far more talented individual is Mr. SHORE MILNE BOUCHETTE. He is the son of the Surveyor-General, and a young man of not more than twenty-five years of age, of courteous and distinguished manners and address. If it may be termed distinguishing himself in such a cause, he did so; for he fought

bravely at Missisquoi Bay, and was taken, after being severely wounded — and his unhappy fate may be terminated before his career had well begun. He is now in the prison of Montreal; and it is to be regretted that one so promising should have been betrayed into his present difficulties under promises of great preferment and reward.

GIROUARD is well known from his height, which is above six feet. He is also of dark complexion, with jet-black hair and eyes. This leader is by profession a notary, and has always been known as a thorough Revolutionist at heart. Since his decomfiture at Grand Brulé he has been taken by Mr. Simpson, the Collector of Customs at Cote au du Lac—who is step-father to Mr. Roebuck, although entirely differing from him in political opinions.

M. DUMOUCHEL, of St. Benoit, or Grand Brulé, is also one of the principal promoters of the rebellion, which is the more to be regretted as he can boast of more than sixty years of age, many of which he has passed in the bosom of his family, and surrounded by the most peaceful peasantry in the world. He has also been rich in fortune and prosperity, both of which have hitherto been deserved as amassed by his own labours and honest exertions. Alas! that his overwrought Republican opinions should, at the close of a long life, have led him to commit those offences against the law of his country, which must terminate in his own ruin, and the sacrifice of his valuable property.

GIROD, frequently confounded with and mistaken for Girouard, was a Swiss. He went to Canada about six

years ago as an adventurer, thrust himself upon the notice of the Government as having imported into the province a new system of agriculture peculiarly adapted to the Canadian farmer, and requesting assistance to carry his plan into effect ; but not meeting with the encouragement he anticipated, he conceived he might turn his talents to more advantage by joining the rebels ; and being unsuccessful with them at Grand Brulé, he retreated to Pointe au Tremble, where he put an end to his republican schemes and adventures by blowing out his brains.

The British settlers at this part of the Montreal district had, from the commencement of the revolt, been so persecuted and annoyed by the Canadians, nay, even driven from their homes, and that during the most inclement season of the year, that it is not surprising, when they found themselves in a position to retaliate, they should have inflicted on the inhabitants of "St. Eustache" and "Grand Brulé" that severe degree of retributive vengeance which they experienced from the hands of the loyalists, but which the Queen's troops (to whom have been falsely attributed those acts of severity) endeavoured, with their wonted forbearance, to prevent. True it is that the small force under the orders of Colonel Wetherall, at the battle of St. Charles on the Chambly River, were directed by that gallant officer to follow up their successes by those decisive and rigorous measures which dictated the necessity of destroying the property of the principal traitors in that quarter ; but when we consider the very critical situation of that brave and little band, surrounded, as they then were, by an extensive disaffected population march-

ing upon them from all sides, no alternative remained but to employ such measures as should frighten the traitors from their rebellious purpose, which, to persons unacquainted with the true state of that part of the country, may have appeared harsh and uncalled for, yet, upon dispassionate reflection, must be deemed both merciful and salutary, resulting, as they did, in staying the progress of the rebellion, and thereby preventing that effusion of human blood which must unavoidably have ensued had the warfare been protracted, and the deluded habitants not have retired to their homes as they did, and that very rapidly, on learning the fate of their misguided compatriots; besides which, it has been positively ascertained, that had the expedition under Colonel Wetherall, failed, the revolution would then have been complete, as the entire Canadian people, flushed with the check the troops under Colonel Gore experienced from the Patriot force at St. Denis, were only waiting a similar result at St. Charles to rise *en masse*.

There are now about 270 prisoners in the Montreal prison under a charge of high treason, among whom are some persons of respectable standing in society, but who have long been among the most active partisans of the great rebel Papineau, and are now implicated as concerned in the councils of that plot which was to destroy the connexion now subsisting between Canada and Great Britain. The most influential person of this party is Mr. Louis Michel Viger, commonly called "Beau Viger," from possessing a very handsome and prepossessing person and mien. He is about fifty years of age, a lawyer by profession, a member of the Provin-

cial Parliament, and brother of the Hon. Denis B. Viger, well known at the Colonial Office as a Canadian Ambassador, and to be remembered by those Ministers whom he has not failed to fatigue with his favourite theme of Canadian grievances. The said Mr. Louis Michel Viger was president of a recently established institution in Montreal styled "La Banque du Peuple;" whose notes were peculiarly stamped on blue paper, and inscribed in the French language, for the purpose, as it was stated, of causing a ready circulation of money among the habitants, who, prior to the formation of this institution, refused paper-money of any description, but subsequent events have caused it to be suspected that the projectors of this bank had a deeper scheme in view, as it is now supposed to have been originated for the purpose of according facilities to the rebel [illegible] and Mr. Louis Michel Viger stands now committed, charged with having made large advances, and otherwise assisted the rebel cause. There is also in company with him, in the same prison, Mr. Come Cherrier, a lawyer of eminence, and member also of the Provincial Parliament, a young man of promising abilities, but who, unfortunately for himself, has employed them in the cause of sedition and rebellion, for which he is now under confinement: It is, however, believed, that he has been betrayed into this error by the natural bias of attachment to his uncle Papineau. But among the extensive group of accused rebels, there is one, who was arrested at Quebec at the commencement of the revolution, more specious, artful and dangerous than any of them. This person, who has contrived to get admitted to bail, is Mr. Arthur Norbert Morin, the last missionary of the Canadian faction to the British Government

whose evidence before a committee of the House of Commons on Canadian affairs has recently appeared in some of the leading public journals of the metropolis, and who, prior to his mission, had the daring audacity to appear before the Governor of Canada, with the other members of the House of Assembly, decorated with a tricolour riband, which was a clear indication of the revolutionary principles he then entertained, and of his hostile feelings towards Great Britain. The period must, however, shortly arrive when these parties will all be heard in defense of the crimes for which they stand accused, when they will have awarded to them that justice which they severally merit."

E. R. Fabre, was one of the Patriots who was imprisoned in the Montreal Gaol. He is the father of the present most highly respected and much loved Roman Catholic Bishop of Montreal. His great work for years was the looking after the families of those patriots who were in exile. He died calmly during the dreadful visitation of the cholera in 1854 at his post in ministering to the sick inhabitants of Montreal a martyr's death, and his death was sincerely regretted by all classes and nationalities. He was the mayor at the time of his death.

Dr. Masson and Damien Masson were two brothers born at St. Hyacinthe. After the disaster to them of St. Eustache they at last found themselves at Coteau du Lac where they were informed on by a man—a traitor to the cause—and Col. Simpson arrested them, and next day conveyed them to Montreal. When they arrived in the prison they found l'abbé Blanchet, curé of St. Charles, who had been arrested. After their trial they were bailed out.

P. Amiot was another of those who were confined in the Montreal Gaol. After the battle of St. Charles he was arrested and placed in irons and conducted to the prison of Montreal where on account of the damp, bad air and confinement he became ill, and ever afterwards suffered the effects of these privations.

Simeon Marcheseault was taken prisoner with Dr Nelson after the battle of St. Charles. After suffering untold hardships for days, he was caught by the volunteers on the frontiers and conducted to the Montreal Gaol. Afterwards he was banished to Bermudas.

Les Pacauds. They were brothers. After being some time in prison, Mr. Pacaud, one of the brothers was released on his giving sureties of $10,000. The amount of bail was the same as in the case of the late prothonotary M. Hubert. Lieut. Col. de LaBruere and Mr. L. A. Dessaulles were his sureties.

Bonaventure Viger. This Patriot was cousin to Hon'ble D. B. Viger. After many trials and adventures he was taken prisoner and conducted to Montreal Gaol. He was the most refractory of all the "Sons of Liberty" therein confined. A story is told of him that shows his quick and resolute spirit which was seen in all his actions during the Rebellion. One day whilst everything was going on smoothly inside the jail, Viger asked for some water from the sentinel. Now, water in those days was not so easily procured as at the present time. The water had to be fetched from the St. Lawrence opposite and many stories are told of how prisoners, when sent out for water especially during the winter time, would

escape by crossing the river and getting away on the neighboring side into the woods and then to the States. The Montreal water works never were applied to a better purpose than in the now plentiful supply of water within the prison for culinary and cleaning purposes. Indeed a very great amount of the decrease of disease and filth is entirely owing to the, I might say, superabundant use of water and soap, so plentifully applied now-a-days by the gaoler Mr. Payette and his assistant. When the sentinel was asked for the water, he refused, but thinking better of it, he took a cup of water and carried it to Viger. He took the goblet and threw the contents in the face of the guard. Furious at this insult, the guard discharged his gun, the ball traversing the window sill of Viger's cell, passed him at some distance and lodged in the wall of that of Mr. Lacoste, who was also imprisoned at this time as one of the Patriots. The guard having thrust through his head between the bars to see what effect the shot had done, received a tremendous blow from Viger, who had seized a bottle and brought it down with such force as to lay open and smash his nose. As might be expected this scene caused a great commotion in the prison and the authorities, exasperated, determined to proceed against Viger for his unmerciful attack. Next day quite a stir was made by the arrival of the Deputy Sheriff and several soldiers to place Viger in chains. He at once, acting on the spur of the moment, seized by one hand the coat of the Deputy Sheriff and with the other drawing a knife out of his pocket said to him : "What right have you to put a man in irons without the Sheriff's saying so ?

Sometime after this, Viger with others, was sent to

an exile to Bermudas, and about the time of R. Nelson's defeat at Odeltown, in 1838, he, with others, had returned from Bermudas to the United States and again being arrested, 8th June, 1839, he was tried and bailed out and afterwards became a "citoyen paisible" as one account gives of him.

Major Goddu, was one of the exiles to Bermudas. After the battle of St. Charles he brought back his men to St. Césaire, but very shortly after was arrested by one of his own friends who was a Constitutionalist and being conducted to Montreal, laden with chains, was thrown into the gaol where he remained till 2nd July, 1838, when he was sent to Bermudas.

André Guimet. This Patriot was one of the very first subjects of arrest of November 16th, 1837. He was the President of the "Sons of Liberty" and on account of his position was arrested and remained for eight months in jail. He was arrested the same day as the late Sheriff Leblanc. He is brother to the late Premier of the Province and now Minister of Public Instruction for the Province of Quebec, the Hon'ble Gedeon Ouimet, L.L.D.

Jalbert. The trial of Captain Jalbert was one of the most interesting in the annals of the Rebellion, and the only one tried by Civil Court, the Court of King's Bench. On the 3rd day of September, 1839, he was arraigned before the Bar of Justice in the Court House of Montreal, after an incarceration of nearly two years. His accusation was that he was guilty "on the 23rd November, 1837, of the death of Lieutenant George Weir, of the 32nd Regiment of Her Majesty."

Three judges sat on the bench, viz : judge G. Pyke, judge J. R. Rolland and judge S. Gale. Attorney general Ogden conducted the trial and with the celebrated Andrew Stuart, represented the crown. Mr. Walker and Mr. Chas. Mondelet were retained for the accused. The jury says one, was composed entirely of French Canadians. Another account (Lemoine) says it was composed of nine French Canadians and three old country men. And another account makes it eleven French Canadians and one old countryman. To set this matter right the real truth is that the jury consisted of eight French Canadians and four Englishmen as is seen with their names further down this sketch.

Previous to this date, Mr. C.Mondelet had put into the Court of Queen's Bench—Criminal side—a motion withdrawing Jalbert's plea of " not guilty " and substituting a special one which he founded on the general amnesty of Lord Durham promulgated on the 28th day of the previous June. The general substance of this special plea was that Lord Durham had proclaimed a general pardon and not mentioning any particular prisoner's names to whom it did not apply, that in virtue of this ordinance the prisoner Jalbert, though accused of the murder of Lieut. Weir, was included in the amnesty as the proclamation had been approved of by Her Majesty and by Her representative, the Governor General in chief. After a long and animated discussion between Mr. Mondelet and the Solicitor General Stuart, the motion was rejected by the judges and on the 3rd September, the prisoner was arrainged before the Bar of the Court.

The accusation held against four persons, Jalbert, J. Bte Maillet, Joseph Pratte and Louis Lussier, and was divided into four charges : 1st. That the prisoner Jalbert had carried the sword of the deceased Lieut. Weir and had been aided and abetted by the other three. 2nd. That when J. B. Maillet, had the sword in his hand, the prisoner with the other two aided and assisted him in the murder of Lieut. Weir. 3rd. That when Joseph Pratte had a sword in his hand, the prisoner, with the other two aided and assisted in the murder of Lieut. Weir. 4th. That when Louis Lussier, had fired a gun at the deceased, Jalbert and the two others were present, aiding, assisting and encouraging in the commitment of the murder.

The other three mentioned in the indictment had fled to the United States. As an historical fact, and especially as in all smaller English Canadian Histories, very little is told us of this unfortuate episode of the times of the Rebellion, I will give the Solicitor general's opening remarks, which clearly and succintly state all the circumstances connected with this melancholy affair. He said : " You will probably recollect that in November 1837, a detachment of troops under the command of Col. Gore, marched upon St. Denis. Lieut. Weir of the 32nd Regiment of Her Majesty, which was then stationed in Montreal, received orders to go to Sorel to carry despatches for Col. Gore. Determined to reach Col. Gore in the shortest possible time he went by land, as the Col. and his little army had gone by water. Full of the accomplishment of this object, Lieut. Weir, hired a vehicle to take him to Col. Gore before he should reach St. Denis. It is but

right to state here that, at the distance of four miles from Sorel, the road divides into two branches, one of which is much longer than the other. Lieut. Weir, presuming without doubt that Col. Gore had taken the shortest route, passed by the other and thus missed him. Going along this way, he was arrested by a guard and brought as a prisoner into the presence of Dr Nelson. The latter then gave orders that he should be sent as a prisoner to St. Charles under the charge of Jalbert and others. His hands were then bound and he was mounted in a waggon. A short time after they untied his hands. Near the church, Lieut. Weir jumped out of the waggon and is struck by a man of the name of Maillet who had a sword in his hand. Jalbert who at that moment was on horseback and had a sword at his side, cried out "kill him, kill him, the deserter." At the same instant Jalbert gave him a cut of his sword under which the deceased fell. The others, following his example, Lieut. Weir succumbed to the storm of blows that fell upon him. The band standing around him, he breathed again when one of them cried out with a loud voice. "He is recovering, he is recovering." The prisoner at the bar was one of those who believed so. A man named Lussier then came up and discharged a gun or a pistol at the deceased. Several days after the engagement of the troops, the authorities made a search for the body and they found it at some distance from the river, covered with wounds and horribly mutilated."

The trial continued seven days, witnesses for the crown proving such facts that the crown prosecutions were established. It was proved that Maillet, Pratte and Lussier had struck the body of Lieut. Weir many

times, but there was a contradiction in the case of Jalbert several witnesses affirmed that Weir had been killed before Jalbert arrived where they were.

From the records taken from the trial of C. of Q. B. I find that the debated point of the composition of the jury is settled once and for all by the following being the sworn jurors :

Etienne Courville, Charles Lenoir dit Rolland, Pascal Lemieux, Edwin Atwater, Simeon Lecomte, Elie Deseve, Benjamin Trudelle, Amable Desautels, Daniel McKercher, George Fraser, John Cadotte, John Maybell.

The trial continuing seven days or rather some of the Jury determining to bring in a verdict of not guilty, day by day refused to come to an understanding except that of non agreement. On Saturday the 7th September, one of the Jurors, Edwin Atwater, was indisposed and required refreshment. The jurors then received food, etc., and were locked up for the night and all Sunday. On Monday, not agreeing, they were again ordered to retire and I find this : "The following constables are sworn to keep the jury in this case without meat, drink, fire, or candle and to suffer none to speak to them, nor speak to them themselves, except to ask if they are agreed.

Daniel Shannon and George Gibson, are the constables.

On the last day of the term the Jury were again remanded to their room, and the Court adjourned to half past eleven at night, when judges Rolland and

Gale were present. It records "the Court at fifteen minutes before twelve or midnight desires that the Jurors be brought into Court," and the jurors unanimously declare that they have not agreed upon a verdict nor are ever likely to agree.

The Attorney general and the prisoner's Counsel "having declared that they had nothing more to move" and "the term as fixed by law for holding this criminal session extending only until midnight, the Court at that hour quitted the Bench, the session being over and the Jury was discharged."

In a few moments no persons were in the room save Wand the gaoler, and the prisoner, and Mr. Schiller then quite a young man. Jalbert was taken back to the prison and soon discharged.

A considerable riot occurred, several of the jurors receiving hard blows, and a detachment of the Guards and a troop of cavalry of the 7th Hussars were necessary to restore order. As one writer quaintly remarks concerning the riot, "La foule se disperse et ainsi se termine ce procès où se concentra tant d'animosité de la part de cette population jadis si loyale. Mais aujourd'hui enfin, devenue révolutionnaire."

CHAPTER VIII.

Fraser's sketch of the mustering of 1837.—March of the Volunteers to Lachine, Sunday 4th November 1838.—Seizure of the steamer *Henry Brougham*.—Parley with the Indians at Caughnawaga.—Arrival at Lachine.—March to the Gaol.—Return to Lachine.

This Chapter will be devoted to a short sketch from the pen of Mr. John Fraser of the arrest and march of the Patriots to Gaol, 4th November, 1838, etc.

DECEMBER, 1837.

There was a sound, through the dark and narrow streets of old Montreal on the night of the 13th December 1837.

It was the sound of armed men mustering and hurrying in wild confusion and under fearful excitement, all concentrating to a rallying point—The old Champ de Mars.

In the early morning of that eventful day Sir John Colborne, the commander-in-chief, started from Montreal on his march, with about two thousand men, to disperse the rebel force encamped at the village of St. Eustache, some twenty miles to the north. The whole northern district was then in open rebellion. The city had been left almost entirely under the protection of volunteer force.

Such of the citizens who were in the street about

eight o'clock that night would have seen a horseman, one of the Lachine Troop of Cavalry, so well known by their fierce looking bearskin helmets, dashing along our streets at a mad gallop. The guard at the city gate at Dow's brewery was no hindrance to his wild speed, the crossed bayonets of the four sentries posted there were cleared at a bound. His uniform being known to the sentries saved him from a passing shot. Then down old St. Joseph and Notre-Dame streets, at the same wild pace, to the Main Guard, which stood nearly in front of the present Court House, and their delivered his verbal despatch to Major Penner, commanding officer of the day in command of Montreal, nearly as follows: "The rebels have escaped from St. Eustache and are "reported advancing in force on Lachine to capture the "arms stored there for the frontier volunteers." This despatch was delivered at the Main Guard within thirty minutes after the trooper had mounted his horse at Lachine. The distance being over eight miles.

Then there was wild hurrying on the streets of Montreal. "To arms!" was the cry; "The rebels are at hand." The alarm bell rang—the news flew like lightning, reaching every nook and corner of the city in a few minutes. The city was confined within small limits at that time. Few of the young volunteers of that day are now living. The wild excitement of that night can never be forgotten by the living ones. All was uproar and disorder, but amid this disorder and uproar there was method, pre-arranged, to meet any such emergency.

The rallying words were—every man to his post, the headquarters of his company or regiment, and within

the space of two hours nearly 4,000 armed men—volunteers, old and young, merchants, professional men, clerks, mechanics and labourers, stood side by side in their ranks—shoulder to shoulder, a solid mass of living valour, ready to do their duty.

It was a grand sight to see the mustering squads falling in and taking up their doublequick march to the rallying point, with bugles blowing and drums beating announcing their approach, but it is regrettable now to think that so dire a necessity ever existed in our country. The different regiments took up their line of march to the outskirts of the city, and proceeded as far as the top of the Tanneries Hill, the high road to Lachine, waiting orders from the front to direct their onward course.

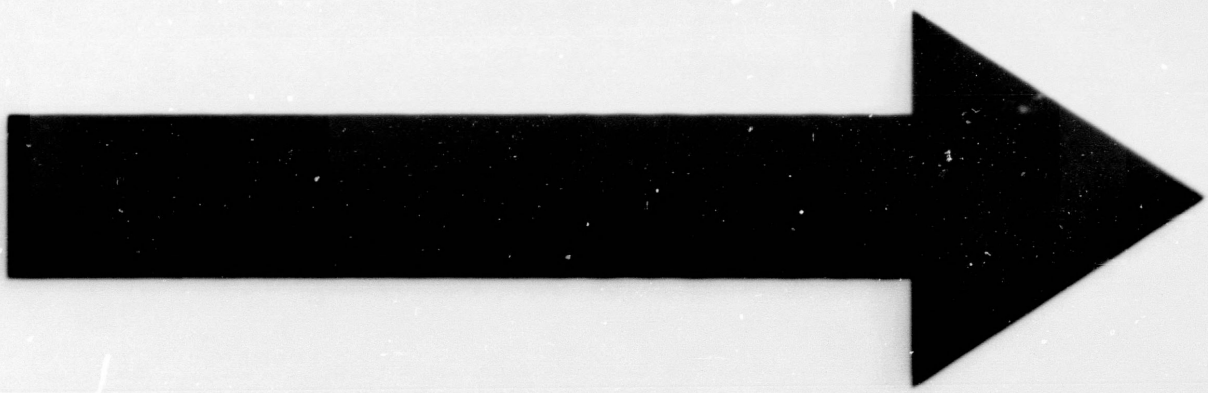
The alarm had reached Lachine about seven o'clock. A French Canadian loyalist, Paul Lebert, living near St. Geneviere, brought the report of the supposed rebel advance on Lachine. Major Penner immediately sent orders to the captains of the four companies of foot of the Lachine Brigade to muster their men; some of them had five miles to march in. By ten o'clock every man was in front of Laflamme's hotel, the headquarters of the brigade, presenting a front of two hundred and forty bayonets and nearly sixty swordsmen—as fine a body of men as could be found in the Province. Word having been sent over to Caughnawaga, about two hundred Indian Warriors crossed the river and joined the Brigade.

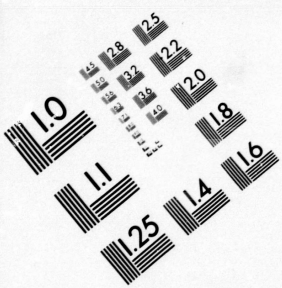
By the advice of old Colonel Wilgress, a Peninsular veteran, then living at Lachine, who [illegible] or as-

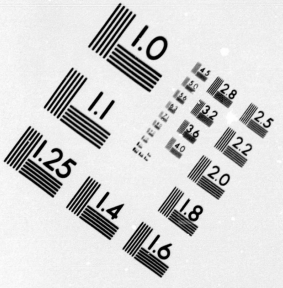
sumed the direction of affairs, the Lachine troop and the village company (captain Lapansé's) were sent to the front or advance, half a mile above the village, to watch and to report the rebel advance. The three other companies of foot arrived shortly afterwards.

The first to arrive was captain Begley's company from Lower Lachine. The writer was with this company. They came in at double quick, nearly a run, and formed opposite Laflamme's. Such a cheer as greeted their arrival, it rent the very air. Then captain Carmichael, with his company from Cote St. Paul, reached the village by way of the banks of the Lachine Canal, and lastly, captain Charles' company, from Cote St. Pierre and the Tanneries, arrived and formed amid a deafening cheer. But let us turn our eyes to the St. Lawrence. What a cheering sight was to be seen there. The river was literally covered with canoes. Every warrior in Caughnawaga was on the river, crossing to join the Lachine Brigade.

The cheer of welcome from that little band of volunteers which greeted the arrival of the Indian warriors, and their wild warwhoop in response, was a sound, a sight and a scene; the like of it may never again be heard or seen in this province! By ten o'clock fully five hundred armed men of all classes stood in the old village of Lachine. The night passed over without any enemy putting in an appearance. There were no telegraphs in those days. All communication was made and kept up by the cavalry. The Lachine troop was then overworked, carrying despatches and keeping up the lines of communication between the outposts.







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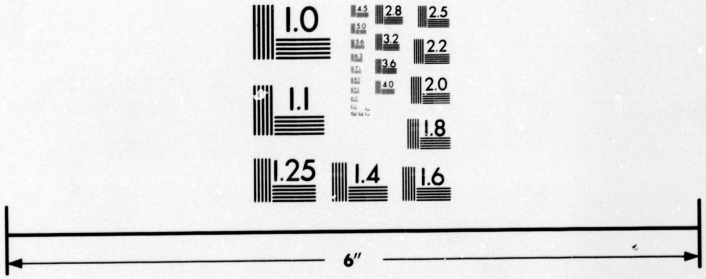

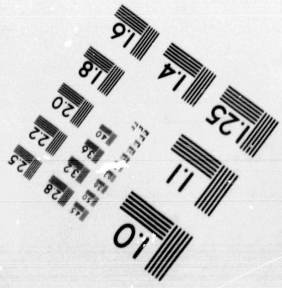

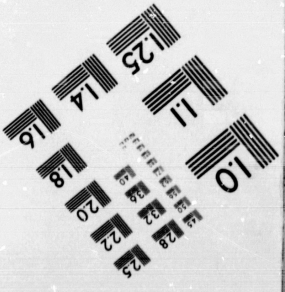

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Spring came, summer passed, a bountiful harvest crowned the year, and the chill blasts of November had again made fields and forests bare. Low murmuring sounds of discontent were then heard, here and there, over the length and breadth of the land, something like a smouldering volcano, ready to burst forth at any moment. On Sunday morning, the 4th of November 1838 —a day long to be remembered in Canadian history— the standard of rebellion was again raised in Lower Canada. The whole south side of the St. Lawrence was once more in open rebellion. The principal camps were at Beauharnois and Chateauguay.

The first actual outbreak of this second rebellion occurred at Beauharnois on Saturday afternoon, the 3rd. The patriots, as they called themselves, seized the mail steamer *Henry Brougham*, while on her way downwards from the Cascades to Lachine, and the passengers were detained as prisoners, among whom were old Sheriff McIntyre, of Cornwall, and Duncan Macdonald, of Montreal.

In the early morning of Sunday the 4th, the patriots of Chateauguay marched in force on Caughnawaga to disarm the Indians. The Indians were attending early Mass in a small chapel half a mile behind their village. The chapel was surrounded by the patriots. They said they came as friends to have a parley. The Indians expressed surprise that friends should come armed, and asked them to pil[illegible]heir arms preparatory to a friendly talk. The innocent [illegible]triots piled their arms—they were immediately taken possession of by the Indians. Sixty-four of the patriots w[illegible] made prisoners, eleven more

were secured during the day,making in all seventy-five prisoners. The rest escaped through the woods to Chateauguay.

The arrival of the prisoners at Lachine was the first intimation there of the outbreak of the second rebellion. The Indians of Caughnawaga crossed the river with the sixty-four prisoners and landed them near the Windmill, close by the old French parish church, just at the foot of the cross road leading to Cote St. Paul. This was about ten o'clock. The people of Lower Lachine were then on their way to attend morning service at their different churches. Fancy their surprise! Here was new work for them. It did not take long to muster Captain Begley's Lower Lachine company of foot and twenty of the cavalry, who took the prisoners in charge.

The line of march was soon formed. Instead of taking the high road to Montreal by the way of Cote St. Pierre, the march was taken by the cross road through Cote St. Paul. It was a hard tramp of three hours. It had been raining most of the previous week; the mud was ankle deep. The men would not hear of any conveyance being provided; the prisoners must walk it, they said; the men also walked. The march of the escort and their prisoners through Cote St. Paul and the Tanneries caused great excitement. By the time it reached the Tanneries fully one hundred stragglers had joined, not exactly comprehending what it really was, as perfect silence was maintened in the ranks.

News of the incoming prisoners with their escort had early reached the town. Their numbers were swelled

by hundreds of stragglers on their onwards course. The report had reached Montreal that the Lachine brigade was marching in full force, having the whole rebel camp of Chateauguay as prisoners. Such was the actual report that reached the city that Sunday morning, the 4th November, 1838. The reader of this day can picture for himself the excitement, hurry and bustle in the streets of Montreal caused by this report.

Far out on the outskirts of the city, towards the Tanneries, the escort was met by thousands of the citizens. The sight that met their astonished gaze was strange and new to them. Here was a large body of men advancing, having been largely supplemented by stragglers. Ten of the Lachine Troop rode in front and ten in the rear, and on both sides were thirty men of the Lower Lachine company of foot, having the sixty-four prisoners in the centre. The stragglers who had joined were totally ignorant of the whole affair, except the fact of seeing the prisoners and their escort. The writer was one of this escort.

There have been, time and again, many programmed processions on our streets, but never before nor since that day, so remarkable a procession as this escort passing along the streets of old Montreal. In front and in rear, as steady as regulars, rode the young boys of the far-famed Lachine troop, with the bearskin helmets and drawn swords, and the foot company on both sides with fixed bayonets, guarding and protecting the prisoners from the surrounding excited, and enraged citizens. They moved along steadily and in perfect silence.

Come, young Canadian reader, and take your stand with us on the front steps of the old French Cathedral. Let us suppose the time to be about three o'clock on that ever to be remembered Sunday afternoon, the 4th of November 1838, and, in retrospect, let us cast our eyes up Notre-Dame street. An immense crowd, reaching back to McGill street, having no flags waving nor drums beating, to announce their approach, is slowly, solemnly advancing, in funeral-like procession! What is it and who are they? It is this escort from Lachine with their sixty-four prisoners wending their way down to the then "New Gaol" with thousands of the citizens lining the streets and following in the rear!

It was a sad day for the poor prisoners, all young men. They had marched out from their camp at Chateauguay in the early morning of that day in high hopes and full of life and vigor! They were now, in the afternoon, on the way to be enclosed within prison walls! Many of them were afterwards liberated, two of them suffered the extreme penalty of the law for the crime of High Treason! and three was exiled to Australia.

It were well if we could draw a veil over those dark days and darker scenes, and blot them out of remembrance. We cannot!

Wrongs! Yes, grievous wrongs did then exist in this Canada of ours, but the means to right them were misapplied! It must now, however, be admitted that out of the seed sown broadcast in that rebellion there arose over and above the ruins of the Patriot's Visionary

Republic the grand structure or foundation of our present responsible Government, entombing, or casting to the winds, all family compacts or other obstructions, securing to Canadians their rights! And, in truth, it may be said, that the now glorious constitution of United Canada had not its birthright under the smile and sunshine of heaven, but it was cradled and nursed amid the rage and the strife of fratricidal foes!

The sun had gone down, and that ever to be remembered Sunday night—the 4th of November, 1838—closed in darkness over the unlighted streets of old Montreal. The Lachine escort, after delivering their sixty-four prisoners to the goal guard, reformed for their rendezvous at Grant's hotel, on St. Henry street, the Montreal headquarters of the Lachine brigade, to partake of refreshments preparatory to their return march home. Ammunition and other supplies were there waiting them to be conveyed to Lachine, which they took in charge.

The escort, after leaving the gaol, had over ten miles to reach home. Rain was then pouring down in torrents. That march is as fresh in the memory of the writer as if it were yesterday. The tramp up old St. Mary and Notre Dame streets was a tiresome one of two miles over muddy roads to Grant's Hotel. The streets were crowded with armed men. Guards and pickets were being posted at every exposed part of the city, and cannon placed at every avenue leading into the country and facing the river.

After leaving Grant's the march was up old St. Maurice street. The city gate at Dow's brewery closed

behind us with a death like sound, allowing us to find our way as best we could through the thick darkness ahead. There were no macadamized roads in those days ; it was mud under foot, mud to the right, mud to the left of us, mud everywhere, and thick darkness all around ! Worse still, at any moment a concealed enemy might be met. Every few minutes a cavalryman dashed past, hailing us, with despatches to or from Montreal. It was an exciting march. Tired, wet and hungry, the escort reached its headquarters, Laflamme's hotel, Lachine, by 10 o'clock that night."

CHAPTER IX.

Last days and hours in the Prison of Montreal of Cardinal, Duquette, Robert, Hamelin, the two Sanguinets, Decoigne, Narbonne, Nicolas, Daunais, Hindelang and DeLorrimier.

This Chapter contains the melancholy records of the troubles of 1837-38.

Cardinal and Duquette were at the head of the Patriots who went to the village of Caughnawaga to possess themselves of the Indians weapons, when they were arrested on the 4th November and on the 28th with Lepailleur condemned to die. The last named escaped the gallows, and was transported to Australia but afterwards returned to Montreal where he still lives.

On the 20th December from his cell in the Montreal Prison, Cardinal wrote amongst other things, these words to his wife: "Demain, à l'heure où je t'écris, mon âme sera devant son Créateur et son Juge. Je ne crains pas ce moment redoutable. Je suis muni de toutes les consolations de la religion. Oh Dieu ayez pitié de moi, de ma femme et de mes enfants, je vous les recommande, veillez sur eux, servez leur d'époux et de père et ne tardez pas de les réunir tous avec moi dans votre saint paradis." And yet such is the height to which party feeling will be carried during times like those of which we are now writing that *The Montreal*

Herald of date November 19th 1838, thus says : "We have just seen the new gallows made by Mr. Bronsdon and we believe that it is to be set up facing the prison, so that the incarcerated rebels may enjoy a sight that doubtless will not fail to assure to them sound sleep and agreeable dreams ! Six or seven of them can be strung up at once, without difficulty on the new gibbet, but a yet greater number at a pinch, would it accommodate."

Great efforts were made to save Cardinal and his wife sent a most touching letter to Lady Colborne. It was of no avail. The last scene of bidding adieu between him and his family was heart rending as the Historian of this period, Mr. L. O. David, justly says in his late interesting work from which the Author here acknowledges to have gained as from former works of his a great deal of information : "Quand l'heure fatale de la séparation sonna à l'horloge de la prison, quand ils se donnèrent dans un long sanglot le baiser de l'éternel adieu, ils étaient plus morts que vivants."

At last the fatal day arrived. It was a gloomy, cold, cheerless morning. The sun was as it were ashamed to shine ; massive clouds floated like funeral trappings all over Montreal. Nine o'clock arrived. The procession wended its way from the condemned cell on to the scaffold. The friends of the prisoners and others recited the *De profundis*. One great cry arose from the assembled thousands round the walls and gate. The trap fell and Cardinal was launched into Eternity.

Joseph Duquette had a more tragic end. He was quite a boy, not yet 21 years of age. Every thing possi-

ble was done to mitigate his sentence. Even the Indians of Caughnawaga regretting their haste arresting Cardinal and Duquette sent a beautiful petition to Sir John Colborne, but in vain, he suffered the same day as Cardinal. One of those horrible spectacles sometimes seen at executions happened to him. The cord was badly adjusted round his throat and became disaranged. They saw the body of the unfortunate young man swinging from right to left and strike violently the wood work of the scaffold. Some one called out "pardon, pardon," but this was of no use. The executioner hardly knowing what to do, seizing the cord, brought back the body upon the scaffold and at last all was over.

On the 20th December 1838, L. F. Drummond, afterwards the well known judge Drummond, sent a most pathetic letter to H. E. Sir John Colborne to arrest the execution of Cardinal and Duquette, stating therein that they had been illegally condemned and proving the facts by declaring their actions during the uprising. Besides the last named was not a major in the eye of the law, as Duquette was not 21 years of age. But all seems to have been in vain as they both suffered execution.

The prisoners Robert, Hamelin and the two Sanguinets were accused of having taken part in the expedition against La Tortue and the death of the unfortunate Walker and for this they suffered death. On the 18th January these four with Decoigne also condemned to suffer death marched with steady tread from their cells to the scaffold where they were hanged in a row.

Decoigne being a notary public made a short speech, acknowledging it is said the justice of the sentence and dying for his country.

J. J. Robert was the leader of a band of insurgents who on the 3rd Nov. endeavored to disarm the Loyalists at St. Philippe, St. Constant and Laprairie and had besieged the house of Mr. Walker. He was a farmer of St. Philippe. His position and character and age were sufficient to make him a leader among the patriots of his parish. He had long been an admirer of Papineau and was one of the first who had remitted to the authorities his commission as a captain of militia. On the morning of his execution he consoled his companions in the condemned cell and prayed both for them and for his country. Efforts were made for a respite of his sentence by his friends on account of his age, but in vain.

F. X. Hamelin, was a lieut. in the company of which Robert was captain. He had taken an active part in the attack of Mr. Walker's house, when Walker was killed. Hamelin was quite a boy, not more than 18 years of age and as in the case of Robert, strenuous efforts were made to save him on account of his youth, but all in vain. Frightened at first with the fear of death, he afterwards maintained a calm demeanour during all the fearful preparations, and having received the last rites of the Church and pitied by every one he bravely died, as he firmly believed in the discharge of his duty and for his country.

The two Sanguinets. They were brothers and belonged to one of the oldest and most respectable fami-

lies in the country. Their father was the proprietor of the Seigniory of Lasalle in the county of Laprairie. The father lost all by law. The sons had been active ever against the government and by their energy, the unfortunate Cardinal had been returned as Member for their county. Both were married now and highly esteemed by their fellow citizens. The one was called Ambroise and was 38 years old when he suffered, the other Charles was 36. They were both in the company of Robert, one as captain, the other as lieutenant.

Decoigne was a notary of Napierville, married, and 24 years of age. He was condemned on account of being one of the chiefs in the camp of the patriots at Napierville. Expecting to escape, as the proof against him was feeble, he received the news on the 12th January to prepare to die on the 18th with calm resignation and on that day he expired as the others, fortified by the rites of his Church and the feeling that what he had done was for his country.

Again the scaffold receives five more victims of this unfortunate rising. There were in prison at this time besides these five, many others, such as Dr. Brien, L. Dumouchel, T. Rochon, J. Goyette, F. X. Prieur, Jos. Wattier, J. Laberge, F. X. Touchette, etc.

The names of the last batch who vindicated their patriotism on the altar of their country were Narbonne, Nicolas, Daunais, Hindelang and DeLorimier. At their execution, 15th February 1839, another of those disgusting spectacles happened as in the case of poor Duquette. When the rope was placed round the throat of Narbonne and the execution about taking place, on

account of one of his arms having nearly been cut off when a child and the executioner having neglected sufficiently to secure the other, the poor soul, when the trap fell (his arms becoming loose) seized the cord and suspended himself both by his mained and whole arm. Twice they had to let go their hold and twice Narbonne seized the cord. At last after this bungling and sad spectacle, death kindly came and terminated his sufferings.

At the same time was executed a Quebecker named Nicolas. After the battle of Odeltown, he was taken prisoner, when he had wandered nearly halfstarved and frozen into a miserable cottage and sent under a strong escort to the gaol of Montreal. Having been condemned he was executed with the other four on the 15th February, 1839.

On the 18th January, when he arrived at the prison of Montreal, he passed under the gallows where a few hours before the five unfortunates and his friends Decoigne, Robert, the two Sanguinets and Hamelin had been executed. One of the guards then said to him: "Look at the ropes, one of them is waiting for you." Nicolas, quickly replied: "I will die as I have lived, a Patriot." Only eight hours elapsed from the arrest of Nicolas till he was courtmartialed and condemned to death. He, on the 15th February, mounted with his companions the steps of the scaffold with a firm tread and when on the platform spoke to the crowd, the substance of which has been much debated about ever since. Some say he expressed regret at the part he had taken in the rebellion, whilst others say, according to

all trustworthy accounts his last words were the following : " Je ne regrette qu'une chose, c'est de mourir avant d'avoir vu mon pays libre, mais la Providence finira par en avoir pitié, car il n'y a pas un pays plus mal gouverné dans le monde. "

Daunais was only 20 years of age, and in the last hours of his life was calm and silent and endured without a murmur and died without a struggle.

Charles Hindelang was the only Protestant among the twelve who suffered death, during these times, by execution at the Montreal Gaol. He was not a French Canadian, but came from Paris. Originally Swiss and for a long time residing in the Capital of France. After the affair of Odeltown, Hindelang was taken prisoner and thrown into the Montreal Gaol, and on the 24th January, condemned to be hanged, but he was not executed for three weeks afterwards as he was one of the five hanged 15th February.

We find the evening before their execution the five prisoners obtained permission to give a banquet to their other unfortunate compatriots confined in the Gaol. Hardly any one ate much, for their hearts were overcharged with sorrow and it was indeed a sad and melancholy scene. After supper, de Lorimier said these words : " Ma patrie, puisse-t-elle ne jamais oublier que nous sommes morts pour elle sur l'échafaud ! Nous avons vécus en patriotes et nous mourrons en patriotes ! A bas les tyrans ! Leur règne achève. "

Hindelang, also spoke and in the course of an eloquent harangue he burst out and said : " Oh France

chérie, tu as reçu mon premier soupir, ton fils qui va mourir demain sur une terre étrangère, t'aime toujours." On the morning of the 15th February, as he was busy writing what he would say on the scaffold, at 8 o'clock the officials entered his cell and told him that the hour had come for his execution. "Oui—replied he—je suis prêt, accomplissez votre œuvre infâme." When he left his cell he saw his friend de Lorimier who called to him: "Courage, my friend, the end draws near," when Hindelang replied: "Death is nothing for a Frenchman."

The prisoners then bade adieu to all their comrades and companions and with firm steps, marched on to the scaffold. De Lorimier leading the double band, followed immediately after by Hindelang, then Nicolas and Narbonne and last the youthful Daunais.

A great crowd lined all the streets and avenues leading to the gaol. Whilst very many wept, others positively laughed at the awful spectacle.

Arrived on the scaffold, when all was ready, Hindelang addressed the crowd in these words: "Sur cet échafaud, élevé par des mains anglaises, je déclare que je meurs avec la conviction d'avoir rempli mon devoir. La sentence qui m'a condamnée est injuste, mais je pardonne volontiers à ceux qui l'ont rendue. La cause pour laquelle je meurs est noble et grande, j'en suis fier et ne crains pas de mourir. Le sang versé pour elle sera racheté par le sang. Puissent les coupables en porter la responsabilité! Canadiens en vous disant adieu, je vous lègue la devise de la France: "Vive la liberté!"

Having pronounced these words with a loud and firm voice, he was launched into eternity. His body it is believed was buried in the Military burying ground on the Papineau Road. Hindelang was escorted to the scaffold by the late Revd. John Bethune, D.D., his spiritual adviser, who remained till the last.

DeLorimier was the last of the five executed this day. He was a native of Montreal, his family a noble one and one that remained in Canada when it became a British Province. After Napierville, he was arrested and brought to the Montreal gaol on foot, where he was tried by Court Martial and condemned to be hanged. This sentence was carried out on the fatal 15th February. When he was about to go to the scaffold he gave Prieur, a lock of his hair, that was contained in a letter, which read thus :

Prison de Montréal, 15 Février 1839.

Cher Prieur,

Vous me demandez un mot pour souvenir. Cher ami, que voulez-vous que je vous écrive, je pars pour l'échafaud. Soyez courageux et je meurs votre ami. Adieu.

CHEVALIER DE LORIMIER.

At a quater to nine o'clock DeLorimier parted with Hindelang in the presence of the Jailor, military officers and several soldiers, he saying to the executioner: "I am ready." He mounted the scaffold with a firm step and when Hindelang had finished his address with the words "Vive la liberté," he nodded his head in approval of the sentiments and almost immediately after the sign was given and the trap fell and the five unfortunates were launched into eternity.

A letter written to his wife at seven o'clock of the morning of the day of his execution was found on his heart after he was cut down, full of love and heroic sentiments, the last paragraph of which is given as a sample of the whole : "Sois donc heureuse, ma chère et pauvre femme, ainsi que mes chers petits enfants, c'est le vœu le plus ardent de mon âme. Adieu ma tendre femme, encore une fois adieu ; vis et sois heureuse.

Ton malheureux mari,

CHEVALIER DE LORIMIER.

I cannot close this imperfect sketch of the last sufferer on the scaffold for 1837-38, without just stating that within the past year or two, Colborne Avenue, next the jail has had its name changed to DeLorimier Avenue, after the Chevalier DeLorimier. Sir John Colborne is often spoken about, especially at St. Eustache, after the disastrous engagement, perhaps our fellow French citizens had this in view when they changed the name of the Avenue.

A beautiful monument has been erected in the Roman Catholic cemetery of Cote des Neiges, to their memory, and to the lasting praise of our French Roman Catholic fellow countrymen, Hindelang's name is as conspicuous (although a Swiss and Protestant) as any of the others. On the four sides of the splendid column's pedestal are engraved mementoes of this melancholy epoch, recording also the names of C. O. Perrault, who figured then, an advocate and member of Parliament, and J. O. Chénier, a physician who fell at St. Eustache.

The oration on the occasion of the inauguration of the monument was pronounced by the present worthy

Chief Justice Sir (then the Hon'ble) A. A. Dorion, and speeches were also delivered by Mr. Wilfred Dorion and Mr. Hector Fabre. Thus rest till the Great Day of final judgement these twelve Patriots of 1837-38. Let the prayer be softly said over them, *Requiescat in Pace*, and let us all ever bear in mind, the saying of one of the eminent Latin writers, "*Pulchrum est mori pro patriâ.*"

I will close this chapter with an account of what took place exactly forty-four years after DeLorimier had written those beautiful words in his last letter to his wife, the night before he was hanged and when he penned : "O mes compatriotes, je vous confie mes enfants. Je meurs pour la cause de mon pays, de votre pays, ne souffrez donc pas que ceux que je suis obligé de quitter souffrent de la pauvreté après ma mort."

And how though tardily this was done was seen when an article appeared in 1883 in *La Tribune* of Montreal making public, that the widow and two daughters of DeLorimier were living in proverty and want at the beautiful village of L'Assomption about twenty-four miles from Montreal. The effect was electrical and stirred up the heart of the French community to the very core and under the presidency of Mr. L. O. David, Mr. Louis Frechette, the poet, being vice-president, and our own present energetic Mayor, H. Beaugrand, Esq., as secretary, subscriptions were soon raised and a trip taken to the village where an address and a large purse of money were given to Madame DeLorimier. Among the chief promoters besides the above three gentlemen were MM. Archambault, Saint-P erre, Deseve, Mde. Saint-Pierre and Melle. Peltier.

CHAPTER X.

Col. Gugy.—Louis Fréchette.—Letter of Dr Wolfred Nelson.—Names of persons incarcerated in the Montreal Gaol as political offenders in 1837.—Copy of commitment of the late Sheriff Leblanc.—Order of Sheriff St. Ours.—C. S. Cherrier.—Copy of deposition of Thos. Wood. Arrest of Jalbert, for the murder of Lieut. Weir.—Copy of arrest of Dr. Wolfred Nelson.—Order anent letter writing by the prisoners.—Order of A. Duchainay, Dep. Sheriff.

One of the most public men on the Constitutional side was Col. Gugy, although much abused, he yet rendered important service to both sides and the depositions of several Curés of country parishes, either near or in the midst of the dissatisfied districts of 1837-1838, testify to his generous disposition and noble charity and kindness of feeling. In no instance did this appear more so than in the case of Louis Frechette and we must remember that Col. Gugy at St. Eustache was severely wounded, or as he himself tells us : " When I entered the Church, it is notorious that I was there struck by a musket ball fired by a Patriot. It passed through both my shoulders, at that moment a soldier of the regiment which I had led to the assault and which I had necessarily preceded, seeing that I was wounded drove his bayonet into my breast."

Hear what Louis Frechette himself says, in a deposition dated St. John's, 14th February, 1855.

" In 1838 I was arrested at St. John's and sent as a rebel, under an escort of armed volunteers, to the Montreal Gaol. On board the steamer crossing from Laprairie, an English gentleman, who was unknown to me, seeing the state of affliction I was in, asked me what the matter was, and what he could do for me. I told him I was so unfortunate as to be a prisoner charged with high treason, threatened with trial by Court Martial and with banishment. I begged of him to go to Colonel Gugy and state this to him. I must say that I had never then seen the Colonel. I had never had anything to do with him and knew him merely by reputation. He had been represented to me as a kind hearted and compassionate man. This was all I knew of him, and without knowing the reason why, I thought he would interest himself in my behalf, although I was a stranger to him. These were the reasons why I applied to him : and I could not do otherwise, my countrymen, and my friends in particular, being on the same side as myself, they could be of no use to me.

The strange gentleman did not forget me, and I was hardly lodged in gaol when Colonel Gugy came to me. After making a patient enquiry into my case, he ordered the gaoler to release me. I was thus returned to my family, but what was my despair when I was arrested a second time and sent to Montreal charged with high treason. The armed volunteers, who were keeping guard over me, appeared to take a brutal pleasure in frightening me, and talked in a free and easy way of shooting me. Being again shut up in the Montreal gaol, I did not delay in making my situation known to Colonel Gugy. He came to the gaol a second

time, and soon became satisfied that I was persecuted by personal enemies. My sufferings produced upon him the effect which I expected, and as he was, at the time, entrusted with great power, he caused my prison doors to be opened a second time. On this occasion he gave me a passport prohibiting all parties whomsoever from arresting me, unless for an offence committed subsequently. My personal liberty is therefore due to two men who were entire strangers to me. I have only seen Colonel Gugy once since, but I have never seen the generous man who spoke to him in my favor."

All manner of false reports in after years were circulated relative to the action of Col. Gugy who went with Col. Gove and especially at St. Denis. Dr. W. Nelson himself, and he was no mean authority, thus wrote years afterwards, and after he had been Mayor of Montreal and was then Inspector of Prisons :

" I shall ever deem it a sacred duty to exculpate you of cruel conduct while on the River Chambly, especially at St. Denis *where my wife* and family were subjected to much ill-treatment, as well as other parties, and who would have been made miserable, if not rendered totally destitute, but for your *manly, kind, just,* nay, *truly philanthropic interference.* I have heard of *many other* instances of your benevolent deportment at that memorable period ; not the last of which was your refusing to fill the gaols with every individual who was denounced by the *pretended* friends of the Government. Your excellent judgment and natural prespicacity, however, led you at once to form a correct estimate of the motives by which the *real* enemies of the

Government and society were actuated, and by your judicious and vigorous measures, you saved many persons from utter ruin, and a greater number from extreme distress and misery.

A man who has thus demeaned himself cannot be a bad man ; but on the contrary, must be endowed with a good heart and clear head.

Personally, I certainly know nothing at all to your disadvantage ; and I can never forget the protection you afforded to my family, when almost every one else had the cowardice of discountenancing them ; but you, a high government officer, who, if any, would have been suspected of severity, were kind and obliging. Never shall I forget these services, the spontaneous outpouring of a manly and liberal mind. "

In beginning my search among the old piles of papers of commitments since 1835, to the present day, consisting of thousands of such, the very first on which I placed my hand was the bundle of 1837. I was anxiously looking for it, and as soon as I found the file for November of that year, I met with that of our late sheriff Leblanc. On the back of said paper, tabulated, is thus written :

Received, 16th November 1837.

Commitments of Chas. A. Leblanc, Jean Dubuc, Amable Simard, George DeBoucherville, André Ouimet, François Tavernier.—" High Treason."

T. PENN, J. P.

The first on the list is that of our late sheriff and the document thus reads, the original having the Royal Arms on the top and Peace left hand side of the same and Office on the right in large printed Roman letters.

District of Montreal — TURTON PENN, Esq. One of the Justices of Our Lord the King

SEAL.

assigned to keep the peace within said District.

To the keeper of the Common Gaol of the said District

GREETING.

Whereas Charles A. Leblanc, of Montreal, gentleman, stands charged with crime of High Treason.

These are therefore to authorize and command you to receive into your custody the said Charles A. Leblanc and him safely keep, for examination.

Given under my hand and seal at Montreal this 16th day of November in the 1st year of Her Majesty's reign.

TURTON PENN, J. P.

I find on the 17th, the next day, were committed Jean François Bossé Lionais, and on the 18th, Louis Michel Viger, an advocate and afterwards a well known politician who had been admitted to practice A. D. 1807.

On the 21st, Michel Vincent, who was of the Parish of Longueuil, was committed by P. E. Leclère, J. P.

This Justice seems to have been a most active person, as nearly all the commitments to jail in 1837 are signed by him, and in 1838 as Superintendent of police, his name often appears.

On the 26th Narcisse Lamothe, of the Parish of Laprairie, was committed by the warrant of B. Hart, Esq., J. P.

These seen to be all who were arrested and committed during the month of November 1837. The very first name which begins December and who was then arrested was Côme Seraphin Cherrier, a name which has been one of the longest in remembrance in Montreal. The bearer of it was one of the most prominent members of the Montreal Bar since 1831 and died only a few months ago full of years and honors. Besides being Q. C. at the time of his death he had been decorated by His Holiness the Pope, and his children may rest assured that all he did in 1837, was done from a full conviction that he considered it (as it was afterwards) for the present as well as the future good of his native land. On the same day another prominent individual was arrested and committed to jail, Toussaint Peltier, also an advocate, who had been admitted to the Bar A. D. 1816. Mr. Cherrier had been admitted A. D. 1822.

On the 3rd December, George Dillon was committed for high treason and on the 4th André Giguere and Toussaint Merville.

I find then that on the next day, the 4th, twenty prisoners were discharged, that is to say, the keeper of the gaol was required to send up the bodies of the

prisoners mentioned below to be put under military guard, they were after returned to jail, this order was signed by R. de St. Ours. The names of these twenty are André Ouimet, Amable Simard, George DeBoucherville, Chas. A. Leblanc, François Tavernier, Jean Frs. Lionais, Louis M. Viger, Narcisse Lamothe, André Lacroix, A. E. Barclay, Eusebe Durocher, Louis Chicon Duvert, Pierre Claude Phaneuf, Come S. Cherrier, Toussaint Peltier, Dr Jacques Dorion, Louis Moyer, George Dillon, Chas. Gouin and Louis Chapdelaine.

The next commitment I meet with is dated 9th December 1837, and is that of Louis Boindon. His offence is thus stated. That being of the Parish of St. Césaire, in the County of St. Hyacinthe : "D'avoir conseillé et engagé le peuple dans la Paroisse St. Césaire contre les droits de notre Souveraine, la Reine Victoria, suivant déposition annexée."

The deposition is in English and sworn to by one Thomas Wood, who thus declares "I, Thos. Wood, of Granby, being in St. Césaire on Monday, the 27th November 1837 (swear) that a person known by me as son-in-law of M. Papineau, L. Boindon did endeavor to excite the people there to actual rebellion and did endeavor to raise a force to rescue some provisions which had been stopped in Her Majesty's name for the insurgents, and did call upon and threaten the miscalled Patriots who were inclined to be loyal to take arms against Her Majesty's Liege subjects and was in communication with the rebels at Point Olivier."

After this, on the 9th, Amable Daunais and Pierre Bourgeois are committed.

Daniel Forbes alias McNaughton, hailing from St. Eustache, is arrested the same day as the last two on a writ signed by B. Hart, J. P. He was arrested in Montreal having come from St. Eustache "as a spie."

The 12th December 1837, I find the commitment by P. E. Leclere of François Jalbert, offence murder, and in the body of the commitment it thus reads: "Whereas F. Jalbert, of the Parish of St. Denis in the District of Montreal, yeoman, stands charged on oath with having on the 27th day of the month of November last at the Parish of St. Denis aforesaid, feloniously and willfully and of his malice aforethought killed, and murdered one, George Weir."

On the same day were committed Robt. S. M. Bouchette, Henri A. Gauvin, Timothy Kinebert, Rodolphe Desrivières, Siméon Marchesseault, Jean Bte. Languedoc, François Leford, Alexandre Pinsonnault, Ambroise Hebert, Denis Duchaine, Jean P. Boucher Belleville, Louis Tremblay, Toussaint Dufresne, Alexis Richard, Pierre Languedoc, Toussaint H. Goddin and Dr Wolfred Nelson.

The commitment of Dr Wolfred Nelson thus reads: "Whereas Wolfred Nelson, of the Parish of St. Denis, Esqr., stands charged, on oath, with the crime of high treason, committed in the said District of Montreal, these are to authorize and command you to receive into your custody the said Wolfred Nelson. P. E. Leclere, J. P." He signed all the above warrants.

It will insert here the order regarding the writing of letters by prisoners, especially when Henry A. Gauvin is mentionned in the above list. It thus reads:

"Prisoners to be allowed to write to their friends on any matters excepting politics on the past or passing events, their letters to be sent in to the Attorney General at any time before one o'clock at the room in the Gaol where the examinations are now going forward, they may intimate to their friends that their answers must be sent through the same officer, and no other. This indulgence is not to extend to the prisoner H. A. Gauvin, and it will be withdrawn if abused by any other person."

On the 15th were committed Jean Bte. Tetreault, Jacques Surprenant and François Surprenant.

On the 16th Luc Auger, Luc H. Masson and Damien Masson.

On the 17th were committed Alexandre Fournier, Joseph Robillard, junr., Jean Bte Dumouchelle, Jos. Danis, Charles Larose, François Grignon, Magloire Guindon, Edouard Beaution dit Major, Joseph Malbœuf, Félix Cardinal, Leon Marie et Augustin Laurent dit Lortie.

On the 19th was committed for high treason, William H. Scott, of St. Eustache.

On the 20th quite a batch of prisoners were sent from the old jail to the new jail under this order "Mr. Wand will receive the above mentioned prisoners from the old jail."—A. Duchainay, D.S.

The names were Louis Courcelles, Ambroise Lapierre, John Anderson, Jean Bte Bousquet, François Daoust, François Ricard, Toussaint Langlois, Robillard, Am-

broise Brunelle, Joseph Laporte, Hypolite Moyer, Ed. Villairs, Stanisias Roy, Modeste Roy, Hercule Dumouchelle, Camil Dumouchelle, Jacques Dubeau, J. A. Berthelot, Pierre Marié, Gedeon DeLorimier, Charles Lemoine and Louis Adolphe Robitaille.

On the 20th, same day, we find the following commitment papers of Louis Coursolles, Ambroise Lapierre, Jean Baptiste Bousquet, Toussaint Langlois, Hypolite Moyer, E. Villairs, Stanislas Roy, Modeste Roy, H. Dumouchelle. Cam. Dumouchelle, P. Marié, G. DeLorimier, Chas. Lemoine, Jean A. Berthelot, which were sent with the above Patriots to their place of imprisonment in the new Montreal jail. This ends the year 1837.

CHAPTER XI.

Names and Commitments of Patriots 1838.—Warrant of F. Nicholas.—Messire A. M Blanchette.—Copy of Discharges by the Sheriff.

In looking over all the commitments of the troubles of 1837 and 1838, I find that the general number is much mistated. In some histories, they state that the jails were full, but it is unknown what the actual number was. I hope that hereafter the future historian will find positive information as regards the names and number of those who were arrested and suffered imprisonment for a longer or shorter period, in 1837, '38 and '39.

In beginning the extracts of the year 1838, I find that, on the 5th January, there were committed Timothy Franchère, Louis Marchand and Richard A. R. Hubert.

On the 6th, Jean Blanchette, François Guerin, Antoine Rochon, Isaac Foisy, Jean Bte. Bellanger and Auguste Sanche.

On the 8th, Janvier Brisebois, Theophile Brisebois, Vital Mallette, and Joseph Rousse were admitted to bail.

On the 10th, there were received into the jail : Joseph Maz, dit Lapierre, François Seguin, Joseph Vadenais, Michel Frejeau, Guillaume Montplaisir, Paschal Viger, Marcel Sauvée, Christophe Daigneau, François Bertrand, Louis Brouillard, and Hugh Ward.

On the 20th, Chs. Olivier, and on the 23rd, François Nicolas. His commitment charges him with, at St. John's, " Feloniously, wilfully and of his malice aforethought killed and murdered, one Joseph Armand, otherwise called Joseph Chartrand."

On the 25th of this month, 16 prisoners from St. John's were committed into the jail ; their names are : Louis M. Decoigne, François Ranger, Theophile Roy, Joseph Tellier, Leon Breault, Barthelemy Poissant, Jean Bte. Tremblay, Frs. Surprenant, Jean Jabotte, Luc Hebert, Olivier Glantenel, Joseph Gervais, Robert McMahon, Pierre R. Narbonne, Joseph Hebert and Dr. Leonard Brown.

On the 27th, Joseph Duvernay and Benjamin Senecal. On the 29th, Jacques Demers, and on the 31st, Louis Charette.

The very next day, the 1st of February, Joseph Robillard, Senr., Joseph Duval and R. P. Belair were committed for High Treason.

On the 2nd February, André A. Papineau, of St. Hyacinthe, gentleman, for High Treason.

On the 4th, Olivier Lanthier was committed.

On the 5th, the commitments of Patrick Murray, Michael Dwyer, Peter O'Callaghan and Louis Papineau are recorded.

On the 6th, James Watts and Augustin Labrie were committed, and on the same day, Jean Bte. Dumouchelle, Joseph Raymond and Eustache James de Carrière. The first came from St. Eustache, the second, from St. Scholastique. One-half sheet of note paper is all that is used in each of these two commitments.

On the 8th, Noel Scott, François Lemaitres and Joseph Letorrée were committed. On the same day, from St. Eustache, were admitted to jail William Blyth, Jerome Longpré, François Pillon, Jerome Latour et André Lavallée.

On the same day, were committed Moise Marchesseault, Joseph Phaneuf, Medard Bouchard, Noel Duval, Morphile Lamaremy, Joseph Tougas, Louis LaBerge and Zephirin Girardin.

On the 9th, we have the names of Louis Dirigé dit Laplante and Etienne Lonctin.

On the 10th, were committed Joseph Petit dit Lalumière and Barthelemy Godin dit Laparie, of the parish of Ste. Anne de Varennes. The same day, William Snowdon, J. P., committed from St. Benoit, Hyacinthe Derouin, Alexandre Derouin and Jean Bte. Richer.

On the 13th, Jerome Longpré, sen'r, Médard Gagnon and Laurent Longpré were committed.

Alex. Drolet was committed on the 14th.

On the 15th, David Beauchemin, Jean Bte. Ethier, Jean Marie Latour and Jean Bte. Fluneau.

On the 16th, Pierre Barrière *alias* Langevin, of St. Cesaire. This prisoner is handed over to the officer of "The Main Guard of H. M. Forces in Montreal." His crime is thus set forth. "High Treason and endeavouring to keep up the excitement in the country and also having refused to find bail for his future good conduct." The commitment is signed by Wm. H. Chaffee, J. P.

On the 17th, H. Perrin, J. P., sends in a batch of four from St. Denis. Their names are François Richer dit Lafleche, Marcel Cordeaux, Pierre Mondor and Edouard Besse.

On the 27th, Henry Corse, J. P., committed Garçonnette Lareau, of St. Anathase, bailiff for High Treason and Mr. Wand, the gaoler, is ordered to discharge, Edouard Lareau, of the same place, by order of the Att. Gen'l, Mr. Ogden, through the Sheriff's Office."

On the 1st March, four prisoners were discharged by order of Att. Gen'l: Pierre Roberge, Eusebe Blanchette, Alexandre D'Aigle and Charles Blanchette. Adolphe Dugas is committed for High Treason, also Jean Charlebois and Appolline St. Germain.

Nothing appears now till the 20th March when Samuel Hatt and Chs. DeSalaberry, J.Ps. send in François Macé dit Sancene for "High Treason." These Justices are well known names of Chambly.

On the 28th, by order of Att. Gen'l, there were dis-

charged Benjamin Poirier, François Cabana, Benjamin Cabana, François Aubry, Constant Cartier and François Renaud.

I find on the 31st March that "Messire A. M. Blanchette" is discharged, having given bail.

On the 2nd April, François Molleur was committed. On the 3rd, Enoch Jacques, of the Township of Potton, under warrant of Thomas Gilman, J. P.

On the 5th, Joseph Mongeau. On the 11th, James Murphy and François Ant. Lavigne.

On the 12th, the Att. Gen'l discharged François Surprenant and E. and J. Ouellette. On the 14th, J. Murphy and William Allan were discharged, on their having given bail.

Patrick Murray, Michael Dwyer and Peter O'Callaghan were discharged and same day allowed to go home, to St. Cesaire, and give bail for future good conduct to Mr. Chaffers, who had committed them "within so many hours else they would be immediately recommitted."

On the 24th, Patrick Flanaghan and Hugh Feenan were committed. On the 25th, Jean Bte. Molleur, and on the 26th, Alexandre Drolet, gentlemen, of the parish of St. Charles. On the same day, Joseph I. Drolet, of the parish of St. Marc, Esqr., was committed.

On the 30th, forty-one commitments bear this date all for High Treason. The names are Joseph Gariepy, Louis Lussier charged with the murder of Lieut. George

Weir, at St. Denis. Felix Chenier, Louis Poulin, Olivier Arcand, Amable Paradis, of Sorel, Dominique Chartrand, Andre B. Papineau, of St. Martin, gentleman, Paschal Bourbonnier, Jean Bte. Arcand, Wm. Whitlock, of Vaudreuil, François Migneault, also for the murder of Lieut. George Weir, at St. Denis, Nicolas Rolland, Jean Felix Labrie, of St. Ours, gentleman, Pierre Amiot, Esqr., of Vercheres, Louis Lacoste, Esqr., of Boucherville, Isaac S. Larocque, of Rigaud, gentleman, Louis Chapdelaine, Charles Gouin, Louis Chicon Duvert, of St. Charles, Esqr., Eusebe Durocher, Esqr., of St. Charles, Antoine Charles Bardy, of St. Anathase, gentleman, Andre Lacroix, Esqr., of Montreal, François Tavernier, gentleman of Montreal, Jean Bte. Vallée, Jean Bte. Lussier, of St. Denis, François Chicon Duvert, gentleman of St. Charles, Augustin Labelle, Antoine Consigny, gentleman, Michel Carrière, of St. Eustache, Hyacinthe Charlebois, Narcisse Valois, of Vaudreuil, Benjamin Lefebre, George de Boucherville, of Montreal, Esqr., Amable Simard, Esqr., Hector Barsalou, Captain Beulac of St. Ours, Louis Michel Viger, Esqr., of Montreal, Toussaint Peltier, of Montreal, Andre Ouimet, Esqr., and Bonaventure Viger, of Boucherville.

The first commitment of May, 1838, for High Treason is on the 3rd, where Jacques LaCombe, from St. Scholastique, under the warrant of W. Snowdon, Esq., J.P., is admitted to prison. On the same day, Andre Jobin, of the parish of St. Genevieve, is committed for "seditious practices" by O. Berthelot, Esq., J. P.

I give on the same day a copy of the discharge of the following :

"To the keeper of the Common Gaol of the District.

"Send up the bodies of Pierre Beulac, Hypolite Mogen, Noel Duchenau and Edouard Villaire, STATE PRISONERS, under military custody to be admitted to bail and this will be your warrant.

"Given under the seal of my office, this 3rd May 1838.

R. DE ST. OURS.
Sheriff."

On the 7th, three other Patriots are discharged, viz.: Charles Vidal, Louis Poulin and Paschal Bourbonnier, by order of Judge Gale, J.B.K., on bail, and on the 8th, the following is the discharge of Enoch Jacques:

"To The Hon'ble Roch de St. Ours.

"Discharge Enoch Jacques.

7th May 1838. By order, C. R. Ogden.

Upon this order Mr. Wand will discharge the within named Enoch Jacques from prison.

R. de St. Ours, Sheriff."

8th May 1838.

On the 9th May, are recorded the discharges of Chas. Gouin, Louis Chapdelaine, Jean Bte Vallée, by order of C. R. Ogden, Att. Gen'l, and Emery Labrie and Jerome Longpré, Jnr., and Benjamin Lefebvre, by order of Judge Rolland. The three were admitted to bail.

On the 11th and 14th May, discharges were granted by Judge Gale to Andre Lavallée, Joseph Gariepy, Louis Laberge, Noel Duval, Moise Marchessault, Narcisse Valois and François Pillon.

This is all that appears in the month of May. The first entry for High Treason in the month of June was that of Joseph Lacombe, committed by the warrant of D. MacDonald, J. P. In the paper annexed to the commitment, I find the Sheriff R. de St. Ours, writing thus to the keeper of the Common Gaol. "The said Joseph Lacombe having had his pardon from His Excellency the Governor General, dated the 20th day of June instant," so that he was discharged on the 30th following.

Nothing occurs till the 23rd of June, when there is a paper tabulated "Discharge of various State Prisoners." Their names are Medard Bouchard, Camille Dumouchelle, Adolphe Dugas, Zephirin Girardin, Joseph Gervais, Olivier Gloutoir, Jean Jabot, Norphite Lamoureux, Damien Masson, Pierre Marie, Joseph Tougas, Denis Duchaine, Leon Breau and Felix Cardinal. This is signed by George Pyke, J.K.B.

In the months of July, August, September and October, there are no commitments for high treason.

During November, 1838, the second outbreak took place, and in this month, I find very few single papers of commitments, but papers containing long lists, and there is a large bound folio, the State Prisoners' Folio, containing the names of all those committed during the months of November and December, 1838. Their names

amount to 698 and will all be given afterwards. Then from the 1st January, 1839, to the 26th October, 1839, when the last commitment is recorded for High Treason, I find 139 additional names.

The mission of Lord Durham who had arrived some time before this with a brilliant suite was chiefly to settle affairs. He condescended to a ruse or as it is said in the words of a French historian: "Il eut recours à un expédient." He procured the principal prisoners' names to a letter, throwing themselves on his clemency after having acknowledged their crime, said letter being signed by R. S. M. Bouchette, Wolfred Nelson, B. DesRivières, L. H. Masson, H. A. Gauvin, S. Marchessault, J. H. Goddu and B. Viger. This was done to save their compatriots and resulted after (the 28th June 1838) in a proclamation that those who had signed the letter were condemned to exile in Bermudas at the pleasure of Her Majesty. In the same proclamation, the following who had escaped were ordered never to return to Canada under pain of death, viz.: L. J. Papineau, C. H. O. Coté, Ed. B. O'Callaghan, Edouard Etienne Rodier, Thomas Storrow Brown, Ludger Duvernay, Etienne Chartier, père, George Etienne Cartier, John Ryan, père, John Ryan, fils, Louis Perreault, Pierre Paul Demaray, Jos. Frs. D'Avignon et Louis Gauthier.

2nd July 1838—On this day, at 5 o'clock in the afternoon, the above eight were conducted, under a strong military escort, on board the *Canada* which was lying at the "Foot of the Current." Manacled in irons they silently passed from the jail through the crowd to

the ship, the spectators much impressed at their noble bearing and great heart, even in their troubles and adversity. At Quebec, they were embarked on board the ship of war *Vestal*, and arrived safely at Bermudas.

After staying a few months in the Island, they were liberated. All that had been done by Lord Durham, was annulled by the Parliament and Government of Great Britain, so that on the 9th of the following November, they landed in the United States, where they remained till the amnesty, which enabled them to return to their native land.

On Sunday, the 4th November, no less than 121 prisoners were committed. On the 5th, 9 Patriots were committed. On the 6th, 15, among whom I find the name of our fellow citizen, Dr. J. Emery Coderre still living. On the 7th, there were 18 committed. On the 9th, only 4.

The first dated paper, in November, for discharges, is on the 10th, when Attorney General Ogden discharges Charles Prevost, of St. Laurent; then on the 15th, those of Christopher Fortin, Etienne Bouchard, Olivier Le-Blane, Gabriel Aumond and Moyse Duplessis, all by order of the Att. General. On the 16th, there is a permit "for Mr. Ellice and Mr. McDonald to be allowed in goal." The order states "to see the prisoners taken at Chateauguay." On the 17th, another permit for Mr. Ellice alone, signed by both the Att. Gen'l and the Sheriff and addressed to Mr. Wand, gaoler.

The following is styled "Special Order from His

Excellency," and thus reads regarding Dr. Brien. This was received 16th November, 1838.

"The prisoner Dr. Brien is to be kept separate, and on no account is any one to be permitted to speak with him.

By command of His Excellency,

To the Keeper of the Common Gaol, Montreal. C. R. OGDEN, Att. Gen'l."

From the 17th November to the end of the month, 33 prisoners were discharged by order of the Att. Gen'l, their names appear in the complete list printed elsewhere.

The only two commitments, November 26th, are those of Dr. Allard, and is signed by Lieut. Col. Cathcart of Chambly, and thus reads: "Charged with treason and rebellion Jean Bte. Allard, a Medical Practitioner of Belœil." The other is dated 26th November, 1838, commitment of John Fratelin *alias* Braditch.

"The keeper of the Common Gaol will receive into his custody the prisoner Fratelin *alias* Braditch from Major McCord and will keep him in a separate room and allow no one to speak with him or see him.

By order C. R. OGDEN, Att. Gen'l."

On the 3rd December, the discharges of Pierre Ste. Marie, of Laprairie, and Thomas Daunais, of Contrecœur, are recorded and then follows four discharges,

written by the Att. Gen'l on backs of letter note paper. Some of them have a black border rather an ironical paper as regards the blessed liberty which it conveyed. Among the number are men of high standing and well known, even now, viz. : Dr. A. Perrault, Francis Wm. Desrivières, Esqr., and Edward Barnard, Esqr., Advocate of Three Rivers.

The following is the copy of the commitment of two of the Patriots who were executed in the Montreal Gaol and others.

St. Pierre, La Prairie, Dec. 10, 1838.

SIR,

You are desired to receive into the City of Montreal Jail the following prisoners, at the same time to give a receipt for their bodies to the sergeant commanding the escort, in charge of them.

Antoine Sanguinet, Frs. Xavier Hamelin, Jacques Longtin, Jacques Daigneau, Clovis Pattenaude, Théophile Robert, Joseph Pinsonnault and Pascal Pinsonnault.

You cannot be too careful of the prisoners Sanguinet and Hamelin, as the charges against them are very serious.

Your obedient Servant,

To the Gaoler,
Montreal Jail.

W. DENNY,
Special Magistrate
for La Prairie.

On the outside address is this direction :

H. M. SERVICE.

The Gaoler, Montreal Jail,
with Eight Prisoners charged with murder,
treason, &c.

On the 12th December, some well known names are described: John Donagani, Jos. A. Labadie, N. P., Jos. A. Berthelot, Guillaume Vallée, M.D., Chas. A. Lusignan, M.D, and E. R. Fabre. The next day, the official paper seems to have arrived in addition to these above, we find the names of Louis M. Viger, François Pigeon, Pierre Boucherville, Jean Dubuc, and several others.

An order of date 15th December, 1838, thus reads:

"H. B. Leblanc, Dr. D. Leblanc, Frs. Trepannier and Jos. Robert, to be removed to the new gaol. The three first to be kept in the room where the Frenchman is now; and Jos. Robert to be put in a safe ward."

By order, WM. E. FLETCHER.

R. DE ST. OURS, Sheriff.

Copy of warrant of F. X. Guertin. On the back is thus reads. "Mittimus against F. X. Guertin of St. Cesaire, for high treason."

"To the Gaoler of any of Her Majesty's Gaols for the District of Montreal, in the City of Montreal.

Whereas F. X. Guertin, late of the Parish of St. Cesaire, district aforesaid, farmer, stands accused under oath of the crime of high treason and treasonable practices.

These, etc., etc.

19th Dec., 1838. Signed, WM. A. CHAFFERS, J.P."

On the 14th December, P. E. Leclere who had under his warrant, committed so many in 1837, and who styles himself here J. P. and Superintendent of Police, discharges eight by order of the Administrator of the Government. On the same day Donald George Morrison is also discharged.

On the 15th, Dr. J. Bte. Allard and a state prisoner of the name of J. Henry Bates were discharged and on the 17th, by order of His Excellency, the following were discharged :—Jos. Harkin, Daniel Woolfred, Pierre Dupuis, Auguste Boucher, F. X. Desjardins, and Alexis Préfontaine. On the 21st, eighteen prisoners were discharged, and on the 26th, Jean Joseph Girouard and Olivier Roberge. On the same day, eleven others and on the same day another discharge paper with sixteen prisoners. On the 27th, were discharged by order of the Superintendent of Police from the Governor General the twenty-six prisoners :—Louis Bressent, Isaac Trembly, Jean Bte. Meras, Paul Trembly, Antoine Mongeau, Jacques Brunet, Edouard Ferland, Antoine Goyette, Aug. St. James, Jos. Laperle, Luc Verdon, Chas. Foncrault, J. Bte. Rongeau, Fran. X. Lebeauf, Antoine Leduc, Jean Bte. Laguring, Vital Galarneau, Alexis Menard, Pierre Paradis, Alexis Lareau, George Putman, Antoine Boursier, Jean Bte. Tissend, Antoine Foisy, François Nadreau, and Guillaume Couture.

On the same day came down from the Police office another " gilt edge " paper (for many of the papers are

gilt edged in these days) ordering the discharge " by command of the Administrator of the Government," of the following fifteen prisoners, vz. :—Pierre Billet, J. Bte. Rousselle, Pierre Duquette, Jeremie Groux, Ignace Hubert, J. Bte. Rufiange, Hypolite Fortier, N. Fortin, Joachim Rufiange, Louis Bissonette, Theo. Vachereau, E. Houle, Pierre Massé, Julien Lafaille, J. Bte. Laplante, and Ambroise Simard.

On the 28th, the following is recorded :

" Montreal, 28th December, 1838.

" To the Hon'ble Roch de St. Ours, Sheriff,

" Discharge François Poirier commonly called Regis Poirier.

" R. OGDEN,
" Att. Gen'l."

This was accordingly done and on the same day from the office of the Chief or Superintendent of Police the following discharge paper is recorded.

" Office of the Superintendent of Police,
" Montreal, 27th December 1838.

" SIR,

" Please to liberate from confinement in Montreal Gaol the following prisoners, viz. :

Doctor Pierre Boucher de LaBruere, Luc Lafevre,

Narcisse Roy, Joel Brosseau, Hubert Ferland, Joseph Roy, Toussaint Duclos, fils, and Pierre Billet.

" By order of the Administrator of the Government,

" P. E. LECLERE,
" J. P. and Superintendent of Police.

" To the Hon'ble R. St. Ours,
" Sheriff of the District of Montreal."

This finishes the two years of 1837 and 1838. Cardinal and Duquette were the only ones hanged in December of this year, the other ten suffered in 1839 in which year I find in the large folio, 139 prisoners arrested for High Treason. The next chapters will contain the commitments, &c., of that year and the official list of Patriots incarcerated from 1st November 1838 to the last name recorded.

The following are a few of the commitments in extenso at the commencement of the troubles of 1838. We must recollect that the 4th November was a Sunday. The events of that day have been well described by Mr. John Fraser in his sketches elsewhere in this book. Three quarters of a half sheet of foolscap contains the commitment paper, no seal or legal looking document. It consists of only a long list of names with this heading;

" To the Hon'ble Roch de St. Ours, Esq, Sheriff,

" SIR,

" You are hereby requested and ordered to receive into your custody in the common jail of the District of Montreal, the following prisoners until further orders."

And this is signed by N. Edmond Barron, J. P.

This paper contains sixty-five names, which may be found in the printed list.

Two of these orders or letters are of this date 5th November, viz. :

" La Prairie Barracks, Nov. 5th, 1838.

" I hereby give into your charge Pierre Dresi an inhabitant of La Prairie, who was taken prisoner last night about six o'clock, near the Barracks, by a volunteer named Melton. I ordered him to be searched, when some copper caps and a ball were found on him. Melton says he threw something into the River. The prisoner was mounted on a white horse, which I send with him.

" Your ob'd't ser't.,

" A. W. BIGGS, Major,

" The Jailer, Montreal. " 7th Hussars."

The other letter of the Major's thus reads :

" I hereby deliver into your charge the prisoner Duffile Vershereou who was taken by a party of Hussars on the morning of the 4th of November armed with a musket with ball ammunition, a powderhorn and dagger. The prisoner was one of the party of Rebels who fired at the Hussars.

"The evidences against him are Privates Hinds and Wilson, 7th Hussars, and volunteer James Melton, of La Prairie.

"A. W. BIGGS, Major,
"Commd. 7th Hussars, at La Prairie,

"La Prairie, November 5th, 1838."

CHAPTER XII.

Continuation of Commitments and Discharges in 1839.

In beginning the year 1839, I find both commitments for high treason and discharges under bail occupying to a large extent the first months of the year, but gradually growing fewer till September 27th, when fifty-eight Patriots were banished into exile or transported.

On the 1st January, 1839, a letter from Robert Nickle, Colonel and J. P., of Stanstead, dated December 30th, 1838, and addressed to Her Majesty's Gaoler, Montreal, thus reads : " You will be pleased to take charge of the body of Captain Taylor Wadley, charged with treasonable practices." This letter is annexed.

MR. WAND, Gaoler, Montreal.

SIR,

Some days since depositions (which are now in my possession) were sent in from the country against Capt. Taylor Wadley, of the Hatley Militia Eastern Townships, in consequence of which he was ordered to be sent in to Montreal a prisoner, and the Attorney General told me that on his arrival in town he was to be taken to the City Gaol until his case was examined into and disposed of.

You are therefore commanded to receive him, the said Captain Taylor Wadley, and detain him in custody a prisoner until further orders.

F. J. GRIFFIN,
Dep'y Ass. Adj. Genl.

Dep'ty Adj. General's Office,

Volunteer Department,

Montreal, 1st January, 1839.

Captain Taylor Wadley's commitment from Colonel Nickle, C.B., commanding at Stanstead, Eastern Townships, is also herewith enclosed.

F. J. GRIFFIN, D. A. A. G."

On the 7th January, 1839, Hubert Derome dit Decareau is discharged. On the 8th, the following letter is recorded.

"General Court Martial Room,

Montreal, 8th January, 1839.

Sir,

I am commanded by His Excellency Sir John Colborne, to inform you that the three undermentioned prisoners having been acquitted by the General Court Martial, they are to be discharged from the Montreal prison.

Edouard Thérien, of Chateauguay ; Jean Bte. Dozois, sr. of St. Cyprien ; Louis Lemelin, of St. Cyprien.

I have, etc. etc.

G. MULLER, Capt.
Deputy Judge Advocate.

THE SHERIFF
of Montreal."

On the 11th January, Jacques Robert, (lately acquitted by the General Court Martial) is discharged, also Jean Bte. Heneau dit Deschamps of Beauharnois, by order of the Attorney General, also Joseph Leroux, of St. Thimothé and François Messier, of St. Damase.

Another order dated Montreal, 15th January, 1839, thus reads : " Discharge Joseph Longtin, fils d'André, de la Paroisse de St. Constant."

By command of His Excellency

C. R. OGDEN,
Attorney General.

HON'BLE ROCH DE ST. OURS,
Sheriff.

Let this order be executed.
15th January, 1839,

A. J. DUCHESNAY,
for the Sheriff."

On the 18th, Jeremie Barette, of Terrebonne, was discharged, and on the 22d, Alexis Bouthillier and Alfred Lesperance, of Montreal, were liberated.

Jean Bte. Lukin, was brought up to be admitted to bail on the 23d January, by order of M. O'Sullivan, C. J. K. B., also Jean Casgrain on the 25th, by the same order, and on the 26th, George Pyke, J. K. B., admits to bail Jacques Laparre and Pierre Leduc.

The Attorney General Ogden discharges on the 28th, Antoine Bouthillier, of Longueuil, and on the 29th, Adolphe Dugas and Edouard Picard, of St. Constant.

Judge Pyke again discharges on the 30th and admitted to bail Pierre Claude Phaneuf and Hyacinthe Robitaille.

The following were committed this month for High Treason: Etienne Langlois, Leon Leclaire, Chas. Bouc, An. Roussin, all of Terrebonne, Yeomen. Frs. St. Louis, Pierre Urbain, Paul Gravelle, of Isle Jesus, Yeomen. Denis Berthelot, merchant of Lachine. Jacques Robert, John Squires, Dominique Poissant and Eustache Poissant, Andre A. Papineau, Philippe N. Pacaud, Jean Frs. Tetu, François Surprenant, François Nicolas, Michel Meunier, Antoine Boyer, Senr., Joseph Smith, Antoine Denault, Pierre Leduc, Jean Bte. Lague, Cypren Boyer and Joseph Langevin.

During February 1839, there were committed Ovide Beauchamp, Jean Bte Bourque, Erastus Chamberlain, Toussaint V. Tremblay, Michel Tessier and James Johnson *alias* James Johnson Pratt *alias* N. Ordway. This man's offence was "suspected of being a spy." His commitment is signed by Colonel Williams, and thus reads: "Whereas James Johnson *alias* James Johnson Pratt *alias* N. Ordway, of Woodstock, in the State of Vermont,

in the United States of America, stands charged on oath made before Lawrence Ford, J.P., for this district, with evil intentions towards the British Government, and acting as a spy in favor of the Canadian refugees. And further for travelling with a passport obtained under false pretences and a feigned name, &c., &c."

On the 1st February, Judge Gale discharges André J. Lacroix and John Squires, both in bail. On the same day, Judge Pyke and the Attorney General admit to bail Lucien Morin, Christophe Beaucheau and Etienne Regnier. On the 2nd, Judge Gale admits to bail Pierre Forrest dit Beauregard, Gedeon Brazeau, and Gedeon Neveny, also in the 5th Jessé Oligny dit Livernois, and Joseph Hensley, and in the 9th, Alexis Bouthillier, Pierre Bouthillier, Jean Bte. Boyer, Joseph Boyer, and Pierre Urbain. Same day were bailed out Alexis Quertin, Fr. Bondet, Thomas Dalton, Pierre Plante, Alexandre Bouthillier, and Dominique Monette.

On the 11th, Judge Gale discharges Jacques Robert, Jean Bte. Laque, Joseph Coupal, Contant Lanctot, and Benoit Pagé. On the 14th, Deminique Poissant, Eustache Poissaint, Charles Denyé, Hubert Pagé, Antoine Boyer, and Ant. Denault.

From the 15th to the end of the month the following are admitted to bail and discharged from custody. Ed. Remillard, Joseph Langevin, Geoffrey Hebert, Andre Proteau, Andrew Vandal, Joseph Lanctot, Ant. Lanctot, Frs. Ranger, Joseph Smith, David Hebert, Pierre Panton, Narcisse Bruyère, Louis Mahew, Etienne Labouf, Denis Berthelot, Chas. Dewitt and Antoine Doré.

From the 1st March 1839 to the 20th of that month, the following were discharged: Erastus Chamberlain, François Paradis, Jos. Fontaine, Francis Daoust, F. V. Tremblay, Frs. St. Germain, Snr., Frs. St. Germain, Jr., Ovide Beauchamp, Vital Robert and Prospect Robert. Only other two discharges are recorded in March, and by the Attorney General, those of Louis Lesiege and Cyprien Doris.

On the 2nd April, 1839, "Divers State Prisoners" are discharged to the number of twelve, also on this day James Perigo "acquitted by the General Court Martial."

During the rest of April, eight prisoners were admitted to bail, the last being Marc Campbell.

Only one, Stephen Reeves, during May, is recorded.

There are none in June and eight in July. None in August, and on September 27th, twenty-nine were released, whose names will appear in the list in next chapter.

On the same day, the next paper contains the official list of all those who had to be transported. On the top of the list, in pencil, are these words: "*Prisoners to be transported, September*, 1839."

I don't know if I have ever seen this complete list printed previously, except one in Mr. David's Book of simply their names; however, my work at this interesting period would be incomplete without this list, and I doubt not but the descendants of those men whose names appear in it will rejoice to see them.

In March, 1839, there appear only three commitments: those of J. P. E. Belleville, Stephen Reeves and François Cinq Mars.

In April, there is only that of Freeman Miller. On May, there are three papers: Joseph Tallard, Jean Bte. Poirier and Charles Blanchard.

In June, the commitments for high treason largely increase, and the following are committed. Louis Dubois, Moyse Granger, Jean S. Ney Smith, Jacques Langlois, Henry Newcomb, Frs. Guerin. Bonaventure Viger, on the 8th June, 1838, offence: "suspicion of high treason." Hilarion Viger, ditto, both of Boucherville; Joseph Pariseau, the elder, Charles Monjeau, Jerome Longpré and Frs. Gadbois.

The commitment of Pariseau is signed by Francis Mount, J. P., and Peter Spink, J. P., and thus reads:

"Vû que Joseph Pariseau, père, menuisier de la paroisse de St. Marc, dans le Comté de Verchères, dans le dit district, est accusé sous serment, par John Edward Raynes, Pierre Champagne et Félix McMahon, de la Police de St. Charles, dans le Comté de Richelieu, dans le dit District, d'avoir, le neuvième jour du mois de juin courant, refusé d'ouvrir la porte de sa maison aux hommes de la dite Police de St. Charles qui était allée chez lui pour exéuter un warrant de prise de corps contre son fils, et qui lui demandèrent à diverses fois, au nom de la Reine, de leur ouvrir la porte de la maison; et de plus de s'être (le dit Pariseau, père) servi d'un langage menaçant en refusant d'ouvrir la porte de sa maison, laquelle porte il n'ouvrit qu'après avoir eu

laissé échapper de sa dite maison son dit fils qu'il avait suscité à se sauver. Il vous est donc par le présent enjoint et ordonné, au nom de Sa Majesté, de recevoir sous votre garde le dit Joseph Pariseau, père, et le garder soigneusement jusqu'à ce qu'il en soit ordonné autrement suivant la loi.

Donné sous mon seing et scean, à St. Charles, dans le dit District, ce douzième jour du mois de juin, dans l'année de Notre-Seigneur mil huit huit cent trente-neuf, et la seconde année du règne de Sa Majesté.

FRANCIS MOUNT, J. P.,
PETER SPINK, J. R."

In the month of July, a few are committed, the chief being Louis A. Robitaille and John McDonell. Copies of both of their commitments are given at the end of this list and chapter.

In the month of August, Dominique Lavallée alone appears as committed for high treason.

In September, there is the list of 58 persons exiled; the state papers will be given at the end of this chapter, and on October, the last two are found, viz.: Charles Touchette and Joseph Lalande, for "seditious practices and language," sent in by G. W. McCord, J.P.

Copy of commitment of Louis Adolphe Robitaille.
Offence—High Treason.

In the body of the commitment it thus reads: "Whereas Louis Adolphe Robitaille, of the Parish of Varennes, in the said District, Notary Public, stands charged on oath with the crime of High Treason, &c."

Copy of commitment of John McDonell.

Offence—High Treason.

The body of the paper thus reads: "Whereas John McDonell, of the City of Montreal, Advocate, stands charged on oath with the crime of High Treason, &c."

In a paper, in the inside of this commitment, we find his discharge on bail dated 16th May, 1840, and signed by the same committing magistrate P. M. Leclere, the energetic J. P. and Superintendent of Police, so that it seems that Mr. McDonell must have remained in jail, having been committed on 3rd day of July, 1839, for 10 months and 13 days.

We now come to the last article with which we finish this chapter. I will give "seriatim and verbatim" the paper.

[COPY.]

"LIST OF POLITICAL PRISONERS from Lower Canada to be embarked on board Her Majesty's Ship *Buffalo*, Commander Wood. September, 1839.

	NAMES OF CONVICTS.	QUALITY OR STATION
1	Jean Louis Thibert	Yeoman
2	Jean Marie Thibert	do
3	Joseph Guimond	Laborer
4	Louis Guerin dit Dessault *alias* Blanc Dessault	Baker
5	François Maurice Lepailleur	Bailiff
6	Charles Huot	Yeoman
7	Achille Morin	Gentleman
8	Joseph Jacques Hébert	Laborer

	NAMES OF CONVICTS	QUALITY OR STATION.
9	Leandre Ducharme	Clerk
10	Hubert Drossin Leblanc	Yeoman
11	David Drossin Leblanc	do
12	Pierre Hector Morin	Gentleman
13	Joseph Paré	Yeoman
14	Pascal Pinsonneau	do
15	Théophile Robert	do
16	Jacques Longtin	do
17	Ignace Gabriel Chevrefils	do
18	Louis Dumouchelle	Innkeeper
19	Jacques Goyette	Yeoman
20	Joseph Dumouchelle	do
21	Toussaint Rochon	Bailiff
22	Erançois Xavier Prieur	Merchant
23	Jean Laberge	Carpenter
24	François Xavier Touchette	Blacksmith
25	Pierre Lavoie	Yeoman
26	Antoine Coupal dit Lareine	do
27	Theodore Bechard	do
28	François Bigouepe dit Beaucaire	do
29	Joseph Marceau dit Petit Jacques	de
30	Louis Turcot	do
31	Desiré Bourbonnois	Laborer
32	Charles Roy dit Lapensée, père	Yeoman
33	François Xavier Prevost	Innkeeper
34	André Papineau dit Montigny	Blacksmith
35	David Gagnon	Yeoman
36	Louis Bourdon	do
37	Jean Baptiste Bousquet	Miller
38	François Guertin	Yeoman
39	Charles Guillaume Bouc	do
40	Edouard Paschal Rochon	Carriage Maker
41	Louis Defaillette	Yeoman
42	Jacques David Hebert *alias* David Jacques Hebert	do
43	Hypolite Lanctot	Notary

	NAMES OF CNNVICTS.	QUALITY OR STATION.
44	Louis Pinsonneaul	Yeoman
45	Réné Pinsonneaul	do
46	Etienne Langnedoc	Laborer
47	Etienne Langlois	Joiner
48	Moyse Longtin, fils de Jacques	Yeoman
49	Michel Allary	Joiner
50	Joseph Goyette	Carpenter
51	Basile Roy	Yeoman
52	Joseph Roy dit Lapensée, fils de Louis	Laborer
53	Constant Buisson	Bailiff
54	Charles Bergevin dit Langevin, père	Yeoman
55	Jean Baptiste Trudel	Laborer
56	Samuel Newcombe	Doctor
57	Jérémie Rochon	Wheelwright
58	Benjamin Mott	Yeoman

Received from Mr. Charles Wand, Keeper of the Montreal Gaol, the bodies of the above mentioned fifty-eight prisoners.

J. WOOD,
Master and Commander of
H. M. Ship *Buffalo.*

In the inside of this long paper, there is a smaller one which thus reads:

H. M. Ship *Buffalo*, Quebec, 27th September, 1839.

Received from Charles Wand, gaoler, a bag containing dispatches and letters relating to the Political Prisoners from Montreal.

J. WOOD, Master in Command.

The very last item in the docket I find to be the following of date 16th May 1840.

"Province of Lower Canada,
District of Montreal.

To the keeper of the Common Gaol of and for the District of Montreal.—GREETING.

You are hereby commanded to discharge from your custody and keeping the body of Mr. Denis Benjamin Viger, now confined in the said gaol, and for so doing this shall be your sufficient warrant. Given at Montreal, this sixteenth day of May, 1840.

P. E. LECLERE, J. P.

Thus is finished all that I can collect of this interesting period. It only remains in the next chapter to record the names in chronological order of all those arrested in November and Deceuber 1838 and in the year 1839.

I suppose that the effect of such a large body of men (over eight hundred) having been incarcerated during the years 1838-39, that is during the months of November, December, January, February and March of these years was, that a lively recollection of the same pervaded the prison authorities for a long time after, I find that in an old register of 1841-42; there is mention made repeatedly of *The Patriot's Ward.* This name in process of time died out, as succeeding years revolved and when all those who had been connected with the prison during that eventful time had either died or left from being connected with its administration.

Some copies of commitments of Patriots during 1838-39 will now be given.

Copy of commitment of Nicolas who was afterwards hanged.

"District of Montreal. } VICTORIA, by the Grace of God, Queen.

To the Keeper of the Common Gaol of the District of Montreal.

GREETING.

You are hereby commanded to receive into the jail of the said District of Montreal, François Nicolas (the murderer of Chartrand), who now stands charged upon oath with High Treason and him there safely keep, until he shall be discharged by due course of law.

Given under my hand and sea' at the Village of Christiville, this 19th day of January 1839.

W. MCGINNIS, J. P."

The next is dated 25th April 1839.

"Dpt'y Adj. Gen'l's Office, Volunteer Department.

Montreal, 25th April 1839.

SIR,

I have the honor by direction of His Excellency the Governor General and Commander of the Forces to request that "Freeman Millar," of Stanstead, accused of seditious practices, and now sent in by Col. Nickle, commanding at Stanstead in custody of the bearer, Lieut, Whitcher, of the Stanstead Cavalry, may be received and detained as a prisoner in the Gaol of Montreal until further orders.

The necessary communications upon this subject will be made tomorrow morning to the Sheriff by the Attorney General.

I have the honor to be, Sir,
Your most obedient humble servant,
F. J. GRIFFIN, D. A. A. G.

Mr, Wand, Gaoler
of Montreal Gaol. "

This is a verbatim and seriatim copy. Deputy Asst. Adj. General Griffin subscribes himself most humbly!!

Two commitments bear the date 20th of June, 1839. I will give them both at large, to show to what lengths men will go when aroused to rebel against the constituted authority to which they belong. The first is that of " Louis Dubois, for treasonable practices and threatening language towards the Government."

"Province of Lower Canada } William King McCord,
District of Montreal } Esquire, one of the Justices of Our Sovereign Lady, the Queen, assigned to keep the peace within the said District.

To the keeper of the common gaol of the said District, GREETING :—

Whereas Louis Dubois, master blacksmith, of Ste. Anne des Plaines, in the County of Terrebonne, in the said District, stands charged upon oath with having made use of threatening language towards the government of Our Lady the Queen, and having declared his readiness to assist the rebels whenever the opportunity offered,

also as having threatened the Reverend Mr. Poirier, the Curate of said Parish, "that he would persecute him until his death, or until he ceased preaching loyalty to the inhabitants, his parishioners," thereby and in other treasonable practices exciting discontent, dissention and rebellion among the people against the government and against the peace of Our Lady the Queen.

These are therefore to authorise and command you to receive into your custody the said Louis Dubois and him safely keep to be dealt with according to law.

Given under my hand and seal at St. Scholastique this 15th day of June 1839 and in the 2nd year of Her Majesty's Reign.

W. R. McCord,
Stip. Magistrate & J. P.

The next commitment is that of Moyse Granger, and after same heading as the above the body of warrant thus reads :

"Whereas Moyse Granger, of the Parish of Ste. Anne des Plaines, in the County of Terrebonne, in the District aforesaid stands charged upon oath with having within the last three months continually threatened the life of the Reverend Mr. Poirier, Curé of said Parish, if he did not cease preaching loyalty to his parishioners, at same time using threatening language towards Her Majesty's government, thereby encouraging Rebellion and resistance to said government and by other treasonable practices and secret meetings assisting and forming a seditious opposition to the loyal inhabitants of said Parish and the government in general and the peace of our said Lady the Queen, her crown and dignity.

These are therefore &c., &c., with the same committing Magistrate's name.

On the 1st July, 1839, the last commitment which I will give thus reads. It is that of J. Bte. Leroux dit Rousson. The heading being the same as the other two above.

" Whereas Jean Baptiste Leroux dit Rousson, of the Parish of St. Hermas, in the County of Lake of Two Mountains, in the District aforesaid, blacksmith, stands charged upon oath "having declared that he would aid and assist the rebel cause and endeavour to overthrow the government of Our Sovereign Lady the Queen, and was ready to assist any foreign invasion from the United States of America against this country, of which he had positive information," and by other treasonable practices endeavoring to disturb the peace of Our Sovereign Lady the Queen.

These are therefore &c. &c."

The signature is W. K. McCord, J. P. but he adds Stipendiary Magistrate.

N. W. M. D.

The letters are not appended to the other two commitments above, but only to this one.

A long list of amounts in April 1839, is for boarding prisoners, by order of the Attorney General and others, and another item thus reads: "To ninety days in carting the State prisoners from gaol to Town and back to gaol to await their trials at Court Martial, with two horses and carriage at 20s.—£90.

I find 10th October, 1839, the account of boarding the following names which will be found in my long list of political offenders in 1838-39. They cost £1 each per month and are Squire Thayer, Heron R. Culver, Abraham M. Patridge, Nathan Smith, Benjamin T. Pen, Henry L. Hull and Chaney Parker.

These men had been arrested on the 20th April, 1839, for High Treason as seen elsewhere in this volume and after lying some months in Montreal jail, were all bailed out and as it is remarked of them in the old folio, all of them were "sent up the country."

CHAPTER XIII.

Complete list of all those who were committed to Prison from the 1st November 1838 to the last commitment for High Treason October 26th 1839. List of English names of those committed for High Treason.

Complete list of all those who were committed from 1st November 1839 to the end of the arrests for political offences in 1839.

	Place of residence	What became of him.
Leblanc Olivier.....	Becancour	Discharged
Rose Jean-Baptiste.....	Chateauguay	Sent to New Gaol
Tessier Pierre.....	"	"
Picard Joseph.....	"	"
Primeau Joachim.....	"	"
Viau Jean-Baptiste.....	"	"
Noro Pierre.....	"	"
Beauchamp Ovide.....	"	"
Côté Antoine.....	"	to be hanged afterwards Bailed
Filion Joachim.....	"	Sent to N. G.
Brindamour Jean-Bte....	"	"
Lefebvre Jacques.....	"	"
Collette Gabriel..	"	"
Beloirin Louis.....	"	"
Primeau Pierre.....	"	"
Billette Pierre.....	"	"
Reid Pierre.....	"	D.
Reid Thomas.....	"	Sent to N. G.

	Place of residence	What became of him
Boursier Antoine	Chateauguay	Sent to N. G.
Mercille Charles.....	"	"
Duquette Francis.....	"	"
Longtin Joseph.....	"	"
Dumouchelle Jean-Bte..	"	"
Dumouchelle Vital.....	"	"
Lepailleur Fr. Maurice..	"	condemnd to be hanged afterwards transported.
Guérin Louis.....	"	"
Dubord Frs. X.....	"	Sent to N. G.
Lucasse Louis.....	"	"
Jodoin Gabriel.....	"	"
Rouselles Nicolas.....	"	"
Mailloux Paul.....	"	"
Corbeille Joseph.....	"	"
Dorais Francis.....	"	"
Dorais Pierre.....	"	"
Thibert J Louis Senr...	"	condemnd to be hanged afterwards transported.
Groulx Jérémie.....	"	Sent to N. G.
Gagnon Félix.....	"	"
Vervais Charles..	"	"
Roy Antoine.....	"	D
Meloche Joseph.....	"	Sent to N. G.
Ruffiange Louis.....	"	"
Trottier Toussaint.....	"	"
Collette Bazile.....	"	D
Billette Michel.....	"	Sent to N. G
Guérin Constant.....	"	"
Laplante Francis.....	"	"
Rochon Antoine.....	"	D
Dumouchelle Toussaint.	"	Sent to N. G
Mallette Pierre.....	"	D
Tisseur Jean-Baptiste.....	"	Sent to N. G.
Roy Joseph.....	"	"
Loiselle Paul.....	"	D

	Place of residence	What became of him.
Dorais Pierre.....	Chateauguay	Sent to N. G
Mallette Jean-Baptiste...	"	"
Thibert Jean L junr...	"	"
Colerie Benjamin.....	"	D
Rousselle Jean-Baptiste..	"	D
Picard Pierre.....	"	Sent to N. G
Loiselle Toussaint.....	"	D
Primeau Augustin.....	"	Sent to N. G
Loiselle Jean-Baptiste....	"	"
Billette Pierre.....	"	"
Senecal Eustache.....	"	"
Parent Pierre.....	"	"
Menard Alexis.....	St. Isidore	"
Lafontaine Louis H. adv.	Montreal	D. by Sir John Colborne.
Viger Denis B., advocate	"	D by Hon P C Thompson
Mondelet Charles, adv...	"	D. by Sir John Colborne.
Viger Louis M., adv.....	"	D. by Sir John Colborne.
Girouard Jean J. notary.	St. Benoit	D.
Donegani John, mercht.	Montreal	D.
Desrivières Frs. M., adv.	"	D.
Harkin Lewis Jos.....	"	D.
Chapin Dexter.....	"	D.
Racicot Augustin.....	"	D.
Desjardins Fr. X.....	Vaudreuil	D.
Dillon George.....	Montreal	"
Terill John.....	State of Vermont	"
Badeau Henry.....	Montreal	"
Coursolles Louis.....	"	"
Pigeon F.....	"	"
David Cyrille.....	"	"
Blanchard François.....	"	"
Morin Louis..	"	"
Brown Wm.....	"	"
Willing John.....	"	"
Labadie Jos. A, notary	"	"

	Place of residence	What became of him.
Choquette Jean Bte....	Montreal	D.
Derome dit Decareau H.	"	"
DeBoucherville Pierre.	"	"
M. de Morochond Frs...	"	"
Goulet Félix	"	"
Weilbrenner Avila.....	"	"
Boursier Paul	Chateauguay	Sent to N. G.
Cardinal Jos. N. notary.	"	Executed.
Lefebvre Etienne..	"	Sent to N. G.
Merleau Etienne.....	"	"
Chevrefils George.....	"	"
Dorais Jean Marie	"	"
Menard Narcisse.....	"	"
Reid Plerre.....	"	"
Guimond Joseph.....	"	To be hanged afterwards transported
Duquette Joseph.....	"	Executed.
Couillard Antoine.....	"	B.
Dillon Richard.....	Montreal	D.
Ducharme Dom.....	Lachine	"
Hamelin Harrier..	Montreal	"
Houlée Jean Bte.....	"	"
Ducharme Timoleon...	Lachine	"
Dupere Aug.....	Montreal	"
Bourbonnière Michel..	"	"
Newcomb, Saml. jr....	"	"
Picard Charles.....	Lachine	"
David Madore.....	St. Vincent de Paul	D
Bruyere Narcisse.....	Chateauguay	B
Dupuis Pierre..... .	Laprairie	D
Lussier Pierre.....	Montreal	"
Lauzon François.....	"	"
Dufresne Luc.....	"	"
Armand dt Flamroue F.	Rivière des Prairies	"

This finishes the number for the 4th day of November. One hundred and twenty-one prisoners, some of these names figure afterwards in a prominent position in the History of Lower Canada. On the 5th November only nine were committed viz :

	Place of residence	What became of him.
Normandin Pierre.....	Laprairie	D
Vachereau Théo.....	La Tortue	D
Regnier Etienne.....	St. Johns	D
Gagnon Jules.....	St. Valentin	Sent to N. G.
Allard Joseph.....	St. Johns	D
Bouchard Jacques.....	Lacadie	D
Pinsonneault Moyse...	St. Valentin	Sent to N. G.
Lacroix André J. Dr...	St. Athanase	B
Ranger François.....	Lacadie	B
On the 6th :		
Dubois Etienne A.....	Montreal	D
Bouthillier Alexis.....	"	D
Fullum John.....	"	"
Contant François	"	"
Ste. Marie François...	"	"
Hauschman Etienne..	"	"
Coderre Joseph Emery	"	"
Coté Pierre.....	"	"
Jeremie Hypolite.....	"	"
Barrette Jeremie.....	"	"
Gaudet Edouard.....	St. Athanase	"
Houle Edouard.....	"	"
Lafaille Julien.....	"	"
Manchond François...	"	"
Macé Pierre.....	"	N. G.
On the 7th :		
Barbeau Jacques.....	La Tortue	N. G.

	Place of residence	What became of him
Martin Louis.....	St. Philippe	D.
L'Ecuyer Etienne.....	"	"
Dewitt Chas.....	Chateauguay	B.
Ducharme Leandre...	Montreal	To be hanged afterwards transported.
Fortin *alias* Poulin H.	Chateaugnay	B.
Reid François.....	"	D.
Duranceau Louis....	"	N. G.
Dalton Moses.....	"	To be hanged afterwards transported.
Negus Isaac.....	Chicago	D.
Macdonald John.....	Montreal	B.
Robitaille Louis A...	Varennes	"
Archambault Azarie.	"	"
Beaudry Ed.....	"	D
Prevost Chas.....	St. Laurent	"
Prevost Antoine.....	"	"
Gariepy Olivier.....	Laprairie	"
Ste. Marie Pierre C..	"	"
On the 8th :		
Chapdelaine Louis...	William Henry	"
Gouin Charles.....	"	"
Peloquin Alexis.....	"	"
Duplessis Moyse.....	"	"
Berthelot Jos. A.....	Montreal	"
Perrault Adolphe....	"	"
On the 9th :		
Barnard Edouard...	Three Rivers	D.
Coté François.....	Quebec	"
Lamirande Jean Bte	St Philippe	N. G.
Fabre Edouard R...	Montreal	D.
Vallée Guillaume J.	"	"

On the 10th :

	Place of residence	What became of him.
Webster John H...	Chateauguay	D.
Rousselle Joseph...	Ste. Geneviève	"
Tremblay Barth....	St. Philippe	"
J. Bte. dit Chenaille.	"	"
Babeau Charles.....	"	"
Babeau A.....	"	"
Dupuis Paul.....	"	N. G.
Bourassa Vital.....	Laprairie	D.
Olivier Jean Bte.....	"	N. G.

On the 11th :

Bechard Theodore.	Blairfindie	D.
Mongeon Charles...	St. Athanase	N. G.
Menard Moyse.....	"	D.
Roy Julien J. Bte...	Lacadie	N. G.
Charet Benoni.....	"	"
Arrès François.....	St. Césaire	"
Pepin Pierre.....	St. Jean Baptiste	"
Hays Patrick.....	Swanton	"
Bates J. Henry.....	"	"

On the 12th :

Asselin Celestin....	St. Constant	"
Catman George....	St. Edouard	"
Menard Michel.....	St. Constant	"
Gervais Augustin...	"	"
Hené Nicolas.....	"	"
Jolivette Joseph.....	"	"
Vien Antoine.....	Yamaska	"
Brousseau Jérémie.	Laprairie	"
Leonard Alexis.....	"	"
Surprenant Frs. jr..	St. Philippe	D.

	Place of residence	What became of him.
Deragon Jean.....	Laprairie	N. G.
Dubuc Jean.....	Montreal	D.
Leclaire Paul N....	St. Ours	D.
Cadieux Joseph....	Mass., U. S.	N. G.
Foisy Antoine.....	St. Charles	D.
Brodeur Louis.....	St. Denis	N. G.
Roberge Joseph.....	St. Charles	"
Robitaille Jacques..	"	"
Fontaine Joseph....	St. Denis	"
Tetro dit Ducharme M.	St. Charles	"

On the 13th :

Boulet Joseph.....	Lacadie	Sent to N. G.
Paradis François.....	"	"
Paradis Hilaire.	"	"
Coupal Antoine.....	"	"
Bernais J. Bte.....	St. Valentin	"
Charon Joseph.....	"	"
Thibeault Noel.....	"	"
Molleur Pierre.....	"	"
Dupuis Eusèbe..	"	"
Boissonneau Nicolas...	"	"
Fortin, Christophe, jr..	"	D.
Tremblay Eloge.....	"	N. G.
Girard Antoine.....	"	"
Bourdeau P.....	"	"
Giroux François	"	"
Godreau François.....	"	"
Landry Joseph.....	"	"
Destroismaisons Ant...	"	"
Fournier Louis.....	"	"
Cyre David.....	"	"
Gamache Aubaine.....	"	D.
Lavallière Jacques.....	"	N. G.

	Place of residence	What became of him.
Seignorine Pascal.....	St. Valentin	N. G.
Lafrance Francis.....	"	"
Amand J. Bte.....	"	"
Belhumeur Louis..	"	"
Laporte Joseph.....	"	"
Thibeault Pierre.....	"	"
Rocque Antoine.....	"	"
Jelenand Hyacinthe.....	"	"
Desbrien Marcel snr....	"	"
Desbrien Pierre jnr....	"	"
Patenaude Alex.....	"	"
Landry Hubert.....	"	"
Richard Julien.....	"	"
Patenaude François....	"	"
Morin Lucien.....	"	B.
Leduc Damase.....	St. Cyprien	D.
Cohache Pierre.....	"	N. G.
Jules Beaudin.....	"	"
Bourgeault J. Bte.....	Rivière du Sud	"
Benziger Guill...	Ruisseau des Noyers	"
Dubeau J. Bte.....	St. Athanase	"
Dupuis Eloi.....	Lacadie	"
Dupuis Julien.	"	"
Boulet Michel.....	St. Edouard	"
Gagner Olivier..... ...	Lacolle	"
Remillard Louis.....	"	"
Babin Pierre.....	"	"
Latrimouille Edouard..	"	"
L'Hussier Paul.....	"	"
L'Hussier Bazile jnr.....	"	"
Juneau dit Latulipe J.B.	"	"
Terriaux Pierre.....	"	"
Denis Julien.....	"	"
L'Hussier Bazile, snr...	"	"
Desjardins Théo Roy.	"	"

	Place of residence	What became of him.
Cyre Louis.....	Lacolle	N. G.
Sauvet Paul.....	"	"
Duclos Toussaint snr...	"	"
Duclos Toussaint jnr....	"	"
Boucher Joseph	"	Sent to N. G.
Pinsonnault Joseph.....	"	"
Pinsonnault Isaac.....	"	"
Tremblay Pierre.....	"	"
St. Jean Jacques.....	"	"
Dumas Joseph.....	"	"
Levesque Jean Bte.....	"	"
Miller Louis S.....	"	"
Cloutier Félix.....	"	"
Slaven Phillip...	"	"
Millet Pierre	St. Cyprien	"
Martin Simon.....	"	"
Ferland Ed.....	"	D.
Brady Michael.....	William Henry	Sent to N. G.
Bonin Francis.....	Ste. Marie	"
Coté Michel.....	St. Gervais, Que	"
Girard Jacques..	St. Remi	"
Chouinard Germain....	Rivière du Sud	"
Roy dit Pagé Joseph...	St. Johns	"
Boudreau P.....	"	"
Roy Narcisse.....	"	"
Boudreau Pierre.....	"	"
Ferland Hubert.....	"	"
Bedard François.....	"	"
Poutré Félix.....	"	"
Dugas Adolphe.....	St. Constant	D
Hindelang Charles	Paris, France	Executed.
Morin Pierre H.....	St. Cyprien	To be hanged afterwards transported
Mott Benjamin....	Vermont	To be hanged afterwards transported

	Place of residence	What became of him.
Woolfred Daniel.....	New York	D.
Dumontier Celestin....	Quebec	Sent to N. G.
Newcomb Samuel.....	Chateauguay	To be hanged afterwards transp.
Cecille Paul.....	"	Sent to N. G.
Normandeau Louis.....	"	D.
Malbœuf George.....	"	"
Belinge Joseph.....	"	"
Newcomb George.....	"	"
Ruffinger J. Bte.....	"	"
Leclaire Pierre.	"	N. G.
Larivière Jean Bte.....	"	D.
Lesiège Louis.....	"	"
Hubert Ignace.....	"	"
Duquette Jean Bte.....	"	N. G.
Pregent Louis.....	"	D.
Duquette Pierre.....	"	"
Vézina Isidore.....	"	"
Gagnon François.....	"	N. G.
Boudreau François...	"	B.
Dalton William.....	"	D.
Giroux Michel.....	St. Constant	N. G.
Lespérance Alfred B...	Montreal	D.
Desrochers Vital.....	St. Eustache	D.
Prefontaine Alexis.....	Longueuil	"

This finishes the number committed on the 13th November, amounting to a hundred and fifteen. Let us imagine a hundred and fifteen prisoners for one day arraigned before the Court at the present time and we have some idea of how stirring these day were, and when amongst them we find names of those whom afterwards we looked up to in the History of this Province.

On the 14th, thirty-five more were committed for High Treason, some of them being discharged, some bailed out and many sent to the New Gaol, that is, the present Prison, to wait further events. Their names are, viz :

	Place of residence	What became of him.
Laparle Joseph.....	St. Philippe	D.
Bonneau Leonore.....	"	"
Aimond Gabriel.....	St. Laurent	"
Guerin Louis.....	Laprairie	"
Narbonne Pierre R...	"	"
Dozois Jean Bte snr...	St. Cyprien	D.
Leblanc Hubert.....	"	N. G.
Lavoye Pierre	"	"
Hubert Jacques Daniel.	"	D.
Lemelin Louis.....	"	"
Bouchard Etienne.....	Lacadie	"
Paradis Pierre.....	St. Cyprien	N. G.
Hebert Joseph.....	"	"
Hebert Pierre fils de J.	"	"
Huot Charles.....	"	To be hanged afterwards transported
Leblanc David..... ..	"	To be hanged afterwards bailed
Demers David.....	"	To be hanged afterwards bailed
Surprenant dit Lafontaine	Frs. St. Philippe	N. G.
Hébert Jos. A.....	St. Cyprien	"
Trepanier Frs.....	"	To be hanged afterwards bailed
Levesque Guill.....	Montreal	To be hanged afterwards bailed
Lanctot Hypolite.....	St. Remi	To be hanged afterwards transported
Bourdeau Zachari.....	St. Philippe	D.
Gagnon Jean.....	St. Cyprien	N. G.

	Place of residence	What became of him.
Marceau Joseph.....	St. Cyprien	N. G.
Defaillette Louis	"	"
Doré Antoine.	St. Jacques le Mineur	D.
Decoigne Pierre T.....	St. Cyprien	Executed.
Remillard François.....	St. André	N. G.
Lukin Jean Bte.....	St. Cyprien	B.
Camyré François.	St. Constant	To be hanged afterwards bailed
Morin Achille.....	St. Cyprien	To be hanged afterwards transported
Bissonnette Louis.....	Laprairie	D.
Charbonneau Pierre...	St. Philippe	"
Belleau Jean.....	Quebec	"

On the 15th forty-three more

Louprette Denis	St. Luc	D.
Mouvette Dominique...	St. Remi	B.
Lanctot Constant.....	"	D.
Pinsonneault Paul.....	"	N. G.
Derige dit Laplante P..	St. Edouard	D.
Ouellette Jean Bte. snr.	"	"
L'Hnssier Louis.....	"	N. G.
Surprenant Michel.....	"	"
Ouellette Jean Bte. jr..	"	D.
Robert Augustin.....	"	N. G.
Lanctot Alexis.....	"	D.
Belonin Thomas.....	"	"
Franche Antoine.....	"	N. G.
Simard Ambroise.....	"	D.
Metras Jean Bte.....	"	"
Robert François.....	"	N. G.
Foucrault Chas.....	"	D.
Roujeau J. Bte.....	"	"
Roujeau Louis.....	"	"
Aubrie Luc Ovide.....	"	N. G.

	Place of residence	What became of him.
Yelle Theophile.....	St. Edouard	D.
Benoit Antoine.....	"	N. G.
Ouimet Jean Bte	"	D.
Monette Fran.....	"	"
Robert Jacques.....	"	"
Monnette Theophile...	"	"
Boutin Vital	"	N. G.
Monjeau Antoine.....	"	D.
Mounette Medard.....	"	"
Roujeau Joseph.....	"	N. G.
L'Ecuyer Jean Bte.....	"	"
Beaudin Toussaint.....	"	D.
Bizaillon Jacques.....	"	"
Tremblay Paul.....	"	"
Galarneau Vital.....	"	N. G.
Gauthier Antoine.....	"	"
Versailles Jean Bte.....	"	"
L'Hussier Pascal.....	"	"
Ashley Alexander.....	"	D.
L'Hussier Louis.....	"	N. G.
Simard Narcisse.....	"	"
Verdon Luc.....	"	D.
Monjeau Louis.....	Varennes	B.

On the 16th a hundred and eighteen prisoners :

Desautels Edouard.....	Laprairie	D.
Pruneau Pierre.....	Chateauguay	Sent to N. G.
Thibert Jean Marie.....	"	To be hanged afterwards transported.
Deneau Louis.....	"	Sent to N. G.
Lefebvre Jean Bte.....	"	"
Coté Jean Bte.....	"	"
Poirier Louis.....	"	"
Caron Joseph.....	"	"
Coté Alexis.....	"	"

	Place of residence	What became of him.
Quesnel Paul.....	Chateauguay	Sent to N. G.
Poirier Charles.....	"	"
Desforges Jean Bte.....	"	"
Menoche François.....	"	"
Damien Jean Bte.....	"	D.
Thivien Edouard.....	"	D.
Comtois Michel.....	"	N. G.
Payant dit St. Onge Vit.	St. Martin	"
Theroux Pierre.....	St. Isidore	D.
Longtin Jos. M.....	St. Constant	N. G.
Lanctot Louis.....	"	"
Denault Charles	"	"
Lanctct Theophile.....	"	"
Lanctot Regis.....	"	"
Dupuis Bart.....	"	"
Dupuis Dauphin.....	"	"
Dupuis Joseph.....	"	"
Longtin Amable	"	"
Longtin Joseph.....	"	"
Denis St. Jean.....	La Tortue	D.
Bachant Pierre.....	St. Philippe	N. G.
Sanguinet Chas.....	"	"
Robert Joseph.....	"	"
Robert Regis.....	"	"
Barbeau Joseph.....	"	"
Brien Jean B. H., Dr...	St. Martin	To be hanged afterwards bailed out.
Dalton Thomas.	St. Martin	B.
Granger Pierre.....	"	"
Bougie François	Beauharnois	N. G.
Barré Paul.....	St. Martin	D.
Dupont François...	Beauharnois	N. G.
Longtin Jean Bte.....	"	"
LeBœuf Eustache.....	"	"
LeBœrf Etienne.....	"	"

	Place of residence	What became of him.
Daoust Charles.....	Beauharnois	N. G.
Roy Bazile.....	"	"
Eno dit Deschamp Ant.	"	D.
Eno dit Deschamp Jos.	"	"
Leduc Jean Bte.....	"	"
Montpetit Pierre.....	"	"
Gendron Joseph.....	"	N. G.
Laviolette Antoine.....	"	"
Roy Michel.....	"	D.
Mereille Noel.....	"	N. G.
Hebert Joseph J.....	"	To be hanged afterwards transported
Francois Poirier.....	"	D.
Gendron dit Peloche J. B.	"	"
Charlebois Benoit.....	"	"
Brosirs Michel.....	"	"
Roy dit Lapensée Jos...	"	N. G.
Roy Louis.....	"	"
Lebœuf François X....	"	"
Daigneau Antoine.....	"	"
Daigneau Joseph jnr...	"	"
Tondu dit St. Onge P...	"	"
Shalle Hyacinthe.....	"	"
Rollin Jean Bte.....	"	"
Daigneau Jos jnr.....	"	"
Boyer Celestin.....	"	"
Roy Louis.....	"	"
Lefebvre Eustache.....	"	"
Longpré Benoni.....	"	D.
Laberge Pierre.....	"	"
Laberge Louis snr.....	"	N. G.
Boyer Nicolas	"	"
Longtin Michel.....	"	"
Montpetit Etienne.....	"	"

	Place of residence	What became of him.
Thivierge François.....	Beauharnois	N G-
Leduc Antoine.....	"	D.
Potion dit Montpetit E.	"	N. G.
Daigneau Pierre.....	"	"
Duval Michel.....	"	"
Thivierge Louis.....	"	"
Roy Joseph fils de Chs.	"	"
Bourbournais F.....	"	"
Duquette Pierre.....	"	D.
Montpetit Jean Bte.....	"	N. G.
Allany Michel.....	"	To be hanged afterwards transported
Gagnon David	"	N. G.
Bourbournais Olivier...	"	"
Bonrbournais Déziré....	"	"
Roy Joseph (captain)...	"	B.
Laberge, jnr. Louis	"	N. G.
Pitré Pierre.....	"	"
Roy dit Lapensée Chs.	"	To be hanged afterwards transported
Leduc Joseph.....	"	N. G.
Hebert Geoff.....	"	B.
Peltier Pierre.....	"	N. G.
Leduc Aug.....	"	"
Demers Jean Bte....	"	"
Michelon dit Laurange M.	"	"
Hebert Louis.....	"	"
Gendron Chs.....	"	"
Brodeur Christophe....	St. Timothée	D.
Trudel Jean Bte.....	Chateauguay	"
David Pierre.....	"	"
Ruffiange Joachim.....	"	"
David Frs.....	"	"
Dupuis René.....	"	B.
Rochon Jérémie.....	St. Vincent de Paul	"
Tremblay Michel.....	St. Martin	"

	Place of residence	What became of him.
Maheu Louis	St. Martin	D.
Boucher Aug.....	"	D.
Mereille Jean Bte.....	"	"
Lefebvre Antoine.....	"	"
Thibeau Louis.....	"	"
Primeau Michel.....	"	"
Lefebvre François.....	"	"
On the 17th :		
Robert Olivier.....	St. Philippe	D.
Robert Hubert.....	"	"
Fauteux Alexis.....	"	N. G.
Roy Antoine.....	"	D.
Roy Pierre.....	"	"
Rouillé René.....	"	"
Rouillé Grégoire.....	"	"
Prevost Théo.....	La Tortue	N. G.
Prefontaine Toussaint.	Longueuil	B.
Lague Godfroy.....	"	D.
Bouthillier Alex.....	"	B.
Wattier Moyse.....	Les Cèdres	N. G.
On the 18th :		
Tremblay Edouard.....	Beauharnois	"
Tremblay Isidore.....	"	"
Tremblay Philippe.....	"	"
Bisette François.....	"	D.
Prevost Fran. X.....	"	N. G.
Goyette Jacques.....	"	To be hanged afterwards transported
Hebert Pierre.....	"	N. G.
Mathurin Michel.....	"	"
Papineau dit Montigny A.	"	"
Brunette Jacques.....	"	D
Meheu Barth.....	"	N. G.

On the 19th :

	Place of residence	What became of him.
Cidillot Jean Bte.....	St. Philippe	B.
Guichond Hilaire.....	"	"
Bonaire Edouard.....	"	D.
Pirons Jos.....	"	"
Fauteux Jean Bte.....	"	N. G.
Quintal Antoine	"	"
Vadeboncœur Amable.	"	"
Girouard Jean Bte.....	"	"
Surprenant Medard....	"	D.
Dirige dit Laplante Ls..	St. Constant	"
Tremblay Isaie.....	"	"
Laplante Jean Bte.....	"	"
Dulude Martin.....	"	"
Leclaire Frs.....	Montreal	"
Leclaire Jean.....	"	"

On the 20th :

Daoust Jos.....	St Luc	"
Proteau André.....	Boucherville	B.
Jarrel dit Beauregard P	St. Charles	B.

On the 21st :

St. James Aug.....	Laprairie	D.
Therien Fran.....	St. Cyprien	"
Bourassa Pierre.....	Laprairie	"
Goyette Antoine.....	"	"
Henry Fran.....	Quebec	"
Pagé Benoit.....	Ste. Marie	B.
Ponton Pierre.....	Lacadie	"

On the 22nd :

Marceau Joseph.....	Lacadie	To be hanged afterwards transported

	Place of residence	What became of him.
Paré Jos.....	Lacadie	To be hanged afterwards transported
Dupuis Charles.....	"	Sent to N. G.
Bigoinnesse Fran.....	"	To be hanged afterwards transported
Verdon Benoni..	"	To be hanged afterwards bailed
Neveu L. G.....	"	B.
DeLorimier Chevalier.	Montreal	Executed.
Campbell Marc.....	Pointe aux Trembles	B.
L'Ecuyer Jos. L.....	Chateauguay	B.
On the 26th :		
Boudreau J. I.....	St. Marc	B.
Allard Jean Bte.....	Belisle	D.
Fratelin *alias* Braditch.	John Dalmate	Sent to Quebec.
On the 27th :		
Larivière Jos. P.....	St. Eustache	N. G.
On the 28th :		
Perrigo James.....	St. Martin	D.
Gedeon Brazeau.....	"	B.
Gagnon Jos.....	Chateauguay	N. G.
Merlan Frs.....	"	"
Rochon Michel.....	"	"
Demers Jean Bte.....	St. Philippe	"
Legrand dit Dufresne T. jr....	"	"
Laplante Frs. snr.....	"	"
Legrand dit Dufresne Isidore.	"	"
Tremblay Julien..	"	"
Normandin Jean Bte.....	"	"
Lefebvre F. H. fils de François.	"	"
Gagner Pierre dit St. Come...	"	"
Pousant dit Boileau L.....	"	"
Lefebvre Eustache.....	"	"

	Place of residence	What became of him
Lefebvre Touss. fils de Celest.	St. Philippe	N. G.
Robert Paul.....	"	"
Dupuis Toussaint fils.....	"	"
Dupuis Toussaint fils de Louis.	"	"
Bouchard Michel.	"	"
Lefebvre Edouard.....	"	"
Lefebvre Pierre.....	"	"
Dupuis Pierre, fils de Pierre..	"	"
Tremblay Joseph..	"	"
Giroux Pierre.....	"	"
Daigneau Louis.....	"	"
Langevin Jos. fils de Michel.	"	"
Lefebvre Célestin C.....	"	"
Lamarre Léon.....	"	"
Lefebvre Luc.....	"	"
Legrand dit Dufresne Tous. sr.	"	"
St. Denis Paul	"	"
Surprenant dit Lafontaine A.	"	"

On the 30th.

Bousquet Jean Bte.....	St. Charles	To be hanged afterwards transported
Berthelot Amable, Dr.	St. Eustache	D.

On December 1st.

Paré Michel.....	Longueuil	D.
Bouthillier Pierre.....	"	R.
Guertin Alexis...	"	"
Derige Chas.....	"	"
Bouthillier Alexis.....	"	"
Dubuc Aug.....	"	"
Blanchet Eusèbe.....	Lapresentation	D.
Daunais Thomas...	Contrecoeur	"

On the 2nd.

	Place of residence	What becam e of him.
Couture Guill.....	Laprésentation	N. G.
Nadeau Fran.....	"	"
Roberge Pierre.....	"	"
Racicot Fran.....	"	"
Lamontagne André.....	St. Hyacinthe	N. G.
Morison Donald G.....	"	D.
Papineau André A.....	"	B.
Pacaud Philippe N.....	"	"
Tetu J. F.....	"	"
Laparre J.....	"	"
Robitaille Hyacinthe...	"	"
Roberge Olivier.....	"	D.
Phaneuf Pierre C..	St. Damase	B.
Tessier Fran.....	"	D.
Senée Joseph.....	"	"

On the 3rd.

Heldebrain Bastien.....	Chateauguay	Sent to N. G.
Heleu Bastien	"	"
Trudeau Louis.....	Longueuil	"
Bouthillier An.....	"	"
Pagé Hubert.....	"	"

On the 4th.

LaBruère Pierre..... ...	St. Hyacinthe	"
Langillier Fr.....	"	"
Desroches Urbain.....	St. Eustache	"

On the 10th.

Leroux Jos	St. Thimothé	"
Turcotte Mess Mag. Frs	(priest) Ste. Rose	B. Seditious pract.

On the 11th.

Sanguinet Ambroise....	St. Constant	Executed.

	Place of residence	What became of him.
Hamelin Frs. X.....	St. Philippe	Executed.
Longtin Jacques.....	St. Constant	To be hanged afterw. transported.
Daigneau Jacques.....	"	N. G.
Patenaude Clovis.....	"	To be hanged afterwards bailed.
Robert Théophile.....	St. Edouard	To be hanged Afterw. transported.
Pinsonneau Joseph.....	St. Constant	N. G.
Pinsonneault Pascal.....	St. Philippe	To be hanged afterw. transported
On the 15th.		
Casgrain Jean.....	St-Hilaire	B
Robert Amable *alias* J.	"	N. G.
Leblanc H. D.....	"	To be hanged afterw. transported.
Leblanc D. D.....	"	To be hanged afterw. transported.
Trépanier Frs.....	"	B
Robert Jos. (captain)....	St-Philippe	Executed.
On the 16th.		
Trudelle Lous, jr.....	St-[illegible]nt	D
Daoust Frs	"	B
Henault Louis.....	"	to be hanged afterwards bailed
Poineau Louis.....	"	N. G.
Charbonneau Antoine..	St-Timothé	"
Laberge Jean.....	St-Martin	To be hanged afterw. transported
Buisson Constant.....	"	To be hanged afterw. transported.
Touchette F. X.....	"	To be hanged afterw. transported
On the 17th.		
Sanguinet Charles.....	St-Philippe.	Executed.

	Place of residence	What became of him.
Vien Ant.....	Yamaska	D.
On the 19th.		
Surprenant Thomas.....	St-Philippe	To be hanged afterwards bailed.
On the 20th.		
Goudreau Frs.....	St Philippe	To be hanged afterw. transported.
Rochon E. P.....	"	To be hanged afterw. transported.
Guertin F. H..	"	To be hanged afterw. transported.
On the 24th.		
Allard J. B.....	Belœil	B.
Tavernier Frs.....	Montreal	B.
On the 26th.		
Bechard Théo.....	Blairfundie	To be hanged afterw. transported.
Daunais Amable	St Cyprien	Executed.
Longtin Joseph.....	St Constant	D.
Valiquette Thos.....	Contrecœur	D.
Blanchard Louis P. R...	St Hyacinthe	B.
Lévesque Michel.....	St Charles	D.
On the 28, 29, 30 and 31st		
Hensley Joseph.....	St J. Bte de Rouville	B.
Ducharme E. T.....	St Marc	B.
Picard E.....	St Constant	D.
St-Germain Frs, senr..	St Philippe	B.
St-Germain Frs, jnr.....	"	B.
Lanctot Jos.....	St Edouard	B.
Languedoc Etienne	St Philippe	To be hanged afterw. transported

	Place of residence	What became of him.
Courioux Gabriel.....	St Marc	N. G.
January 1st 1839.		
Wadley Taylor.	Hatley	B.
On the 4th.		
Leduc Réné.....	St Thimothée	B.
Chevrefils Ignace J.....	St Martin	To be hanged afterw. transported.
Dumouchelle Jos...	"	To be hanged afterw. transported.
Dumouchelle Louis.....	"	To be hanged afterw. transported.
Rochon Tous.....	Beauharnois	To be hanged afterw. transported
Prieur F. X.....	St Thimothé	To be hanged afterw. transported.
Wattier Joseph.....	Cèdres	To be hanged afterw. transported.
Lague Jean Bte.	St. Mathias	To be hanged afterw. transported.
Bouc Chas.....	Terrebonne	To be hanged afterwards bailed.
Roussin Antoine.....	"	To be hanged afterw. transported
Leclaire Léon.....	"	to be hanged afterwards bailed
St. Louis Frs.....	"	To be hanged afterwards bailed.
Urbain Pierre.....	Ile Jésus	B.
Granville Paul.....	"	To be hanged afterwards bailed.
Berthelot.....	Lachenaie	B.
Robert Jacques	La Tortue	B.
On the 5th and 8th.		
Langlois Etienne.....	Blairfindie	To be hanged afterwards transported

	Place of residence	What became of him.
Boyer Jean Bte.....	St. Edouard	B.
Boyer Louis.....	"	B.
Boyer Joseph.....	"	D.
Robert Prosper.....	"	B.
Raymond Jos.....	"	D.
Lanctot Ant.....	"	B.
Pinsonnault René.....	"	To be hanged afterwards trrnsported
Dupuis Bernabé.....	St. Constant	D.
Longtin Moyse.....	La Tortue	To be hanged afterwards transported
Vandal Antoine.....	St. Athanase	B.
Remillard Ed.....	Lacadie	D.
Mandat Chas.....	St. Philippe	To be hanged afterwards bailed.
Coupal Jos.....	"	B.
Hebert David.....	St. Cyprien	B.
Pinsonneault Louis....	St. Remi	To be hanged afterwards transported.
Piante Pierre.....	St. Valentin	B.
On the 9th.		
Meurnier Michel.....	St. Valentin	D.
Vital Robert.....	La Tortue	D.
On the 10th.		
Boyer Cyprien.....	St. Edouard	D.
Langevin Jos.....	St. Cyprien	B.
Lefleouf Etienne.....	St. Clement	B.
On the 16th.		
Raigneau L.....	St. Cyprien	B.
Smith Joseph.....	"	B.
Boyer Ant. senr	St. Edouard	B.
Demault Ant	"	B.

On the 18th and 22nd.

	Place of residence	What became of him.
Nicolas Francis..	Lacadie	Executed.
Surprenant Frs.....	St. Philippe	To be hanged afterwards bailed.
Lavoye Pierre.....	St. Cyprien	To be hanged afterw. transported.
Coupal Ant.....	Lacadie	To be hanged afterw. transported.
Bigonesse Frs.....	St. Cyprien	To be hanged afterw. transported.
Marceau Jos.....	Lacadie	To be hanged afterw. transported.
Oligny Isaac.....	St. Rémi	B.

On the 28th.

Poissant Dominique.....	St. Valentin	B.
Poissant Eustache.....	"	B.

On the 29th.

Prevost F. X.....	Beauharnois	To be hanged afterw. transported.
Bourbonnois Dezerre...	"	To be hanged afterw. transported.
Longtin Michel.....	"	To be hanged afterwards bailed.
Papineau dit Montigny And.	"	To be hanged afterw. transported.
Tremblay Isidore.....	St Martin	D.
Turcot Louis.....	"	To be hanged afterw. transported.
Gagnon David.....	St Timothé	To be hanged afterw. transported.
Rapin Charles.....	"	To be hanged afterwards bailed.
Squires John.....	St Pie	B.

On February 2nd 1839.

	Place of residence	What became of him.
Tremblay Touss. V.....	St. Philippe	B.
Chamberlain Erastus...	St. George	D.
Tessier Michel.....	St. Timothée	B.
Mott Benjamin.....	Vermont	To be hanged afterw. transported.
Bourdon Louis.....	St. Césaire	To be hanged afterw. transported.
Bousquet Jean Bte	"	To be hanged afterw. transported.

On the 11, 13 and 15th.

Bourque Jean Bte.....	St. Damase	D.
Johnson James.....	Vermont	D.
Beauchamp Ovide.....	Chateauguay	"
Boudreau F.....	"	B.

On the 4th March.

Goyette Jos.....	Beauharnois	To be hanged afterw. transported.
Bergevin Chas.....	St. Martin	To be hanged afterw. transported.
Vallée François fils.....	"	To be hanged afterwards bailed.
Cousineau Jos.....	St. Timothée	To be hanged afterwards bailed.
Julien Louis.....	"	To be hanged afterwards bailed.
Dion François.....	"	To be hanged afterwards bailed.
Fontaine Jos.....	St. Denis	B.
Paradis Fre	Lacadie	B.
Tetro dit Duchaume M.	St. Charles	D.
Defaillette Louis.....	St. Cyprien	To be hanged afterw. transported.
Demers David.....	"	To be hanged afterwards bailed.

	Place of residence	What became of him.
Rochon Jérémie.....	St Vincent de Paul	To be hanged aftw. transp.
Roy Joseph	Beauharnois	To be hanged afterw. transported.
Trudelle Jean Bte.....	Chateauguay	To be hanged afterw. transported.
Tremblay Ed	Beauharnois	To be hanged afterwards bailed
Charbonneau An.....	St. Timothée	To be hanged afterwards bailed
Hebert J. D.....	St. Cyprien	To be hanged afterw. transported.
Patenaude Clovis.....	St. Constant	To be hanged afterwards bailed.
Roy Bazile.....	Beauharnois	To be hanged afterw. transported.
Tremblay Philippe.....	"	To be hanged afterwards bailed.
Verdon Benoni.....	St. Edouard	To be hanged afterwards bailed.
Boudrion Alex.....	St. Valentin	D.
On the 15th.		
Cinq Mars Francis.....	Montreal	D.
Belleville Jean P. B....	Montreal	D.
On the 22nd.		
Daurais Cyprien	St Edouard	D.
Reeves Stephen.....	Montreal	B.
April 26th. 1839.		
Miller Freeman.....	Stanstead	B.
Sutherland Thos J.....	Buffalo City	Sent up the country.
Thayer Squire.....	Vermont	"
Culver R. Heron.....	New York	"
Patridge Ab W.....	Maine	"

	Place of residence	What became of him.
Smith Natkin.....	Michigan	Sent up the country.
Pen Benjamin F.....	New-York	"
Hull Henry L.....	"	"
Parker Clancey.....	Michigan	"
May 22nd		
Blanchette Chas.....	Laprésentation	D.
Allard Jos. T.....	Varennes	"
Poirier J. Bte.....	St. Mathieu	"
June 6th.		
Guérin Francis.....	St. Eustache	B.
Newcombe Henry.....	Chateauguay	B.
June 8th, 12 and 13.		
Langlois Jacques.....	Quebec	B.
Viger Bonaventure.....	Boucherville	B.
Viger Hilarien.....	Boucherville	B.
Smith J. S. Ney.....	Montreal	B.
Pariseau Jos, the elder	St. Marc	B.
Beausoleil Célestin.....	Montreal	B.
On the 20th and 28th.		
Dubois Louis.....	Montreal	B.
Gadbois Francis.....	"	B.
Longpré Jérémie.....	"	B.
Monjeau Chas.....	Varennes	B.
Choquet Amable.....	Varennes	B
Hebert Théophile.....	"	B.
On July 1st.		
Claireux Louis.....	St. Hermas	B.
Leroux J. Bte.....	"	B.

On the 7th., &c.

	Place of residence	What became of him
Truchon Guill.....	Ste Anne des Plaines	B.
Bourget Jos.....	St. Athanase	B.
Bachant Frs.....	"	B.
Hebert Jacques.....	"	B.

August 14th.

Lavallée Dominique....	"	B.

October 3rd

Lalonde Joseph.....	St. Augustin	B.

October 26th 1839.

Fouchette Charles.....	Ste Scholastique	B.

March 8th 1840.

Jalbert François, for High Treason, bailed and afterwards discharged, according to the annexed order.

"I hereby certify that on the eighth day of February instant François Jalbert and Celestin Beausoleil were brought up from Gaol under a writ of H. C. and admitted to bail by the Hon'ble George Pyke, one of the Justices of the C. of K. B., and thereupon discharged."

Montreal, 17th February 1841.

A. M. DELISLE,
Attorney.

May 16th 1840.

Remillard Julien, High Treason, D. by Judge Pyke.

This is the LAST MAN arrested for High Treason.

For the information of our English readers and to

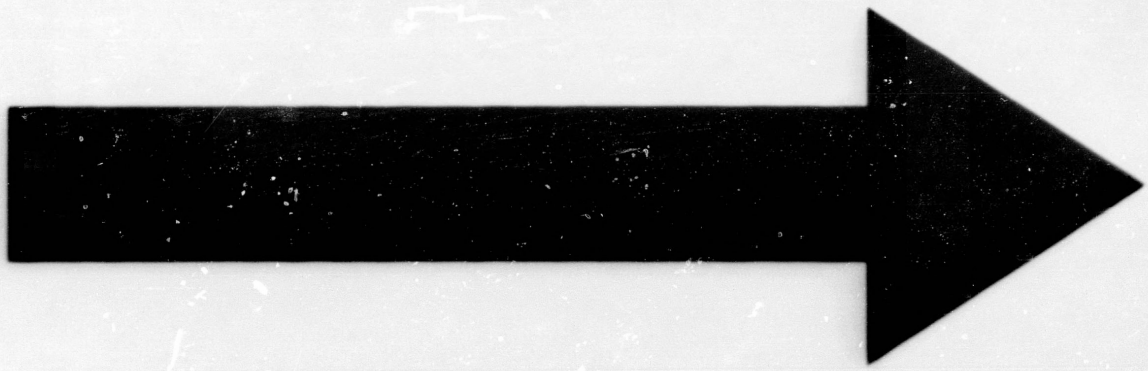
show to them that a good number of English names figure among the Patriots of 1837-38-39 I now gieve in chonological order of arrest as near as possible the names of all English speaking persons arrested.

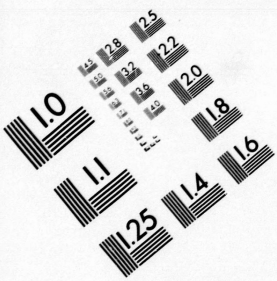
T. S. Brown was not arrested but escaped to the States.
Dr Robert Nelson " " " " " " "
Ed. B. O'Callaher " " " " " " "
John Ryan " " " " " " "

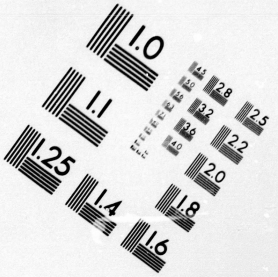
In chronological order of commitment.

George Dillon, first English speaking Patriot arrested and sent to Jail ; A. E. Barclay ; Daniel Forbes ; Dr. Wolfred Nelson ; Wm. H. Scott ; Hugh Ward ; Robert McMahon ; Dr. Leonard Brown ; Patrick Murray ; Peter O'Callighan ; Neil Scott ; Wm. Blyth ; James Watts ; Enoch Jacques ; J. Murphy ; Wm Allan ; Patrick Flanaghan ; Hugh Feenan; Wm. Whitlock ; Michael Dwyer ; Donald George Morrison ; A. Charles Brady ; John Henry Bates ; Daniel Wolfred ; Captain Taylor Wadley ; John Squires ; James Johnson , Joseph Hensley ; James Perrigo ; George Putman ; Stephen Reeves ; Freeman Miller ; Henry Newcomb ; John McDonald ; L. J. Haskin ; John Donegani ; John Fullum ; Charles Dewitt ; Moses Dalton ; Isaac Negus ; John H. Webster ; Patrick Hays ; George Catman ; Charles Hindelang ; Benjamen Mott ; Dr Samuel Newcomb ; Wm. Dalton ; Thomas Dalton ; Marc Campbell ; Joseph Smith ; Thos. J. Sutherland ; Squire Thayer ; Heron R. Culver ; Ah W. Patridge ; Nathan Smith ; Benjamin F. Pen ; Henry L. Hull ; Michael Brady ; Clancy Parker ; J. S. Ney Smith ; John Terrill ; John Willing ; Peter Reid ; Francis Reid ; Charles Bone ; Richard Dillon ; Alexander Ashley ; John Anderson.

There may be one or two French Canadians into the above list with English names but very few so that we may safely count three score as the actual number incarcerated during the troubles of 1837-38 and who were English speaking and English or American by birth.







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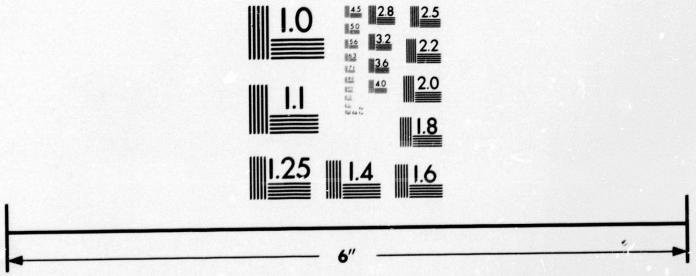

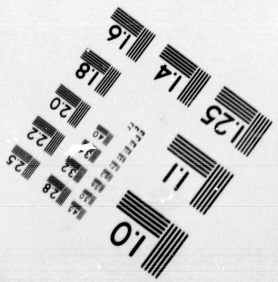

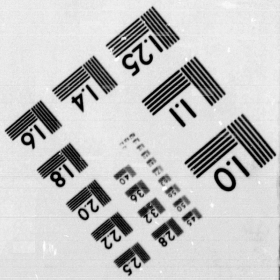

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CHAPTER XIV.

Burning of the Parliament House.—Excitement.—Messrs. Mack, Ferris &c.—The Riot by an eyewitness.—Colonel Gugy.—Mr. Powell M. P. for Carlton.—Quebec Mercury of 1855.—Copy of commitment of Mack and Ferris &c.—Discharge of those suspected of arson.

I now come to a very eventful period in the History of Montreal and consequently of the Montreal Gaol as several of the actors of this drama were incarcerated therein for complicity or connection in the Burning of the Parliament Buildings where now stands St. Ann's market. A great change had come over men's minds during the past ten years. As regards those men who had risen in arms against their country in 1837-38 and it is not to be wondered at, that when many of them after their return from exile in 1842 received Government appointments or were returned as members of Parliament, that something was done to recover their possessions and properties lost during the uprising of these years or to be indemnified therefor. At this period a Bill was brought before Parliament to indemnify all losses incurred during the rebellion and to restore property and land to their original owners. This was bitterly opposed and the utmost amount of ill feeling generated between the opposing parties.

Montreal was in a terrible ferment anent this bill. We will give an extract from my "History of Montreal" of this period where it says :

"During the session of Parliament in 1849, a Bill was introduced and passed providing for the payment of losses sustained during the Rebellion. The British inhabitants were indignant that any such Bill should have been introduced, and every means were taken to prevent its passage through the House. When it had been passed, great anxiety was manifested as to whether it would receive the sanction of the Governor-General. On Wednesday, the 25th April 1849 a day which will be long noted in the annals of our city, Lord Elgin proceeded to the Parliament House to sanction the new tariff, and other Acts. About five o'clock in the afternoon he sanctioned a number of Bills, and among them was the objectionable Rebellion Bill. No sooner had the Bill become law than the information was conveyed to the crowds in waiting outside of the building, and when His Excellency appeared he was received with groans and pelted with stones and eggs The excitement was intense. Printed notices were posted in various parts of the city, calling a mass meeting to be held immediately on the Champ de Mars, and by eight o'clock an immense number of persons had assembled, when, after some strong resolutions had been passed, the cry was raised "To the Parliament Buildings."

The House of Assembly was engaged in discussing the Judicature Bill, when a loud shout gave the members warning that a riot was fomenting outside. A number of stones were now thrown through the windows, and in a short time there were but few squares of glass left unbroken in the whole range of the buildings.

By this time the members had all retreated, when about a dozen persons entered the Assembly Hall, and one of them of the name of Courtney boldly seated himself in the Speaker's chair, and muttered something about dissolving the Parliament. The others then commenced the work of demolishing all that came before them, sticks being thrown at the glass globes on the gasaliers which were beyond their reach.

The cry of fire was now raised, and it was discovered that the building had been fired by some of the mob. The fire spread with great rapidity, and in half-an-hour the whole building was wrapped in a sheet of flame, No attempt was made to save the building, and the engines were only used upon the surrounding property. By this fire the valuable library, containing the archives and records of the colony for over a century, was completely destroyed. The only article saved was the mace belonging to the Lower House. The party who saved the mace carried it to Donegani's Hotel, and delivered it to Sir Allan McNab.

The mob now proceeded to the residence of Mr. Lafontaine, and set it on fire, but through the efforts of some of the citizens the flames were extinguished, but the whole of the furniture and library was completely demolished. Several other houses, occupied by obnoxious members of the Parliament, were also destroyed.

It was feared that the Governor might suffer from the violence of the mob. He therefore left his residence at Monklands and remained in the city under the protection of a military body.

On the 26th, Messrs Mack, Howard, Ferris, Montgomery and Perry, were arrested on the charge of arson, and were committed for trial. A crowd of nearly 3000 persons accompanied them to Jail, but no violence was shown.

The Parliament building destroyed during this riot, was originally the St. Ann's market; the interior of which had been remodelled for the accommodation of the Legislature. It was 342 feet in length by 50 in width, the central portion projecting four feet beyond the wings. It was constructed of Montreal limestone and though plain, its only ornament being a portico at either end, presented an effective apparence."

The excitement continued and men of all ranks then invited the interposition of the Americans. The popular feeling on the British side was roused to madness, and threatened the integrity of the Empire. It was seriously and openly proposed to sever the connection with Britain and annex Canada to the United-States. Does not this seem amazing? Not more than 10 or 11 years had passed and these same annexationists were Constitutionalists against the Patriots of 1837, 38. Now they are exactly in the same position as the French party during that period. Two days after the obnoxious Bill had passed, a riot took place and Colonel Gugy was of the greatest use then in calming the populace. An eyewitness of this thus describes it;

"Having worsted the police, and defying the troops the populace assembled round the government house, bent on taking it by storm, and killing Lord Elgin who was in it. Without Colonel Gugy the attempt would

have been made, but walking cooly up and down he soothed the multitude, and persuaded them to desist. So happy was he in his manner of dealing with them that, notwithstanding his opposition to their wishes, they carried him home on their shoulders in triumph. Neither the police or the troops produced any effect on the infuriated multitude. The administration thereupon put muskets into the hands of a body of French Canadians who were drilled and intended for the repression of the British population. The latter arming themselves, marched in a sort of military array to attack the French, and a terrible night conflict was about to take place in the streets of Montreal. To prevent it, a wing of the 71st Regiment, and two guns loaded with grape, were drawn up, with orders to fire with effect on the advancing multitude. The latter had nearly reached the limit assigned them by the officer commanding, and the troops were about to fire, when Colonel Gugy met the crowd and threw himself into its midst. Ascending a lamp-post, he addressed them for upwards of two hours without faltering, eventually inducing the multitude to disperse. It was like a man tied to the guillotine, making a speech with the axe pendent over his neck. If it be true, as it is true, that but for his intervention, four or five hundred natives of the British Isles might, or would on that occasion have been slaughtered by the troops, it is manifest that the connexion with Britain must have been severed."

Mr. Powell Esq. M. P., for Carleton writing in the "Quebec Mercury" of date 4th January 1855 and recounting the events of this memorable night, thus says :

"There is a dark spot in the page of Canadian history; the angry passions of men were aroused by an act which was by them deemed to extend, not only the sanction of the law to treason, rebellion and murder, but worse still—to reward them. The spirit of those who had lived obedient to law all their lives rose in passionate revolt against an enactment to their minds subversive of every principle of religion, morality and law. The flames of the House in which the statute was passed, with all the most valuable records of the country, fearfully attested the state of men's minds. It was at such a moment, when energy and determination were most required, that the energies of those whose duty it was to quell the storm seemed thoroughly paralyzed. There was one man, at least, who proved an exception to the prevailing cowardice. That man was Colonel Gugy. Dark as is the memory of those days, they would have been darker still but for him.

Not only did he throughout those trying scenes, by his influence—by his example—by his unwearying exertion, restrain the passions of the enraged multitude, but on one particular occasion he stayed the tide of riot, of bloodshed, and what might *have terminated in a rebellion worse than that which had been so lately rewarded.*

Well do I remember the second night after the Parliament House was burnt, when the tidings spread like wild-fire through the City, that the Government had armed their supporters in the suburbs, and that even at the moment they were assembled at Bonsecours Market. A spirit was evoked in the breast of every opponent of such a rash and one-sided act as the arming

of one part of the population against the other, that boded fearful results, had the flame once burst its bounds. Arms were in the hands of every man and boy who could bear them, and a stern determination in the minds of all to meet in deadly hostility. The military were drawn up across Notre Dame street, near Jacques Cartier Market, cutting off communication by that street. It was at this time when all were resolved to force their way through the armed troops to reach the Bonsecours Market, that Gugy appeared amongst them, and from the paling on which I was standing by his side, addressed the assembled multitude, and by his commanding eloquence, his boldness, his energy and strong common sense, succeeded in allaying the popular excitement, and inducing all to disperse in quiet to their homes. Had he not been the instrument in the hands of that Power who rules over all, He alone knows what might have been the consequence of the shedding of the blood which must have flowed on that night.

Up to the present time, I have never, amid all the obloquy which has been heaped upon his name, seen one word of tribute in justice to conduct which was as honorable to the man, as invaluable to our common country. Such is the testimony of an eye-witness. Under a lamp elevated about ten feet, above an armed and infuriated mob, in the full glare of the light, hearing the imprecations of the frantic multitude around him, varied by the occasional flash of fire-arms and the whistling of a ball, Colonel Gugy was a mark which no man could miss. He could at any moment have been killed, even with a brick

bat, and as every man has his friends and his enemies, he must have felt that his time was at hand. He knew that within a hundred and fifty yards were two guns charged with grape—and upward of 200 soldiers with guns loaded and capped, and he must have heard the officer in command press on the troops the necessity of firing with effect. He must have felt that any half dozen imprudent or drunken fellows might have brought all the fire upon him. Yet, for two long hours and more, despite continual interruption, he never faltered. Avoiding all irritating topics—gently insinuating respect for order—appealing to the hearts of his audience — drawing affecting pictures of desolated hearths, widowed mothers, and helpless orphans,—soothing this one, cracking a joke with another, then provoking the laugh which indicates the calming down of irritation ; he eventually induced the assembled thousands peaceably to disperse. He performed the same part on several evenings, always at more or less risk, and it is undeniable that it was owing to his efforts that no blood was shed.

On the night above referred to, considering the proximity, number, and disposition of the soldiery, with the dense mass of closely packed thousands in the street, no one can affect to rate the killed and wounded, had the troops fired, otherwise than by hundreds."

I now insert the warrant of those who took the most important part at this time and their discharge.

The first is the following :

Province of Canada
District of Montreal } OFFICE OF THE PEACE.

William Ermatinger, Esquire, one of the Justices of Our Sovereign Lady the Queen, assigned to keep the Peace in the said District.

To the keeper of the Common Gaol of the said District.

GREETING :

Whereas William G. Mack, Esquire, Advocate, James Moir Ferris, gentleman, Augustus Heward, merchant broker and Hugh E. Montgomery, merchant, all of the Parish of Montreal, in the said District, stand charged upon oath with having at Montreal aforesaid on the twenty-fifth of April instant, maliciously and feloniously caused and instigated a mob of which they were the leaders and principal instigators to set fire to and consume the Parliament House in the City of Montreal.

These are therefore to authorize and command you, to receive into your custody the said William G. Mack, James Moir Ferris, Augustus Heward and Hugh E. Montgomery and them safely keep for future examination.

Given under my hand and seal at Montreal the 26th day of April 1849, in the twelfth year of Her Majesty's reign.

W. ERMATINGER, J. P.

Mr. Alfred Perry's commitment is one by itself.

The second document is the discharge paper and thus reads :

Province of Canada }
District of Montreal }

To the keeper of Common Gaol
of and for the said District.

Discharge out of your custody the bodies of William Mack, James Moir Ferris, Augustus Heward, Hugh E. Montgomery and Alfred Perry, they having been admitted to bail.

Montreal, 28th April 1849.

W. ERMATINGER, J. P

CHAPTER XV.

St. Alban's Raid. — Names of the Raiders. — Trial of the same. — Last remarks of Judge Smith.—Returns of Louis Payette, Gaoler.—Extracts from the speeches of Mr. Kerr, Hon'ble Mr. Laflamme, Mr. Strachan Bethune, Judge Johnson and Hon'ble J. J. C. Abbott.

I now come to the most important trial ever held in Montreal, that of the St. Albans's Raiders. During the terrible fratricidal war between the Northern States of America and the Southern a band of young men sworn soldiers of the Confederate army, entered from Canada the State of Vermont and raided the Town of St. Albans in that State and after committing certain acts of violence escaped back to Canada with their spoil. Almost all the remarks which will be made on this affair have been culled by his permission, from a well digested and written volume of the History of the Trial by L. N. Benjamin, Esq., Advocate, of Montreal. The names of those incarcerated in the Montreal Jail and tried for this offense and acquitted are Bennett H. Young, Samuel Eugene Lackey, Marcus Spurr, Alexander Pope Bruce, Charles Moore Swager, Caleb McDonell Wallace, Joseph McGrorty, George Scott, William H. Hutchinson, Dudley Moore, Thomas Bronsdon Collins, James Alexander Doty, Samuel Simpson Gregg and Squire Turner Teavis. These men according to their commitment did rob the Bank of St. Albans of $70,000, and one man, a depositer at the time, of $300. The best array

of legal talent that the Province could produce was enlisted on both sides, but it must be averred that the prisoners counsel carried the day and were completely sustained by the Privy Council of England. When the case was opened on November 2nd, 1864, the Court was crowded. Hon'ble Mr. Abbott, Q. C., Hon'ble Mr. Laflamme, Q. C. afterwards minister of Justice in the McKenzie government at Ottawa, and Mr. Kerr, Q. C., were the lawyers who appeared for the St. Alban's Raiders, Mr. Devlin Q. C., since dead, appeared for the United States' Government, associated with the Honorable M. Edmonds of Vermont, Mr. Johnson, Q. C., now Hon'ble Judge Johnson, senior Judge Court of Review, and Mr. Carter, Q. C., since dead, represented the Crown; Mr. Strachan Bethune, Q. C., the Hon'ble John Rose, Q C., and Mr. Ritchie, Q. C. were also, connected with the trial.

It began before Judge Coursol who dismissed the prisoners as he held, he had no jurisdiction; then coming before Hon'ble Judge Smith, after a long and most careful examination of facts and documents and after speeches remarkable on all sides for terseness, fluency and fervour, His Honor concluded his summing up of three hours and a half, on December, 13th 1864, in these words: "I am therefore constrained to hold that the attack on St. Albans was a hostile expedition authorised both expressedly and impliedly by the Confederate States: and carried out by a commissioned officer of their army in command of a party of their soldiers. And therefore, that no act committed in the course of, or as incident to, that attack can be made the ground of extradition under the Ashburton treaty. And that if

there had been any breach of neutrality in its inception, upon which point I state no opinion, it does not affect this application, which must rest entirely upon the acts of the prisoners within the territories of the State demanding their extradition, and upon their own *status* and authority as belligerents.

"I am bound to scrutinize with a greater degree of caution, the circumstances of any case which appears to possess a political character, or which seems to grow out of the struggle which is now proceeding. And I must be the more scrupulous in weighing the pretensions of the prisoners as to their justification by their possession of a belligerent or political character, when I know, that the defence arising out of such a character, which England would recognize as valid, if sustained, would not even be received or listened to in the United States as being sufficient in law, however fully substantiated. This question was discussed in the United States, during the trial of the "Savannah" case; and the defence of the prisoners that they were commissioned belligerents, was ignored by the dictum of Judge Nelson, charging the jury, as matter of law, that neither he nor they could take that defence into consideration at all, until the belligerency or independence of the Southern States was recognized. It behoves us, therefore, to be satisfied that the offence of robbery, according to our interpretation of the position of the Confederates, has really been committed, before I consent to order these prisoners to be remitted for a trial of the issue they raise in their defence, to a tribunal which would ignore that defence as insufficient in law, however satisfactorily established; and I consider the

remarks of Judge Crompton already referred to, as being peculiarly appropriate to such a condition of things.

With this view of my duty, I have gone carefully and at perhaps unnecessary length into this matter. I have considered it proper to enter at greater length into the examination of some questions, which perhaps in themselves admit of no great doubt, but upon which in my humble judgement erroneous views have been entertained, and urged with great earnestness at the Bar. I have endeavored to guide myself, by what is recognised as law by the civilized world, instead of suffering myself to be swayed by popular cries, or by the passions and influences which the proximity of this lamentable convulsion has stirred up among us. And I have come to the conclusion that the prisoners cannot be extradited, because I hold that what they have done does not constitute one of the offences mentioned in the Ashburton treaty, and because I have consequently no jurisdiction over them. I am of opinion therefore that the prisoners are entitled to their discharge."

At the end of this charge loud cheers arose in the Court House which the officers could not suppress and which were taken up and repeated again and again by the crowds in the lobbies and outside the building in the streets.

The prisoners were remanded for some days after and at the next meeting of the Court, Mr. Devlin stated that he had been officially notified by Honorable Mr. Cartier, that on account of Judge Smith's decision it was the intention of the Government of the United

States to withdraw the charges against the prisoners, as the Canadian Government intended proceeding against the St. Alban's Raiders for breach of neutrality laws. From the 20th October 1864 when the raid took place and for months after the people of Canada were wonderfully affected and divided between the North and South. During this year 1864 a very large number of refugees from the Southern States came to Canada. A great deal of correspondence occurred, as was natural between the two governments, and in these letters from the United States Government were repeatedly sent thanks to Canada, for its loyal observance of the laws of nations. In fact Detective Police and numerous volunteer forces were stationed on the frontiers by the Government of Canada to prevent hostile attempts against the United States and to show its regret for what happend in the St. Alban's raid—many thousand dollars in gold were paid by the Canadian Government to the United States, to compensate the Bank for its loss. The raiders were eventually all liberated and one or two of them returned to Montreal. They had received back by order of Judge Smith all their money arms and property—the private papers only remaining on record in the Court files, as these files could not be mutilated by their being taken away. Thus ended this famous trial—the most famous excepting those of 1837-38 ever in Canada.

To understand this remarkable trial and see some of the salient points connected with it and to give our readers, who mostly have forgotten all the circumstances connected therewith, a sketch of it, I will first insert the return of Mr. Louis Payette which explains everything.

PROVINCE OF CANADA,
District of Montreal.

I, Louis Payette, keeper of Her Majesty's Common Gaol, in the city and District of Montreal, in the Province of Canada aforesaid, do hereby certify and return our to Sovereign Lady the Queen, that before the coming of the annexed writ to me directed, to wit, on the 27th and 29th days of October, one thousand eight hundred and sixty-four, the body of William H. Hutchinson therein named, was committed into the said Gaol of our said Lady the Queen, under my custody, by virtue of two warrants, under the hand and seal of J. P. Sexton, Recorder of the City of Montreal, and Charles J. Coursol, Esquire, Judge of the Sessions of the Peace in and for the City of Montreal, which said warrants are in the words following, to wit :

PROVINCE OF CANADA,
District of Montreal.

POLICE OFFICE.

To the keeper of the Common Gaol, of the said District, greeting : Whereas William H. Hutchinson [L. S.] of the parish of Montreal, in the said District, laborer stands charged upon oath with suspicion of felony : These are, therefore, to authorize and command you to received into your custody the body of the said William H. Huichinson and him safely keep for examination.

Given under my hand and seal at Montreal, this twenty-seventh day of October, one thousand eight hundred and sixty-four, in the twenty-eighth year of Her Majesty's reign.

(Signed) J. P. SEXTON,
Recorder.

PROVINCE OF CANADA, *District of Montreal.* } POLICE OFFICE.

To all or any of the Constables or other peace officers [L. S. in the said District of Montreal, and to the keeper of the Common Gaol of the said City of Montreal, in the said District of Montreal, greeting: Whereas William H. Hutchinson, late of the Town of St. Albans, in the State of Vermont, one of the United States of America, laborer, now in the City of Montreal was this day charged before me, Charles Joseph Coursol, Esquire, Judge of the Sessions of Peace, in and for the City of Montreal, on oath of Marcus Wells Beardsley and others, for that he the said William H. Hutchinson on the nineteenth day of October instant, at the Town of St. Albans, in the State of Vermont, one of the United States of America, being then and there armed with a certain offensive weapon and instrument to wit, a pistol, commonly called a revolver, loaded with powder and balls, and capped, in and upon one Marcus Wells Beardsley feloniously did make an assault, and him the said Marcus Wells Beardsley, in bodily fear and danger of his life, then and there did put, and a certain sum of money, to wit, to the amount of seventy-six thousand dollars current money of the said United States of America, and of the value of seveniy-six thousand dollars, current money aforesaid, of the moneys and property of the Franklin County bank, at St. Albans aforesaid, a body corporate, constituted and recognized by the laws of the said State of Vermont, from the person, custody and possession and against the will of the said Marcus Wells Beardsley, and in his presence then and there feloniously and

violently did steal, take and carry away, against the form of the Statutes of the said State of Vermont, in such case made and provided, and against the peace and dignity of said State. These are therefore, to command you the said constable or Peace Officers or any of you, to take the said William H. Hutchinson and him safely convey to the Common Gaol at the City of Montreal aforesaid, and there deliver him to the keeper thereof, together with this precept; and I do hereby command you the said keeper of the said Common Gaol to receive the said William H. Hutchinson into your custody in the said Common Gaol, and there safely to keep him until he shall be brought before me for the purpose of an examination upon oath of any person or persons touching the truth of the said charge, in conformity with the provision of the Statutes made to give effect to the Treaty between Her Majesty the Queen and the United States of America, for the apprehension and surrender of certain offenders, on the second day of November next.

Given under my hand and seal, this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and sixty-four, at the said City of Montreal, in the City aforesaid.

(Signed) CHAS. J. COURSOL, J. S. P.

And that this is the cause and the only cause of the capture, commitment and detention of the said William H. Hutchinson in Her Majesty's Gaol aforesaid, the body of which said William H. Hutchinson I have here now as by writ it is commanded me.

Attested at the city of Montreal, in the said District of Montreal, in the said Province of Canada, this twenty-ninth day of October, in the twenty-eighth year of Her Majesty's Reign and in the year of Our Lord one thousand eight hundred and sixty-four.

(Signed) LOUIS PAYETTE, Gaoler.

In the following extracts of the speeches of the various Counsel both for the prosecution and defence, the reader can at once discern that as remarkable a display of talent and erudition is seen in them as in any of the speeches of the great trials of Upper Canada or the United States.

Extract of Mr. Kerr's speech:

"To me has been confided by my learned friends the duty of opening the case for the prisoners. It is, I can assure your Honor, with fear and trembling that I take upon myself the responsibility necessarily attaching itself to my position. Not that I believe that our cause is weak, not that I am afraid that our just claims will he ignored; but the great importance of the principles involved, the magnitude of the interests at stake, and the almost boundless field for research and argument which spreads itself before the Counsele mployed,—all tend more thoroughly to bring before each of us his own utter incapacity to render their meed of justice to the rights of our clients. That this is one of the most important cases ever presented for the consideration of our Courts, will not be denied;—that it has already produced a greater effect upon the passions and prejudices of men both in Canada and the former United

States, than any other "*cause célèbre*" in this Province, will readily be admitted. It has been the moving cause of a call to arms within the Colony. It may justly be looked upon as the origin of those fears which culminated in the denial of asylum to political refugees by our Provincial Parliament. From it the careful observer can trace the origin of the pressure brought to bear upon our Judges, to induce them to degrade the palladium of the law into the minister of the temporary passions of the Government, and the servile instrument of the interests of the United States. The very papers produced by the prisoners were bought by the price of blood, for one of the messengers despatched to Richmond to obtain information for your Honor, but the day before yesterday expiated the crimes of being a loyal soldier, a true friend, and a gallant patriot, on the gallows at Johnson's Island. Your Honor can read in the treatment of the messenger, the certain fate of those who sent him on his errand. Cursed be the hand which spareth, is the motto of the United States. Can it be wondered at then that the knowledge of our responsibility in the grave task we have undertaken should weigh so heavily upon us; that it should like a pall hang over us whithersoever we may go. But all that we ask—all that we pray for—is, that it may not so deaden our energies as to render us incapable of laying before you fairly, manfully and faithfully, all the points in this most interesting case, with the principles of law which define the positions of the prosecutors, the prisoners and the judge."

Mr. Kerr is very sarcastic in his remarks on the Upper Canadian Bench and Bar. He says—"It might

perhaps be as well here to refer to some of those *causes celèbres* which have rendered the Upper Canadian Bench and Bar so famous throughout the world. Heaven knows that we poor Lower Canadians have no pretention to cope with them in any field of either industry or talent. We are, with all due self-abasement be it spoken, an inferior race fitted by nature for the barren, bleak, miserable country we inhabit. Content to live and die as our fathers did before us, we exist without any of that noble fire which occasionally leads men to do deeds reflecting honor on their native land. We plod on in the weary round of politics and law most congenial to our temperaments; we cling to the *Coutume de Paris*; we reverence Blackstone; we dislike novelty, and we abhor new fangled ideals of jurisprudence. We have been ridiculed and laughed at for our stolidity. We have been abused for our ignorance. We have been told that the Bench of Upper Canada is composed of men renowned, alike for their talent, learning and integrity. We have been assured that celebrated men cluster at the bar of that portion of the Province, thick as grapes in a vinery. We have been advised to listen to the words, pregnant with research, and learning, uttered by the ministers of justice in that favored portion of God's earth.—We have been recommended, in lieu of studying the speeches of Erskine, Curran, Burke, or Plumkett, to open our ears to the ravishing melody of the utterances of Upper Canadian counsel, and from the models of eloquence and style by them set before us, to form our ideas of the persuasiveness and powers of Demosthenes and Cicero. We had fondly fancied that had the Upper Canadian Bench but the opportunity, the exceeding talent and

learning of its members would have been so displayed before the eyes of the whole world, that scientific men throughout Europe and America would have hailed them as worthy recruits to the select band of international jurists whose writings have shed light on the darkest pages of the law of nations. We in this Lower Province, would have humbly rejoiced at the glory thus reflected on our native land by its distinguished citizens, and the cosmopolitan reputation of Canadians would have kindled a blaze of enthusiasm in our frigid bosoms. But alas, how has the reality deceived us ! On two different occasions the Upper Canadian Bench has been tried, and on both found wanting. The case of Anderson, the negro apprehended for slaying a man in Missouri, who endeavored to arrest him whilst making his escape from slavery, was the first which shook our confidence. There the Court of Queen's Bench laid down the monstrous doctrine that they could not take into consideration the other facts depriving his act of the criminal complexion, but were bound by the mere fact of his having killed a man, to commit him for extradition. A trial in a slaveholding country being a necessary consequence, and Anderson's execution being the only conclusion they naturally could expect from that action. Not content with thus perverting the law as applicable to the negro's act, they arrogated to themselves a jurisdiction to which they had no right, and committed the accused upon their own warrant for extradition. Public opinion in England roused by this frightful injustice, pronounced itself so strongly against the judgment and action of the Upper Canadian Court, that a writ of Habeas Corpus was issued from the Queen's Bench in England

to bring Anderson, and the commitment under which he was then held, to England before a tribunal competent to appreciate and understand the principles of law applicable to the facts. Struck with dismay at the issue of the English writ, the Upper Canadian Judges resolged to burke all such investigations, and from the Court of Common Pleas issued a writ of Habeas Corpus under which the commitment of the Court of Queen's Bench was quashed as having been made without jurisdiction, and Anderson was thereupon discharged. Such were the facts and circumstances of the first case in which Upper Canadian Judges had an opportunity of showing their acquaintance with the principles of International law. It must be admitted that it was a miserable finale to the grand display of learning and argument exhibited by the Court of Queen's Bench, when they declared that it was their duty to commit him for extradition under a warrant which, clearly they had no right to issue, to be obliged to call in their brethren of the Common Pleas to free them from the embarrassing position in which they then were, thanks to their own ignorance; but Upper Canadian credulity is quite equal to Upper Canadian vanity, and the public of that portion of the Province were still more deeply persuaded of the intellectual faculties and learning of their judges, by the exceedingly sharp and skilful manner in which they had managed to elude the action of the English Courts in the matter."

Honorable Mr. Laflamme though a French Canadian spoke of England as a thorough Englishman. No purer sentiment of patriotism could be enunciated than that part of his speech where he says. "Every man putting

his foot on English ground; every stranger owing only a loyal and temporary allegiance becomes as free as the British born subject. Our laws guarantee to every individual the safe hospitality of the soil. It has been England's pride and England's boast that no terror could ever induce her to forget this principle which is free as any of the great liberties of her constitution."

His terse quotation gives the whole substance of the case where he says:

"The prisoners are accused of having robbed one Breck, in St. Albans, on the 19th of October last, of $300. What are the facts of the case, as disclosed by the evidence adduced before your Honor? In the month of September last, Bennett H. Young, a lieutenant in the Confederate service, being in Chicago for some political object, calculated to advance the cause of his country; finding it impossible to carry out this plan, determined to fulfil the instructions which he received from his Government, to raise a body of twenty men of escaped Confederate soldiers, he was commissioned for special duty; they, as soldiers, were bound to join and obey. The plan was organized, then, in the enemy's territory. They were enrolled by him for the purpose of making an attack upon, and sacking the town of St. Albans. All of these men were risking their lives by their presence in the enemy's country. The bare fact of organizing there was, of itself alone, a bold and daring act. Their allegiance was to the Confederate States. Be the unfortunate contest, in which their country is engaged, right or wrong, they were actuated by the most noble, the most disinterested and

patriotic motives: every one of them had already perilled their lives in their country's cause. Feeling, as they did, for the injuries committed against their native land, they thirsted for revenge. Called by their superiors to inflict punishment on their enemies, by burning and plundering the Town of St. Albans, they cheerfully obeyed; they proceeded to carry out that plan, so far as was in their power. They left Chicago, some four or five coming through Canada, and twenty meeting in the Town of St. Albans, inhabited by over five thousand inhabitants, at a distance of eighteen miles from the frontier. In open day-light, they collected together, armed with revolvers, took possession of three banks in the name of the Confederate States, sacked them, set fire to the town in three places, and from the beginning stated that they were Confederate soldiers. The prisoners went through the town, made prisoners of all they met, provided themselves with horses taken from the people; and after making perhaps double their number of prisoners, they left the place, pursued by an armed band of citizens, who kept close fire upon them. They, however, succeeded in making their escape to Canada, where thirteen of them were arrested, at the request of the United States authorities. Out of the whole of this expedition the prosecution has thought proper to single out the taking of Mr. Breck's money, the smallest incident in the whole transaction; a fact which cannot, with any reason, be abstracted or severed from the main project. It is unnecessary to dwell upon the dreadful civil contest which has now been raging for five years with uninterrupted fury in this once happiest country in the universe. The world has followed the history of this awful struggle with

sorrow and dismay. Eleven independent States have asserted their rights as free members of a voluntary association, to sever from this association, which they had formed for their individual interest, reserving to themselves their separate sovereignty. Twelve millions of the people of this democratic nation demand to govern themselves according to their own views, alleging violations of the original compact, aggression, interference, and oppression of their individual States by the others, and for open treats against their rights and liberties. This separation is denied them by the other States, because they are more numerous and powerful,—because more States being combined in one policy they, the more powerful party, believe that subjugation and coercion is just and lawful, and they insist upon imposing their will, their views, and their ideas upon the eleven independent States. The fifteen States on one side insist on ruling the ten refractory States. The twenty millions of the North claim and insist upon uncompromising obedience from the twelve millions of the South. The whole population of the country is divided in two hostile camps. On both sides we witness that deep, intense, unforgiving, unrelenting hatred which belongs to civil wars only ; that hatred which succeeds fraternal love. The act imputed to the prisoners arises out of this civil war, and it cannot be the ground of extradition under the statute. 1st, The act is a political one, inspired by, and connected with what is called rebellion by those applying for the extradition of the prisoners ; 2nd, The act was one committed by soldiers of a belligerent in the carrying out of war against the enemy ; and they are answerable to no municipal tribunal of the enemy : it was a mili-

tary act, and if irregular, cognizable only by the military tribunal under martial law ; 3rd, It is a national offence, if any, and not an individual one."

In the conclusion of his speech he then says : "No American statesman nor any writer of any moment has ever asserted that these men should be extradited. They have complained of the want of sufficient prevention of such outrages on our part. They claimed that the offenders should be punished for the violation of our soil, for the abuse of our hospitality by the Southern refugees, but none have dared to assert as a legal proposition, that they are entitled to obtain the extradition of the prisoners. Our Government has complied fully with their demand by the passing of the Alien Bill—and I trust that it will be considered sufficient satisfaction. If this law does not give our neighbors the protection they require, let them demand further legislation on our part—they will have it.—If the rights of refuge itself is obnoxious to them, let it be abolished at their request—but so long as it remains unimpaired, so long as our legislature has not abolished this ancient liberty, our judges must and shall uphold it. They will protect the refugee in the enjoyment of that shelter which our institutions guarantee to him. They never will allow policy, expediency, to sway them to overrule principles of law. A thousand times better, more honorable for us, more just, it would be to let the world know that political refugees shall be entitled to this right only when it shall not be dangerous to us, a thousand times better and more humane to give a fair warning to all that the principle which never was doubted or questioned in England is inopera-

tive and insufficient in Canada. It was always considered as a beacon light to a safe harbor for distressed political fortunes, if it be no more so, at least do not use it as a false light to wreck them. Our courts cannot be influenced by anything but right and justice, they cannot be made subservient to power or authority. We have not reached that state of degredation.

Extract from the speech of S. Bethune, Q. C., on behalf of the U. S. Government.

"It has been a matter of much surprise to myself, and I have no doubt has been so also to your Honor, that in neither of the addresses of the two learned Counsel who have spoken on behalf of the prisoners, has there been any attempt either by argument or authority, to prove that what was done on the occasion here in question was a legitimate act of war. To supply the place of such argument or authority, we have been favored with citations from books, to the effect, that in general it is lawful for one belligerent nation to kill members of the other belligerent nation, and to seize or capture their property, and with the assertion, oft repeated that in all that occurred at St. Albans on the 19th of October last, the prisoners acted under lawful authority.

(Numerous authorities are here quoted.)

These authorities establish, that according to the recognized rules of modern warfare, the property of private persons or non-combatants is exempt from seizure or confiscation, except in the special cases of penalty for military offences, of forced contribution for an invading

army, or as an indemnity for the expenses of maintaining order and affording protection to the conquered inhabitants, and of taking property on the field of battle or in storming a fortress or town. And in all these excepted bases, the action of armies or parties of men openly acting in the character of armed enemies is alone contemplated,

Now, in the present case, the facts disclose merely that the prisoners and their associates, secretly introduced themselves into an unarmed town, at a point far removed from the scene of hostilities, and there, in the garb of citizens, entered certain banks in open day; and, when all others but themselves had retired, suddenly displayed fire arms, and robbed the banks, and the individual Breck, who happened at the time to seek admission into one of them, for the purpose of retiring a note. It is true, that in acting as they did, they claimed to be Confederate soldiers, and that in the streets they affected to take prisoners, and discharged their fire arms, wounding one man and killing another; but, once the booty was secured, they all decamped on the horses which they had also stolen, leaving their so-called prisoners free. In all this we see nothing of the characteristics of war, and fail to discover any other object than robbery and plunder, under pretence of war. No one could seriously contend that such an act *per se* is an act of war. To all appearances it was nothing more or less than a common robbery, accompanied by a murder, and an attempt to murder. The only pretension that can be urged is, that in consequence of the alleged commission and instructions produced by the prisoners Counsel, the act was *constructively* one of legitimate warfare.

We are told, that the object of the raid was an attack on the town of St. Albans ; and that the robbery of the banks and of Breck was a mere incident in the course of the raid ; but when it is considered that no attack whatever was made on the town,—that, on the contrary, the prisoners and their associates sneaked into the town by twos and threes, and only remained long enough there to steal the money and horses they eventually carried off, without even attempting to bring with them any of the prisoners they affected to secure during their short sojourn, it is manifest that the expedition, such as it was, had but one object in view,—and that was plunder and robbery.

The next point I have to submit is, that all the prisoners are proved to have resided in Canada for months previous to the raid, and that their chieftain (Young) had, in the fall of 1863 and winter of 1864, been attending the University of Toronto; they all being escaped prisoners from Camp Douglas. As matter of law, then, the prisoners by making Canada an asylum, had ceased to be belligerents; and inasmuch as the expedition started from neutral territory, and returned thereto with their spoil, immediately after its accomplishment the expedition was *absolutely unlawful*, and under any circumstances, created a *forfeiture* of the *neutral protection* of this country.

In bringing my remarks in this protracted case to a close, I cannot refrain from again urging upon your Honor, that the truly safe course to pursue in a case like the present, is to hold, in the language of all the judges in the Gerrity case, of Chief Justice Draper in

the Anderson case, of Judge Ritchie in the Chesapeake case, and the four Judges who sat in the Burley case, that the questions of fact raised by the defence by way of justification of what *primâ facie* is the crime of robbery, can only be legally tried and determined by a jury in the country where the offence is committed. I therefore confidently claim at the hands of your Honor the commitment of the prisoners for extradition."

Extract from the speech of the Crown Prosecutor, Mr. Johnson Q. C., now the Honorable Judge Johnson, Senior Judge of the Court of Review.

"I have endeavored to lay before the Court in as succinct a manner as I was able to do, the view which I, humbly representing the first law officer of the Crown, have felt constrained to take of this transaction and of the attempt that has been made to justify it. I have endeavored to perform a legal function, in a legal manner, and I have purposely avoided all allusion to many topics, which in so serious a case might possibly have justified allusion on my part. There is one aspect of the case, however, resting on the broadest grounds of international comity, and of the duty arising out of the relationship which should properly subsist between two countries situated as Canada and the United States. The circumstances of the two countries,—their geographical position,—the difficulty of exercising effectually a continuous vigilance over the acts of those who under pretence of seeking mere security, have only resorted to Canada that they may mature with impunity hostile schemes against an adjoining power with whom we are on terms of peace and amity, have all to be considered, our conduct ought to be

what we would expect and exact from others in the like case, and such as the law of civilized nations, in the exceptional position we occupy, demands. The doctrine of affording an asylum to political refugees is admitted to the fullest extent; the laws of hospitality, the dictates of humanity and the general feelings of mankind support it. But it is an asylum in the proper acceptation of the word, which is sought; and are the prisoners political refugees or exiles rightly so termed? Our duty is not confined to affording a sanctuary within our territory under all circumstances for those who call themselves political offenders; the further duty of seeing that the privilege of asylum is not abused to the injury of a friendly power is equally imperative. We are bound to consider whether the neutral ground is only resorted to because it offers a safe and convenient resting place in the intervals of warfare, and as the readiest means of inflicting with impunity injury in any other shape on the friendly power; whether in fact the acts of public hostility or private wrong would ever have been undertaken and committed but for the proximity of the supposed asylum—whether they are not in reality attributable to and prompted solely by the facilities which our territories afford both for attack and escape. We must enquire whether the *animus* in which it is sought is to obtain peace and permanent security, and whether the party fleeing comes in the light of an exile. If we are satisfied of the contrary, then we must say that this neutral ground cannot under the name of an asylum be used as a vantage ground, and that the party fleeing from territory hostile to him, has by his own acts forfeited the security which nations usually

accord. He has no right to abuse the only privilege which our soil confers—that of being safe so long as he is passive—nor has the right, because he believes he can escape hither, to plan and perform acts which would never have been dreamt of, but that an asylum was near, and that he believed he could reach that asylum in safety. If within that supposed asylum he recuperates and prepares for fresh acts of aggression, and is not content with finding security against oppression and wrong himself, but resorts to it only that he may mature, and sally forth to execute schemes of offence on others; then he has not the qualities of a refugee, nor is his object an asylum. A refugee is one who, after being overcome as a combatant, flies from his enemy to the nearest place of security—not one who merely, because there is a neutral ground at hand, undertakes to inflict an injury because of the supposed immunity it affords. An asylum implies security from mere pursuit after an act which the law of nations will recognise—not the means of annoying those pursuers with impunity, or converting the sanctuary into a means of offence. The Treaty was certainly never intended to protect those who committed predatory acts under the name of war across an imaginary line."

Another extract.

"What is the natural consequence of robbing Mr. Breck? Is it that the national power of the United States is prostrated, or in the remotest manner affected by it. The natural consequence is that Mr. Breck loses his money; but it requires a great deal of imagination to conceive and a good deal of ingenuity to explain how that fact tended to exhaust the national resources

or attack in any manner the national existence. In touching upon this part of the case it is impossible not to feel the necessity of imposing some limit to what may, with appearance of reason, be alleged to be an act of war. If these prisoners, instead of using violence and terror to get this poor old man's money, had used stratagem; in other words, if instead of openly robbing him, they had picked his pocket, would that be contended to be an act of war too? I must suppose from the course of the argument on the other side, that it would be held; and indeed it must be so held, there can be no doubt, if the act taken by itself, or merely accompanied by the declaration of the thieves, that they, as Confederate soldiers, can be held to confer upon the actors the conclusive character of persons performing a lawful warlike exploit. The truth is, that, though all authorities denounce it, the practice of taking private property in war, or of inflicting unnecessary injury upon unarmed and inoffensive individuals, is a practice (and that is the utmost that can be said for it) that may be admitted to have been in some cases, an incident and a forbidden incident of war; but it is not, and never with reason can be contended to be, an act of war in its own nature. I gather from some part of the testimony—I forget whether it was in this case of Breck, or in some of the previous proceedings—that there was, at or near St. Albans, an arsenal, or some such national structure, and in the town itself, one and only one soldier. These opportunities of glory and destruction are, however, neglected. The arsenal and the soldier are, strange to say, both untouched, and poor old Mr. Breck is made to play a part in the history of modern war, which must have surprised him quite

as much as it has surprised me, and the rest of the world, who had perhaps formed somewhat different notions of warlike achievements and martial glory.

We have all heard, both in fable and in history, of instances of self-arrogated importance ; we have read in our youth of the fly upon the wheel, and the frog that endeavored to distend its dimensions to those of the ox. We have read, too, in modern history, of the tailors in Tooley Street, who called themselves the people of England, and proceeded to alter the constitution of the empire ;—but none of these instances can excel in ludicrous extravagance the pretence that, in going to a bank, in the middle of the day, in a peaceable village and easing an old gentleman of 2 or 3 hundred dollars on the threshold, the prisoners can be presumed or believed to have acted as a military force—having lawful authority from a brave and civilized people to do what they did. We must remember, too, that we are here dealing with a question of proof and not of presumption. It will not be presumed that war was being made 1000 miles from the seat of actual hostilities. We must have proof, certain undoubted proof, to take away the criminal nature of the act, we can say there is nothing left for a jury to try. The black color, so to speak, of the offence imprinted, must be completely washed away before we can refuse legal effect to the complaint that is supported as far as the law requires."

Extract from the speech of Hon. J. J. C. Abbott, Q. C.

"I fear, may it please your Honor, that the very great importance I attach to this case, not solely in the interest of the prisoners, but also as involving important

national considerations, had led me into a more lengthy discussion of it than was required either by its intrinsic difficulty, or for the full development of our pretensions. My object has been, as I stated in the first instance, to seek to discover from the evidence of record the whole of the facts as they really occurred ; and then, leaving the propositions of law on which we relied in the first instance, to rest on the arguments and authorities of my learned and able colleagues, to follow the Counsel on the other side through their arguments in reply to those propositions. That this duty has been long and arduous necessarily follows from the fact, that during the greater part of three days, the ingenuity and research of four of the leading Counsel at this bar, have been employed in heaping argument upon argument, and authority upon authority, in support of the application for extradition, and in opposition to the pretensions of the defence. And so arduous has it been, that with the most sincere conviction that we are right and the most earnest endeavour to show that that conviction is justified, I am not satisfied that I have not fallen far short of what I should have said in support of it. But before I leave the case in your Honor's hands, and even at this late hour, I must intreat your attention to some considerations which may well incline you to the side of mercy, if the balance of justice be in any respect doubtful.

The view I desire to submit is one allied to, and yet different from, the merely legal and technical arguments which may be used with regard to this case. I contend that we have a right to look at the spirit of the Treaty and of the statutory enactments based upon it,—and

that we cannot forget, and have no right to overlook the chances which war has produced in the States with which we made that Treaty, and in our relations with that State. "War," says Dr. Phillimore, "effects "a change in the mutual relations of all States; more "immediately and directly in the relations of the belli- "gerents and their allies; but mediately and directly "in the relations of States which take no part in the "contest." Aud what enormous and radical changes have thus been effected since the passage of the Ashburton Treaty! When that Treaty was passed, we and they were in a state of perfect peace. No prospect was farther from that great, prosperous, and happy country, than the hatred, the bloodshed, the military tyranny, the ruin and the desolation, that have spread themselves over its fairest portions. Peace then presented her most smiling aspect, and no cloud foreshadowed her departure. Now, a war rages throughout the length and breadth of the land—a gigantic and sanguinary struggle, in which brother is arrayed against brother, and father against son. And it is a strife exhibiting war in its most repulsive features; war characterized by the most insatiable rapacity—the most unbounded devastation—the most lavish pouring out of treasure and of blood, that the earth has witnessed for ages. War is always a frightful calamity, civil war peculiarly so; but history gives no account of any war in which such bitter hatred, such intense hostility, have been developed. And not only men who have risked and taken life, whose passions are inflamed, and whose thirst of blood is awakened—but those who usually soften the asperities, even of ordinary life, now join in the general cry for confiscation and destruction. Reverend divines,

young and refined females, vie with each other in the fiercest and most demoniacal demands for ravage and extermination.

Now the Treaty was made to promote the transmission for trial from one part of this continent to another of persons who had committed crimes of the darker class, respecting the character of which North and South agreed with ourselves ; crimes which Vermont and Georgia alike prohibited, and which it was impossible alike for them, and for any other civilized State or people, to approve of, or even to tolerate. There was no intention on the part of the United States, when the Treaty was passed, to stipulate for the extradition for trial as criminals in Vermont, of persons who were regarded in Georgia as daring and devoted patriots ; and for acts which Georgians held to be praiseworthy, if not heroic. The Northern and Southern States were alike parties to that treaty through their general Government ; they agreed to reciprocal extradition for the same offences ;—and the offences that so formed the subject matter of their and our agreement, were offences which they and we united in regarding with abhorrence, and as deserving of extraordinary exertions for their punishment, in the interest of our respective communities. Now, what is the position of the men, and the light in which their acts are regarded by the parties to that treaty ? The Northern States demand them as robbers. They press this demand with unparalleled vehemence ; and so violent and unmeasured are they in their wrath, that their Legislature, their press, and even their pulpits, resound with the opprobrious epithets which are heaped upon the prisoners.

The Southern States, on the other hand, deliberately authorized and directed the acts thus denounced. They regard those who participated in them as gallant and devoted men, who risked their lives for their country. Their highest executive officers join in hurrying off the papers and documents which are to aid in their defence. No pains, no labor, no risk, no money, are spared in contributing to their aid and comfort, in the critical position in which they now stand. In one word, one section of the nation with which we made the Ashburton Treaty denounces them as robbers, while the other extols them as patriots. Twenty millions of men under an organized Government, demand them as felons; but ten millions, under another organized government, existing *de facto*, claim them as meritorious soldiers. And it was with these thirty millions of men, then constituting but one community, that we made our Treaty. Surely if there be all these internal differences of opinion between the parties contracting with us, it is right that we should carefully consider what we are about to do. It is no longer the felon sinning against the law of nature, and against society in general; respecting the enormity of whose crime no one doubts whom we are asked to deliver over for trial. It is the soldier of one of these sections, the enemy of the other; respecting whose criminality there is as wide a difference and as fierce a dispute as exists on any other question debated between these warring parties: *this* is the man whom we are called to deliver over to one portion of the nation, against the will of the other, under a treaty we made with both when united!

These seem to me to be subjects for your Honor's grave consideration. They are suggessive of much

more that might be said, and much more forcibly said, upon the anomalous state of things in which your Honor is now called upon to act. But the considerations which arise out of them, personal to the prisoners, are among the most startling. These men are demanded for trial. For trial by whom, and how? Is it for such a trial as it would be presumed an ordinary criminal would have in ordinary times—when justice is administrated in the United States by Judges second to none in learning and impartiality;—by juries composed of educated and independent men: and when the rules by which they are guided, are the humane and just principles upon which their and our criminal laws are alike based? Your Honor knows, every one knows, that no such trial awaits these prisoners. It is before Judges like Judge Nelson; who must declare their defence inadmissable in law; who must decide that the sovereign State of which they acknowledge themselves the subjects, is not entitled to their allegiance; that the President who exercises the civil power of that State, and the general who commands its armies, are felons like themselves; that the commission under which their officers, from the highest to the lowest have fought, and have won the admiration of the world, are mere unauthorised licenses to rob and plunder—which can serve no purpose but to prove more conclusively, their liability to a death on the gallows: it is before Judges who rule thus, that their trial must be had. And before what country will they seek their deliverance? It is from amongst the men whose daily literature is the New York Herald—whose Sabbath instruction is from the lips of the Rev. Henry Ward Beecher—whose evening relaxations are the lec-

tures of Miss Anna Dickson, that the jury which tries them is to be selected ;—those who daily, hourly, read and hear with approbation, their greatest, best and bravest, denounced in the foulest and most opprobrious terms—are to judge of their actions ;—those who echo the fervent aspirations of the Apostles and messengers of Divine mercy and Divine justice here on earth, for the destruction of these men and their fellows here, and for their damnation hereafter, are to be the arbiters of their fate ;—those who listen to and applaud a fragile girl, while she outrages her sex, her age, and humanity itself, by frantic exhortations to wholesale slaughter and universal devastation will fill the roll, from which will be taken the twelve men on whose breath will hang the lives of these prisoners.—And the defence which they will be expected to investigate, to weigh, and on which they will have to render their verdict, will actually be the assertion by the prisoners of what such a Court and jury are bound by the law, and constrained by their education, their associations, even their religious teaching, to look upon as a sure passport to a deserved death as the very head and front of their offending.

Is it to a tribunal thus composed that these men are to be entrusted ? Is it from such Judges and such juries that these men are to receive a fair, calm and impartial trial ? Is it before them that every circumstance is to receive a full, unbiassed, and dispassionate consideration · as it would do before your Honor presiding over a Court of this country : or as it would have done before Judge Nelson, before this unhappy strife commenced ? I implore your Honor well and maturely to

weigh these things. I cannot and will not believe it possible that such a cruel injustice will be done to these unfortunate men—as to permit of their delivery to their enemies, with the certainty of an ignominious and degrading death. I feel that my advocacy of their cause has been insufficient, though I have devoted to it my best energies; but I know that my deficiencies will be supplied by your Honor's full appreciation of the whole case. And in that confidence I leave it in your hands, certain that your Honor's decision will be such, as will be dictated by justice and tempered with mercy.

CHAPTER XVI.

Fenian Invasion 1866.—Pigeon Hill.—Fenian Rumors 1870.—Muir's Cavalry and Chamberlain's Missisquoi forces,26th May.—The Fenians across the border—60th at Stanbridge—Cook's Corners.

I now come to one of the most stirring periods of the history of the country and of the city of Montreal.

This was the disgraceful invasion, by a body of men, called Fenians, of Canada contrary to all international law.

I find in the Police Reports of this year, 1866, that there were six prisoners styled "Fenians" arrested and sent to jail; others were brought from other points on the frontiers till the whole number amounted to fifteen.

Their names and occupations are given in the chronological list of commitments and events. And we will only here give a short account of the proceedings, of June 1866, when Pigeon Hill was first brought prominently before the Canadian people.

When it was known throughout Montreal and district that the Fenians were actually attempting to invade Canada, the utmost indignation prevailed. When the British troops arrived at St. Armand's station between 11 and 12 o'clock of the 9th June, they found two waggons which arrived from Pigeon Hill with five

Fenians prisoners who had been captured that morning by different parties. "These, writes one present, were little scamps such as one sees about the streets of all great cities. One was a tolerably stout resolute looking fellow, the other a mild looking young man much better dressed than the rest."

These men were left in the custody of the St Armand's volunteers and the column of attack on the Fenians at Pigeon Hill started at two p. m. The Granby and Waterloo volunteers, commanded by Captain Millard, formed the advance guard, being followed by two twelve pounder Armstrong guns of Captain Balfour's Battery, Royal Artillery then stationed in Hochelaga accompanied with their regular quota of artillery guns, commanded by Captain Phipps, R. A. These were followed by two companies of the Rifle Brigade under Major Nixon, who commanded the whole column also two companies of the 25th Regiment, then stationed as well as the Rifle Brigade, in Montreal. Another company of the 25th brought up the rear and formed the rear guard.

Between the main body and rear guard, the supply waggon and a farmer's waggon, carrying the surgeon's apparatus and medical comforts were placed.

The officers and men were in the highest spirits, only fearing lest the redoubtable Fenians should seek shelter too promptly in the United States, the "Lines" being only half a mile from their camp. The day was very fine, the sun was shining brightly, yet tempered by a cool breeze. This made the roads dry and the marching pleasant. One thing regarding this march

must not be passed over. Although several soldiers of the Line and Rifles were knocked up with the march and obliged to fall out, yet such was the pluck and training of our volunteers and they were the advanced guard and in front of the strong Artillery horses of Captain Balfour's Battery, not one single man evinced the least fatigue, but kept straight ahead. A short halt was made at a place called Holt's Corners and another prisoner was brought in from the south road having been captured by a farmer who, with his son and hired man had been reconnoitering the enemy. The Fenian was mounted on a handsome horse and was rather of a gentlemanly and refined appearance. He was speedily dismounted, being succeeded in the saddle by Captain Hallowes of the 25th Regiment,and the Fenian was conducted to the rear in charge of a guard from that Regiment. Another prisoner was soon met, squatted in a single waggon between the feet of two farmers of Stanbridge, who had captured him. Just before the column reached Pigeon Hill there was the cry "Incline to the right." and that splendid body of horsemen "The Guides" under Captain D. Lorne McDougall, dashed past in single file and took their place in front. They had no opportunity that day and more is the pity to "flesh their maiden swords" upon any large body of Fenians. But they rode round by the Cook's Corner's Road and at a later period of the day cut off the retreat of some who would have escaped and took two of the miserable scoundrels prisoners. If the Fenians had a good sight of them and they had from their position, they must have felt inclined to keep out of their way. In turning to the right at the tavern at Pigeon Hill, the whole column descended the hill on the road leading

directly to the Lines the Artillery taking the lead. The guns were placed in position on a high point overlooking the whole valley in the direction of the woods and about half a mile from the Lines. The company of the 25th remained with the guns and the remainder of the infantry in two lines with the Rifles thrown out in front as skirmishers descended into the valley. The last red coat disappeared among the trees and presently a single rifle shot was heard echoing loudly enough through the woods, two more followed then, a dripping fire of musketry and all was silent.

At the first report every one sprang to his feet the gunners placed themselves by their pieces and the officers of artillery prepared to point them upon any body of the enemy that might break cover. The disappointment was very great when the firing ceased.

Presently the red coats emerged from the woods, marched across a small clearing and disappeared in the woods beyond. After waiting sometime longer, and the sun beginning to approach the western horizon, the horses were put to the guns and waggons and preparations were made for returning to St. Armand. One company of the 25th rejoined their comrades on the hill. The rest of the force made their way by the Cook's Corner's Road back to Pigeon Hill with the exception of one company of the Rifles, which was detached towards Frelighsburg. The rest of the force reached St. Armand's Station between 9 and 10 o'clock at night.

It was generally supposed that two Fenians were killed and fifteen were captured whose names are given

in the Chronological lists of commitments of 1866. Some other bodies were found in the woods on Sunday. Thus ended the first Fenian Raid.

I now come to what is called the second Fenian Invasion, and it seems the result of the first had no effect on these men. About April 10th 1870, an intimation was received by the Dominion Govornent from the British Minister at Washington to the effect, that the American Executive had received warning of an intended Fenian raid into Canada along the frontier from Port Huron to St. Alban's. Later on, information was received that the intended raid would not be made at the place indicated, but that all the Fenians were concentrating at Malone, a town in the north side of the state of New-York and near to the Frontier, and that they intended making a raid on St. Armand and Frelighsburg. In consequence of this information several frontier corps were ordered to hold themselves in readiness for immediate action and by the end of the week all the battalions so ordered were under arms. From Montreal in the Monday following this information Muir's Troop of Cavalry was ordered and they arrived at Huntingdon on Tuesday afternoon. Col. Chamberlain had already gone to Missisquoi to bring out the force under his command whilst a large force was collected of the volunteers in Montreal. During the following week the streets of Montreal appeared gay with marching troops and sounds of martial music from the many bands which were moving to and from the execution of their military duties. Rumors were plentiful, but not until H. M. G. Majesty's Birthday following were the rumors turned into fact. The celebration of the

Queen's Birthday was interrupted by a call for the Regulars and Volunteers to move to the front. Word was received that the Fenians were massing both at St. Alban's and Malone as well as in Upper Canada on the Niagara frontier and also at the Town of Prescott. St John's and Frelighsburg were at once well garrisoned by troops from Montreal, Fort Wellington at Prescott, was garrisoned by the Ottawa volunteers and every thing was done to protect the frontier of Canada from the lawless rabble.

The day after the Queen's Birthday viz. 25th May, a band of over two hundred of these misguided men under the command of one, O'Neil crossed the frontier and entered Canada, trying to effect a lodgement at Pigeon Hill. This was the scene of their first incursion in 1866. Many hundreds of Fenians were in and about St. Alban's during this time. Also there were large arrived bodies of them at Malone and elsewhere. The proclamation of General Grant, the President of the United States rather disconcerted their plans whilst on the morning of the 26th a finely equipped little army of itself in the shape of the Prince Consort's own Rifles (*Regulars*) of seven hundred strong under command of Lord A. Russel and accompanied by Prince Arthur went by special train to St John's where the Volunteers had preceded them. General Lindsay assumed command of the whole. Col. Smith with a detachment of the 30th, arrived at Stanbridge and left early next morning with Col. Chamberlains' Corps for Cook's Corners, the old Fenian camping ground. When they arrived there, they found that the Homeguard was already on the spot recruited only the day before by Col. Westover,

and a few other loyal and spirited farmers and gentlemen living on the borders who took upon themselves the duty of defending their hearths and homes, waiting the arrival of regular troops.

General Lindsay disposed of all his forces at the best available spots, but it was only here that any fighting took place as all the other bands of Fenians fled whenever they were opposed to the regular troops of Her Majesty or the Canadian Volunteers. All along the frontier at Cook's Corners, the Fenians had scattered their arms and ammunition in their hurry and it is supposed on good authority that over a thousand men were at this time either on Canadian soil or near it in the frontier.

Disregarding the proclamation of the Government of the United States and the Marshall then there requesting him not to proceed, O'Neil with Donnelly his second in command crossed the lines into Canada. The Homeguards were posted on the hill side, about five hundred yards from the American line. On the Queen's Birthday and on the following morning they were joined by a portion of the forces under Col. Smith and Lieut. Col. Chamberlain. The whole number of the Canadian troops did not here exceed seventy men, though ample reserves were in waiting at points near at hand. About noon the Fenians moved onwards and actually in a body crossed the lines. The Burlington Vt. Company of Fenians dashed down to form a skirmish line across a little brook that flowed between the combatants. The moment they crossed, the Homeguards and others opened fire, one man was instantly killed and others

wounded. The Fenians wavered and fell back. Another company tried and too receded, and it so resulted that from the sharp firing of the Canadians, no Fenian dared to approach the bridge and all fell into confusion and a stampede. In the afternoon they again attempted to cross, losing one man killed and several wounded though the actual number could never be ascertained. O'Neil and the other leaders were then taken prisoners by the U. S. Marshall and driven off to St. Alban's Jail. Thus collapsed the Fenian raid of 1870 at Cook's Corners.

CHAPTER XVII.

Charles Alexander and the Female Prison —Revds. Mr. Huberdeau and Arrow.—Building of the Jail.—Prison Inspectors.—Extracts from Reports.—Concluding Remarks.

About this time the citizens of Montreal began to be stirred up regarding prison reform. Not every one knew that the jail was divided into two departments and yet seemed all one, for the House of Correction was included in the jail proper. It takes a long time for Governments and Corporations to move. They move slowly, but the City of Montreal had a gentleman then in its Council who worked hard and strenuously for the amelioration of the poor and criminal classes, and that man was CHARLES ALEXANDER. When he represented Montreal in the Local Legislature his voice and influence were always exerted in their cause—and the lasting testimonial to his name will ever be in the Boy's Home. Greatly through him at last the Female Prison became an accomplished fact and the men were separated from the women and after years of striving and struggling some movement was made for a separate female Prison. An editorial of the *Star* shows what the movement was then—previous to the erection of the Fullum Street Female Prison. "A deputation left this city yesterday for Quebec accompanied by the Rev. M. Huberdeau, for the purpose of applying to the Local Legislature to obtain the old

military prison at Hochelaga as a House of Correction for female prisoners. The delegates chosen for this important duty are Alderman Bernard, Alexander, David, Wilson, Simard and Councillor H. Lyman. His Worship the Mayor leaves to-day. We sincerely hope their efforts will be successful and that the Government will give them a favourable hearing."

This attempt fell through, on account of the Providence Nuns afterwards renting the buildings for a lunatic asylum whilst their large establishment was being built at Longue Pointe—but the following short notice which appeared sometime after in one of the newspapers speaks for itself. "The Rev. Father Huberdean and the Rev. J. D.Borthwick, with the very Rev. Father Arrow of the Montreal Seminary returned from Quebec last Thursday where they have succeeded in arranging for the immediate erection of a Female Prison in Montreal. The gentlemen of the Seminary through the very Rev. Father Arrow have presented to the local Government free from all incumbrance no less than twelve acres of land within the limits of the city and near the present Gaol, where will be erected a Model Prison for women. The move is a great success and redounds to the energy of the two Chaplains and the liberality of the Seminary of Montreal."

The liberality of the Government was greatly taxed and the loan of $25,000 from the City of Montreal needed before the building was at last erected and the prison an accomplished fact. Nevertheless only the Roman Catholic women were its inmates for the first eight months on account of some misunderstanding between the Government and others. All the women

are now and have been for some years past sent to the female prison in Fullum street and so vast has been the success and change in every thing connected with them that it is a subject of wonder to all. Abandoned women who used to be the terror of the ward, have either been sent away quite changed creatures or are still in prison, quietly and patiently obeying the rules and behaving themselves as one would wish.

The prison Inspectors have had a great deal to do with the establishment of this female prison. And the Chairman L. L. L. Désaulniers, M. D., M. P., and H. H. Miles, L. L. D. as inspectors, were indefatigable both personally and in their annual reports in advancing the new order of affairs. Perhaps an extract from their official report anent this female prison (date, 1874-75,) will more clearly show what they mean and what will yet be the outcome in future of all the agitation and advancement made for the past fifteen years.

"Heavy as its engagements may have been, the Government has not thought proper to stop the works in operation at the prison for women, of the City of Montreal.

The pressing want there is for this refuge, in which to lodge the great number of female prisoners who at present are so much out of place in the gaol, does not permit of delay.

The female prisoners once placed in their new prison, we should have ample room in the present gaol to lodge all the men, and thus the difficulty, will be overcome, this year, of removing the prisoners to other prisons, and will not occur again.

It was easy to see that this transfer of prisoners would not have been necessary, were the female prisoners removed to a prison specially erected for them. It is on this account that we have strongly recommended for more then five years, the construction of this prison. It is also on this account that the Press, and men holding high positions in the country have spoken in the same sense and have insisted upon immediate action. With a like expression of public opinion, the government decided to erect it. But before having plans drawn and engaging in heavy expense, it employed competent men to study the question, and in the mean time was engaged in looking out for the best means for its internal management, to the end that the institution might answer the purpose for which it was founded, principally, we may say, the moral reform of so many unfortunate beings, at present entered in the books of the gaol, without hope of any amendment.

The result of the deliberations of the government and the researches of those to whom the subject was submitted, was that the direction of this institution should be confided to the Ladies of the Community of Good Shepherds. The idea, of placing the Nuns at the head of a like establishment surprised, without doubt, and clashed with the opinions of a certain number, but it received the approbation of the majority of the country. Moreover this idea was not new.

It is now somme 15 yeais since the well known Dr. W. Nelson, then Inspector of Kingston Penitentiary, suggested the thing in writing, "that until they decided to build a new prison for women nothing could be easier or more economical than to transfer the

female prisoners to some asylum or charitable institution, such as the Sisters of Charity or Good Shepherd :

There, he added, these poor women, lost and driven from society, would find an asylum, consolation, comfort and nourishment, physical and moral. Their temperaments repose, their Christian duty and religious obligations are there explained, and to the discipline is added the powerful elements of encouragement and hope.

The entire management of these institutions of refuge is perfect and admirable. The tender and maternal treatment, subduing the most hardened, urges them to serious reflection and helps towards repentance and reform.

As soon at the arrangements were concluded with the Ladies of the Good Shepherd; the Government commenced the work and the foundations were laid.

We hope that this edifice will unite the advantages spoken of in our Report of 1869. We then said that it should be a handsome building, sufficiently large for present and future wants of the District. Equally in giving it sufficient solidity, should they be careful in not making it too massive, nor in covering the edifice with costly and useless ornaments. In a word, the necessary should have precedence over the superfluous. Luxury should everywhere make way for simplicity, and the useful should always be preferred to the pleasing. All embellishment should be put aside "Because, as, Hill the writer, so judiciously says, a prison of noble and imposing exterior has the bad tendency

of giving importance to the criminals and dignity to crime; splendid edifices divest crime, to a certain extent of its enormity and of its fearful ugliness.

It is evident, without doubt, that the external aspect of prisons should have homogenity with the object for which they are destined.

It is, besides, unjust to tax society more than is absolutely necessary, for the punishment of the guilty and for effecting their reform.

The interior of this prison will be laid out in such a manner as to render the supervision easy, to provide for large work shops, spacious wards, and all other apartments necessary for the proper administration of the Institution."

Speaking of the future Central prison in connection with that of the female prison in Fullum street they thus report in 1874-75.

"For many years the Inspectors continually recommended the separation of the men and women, and the Government finally determined to bring about this important change. In asking so perseveringly for a complete separation, the Inspectors were actuated solely by the hope of effecting more quickly and effectually the moral regeneration of the men and women, especially of the latter.

The women's ward in the present gaol being removed, left the whole of the gaol to the men. It was therefore easier to grant relief to the latter, while at the same time classifying them better. As to the women, it had been decided to place them under the care of some

order of Nuns, because, in the opinion of the Government and of the Inspectors, such a course promised better results.

The present gaol was therefore built and the Nuns of the Good Shepherd were placed in charge. From this period dates the real progress, the actual and striking change in the behavior, habits, and even the personal appearance of the prisoners.

Upon visiting the prison, it is edifiying to hear Hymns and Prayers instead of swearing and blasphemy. Instead of witnessing shameful obscenities and hearing scandalous conversation, one admires the modesty, good behaviour, and silence of the prisoners. The utmost order prevails everywhere, and even politeness is observed by those creatures once fallen so low and so uncouth.

Instead of living in corrupting idleness, the women are occupied with useful and improving work. In fact we can but congratulate ourselves upon the success obtained in the management of this prison, in respect of the improvement both materially and in the character of the prisoners."

In coroboration of the above the following extract from the Reverend M. Lauzon, then the Roman Catholic Chaplain to the Female Jail, Fullum street, also shows encouraging progress. In his annual report to the Government for 1879, he says :

" Visitors of every shade of opinion have more than once admitted that a radical transformation has been

effected in the bahavior of the prisoners. All those, in effect, who were in a position to know in what an abject state those unfortunates lived under the old system, are agreeably surprised in seeing how well-behaved they are now, and what deference they show to all who take an interest in them. The Nuns exercise over them an influence which can only be explained by the inexhaustible charity they constantly display for them.

In their dealings amongst themselves there is also an encouraging improvement. At the beginning those who wished to do well were obliged to cry for mercy, and their companions applied insulting epithets to them which more than once shook the constancy of their consciences, which as yet were hardly settled in their good resolutions. To-day, thank God, if those who wish to reform have not yet all the liberty which might be desired, they are at least, treated with a certain amount of kindness, and they inspire more respect in those who wish to remain in their wickedness."

And the good work has gone on ever since progressing year by year, in both the Roman Catholic and Protestant Departments.

As I gave an extract from the Inspectors report of 1874-5 I will now insert a short one from the report for 1882, showing that the working of the plan for the separation of the prisoners, male and female, into two distinct establishments and at a distance from each other, has resulted in the highest good to all and that those who originally worked for this separation indeed did a patriotic thing for their country.

In the last government report of the Inspectors of prisons and asylums, A. D. 1884 they speak highly of this vast improvement. Let us contrast this report with that of 1875, ten years ago and to think that all this reformation has been effected in one decade of years. What must be the advance in twenty or thirty years hence when this generation shall have passed away and a new one, imbued with progress and advancement far more than ourselves, shall have taken up the reins of government and improved vastly on all those things which we have inaugurated.

One of the Inspectors says :

" I am not of the opinion that the prisoners should not be illtreated but I think that a gaol ought to be a gaol and not a pleasant resort an agreable dwelling, to which at the expiration of their sentence the prisoners have no objection to return."

And on their visits they have found every thing regarding the behavior, morality and obedience to prison rules all that should be. May their suggestion and that of the Chaplains soon be carried out when a Central prison will enable those in authority to better classify the prisoners and arrange their work, so that every one, no matter who, will be industriously employed and the Government relieved in a great measure of much of the cost of annually keeping the criminal classes, as the work performed by such would go far to repay the large sums which have been expended in the punishment of convicts.

CHAPTER XVIII.

Chronological digest of the principal events from A.D. 1785 to A.D. 1789 from the Record of the "Commissioners' Court.—Extracts from the Record of the Court of Quarter Sessions from its commencement in A.D. 1784 to A. D. 1810.—Extracts from the Records of Court of King's Bench from A. D. 1802 when it began to A. D. 1803, and from A. D. 1812 to 1886.

I find the first entry is a complaint of insulting threats and menaces, and the next is:

Bonaventure Viger *vs.* Sieurs de la Broquery et Augustin Quintal. This action arose in a complaint against the Defendants for not paying the fines or imprisonment of 7 pigs, and was put off till a future day. When it arrived the Defendants appeared and "say that they are syndics to the Common of Boucherville and as such confess that 7 pigs from out of that Common were taken by the Plaintiff." The Court condemned the Defendants.

The Justices of the Peace in those early days of Montreal's History had the regulating of the price of bread as is seen in the following order:

Monday, 5th September 1785.—At a meeting of His Majesty's Justices of the Peace, this day, it is ordered that the price and assize of bread be as follows, viz:

The brown loaf of 6 lbs. at 7½ or 15 sols. The white

loaf of 4 lbs. at 7½ d, or 15 sols, and the several bakers do conform thereto and mark the initials of their names on their bread. "

The first instance of retailing spirituous liquors without a license so to do is, when Louis Ducharme informs against Paul Tattous, who having confessed on the 18th October, 1785 " for having done so for this year past without license, " is fined £10 sterling and Plaintiff remits his part of the fine.

On the 27th June, 1876, an assault case takes up the attention of the Court. Cesar Jahomet *vs.* Private Skr. Campbell. The plaintiff declares that he was struck by Defendant, a soldier of the 34th Regiment. The defendant swears that he did not strike him and Thos Fairly, a comrade, on oath, declares that " on taking water at the Fountain, at the Mountain, near the City, they saw a dog above them, at the stream, that they threw a stick at the dog, which happened to hit a Negro man, the plaintiff, who thereupon came down from the stream where the said dog was, and threatened said Fairly and the rest that he would and could fight any or either of them. That thereupon seeing himself and his comrades so threatened, he gave said plaintiff a blow and knocked him down. "—Dismissed.

On the 11th July, 1786, Antoine Clement, Capitaine de Milice, brings up a suit against Nicholas Bertrand, for having carted and passed through the Parish of Sainte Genevieve loaded on the Sabbath. The defendant appears and confesses he did so, but adds " he did not know of it being harm to cart after the Divine Service. " Court condemns defendant to pay a fine of five

shillings and costs of suit." Then follows two other like suits.

On the 1st January, 1787, the same three Justices mentioned last year assize the price of bread at 5d, or 10 sols.

The first instance of warrant for buying a shirt and waistcoat from one of the soldiers of the 34th Regiment, or in other words buying military clothing, is when on the 2nd January, Captain Kemble, prosecutes Godfrey Hetner for doing so. The Court condemned him to pay a fine of £5 sterling and costs of suit, but to be recommended as an object of charity.

On the 27th February, Jean Torquette is committed for having assaulted and beat Plaintiff's wife and having carried away a barrel of Rum, without paying for it. The mother appears and says "her son took away only 1 qt. and 3 half pints of Rum." Condemned to pay a fine of 5 shillings st. and costs of suit.

The first case of seizure of the Customs recorded, is on the 22nd May, when John J. Beck, Esq., Surveyor of His Majesty's Customs for the port of Montreal, obtained "a monition admonishing all persons to appear and show cause if any they can, why four cases of Ginn seized at Montreal, on the twenty eighth day of April last, should not be condemned as forfeited. No person appered and the Court granted default."

I now come to an authorization of the Justices to get a Doctor for the Goal. Tuesday 26th June 1787, James, Finlay and Pierre Guy, Esq. Justices. It thus reads:

"Mr. George Young, keeper of the Goal, having presented a petition to the Court this day, setting forth that the prisoners in Goal or several of them are sick and unwell, there being no Surgeon or Doctor to attend them, praying that the Court would authorize him to get a Doctor or Surgeon to attend them, and that he may be reimbursed the expenses he may make in giving them relief. Court authorize him, the said George Young, to procure a Surgeon or Doctor to attend the said prisoners and to get them relief if necessary, and that the Sheriff be hereby authorized to reimburse him the said George Young, and charge the same in public account."

On Tuesday, 10th July, Joseph Martin brings suit against Pierre Lefevre for having insulted him without cause. The Defendant says he "was at work and inadvertenly spoke some insolent words in the presence of the Curate of the Parish."

Louis Bellair says "he was at St. Genevieve and saw the Defendant in a great passion, that he heard some infamous words, that the Curate who was present reproached him, that thereupon he spoke some disrespectful words to the Priest, telling him to go about his own affairs." Another man substantiated the above and the Court thus gave judgment. "The Court is of opinion that the Plaintiff, as Captain of Militia, was on active duty when he reprimanded the Defendant for swearing and speaking rudely to the Curate, that the language given by the Defendant to the Captain is very wrong and of dangerous example, therefore order him to beg his excuse and to pay the costs of suit and 40 sols to each of the evidences, two days.

The first commitment for driving and running over a child is when John Mittleberger, caleche driver, runs over the child of Joseph Fournier, 17th July, and gets fined in the sum of 20 shillings and costs.

The first instance of selling bread short of the weight is on the 14th August, when a baker is condemned in costs for doing so.

I wonder if any of the committing magistrates for the present day ever had to record what is given below, of a man arrested and convicted of selling liquor without a licence. After his sentence the Court adds: "But on account of Defendant's loyalty and goodness of character, the Court recommends it to His Excellency the Governor to remit such part of the said fine as by the said statutes is directed to be paid to the King's Majesty."

On the 2nd January 1788 the bread is 5d or ten sols.

The first commitment for keeping a disorderly house is on the 8th April, when a woman complains of the above and is ordered by the Court to lay her complaint before the Clerk of Peace.

The following bakers appeared and received licence to bake and sell bread for one year without intermitting their said trade for the space of three days together. Louis Landry, Montreal; Hyacinthe Poitevin, Recollet suburbs; Chas Detrotel, Recollet suburbs; François Desmarchais, St. Lawrence; Joseph Dufaut, Montreal; Philip Brookman, Town of Montreal; Chs La Tulippe, St. Lawrence suburbs; Louis Beaulieu, St. Lawrence suburbs; Chs Beaulieu, Quebec; François Destrotel,

Town of Montreal; Levi Solomon, Town of Montreal; Pierre Martineau, Quebec suburbs; Etez Cadieux, Vve LaGalle, Recollet suburbs; William Logan, Town of Montreal; Louis Gauthier, St. Lawrence suburbs; Solomon Mittleberger, Town of Montreal; Joseph Berlinguet, St. Lawrence suburbs.

The first instance of wife beating occurs on the 8th May, when Margaret Wickham, wife of Christopher Long, makes complaint against him for violently beating her. I give the Defendant's deposition. "He had no particular reason at the time he beat his wife for so doing, that he has of late been addicted to liquor, which has hurt his intellect and excited in him a disposition of jealousy of his wife's conduct. Condemned to find bail for future good conduct or stand committed.

On Tuesday, 10th June. This day the following persons took the oath of allegiance in Court and entered into bonds to the King as tavern-keepers, pursuant to the ordinance: Joseph Gravel, parish of St. Vincent de Paul; Pierre Messier, parish of Varennes; Joseph Laberge, parish of Varennes: Joseph Picard, parish of Lachine; Louis Laberge, parish of Verchères.

On September 16th, 1788, six commitments are recorded against six persons for carting wheat on Sunday. They are all fined 5 shillings and costs.

On Wednesday, the 24th September, a special session of the judges was held to receive a memorial from the bakers. There were present the following: James McGill, Edward Southouse, Kertel de Rouville, Senr, Jas. Finlay, Kertel de Rouville, Pierre Fortier, Simon San-

guinet, Portiere Lamarc, Thomas McCord, Gabriel Franchere and J. Bte Adhémaz. The petition reads: "A memorial of the bakers in the town and suburbs of Montreal, respecting the present scarcity of wheat and praying the price of bread may be augmented during the remainder of the present month. It was resolved that the Justices of the peace are not by law empowered to make any alterations with the price or assize of bread till the expiration of the present month and that it be recommended to the bakers to continue furnishing bread as usual agreable to the recognizance they have entered into on pain of forfeiting the same. The Justices at the same time assuring them that although they cannot afford them immediate relief by breaking through a positive law, they promise them that in proceeding to fix and assize for the ensuing month,they will make them a reasonable compensation." On Monday ,the 6th October, the Justices again meet and fix the price of bread at 8d or 16 sols, agreeably to the request of the bakers.

In the COURT OF QUARTER SESSIONS, 12th Jan. 1784, there were present: James McGill, Esq., James Finlay, Esq., Pierre Guy, Esq., Neven Swistre, Esq.,and nothing particular appeared before the Court. I find the carters were obliged to clean the streets at the place where they stood with their vehicles. In a proclamation of 3rd April 1785, the Court of Q. S. order that as the carters have neglected to do so,that in lieu of such services as they were hereby required to do, each of them pay one shilling and three pence, in addition to their licence. This particularly applies to those at "The Market Gate" and the gateway commonly called "Desormier's Gate" The Clerk of the peace is enjoined to employ persons to

clean and clear the said gateway immediately of the filth " and rubbage, that free and easy access may be had to cart from the beach or waterside through the gateway aforesaid. "

I find on the 22nd July, 1786, that Mr. George Young, the keeper of the goal, was also the Crier of the Court, and that he presents a bill of over £30 stg. for repairs to the Court House, which was paid.

In those early days, great power was laid on the Justices. They seem not only to regulate the affairs of the City, but also the education of the youth. I find in the presentment of the Grand Jury, of the date of 16th January, 1787, that they report the following, regarding a School teacher. "The grand jury presented a petition of William Nelson, of Three Rivers, school master, to the Court of Quarter Sessions, setting forth a desire of removing his school from Three Rivers to Montreal, provided he should meet with proper encouragement, and the grand jury having represented the want of a good school at Montreal, pray the Court to take the petition of the said William Nelson into consideration and that he may be recommended to His Excellency Lord Dorchester, the Commander in chief, for the bounty allowed by Government for a school master or any part thereof, as his Lordship may think fit."

The Court recommended the petition to Lord Dorchester, and it was granted.

Mr. Powell, in behalf of the general fire committee of the inhabitants of Montreal, " prays the Court respecting the impossibility of preserving in due repair the

public pump which has been erected at great expense, unless some regulation be made to prevent boys and other idle persons from abusing the said pump and cistern in which it is fixed,and praying an order of police to surround the said pump and cistern with a fence or pailing, and fix a chain and lock on the handle of the pump, and each inhabitant desirous of using the same have liberty to get a key made at their own expense." The Court ordered the application to be complied with.

In the opening of the Court of Quarter Sessions for 9th October, "in the twenty seventh year of the reign of Our Sovereign Lord King George III," five Justices were present, before whom François Babin, of the city of Montreal, surgeon and native of France, takes the oath of fidelity and allegiance to His Majesty in open Court.

At the next Court, 6th November, a case appears of a complaint "against Theo. Pellion, for having left the Plaintiff's service as a battoe man, contrary to his written agreement." The Defendant in "Court acknowledged his agreement to conduct a canoe to Detroit as a steersman, but that he left the said canoe on the way, finding it impossible to make the voyage, for want of proper assistants."

We, living now nearly 100 years after this,and having our magnificent lines of Steamers and Railways from Montreal to Detroit cannot imagine what this poor man had taken on hand to do. No wonder a witness says "They set out from Lachine with said canoe that when they had reached Pointe aux Diable (the name was enough to frighten any one) Defendant refused to proceed

any further, saying it was impossible to effect that voyage without some assistance"The Court comdemned Pellion to 14 days in the Common Gaol. On Tuesday,8th January, 1788,before 6 Justices, the following was read, "Read a Communication from this Excellency, the Right Honorable Guy, Lord Dorchester appointing John Reid John Burke and Charles LePailleur, Esqs, clerks of the Court of Common Pleas and Secessions of the Peace for the District of Montreal, when the said John Burke and Charles LePailleur took and subscribed the oath of office of clerks of the Peace and the said John Reid took and subscribed the oath of allegiance, supremacy and abjuration and also the declaration against Transubstantiation in open Court and was admitted accordingly."

In their presentment of date 30th January, 1790, the Grand Jury state. "That from the decayed state of the walls that surround this town they have in many places become dangerous to the inhabitants." The Court orders that attention be at once paid to it.

During the same Court Andrew Symington for "Petit Larceny" is condemned to "be conducted to the Pillory on the public market place of the Town of Montreal, between 10 and 11 o'clock of the forenoon, then and there to be whipt by the hand of the Common Hangman upon the naked back, thirty-nine lashes and afterwards to be discharged." This is the first instance on record in the books of the Commissioner's Court or Quarter Sessions of the Pillory and whipping. On the same day Michel Minoni convicted of the same crime received this judgment. "He be conducted to the Pillory in the public market place of Montreal between the hours of ten and eleven o'clock in the forenoon and there and then to be

exposed to the same for the space of a quarter of an hour with a label on his breast with the word Stealing wrote thereon and afterwards to be discharged."

On the 16th April, the Court had before it a case of "Petit Larceny. The sentence was "That he be taken out (of the Prison) into the Prison yard and then to receive 39 stripes upon the naked back by the Common Hangman, after which he is to be discharged."

On the 12th April, in the presentment of Grand Jury I find they say: "That the building situate upon the Place d'Armes, under which His Majesty's bust was formerly placed is a public nuisance and ought to be pulled down." The Court granted the request and "Orders that the same be pulled down accordingly."

On Saturday, 12th January, 1792, a trial for "Petty Larceny" was held against Mary Campbell, and the jury found her "guilty of the offence charged in the indictment, and so they say all." "The Court, on the 14th, condemned Mary, who is the first woman recorded of as being placed in the Pillory, to be taken to the public market place, on Friday, the 25th day of January instant, between the hours of eleven and twelve of the clock in the forenoon, and that she be then and there set in and upon the Pillory for the space of one half hour and that she be then discharged."

I find in the records of this year, this curious indictment: "The King, in the person of Col. John Campbell, vs. Violetta, a negroe wench." This wench had threatened the Col.'s life and she was bound over to

keep the peace." On the 14th April 1794, Joseph Leveillé on conviction of cheating, the first commitment of this kind is sentenced thus: "That he be carried to the Market Place of this city and be there and then put in and upon the Pillory and exposed to the view of the public from the hour of eleven o'clock until noon, and that he then be discharged, and that the constables of the town and banlieu do see this sentence put in execution."

This case of pillory is put off and again found on 12th July, when the same Joseph Leveillé is asked by the Solicitor General why the above sentence should not be carried out. Mr. Ross counsel for Leveillé defends the prisoner who however has to undergo his sentence on the 25th of the month, which he did.

The Justices in 1795 seem all to have been old country names. On 21st October 1795, the Justices present were John McKindlay, Robt. Cruickshank, Chs. Blake, John Lilly, Thomas McCord and Alex. Henry. During this year there has not been a single commitment worth recording. The grand jury same day make a presentment part of which says: "The road in the town and banlieu of Montreal and particularly in the Quebec suburbs down to Pointe aux Trembles are much neglected,"

Another clause speaks of the bridges. "Many of the bridges are not even fenced with rails to guard the most wary traveller from accidents." A. D. 1796 is the quietest year on record, not a single case of any importance.

On the 19th January, 1797, at the meeting of Q. S., Peter Arnoldi and John Wray, jurors, were fined for not appearing. The fine was 10 sh. stg. A poor lunatic in gaol at this time receives the commiseration of the grand jury who record, "that the Clerk of the Peace make a representation to His Excellency General Prescott of his situation and to pray His Excellency to procure him some place of confinement in the General Hospital of Quebec or elsewhere."

On the 18th July, a presentment is made by the grand jurors to arrest certain "Loose, idle and abandoned women," at the instance of Robert Anderson, Ensign and Adjutant of the 1st Batallion of the Royal Canadian Volunteers, and Jacob Marston, high constable, regarding the disorderly and indecent behaviour of certain women. They are all arrested and punished.

For the past two or three years almost all the principal business of the Court is Procès Verbals of roads, &c., which are then homologated, and this throughout all the District of Montreal.

A new Justice, Wm. Lindsay, appears at General Sessions, 11th January, 1799.

In the session, held 19th July, several names appear for the first time as James Hughes, Robert Jones and James Dunlop. The following Regulation was adopted "Whereas obstructions are making by sundry persons by buildings or quays erecting between the walls of the Town and the River St. Lawrence, whereof the road on the beach is in part obstructed, &c. It is ordered that no buildings or quays whatever be for the future erected between the walls of the town and the river under a penalty of five pounds."

On 30th April,the Court has a petition presented to it which is explained in the order anent it. "It is ordered that during the summer season two constables do attend with their staves on the Place d'Armes, on Sundays and holidays, during the time of Divine Service for the purpose of dispersing all boys and other disorderly persons who may there assemble and be employed in any idle or irregular play or pastime or in any other way which may tend to a breach of the peace or an interruption of the exercise of Divine Worship."

The last session is held 21st October,and three justices were present viz.: Isaac M. Clarke, Robert Cruickshank and Louis Chaboillez. The docket this term is almost all "Assault and Battery," and the term, year and century close with nothing of importance in the Court of Quarter Sessions.

January 10th, 1800.—SESSIONS OF THE PEACE.

The Court opened. Present: Alex. Auldjo, Esquire, Robert Crickshanks, Esq., James Dunlop, Esq., Louis Chaboillez, Esq. The Sheriff returned the precept when the following jurors were called, appeared and were sworn, viz.: John Gray, Etienne St. Dizier, Hart Logan, Paschal Lafleur, William Wingfield, J. Bte. Fournier, Wm. Hallowell, Frs. Papineau, Peter Robertson, Chas. Larivée, Nath. Burton, Dominique Rousseau, Duncan McGillevray, J. Bte. Dezery, Jas. Badgley, J. Bte. Lefebvre, John Stephenson, Michael Dumas, John Molson, J. Philip L'Eprohon, Myer Michaels, Bartholemew Billon, Mungo Kay and Narcisse Roy.

I give the above list as an old memento of Montreal,

Many of these names are now forgotten, others still survive on their descendants.

The first time in the History of Montreal of a juror refusing to take the oath, is same day when François Trudeau does so, and is committed to gaol for eight days, for "being guilty of a high contempt of its authority."

All ferries were licensed by the Justices in those days. Two applications are on the 15th, "Isle Perrot to Quinchien, and from Pointe Olivier to Chambly.

On the opening of the Session of 19th January, 1801, The Grand Jury bring in a presentment anent the high price of bread and their petition is attended to at once by the justices in their ordering thus. "The Court having taken into consideration the representation made by the Grand Jury respecting the scarcity and want of the supply of bread and the sufferings of the poor and other inhabitants in this city, and it appearing to the Court that the quantity of bread which the bakers are obliged by-law to bake will not be sufficient to supply more than two thirds of the quantity daily expended in the town, and that under these circumstances there exists a necessity for this Court to give its aid and to procure a supply of bread for the inhabitants, aid it appearing to the Court that no other method can possibly be adopted which will give relief but by increasing the price of bread for the remainder of the present month."

"The said Court do therefore order and direct that the price of bread for the remainder of the present month be as follows:

The white loaf of 4lbs, at one shilling.

The brown loaf of 6lbs, at one shilling and that the several bakers in the town and suburbs do conform to this order."

I find on the 23rd April, that Simon Dearbon Wadleys gets authority to keep a ferry at Bolton "from Bolton to Hatly across the lake Memphramagog," and on the 24th, Jacques Cartier fils,received licence. "To have a ferry from St. Antoine, near the church, to St. Denis." On the 30th April, 1801, is established the well-known ferry between Montreal and Longueuil. The Petitioner was Alexis Patenaude.

Among the additional regulations of the police, 30th October, 1801, is this original way of lighting fires from one neighbor's house to another. "It having been represented to the Court that many persons carry fire through the streets and suburbs of the Town of Montreal in shovels or with tongs, in a careless manner, whereby accidents may happen, greatly injurious to the neighborhood." It was ordered to cease doing so under a penalty of 5s. for each offence.

The next item is tabulated: "Fire plugs to be erected." "The company of proprietors of the Montreal Water Works having constructed pipes for conveying water into the town of Montreal, and the said pipes being completed and water conveyed therein the Main street of the St. Anthony suburbs and into several houses in Notre-Dame street." The Court orders fire plugs to be erected at different places.

One of these plugs was to be erected on Notre-Dame street, in front of the house occupied by Beniah Gibb, another on the height against the wall of the Parish church, fronting the Place d'Armes; another against the wall of the Nunnery, opposite the house occupied by Mr. McGill; another in the same street as the above (Notre-Dame), "against the College wall, opposite to the Prison."

The last three years show number of proces verbals like the years previous to them, homologating roads, &c.

The first example of license "to keep a billiard table is" on the 30th April 1802, when Saml. White is licensed. On the 19th July, are given the rules and orders for the regulation of the House of Correction, then instituted in the District of Montreal. Some Articles are given, one or two of which are now done away with and perhaps with disadvantage to the community at large. Art. I is upon the clothing.

"The said apparel shall have some uniform and distinguished mark which may not only tend to humiliate the prisoners, but also tend to their discovery in case of their escape."

The second article relating to prisoners on entrance, being stripped, washed and their clothes put away, is carried out every day at the present time.

The next article as far as I know never was in use "all persons committed shall, at the discretion of the Justices, have their heads shaved upon their entrance and as often afterwards as it may be judged necessary."

Article ninth says "each day of the year, Sundays and Holidays excepted (Fêtes d'obligation), shall be considered as days of labour and on Sundays and Holidays the prisoners shall be confined in their respective apartments."

Article tenth states that prisoners refusing to work or neglecting to do the duty assigned to them or who are disobedient shall be "punished by whipping, restriction of diet, or having the head shaved or by other smaller punishment."

Article eleventh. The prisoners in these days would hardly credit the capital fare of the present day. This article states that "each prisoner shall during their confinement while in good health be fed on brown bread or biscuit and water and other common but wholesome aliments, such as roots, &c., but those of the third class may be allowed small beer or some beverage of the like kind."

Our present prisoners would hardly believe how clean the prisoners were made to be when they took their meals. The next article says: "No prisoners shall be permitted to sit down to their meals until they shall previously have washed their hands and face."

Article eighteenth says the "Keeper shall be authorized to handcuff any riotous or disorderly prisoner and to confine him more strictly."

Article twenty-fifth provides "that each prisoner on the day of his discharge, shall receive from the Keeper a sum not exceeding five shillings to procure to such

prisoner a subsistence until he shall have obtained some means of gaining his livelihood."

On the 28th October, the following constables are appointed for a year: John Molson, Augustin Cuvillier, John Shuter and Frs. Bedouin. Afterwards they had substitutes appointed.

On the 30th, Mr. Sewell makes a representation to the Court as one of the Church Wardens of the Protestant Congregation of Christ's Church, praying for a deduction of the assessment on the said Church and on the Protestant Burying Ground in St. Jacques Street. The assessment is reduced from £100 to £50, and that on the Burying Ground from £120 to £10.

On 21st April, 1803, the Grand Jury in their presentment says that "a brick kiln in the St. Lawrence suburbs is a nuisance," and "the new gate in St. Paul street, the same is in a ruinous condition and dangerous to the lives of His Majesty's subjects"

At the same time, this order is given, "the Magistrates, seeing with concern that many young and other idle persons assemble together in numbers on Sundays and Holidays, for the purpose of play and amusement in the streets, squares and other places of the town and suburbs instead of attending Divine Worship, and being determined to put a stop to this growing evil, do prohibit in the most positive manner all such assemblies during Divine Service, or from nine in the morning until five on the afternoon, under penalty of ten shillings for each offense."

A by-law of this early date says: "No person shall on Sunday sell or expose for sale any sort of provisions, goods or fruits in the market or in the streets or in any public part of the city or suburbs under a penalty of five shillings."

On the 14th January, 1804, an indictment is made against Pierre Monjeon and Pierre Courlois for assaulting an officer of Militia in the execution of his duty.

On the 11th January, 1805, several persons are committed for riotous and disorderly conduct.

On the 15th, eight old contrymen are indicted "for a conspiracy.

On January 11th, 1806, three Justices sat on the Bench, Alexander Henry, Frs. Desrivières and Jean Marie Mondelet. On the 26th April, Beniah Gibb is appointed "one of the assessors of the city of Montreal."

On the 30th April, the Grand Jury gave the following presentment: "For several years past great numbers of men and boys have been in the habit of stripping themselves naked upon the beach and bathing in the river during the summer months, between the lower corner of the Barracks and the upper corner of Mr. Blondair's Wharf. That this practice has not been confined to the dark of the evening or to an early hour of the morning, but following at every hour of the day to the great scandal of His Majesty's well disposed subjects and the female sex, whose houses front the river or who may be inclined to enjoy the benefit of a walk and the fresh air in the evening. The Grand Jury

represent the above practice as a public nuisance which ought to be repressed as tending to shock the delicacy of the female character in particular, and to affect the morals of youth in general, &c., &c."

Another part of their presentment is against three places of danger from their decay: the first, an old house on St. Paul Street, the second, the inner part of the arch of the Recollet Gate, and the third, the garden wall of the Rev. Father Recollets on St. Peter Street "from its corner on Notre Dame Street down to the first house on same side St. Peter Street." The Court orders that all should be attended to and for the bathing, orders, "no person shall from henceforth bathe in any part of the river thereof opposite to the lower town mill and the bakehouse of the late Captain Grant, below the Barracks under a penalty of five shillings.

This year finishes with a ferry licensed "between Rivier des Prairies to the Isle Jesus."

On the Court opening January 10th, 1807, there were present Justices Alex. Henry, Jas. Hughes, Louis Chaboillez, Jean Marie Mondelet, Thos. Barron, foreman of the Grand Jury, André Kollmyer is appointed Town Crier on the 17th, in the room and place of Jacob Kulm.

On the Court opening 11th January, 1808, there were present all new Justices, viz.: J. Bte. Durocher, Frs. Rolland, Etienne St. Dizier and John Bouthillier.

The rest of the year and indeed all these years in

this Court are taken up with assault and battery cases, ferries and procès verbals.

10th January, 1809, three of the same Justices meet: J. Bte. Lefebvre being foreman of Grand Jury, Wm. Wragg, Francis Decary, Duncan Cameron, and Aug. Cardinal, jurors, are all fined for non attendance.

The first instance of a woman being whipped is when on the 18th July, 1809, Frs. Desrivières, J. M. Mondelet and L. Chaboillez sentenced Maria Nelson and Margaret Morgan for "being idle, loose and disorderly women, &c." "It is ordered and adjudged that (they) be both committed to the H. of C. during the space of six months, with hard labor. The Court do further order and adjudge that the said M[illegible]son do on her entry in the yard of H. of C. receive [illegible]ty-five stripes on her naked back for a contempt [illegible] said Court." At the General Sessions, holden [illegible], 1809, on the presentment of the Grand Jury, I find the following: "That the gate leading to the city from the suburbs of St. Mary, commonly called and known by the name of the Quebec Gate, is rapidly going to decay, part of the stones of the pediment are already fallen down, others are loose and dangerous, the mortar and some of the small stones of the inner segment are also coming down, and it is in that delapidated state as will render it perilous to the safety of His Majesty's subjects on their passage to and from the city."

The Court ordered a copy to be sent to His Excellency the Governor in Chief.

Among the Jurors in a case of Petit Larcery are the names of John Geo. Idler, John King and Jonathan Rheinhardt.

When the Court of General Sessions opened 10th January, 1810, there were present A. Henry, Frs. Rolland and J. P. Leprohon as Justices. Robt. McKenzie being foreman of the Grand Jury. The rest of the year is made up of the usual assault and battery cases and procès verbals and rules and regulations for Police, markets, &c., &c.

Here is the beginning of the COURT KING'S BENCH Minutes of His Majesty's Court King's Bench, Montreal.

It opens on Wednesday, 1st September, 1802, and there were present: Honorable Chief Justice Monk, Mr. Justice Panet, Mr. Justice Davidson.

The first case tried is an indictment for conspiracy. Andrew Jackson for persuading and enticing a soldier to desert receives this sentence. "Two months in prison" and "also that he stand in and upon the Pillory in the Market of Montreal for the space of one hour, from 10 to 11 o'clock, on Friday, the 24th day of September next."

The Grand Jury in their presentment state having visited the Gaol and find it "totally inadequate to the purposes of a Gaol, inasmuch as prisoners cannot be kept therein without the most vigilant attention of a military guard."

The principal item was the first murder case, in the history of Montreal; Dominus Rex *vs.* Ignace Vaillancourt. A jury of twelve French Canadians was empannelled and the Attorney General opened the case and examined the witnesses. After the return of the jury into Court by their foreman, Antoine Desloriers, the prisoner is declared guilty and the Court pronounced the following sentence: "That the prisoner be taken from hence to the Common Gaol of the District from whence he came and from thence the day after to morrow, that is to say, on the ninth day of March instant, to the common place of execution, and that he then and there be hanged by the neck till he be dead, and that his body immediately afterwards be delivered to Charles Blake, Esq., of Montreal, Surgeon, to be dissected and anatomized."

On 1st September, 1803, Ephraim Whiteside, for burglary, is ordered to be hanged on the 30th day of September.

For two convictions of petty larcery, J. Bte. Constant receives this sentence: "Imprisonment for six months in the H. of C. To stand on the pillory one hour and then and there receive thirty-nine stripes on the naked back, and that on the 17th October next, he be again taken to the pillory, on the Market place aforesaid, and there receive thirty-nine stripes more, and at the expiration of the aforesaid imprisonment he be discharged."

During the same sitting of this Court, Jean Godin, for perjury, received this sentence: "That the prisoner

be remanded to the Temporary Gaol of this District there to remain imprisoned until Friday next, and that then he be taken and placed in and upon the pillory on the open Market of Montreal, and there remain for the space of one hour between the hours of ten and eleven o'clock in the forenoon, and that he be then discharged."

There are no more records of the Court of King's Bench till March 1812. The following memo on the front leaf of the volume which begins at this date states. "All the registers and records of this Court previous to this date (with the exception of that from September 1802 to September 1803 inclusively) were destroyed by fire on the occasion of the burning of the Court House, on the 18th July 1844.

Montreal, 19th July, 1844.

J. M. DELISLE,
Clerk of the Crown.

On the 2nd March, 1812, the Justices present were : The Chief Justice, Mr. Justice Panet, Mr. Justice Ogden, Mr. Justice Reid.

I will now give the principal events of the Court of King's and Queen's Bench in a tabulated form and in chronological order beginning at A. D. 1812 to the present day.

1812	April	D. McDougall, stealing in a shop, to be hanged, executed.
		Another man, sacrilege, to be hanged, executed.
		S. Trask, horse stealing, to be hanged, executed.
1813	Sept. term	A. Vaudri, stealing an ox, to be hanged, executed.
		P. Racicot, rape, to be hanged, executed.
		J. Montreuil, horse stealing, to be hanged, executed.
		B. Clement, a boy 13½ years old, stealing a cow, to be hanged, executed.
		P. Dufresne, petit larceny, 39 lashes.

1814	March term	D. Curran, murder, is hanged and "that his body be delivered by the sheriff of the district to George Selby, Esqr of the City of Montreal surgeon for the purpose of dissection conformable to law."
		J. B. Potvin, petit larceny, 39 lashes.
		M. Williams, Highway robbery, to be hanged, executed.
		Lot. Gray, stealing, to be hanged, executed.
	Sept. term	Roger Hallan, rape, to be hanged, executed.
1815	March term	A. Pelietier, theft, 39 lashes and branded on the hand.
		D. Emmanuel, horse stealing, to be hanged, executed.
	Sept. term	J. Raymond, stealing, 39 lashes.
		A. Latulippe, larceny, 39 lashes.
		L. Fortin, horse stealing, to be hanged, executed
		W. Leopard, larceny, to be hanged, executed.
		Jos. Wilson, shoplifting, to be hanged, executed.
		Geo. Cross, burglary, to be hanged, executed.
		J. Roy, burglary, to be hanged, executed.
		J. B. Robillard, horse stealing, to be hanged, executed.
1816	Sept. term	Jos. Quinn, petty larceny. 39 lashes and 12 months.
		Joseph Barbeau, stealing, to be hanged, executed.
		Pierre Come, receiving stolen goods, pillory & 6 months H. of C.
		J. Rousseau, petty larceny, 39 lashes and 18 months.
		L. Lavigne, petty larceny, 39 lashes and 18 months.
1817	Sept. term	Frs. Gendron, sacrilege, to be hanged, executed.
		Josepte LeBrien, horse stealing, to be hanged, executed.
		And two other men, same crime, to be hanged, do
1818	March term,	L. Bourguignon, grand larceny, to be hanged, but prays for the benefit of clergy, which being allowed him by the Court, he is sentenced for 2 years House of Correction.
		M. [illegible]oe, stealing from a dwelling house, to be hanged, executed.
		Jos. Verdon, horsestealing, to be hanged, executed.
	May 21	James Healy, burglary, to be hanged, executed.
		Edmund Burk, burglary, to be hanged, executed.
		E. Sidney, burglary, to be hanged, executed.
	Nov. 6	Ezra Holt is "charged with conveying into the gaol nitre fortis for the purpose of breaking gaol."
1819	Jan. 19	W. Burk, stealing fowls, 39 lashes and 3 months.
	May. 8	Ch. Walker, stealing goods etc., 39 lashes and 3 months.
		J. B. Delinette, horse stealing, to be hanged pardoned to 3 years in House of Correction.
	Sept. 26	J. Black, stealing gold watch, to be hanged, pardoned.
	Oct. 11	T. Oralpha, stealing etc., 39 lashes and 12 months.
	Nov. 24	A. Combe, assassination, to be hanged, transported for life.
	Dec. 7	T. Lalancet, stealing, 39 lashes and 3 years in House of Correction.

	Dec. 9	J. Menard, horse stealing, 38 lashes and 3 years in House of Correction.

No record of 1820 can be found.

1821	Oct. 15	J. Gondreau, felony, 39 lashes and 3 months.
	Oct. 25	Custley Huff, manslaughter, branded in the hand and 6 months.
	Oct. 30	P. Bourgoin, horse stealing, to be hanged, pardoned by the King.
		J. B. Bourgoin, horse stealing, to be hanged, pardoned by the King.
		Two men Lauzon and Beaudry, petty laacery, 39 lashes and 6 months.
	Nov. 7	T. Burk, arson, to be hanged, pardoned by the King.
		Jn. Wightman, arson, to be hanged pardoned by the King.
		N. Gauson, forged bills, to be hanged, executed.
		A. Jeffreys, forged bills, to be hanged, executed.
1822	Feb. 21	J.Smith, stealing, 39 lashes and 3 months.
	March 15	E. Gilley, horse stealing, to be hanged, commuted to 6 months.
		J. Lambert, stealing fowls, 39 lashes and 6 months,
	April 16	W. W. Miller, burglary, to be hanged, transported from the Province.
	April 22	J. Ouimet, petty larceny, pillory and 3 months.
		N. Black, murder, to be burned in the hand.
		J. Gain, murder, to be burned in the hand.
	June 29	G. Seylar, and another stealing, to be hanged, respited.
	July 23	J. Clap, sheep stealing, to be hanged, respited.
	Sept. 5	J. Larose, sheep stealing, to be hanged, 12 months.
	Sept. 22	Fr. Lambert, horse stealing, to be hanged, respited.
	Nov. 9	J. Hurtt, burglary, to be hanged, respited.
		J. Bradham, burglary, to be hanged, respited.
	15	Jos. Moreau, stealing a book, 39 lashes, 12 months.
		Another man, stealing clothes, 39 lashes, 12 months
	18	P. Vazina, stealing an ox, to be hanged, pardoned by the King.
1823	Jan. 11	Five men, for burglary at Lachine were arrested ; three were executed and the other two got 6 months H. of C.
	May 14	A. Paradis, stealing a cow, heifer and three horses, to be hanged, executed.
	June 8	Jas. Connolly, drowning a man, 6 months in gaol and to be burned in the hand in open Court.
	16	Ch. Perrault, burglary, to be hanged, respited and sent 5 years to Quebec.

	Aug. 16	W. Daely, murder, to be burned in the hand and 6 months.
	30	Robert. Blair, manslaughter, to be burned in the hand and 6 months.
	Oct. 28	R. Chambers, murder, to be hanged, transported.
1824	Jan. 16	M. Giroux, rape, to be hanged, transported.
	19	Jos. Leger, murder, to be hanged, respited.
		J. Mongeon, sheep stealing, to be hanged, respited.
		J. B. Verdun, burglary, to be hanged, respited.
	29	John J. Prime, horse stealing, to be hanged, respited.
	July 7	Frs. Monceau, stealing silver watch, to be hanged, 5 years to Quebec.
	Sept. 10	J. B. Belair, stealing silver watch, to be burned in the hand.
	26	X. Casavant, sheep stealing, to be hanged, King's pardon.
	29	Jos. Bellerose, burglary, to be hanged, executed.
		J. B. Delenelle, burglary, to be hanged, executed.
		Chs. Lauzon, burglary, to be hanged, escaped.
	Oct. 18	J. Potvin, sheep stealing, to be hanged, pardoned.
	Dec. 4	Jacob Dogharty, forged bills, pillory and 1 year.
1825	Jan. 7	E. Hurd, forgery implements, to be hanged, pardoned.
	17	J. Belanger, sheep stealing, to be hanged, pardoned.
	March 1	J. B. Cartier, bad French Crown, pillory and 1 year.
		P. Renso, horse stealing, to be hanged, pardoned by Government.
	July 23	Em. Latour, stealing, to be hanged, respited.
	26	Aug. Morin, horse stealing, to be hanged, respited.
	Aug. 27	Ob. Sherwood, burglary, to be hanged, pardoned.
		Moses Emerson, burglary, to be hanged, pardoned.
	Oct. 30	R. Potteras, felony, to be hanged, pardoned.
	Dec. 14	Alex. Brunette, stealing horses, &c., to be hanged, executed.
		J. B. Monancie, stealing horses, &c., to be hanged, executed.
1826	Fev. 13	F. Goyette, sheepstealing, to be hanged, transported.
	20	M. Magoon, forgery, to be hanged, transported.
	April 14	B. Demers, horse stealing, to be hanged, transported to Bermudas.
		Marie Bélanger, horse stealing, to be hanged, transported to Bermudas.
	30	D. Brossette, stealing, to be hanged, respited.
	Aug. 18	Two men, manslaughter, to be branded on the hand.
	29	J. Bouchard, murder, to be branded on the hand.
	Nov. 25	J. Moses, burglary, to be hanged, transported to Bermudas.
	Dec. 13	Peter Hart, stealing, to be hanged, pardoned.
1827	June 12	Alex. Fraser, forgery, to be hanged, sent to Quebec.
	22	John McDonald, forgery, to be hanged, executed.
	July 29	Jos. Sinclair, burglary, to be hanged, transported to Bermudas.

	Sept. 9	J. B. Mousseau. grand larceny, "to be whipt 39 lashes on the naked back by the hands of the common hangman on the public market place of this city."
		J. Bouthillier, stealing £15, to be hanged, executed.
		Js. Collins } manslaughter. to be hanged, they plead the bene-
		Js. Leary } fit of Clery which was granted and they were sent 6 months to jail.
	18	L. Massé, robbery, to be hanged, executed.
	Oct. 9	P. Duplessis, stealing a mare, to be hanged, pardoned by Gov. Kempt.
1828	Jan. 10	Anson Church, burglary, to be hanged, 1 year in gaol.
	March 30	Bisson, uttering counterfeit money, 1 year in gaol and pillory.
		M. Tough, enticing soldiers to desert, 1 year in gaol and pillory.
1829	Jan. 2	Kimball, horse stealing, to be hanged, pardoned.
	7	Six men for sacrilege, two to be hanged, 4 discharged.
	19	Judith Couture, murdering her 5 children, to be hanged reprieved.
	Fev. 25	B. Davis, uttering bad money, 3 months in gaol and pillory.
	Aug. 14	Three men, stealing an ox, to be hanged, executed.
	May 31	A man, horse stealing, to be hanged, pardoned by Gov. Kempt.
	Sept. 12	J. Godin, sheep stealing, to be hanged, pardoned by Gv. Kempt.
	Oct. 27	Two men, stealing, to be hanged, 12 months gaol. Three men,
	30	horse stealing, to be hanged, commuted to imprisonment.
		P. Larivée, stealing a cow, to be hanged, imprisonment.
	Dec. 2	F. Fowral, passing bad French Crowns, to stand on the pillory.
	9	Two men, horse stealing, to be hanged, pardoned to 1 year in gaol.
1830	July 14	Mary McNaughton, robbing, to be hanged, pardoned by the Governor General.
		Mary McManus, robbing, to be hanged, pardoned by the Governor General.
	16	M. Kelly, wilful murder, to be hanged, executed.
		Alex. Boyer, murder, to be hanged, executed.
	Oct. 11	Thos. Gibson, stealing a heifer, to be hanged, pardoned.
	Nov. 14	W. Hammond, stealing a heifer, to be hanged, pardoned.
		Nicolas, forgery, to be hanged, discharged.
	23	B. Sabourin, burglary, to be hanged, gaol 1 year.
1831	April 21	Larochelle, robbery, to be hanged, pardoned to imprisonment.
	July 31	A man, robbery, to be hanged, Royal pardon.
	Aug. 27	A man, robbery, to be hanged, 1 year in gaol.
	Sept. 1	An. Labelle, burglary, to be hanged, respited.
	Oct. 1	Chas. Gauthier, robbery, to be hanged, "flogged."
	5	A. Kellenstein, robbery, to be hanged, transported for life.
	28	J. B. Beauchamp, robbery, to be hanged, "lashed."

1832	Feb. 15	Two men, grand larceny, to be hanged, 1 year in gaol.
	March 1	F. Laverdure & M. Fournier, robbery, to be hanged, respited.
	Dec. 25	Chas. Gagnon, murder, to be hanged, executed.
1833	April 13	Adolphus Dewey, murder of wife, to be hanged, executed.
	26	Jos. Asselin, larceny, transported escaped.
	July 20	Geo. Burt, bad $10 bill, imprisonment and pillory.
	Dcb. 14	T. Lanauvite, burglary, to be hanged, discharged by the Kings pardon.
1834	Jan. 10	E. Fermaine, burglary, to be hanged, pardoned with condition to transport himself out of the Province.
	Jan. 30	McLane, burglary, to be hanged, broke jail and escaped.
	July 12	L. G. Larrue, forgery, to be hanged, liberated.
1835	March 3	B. LeLean, horse stealing, to be hanged, commuted.
1836	Feb. 2	N. Gauthier, horse stealing, to be hanged, 1 year in jail.
	March 11	J. B. Moreau, horse stealing, to be hanged, imprisonment 1 year.
		F. Sanschagrin, horse stealing, bailed.
	March 29	T. Lanneville, burglary, to be hanged executed.
	March 30	Picard, Audy and Tomailie, burglary, to be hanged, broke gaol and escaped. Picard was recaptured and hanged.
	July 29	J. B. Tourville, larceny, to be hanged, no record.
	Aug. 8	L. Giguère, forgery, to be hanged, no record.
	Aug. 13	L. Clouthier, larceny, to be hanged, transported.
	Aug. 28	G. Charet and J. Barnard, larceny, to be hanged, Charest broke jail and escaped and Barnard transported for life.
	Sept. 15	J. Dalleur and J. Gordon, burglary, to be hanged, transported for life.
	Sept. 23	W. S. Sloan, burglary, to be hanged, transported for 7 years.
	Oct. 2	J. Smith, horse stealing, to be hanged, transported for 7 years.
	Oct. 30	F. Laroque, fired a barn, to be hanged, transported for life.
	Nov. 21	E. Rouleau, shop stealing, to be hanged, 9 months in jail.
	Nov. 22	H. Leclaire, stealing a cow, to be hanged, 9 month in jail.
1837	Feb. 22	Jos. Bélanger burglary, to be hanged, respited.
	March 3	A. Thibault, horse stealing, to be hanged, trans. for 7 years.
	July 8	Two brothers Asselin and J. Giroux, larceny, to be hanged pardoned by Gov. General.
	July 19	L. A. Cook N. Laverdure, larceny, to be hanged, broke jail and escaped, the other was pardoned.
	Nov. 6	C. Oulette, larceny, to be hanged, broke jail and escaped.
	Dec. 4	Pat. Gorman, horse stealing etc., to be hanged, broke jail and escaped.
	4	J. B. Prévost, larceny, to be hanged, pardoned.
1838	March 28	M. Griffin, larceny, to be hanged, broken gaol.
		Jos. Taylor, horse stealing, to be hanged, do.
	30	V. Fortin, cow stealing, to be hanged, pardoned.

I will give one example of the order which the military authorities issued for the punishment of desertion and that will serve for all.

" Sentence awarded against private Christ. Smith no. 948 of the 43 Regt.

" To be transported as a Felon for the term of 14 years and further to be marked with the letter D in the manner prescribed in the mutiny act.

N. BOOTH, L. Col. 43 Regt.

Chambly, Lower Canada. 9 May 1838.

On the 16 May the following paper clearly shows that the soldiers of Her Majesty then stationed in the Montreal district were continually on the part of some of them trying to escape or desert.

TOWN MAJORS office, Montreal 15 May 1838.

Mr. Wand

Will have the goodness to receive from the officer of the 34 Regt. 14 soldiers deserters under sentence of transportation and I shall be at the gaol this evening and will inform Mr. Wand what is to be done with the prisoners.

Colin McDonald, Town Major."

On the 11 July, three soldiers are sentenced thus:

Thos. Stewart, 14 years transportation.
Henry Tindal, 21 years transportation.
John M. Miller, 21 years transportation.

This is signed by G. A. Wetherall Lieut. Col. commanding officer of the 2 Battalion " The Royal "

On the same day as the above Henry Fisher for desertion was sentenced to transportation "for the period of his natural life." He was of the 71st, Regt.

Thos. Sutherland, for " Desertion " of the same corps received the same sentence and George Connolly also of the 71st. Regt. for the same crime " Disertion " was punished " as a felon (transported) for his natural life."

Again on the 3rd. Augt. I find five soldiers of the 71st. Regt. committed by Lieut. Col. Grey, and all sentenced to transportation for 14 years, for " Desertion." I find also at this time many commitments for " aiding and abetting soldiers to desert."

On the 19th Augt. Mag. St. Claire for " larceny " was sentenced to be hanged and pardoned by the Governor. On the 24th another for the same offence larceny, received the Governor's pardon after being sentenced to be hanged.

On the 3rd. Sept. 1838 J. Mathewson for desertion and selling his kit received " transportation for 14 years and to be branded and further to be marked with the letter D." Same day Peter Kelly, same crime desertion received 7 years and the mark D. Same day, Thos. Carty, Thos. Francis and Pat. M. Donnely same crime Desertion received each 14 years and all marked D. The last 3 belonged to the 15th Regt. the other two to the 71st,

On May 1839, no less than 24 soldiers are committed for desertion, by orderof the Town Major, five were discharged the remainder were transported. These men belonged to the 85th and 34th Regiments.

Again on the 14th of the month eight soldiers are committed on same order as above of the same Regts. and all were transported for desertion. On the 30th May, two soldiers of the 73rd. Regt. are transported for desertion,and on the 4th July five more are transported for the same crime belonging to the 85th and 32nd. Regiments. Two men are committed by Lieut. Maclachan R. A. for desertion and transported on the 31st. July.

During the month of Augt. and to the close of the year fifteen more soldiers are transported for desertion.

1840	Jan. 15	Aug. Lefebvre, housebreaking, to be hanged, respited.
	April 16	Betsy Williams, murder, to be hanged. respited.
	Aug. 31	Jos. Dunninsheath, murder, to be hanged, trans. for life.
1841	Jan. 23	Jos. Paul, larceny, 6 months in gaol.
1842	March 7	Robert White, 74th Regiment, desertion, transported for life and Branded D.
	Aug. 27	Hy. Norman, murder, 3 years imprisonment, during the month of August, each year solitary confinement.
1843	March 1	H. Cameron. murder, to be hanged executed.
1844	July 6	L. Beaucur, murder, 7 years P. P.
1845-6-7-8		No punishment of death recorded these years.
1849	July 16	Frs. Fleming, murder, 2 years P. P., discharged Gov. General's pardon.
	Oct. 31	Thos. Lescord,horsestealing,1 year in House of Correction.
1850	Jan. 28	Several horsestealing cases,all sent to the P. P. for longer or shorter periods.
1851	July 26	M. Mandego,horsestealing "delivered to the U. S. authorities.
1852	March 23	And. Mivoitte, murder, sent to P. P.,
	Oct. 23	B. McMahon, burglary, sent to P. P.

1853		Two murderers sent this year to the Lunatic Asylum, nine men horsestealing, sent to P. P.
1854	July 6	Mag. Doherty, died of cholera, first instance.
"	"	J. B. Bertrand, Highway Robbery, sent to Lunatic Ass.
	Nov. 4	Wm Gray, murder, to be hanged, pardoned.
1855	Feb. 20	Wm Buchanan, horsestealing, sent to Lunatic Asylum.
	March 18	Chs. Durrand, arson, 7 years P. P.
	July 15	En. Durocher do do
		Jos. Maroony, felony, 5 years P. P.
1857	July 15	Fer. Sperando, sacrilege, 5 years P. P.
	May 17	Wm Jones, murder, to be hanged, sent to P. P. for life.
1858	Jan. 16	A. Am. Crispin, murder, executed.
	Jan. 26	J. B. Desforges, murder, to be hanged, executed.
	June 21	J. W. Horoett, murder, to be hanged, sent to P. P. for life.
	Oct. 3	Wm. Lee, attempted murder, to be hanged, 14 years P. P.
1859	March 7	Jas. Thompson, felony, 14 years P. P.
	9	J. B. Beauregard, murder, to be hanged, executed.
1860	Nov. 16	Cath. McDonald, robbery, 7 years P. P.
1861	Feb. 4	O. Leduc, horse stealing, to be hanged, 5 years P. P.
	March 5	Jesse Patterson, murder, to be hanged, reprieved.
	April 5	F. Warren, wounding, &c., 5 years P. P.
	6	P. Demers, arson, 5 years P. P.
	May 9	Mary Webster, murder, to be hanged, 5 years R. P.
		Alex. Burns, murder, to be hanged, executed.
	Nov. 5	Thos. Miles, murder, to be hanged, P. P. for life.
1862	July 11	John Mawn, murder, to be hanged, executed.
	Dec. 10	John Green, 16th Reg't, murder, to be hanged, 10 years penal servitude.
1863	Feb. 8	Jas. Kingsley, a soldier, drunk, &c., 4 years penal servitude.
	26	M. Walsh, violence, &c., transported for life.
1864	March 5	John O'Neil, violence, 5 years penal servitude.
1865	Jan. 5	D. Freeman, enlisting for U. S. army, fine $200.
	June 6	L. Barrean, murder, to be hanged, executed.
1866	June 11	Fifteen Fenians, felony, discharged.

Their names are:

Thomas Madder, of Bridgewater, Mass., shoemaker; Joseph Kelly, of New York, correspondent; Cornelius Owens, United States, currier; Gustine Morrill, of Boston, laborer; Charles McGowan, of Lowell, Mass., laborer; Thomas Smith, of Boston, laborer; Fenton Holmes, of Lowell, Mass., laborer; George Heward, of Boston, laborer; James Powers, of Lawrence, laborer; Edward Galligan, of East Stoughton, U. S., boot maker; Edward Carroll, of New York, tailor; Michael Crowley, of Hyde Park, Mass., laborer; James Reardon, of Boston, laborer; Edgar Rogers, of Harperville, clerk; Jeremie McDonald, of Waterbury, Conn., spoon maker;

	July 2	Ed. Jarvis, desertion, 672 days Common Gaol.
	3	Jas. Mack, murder, to be hanged, executed.
1867	Dec. 27	G. Wilson, murder, imprisonment for life.
1868	Feb. 11	Thomas Homeword, firing a loaded rifle, imprisonment for life.
	June 6	Maurice Blake, murder, to be hanged, P. P. for life.
	Sept. 15	P. Goulet, horse stealing, 5 years P. P.
	19	Two Girls, stealing an apple, 3 weeks in Common Gaol.
	Nov. 3	Filion, highway robbery, 10 years P. P.
1869	Jan. 18	Jos. Guay, horse stealing, 5 years P. P.
1870	May 30	Jas. Moore, a Fenian, entering Quebec with intent to levy war, discharged.
1871	March 16	Thomas St. Jean, burglary, 5 years P. P.
	May 6	John Lee, murder, to be hanged, executed.
1872–73–74		Nothing of importance.
1875	April 6	F. Armstead, causing bodily harm, 5 years P. P.
1876	March 7	Henry Agnew, manslaughter, 7 years P. P.
	June 30	D. Chatiguay, rape, 10 years P. P.
	Aug. 18	A. Sansfaçon, larceny, 5 years P. P.
1877	March 19	G. Langlois, horse stealing, 5 years P. P.
	Oct. 6	Ed. Pesant, demanding money, &c., 5 years P. P.
		Jos. Neron, bigamy, 5 years P. P.
1878	Jan. 23	Jas. Irvine, shooting, &c., 5 years P. P.
	April 2	M. Ouellette, rape, for natural life.
	Oct. 3	D. Boniu, rape, to be hanged, for life.
1879	Jan. 18	P. Hennessy, stealing, 5 years P. P.
	June 28	Susan Kennedy, murder, to be hanged, P. P. for life.
	Sept. 10	J. Beaudry, horse stealing, 6 years P. P.
	31	W. Reardon, burglary, 5 years P. P.
	Dec. 4	H. McNeil, stealing, 5 years P. P.
1880	July 10	H. Picotte, larceny, 5 years, P. P.
	Augst 18	M. Chaput, burglary, 5 years P. P.
	Nov. 6	A. Gervais, assault, etc. 7 years P. P.
1881	July 20	C. Corriveau, larceny, 7 years P. P.
	31	Ed. Cote, arson, 7 years P. P.
	April 27	M. Norman, robbery, 5 years P. P.
	July 16	H. Hayvern, murder, executed.
	August 22	E. Wilson, burglary, 5 years P. P.
1882	March 1	C. Contras, horse stealing, 5 years P. P.
	April 10	O. Daigneau, rape, 10 years P. P.
	July 31	J. McGregor, robbery, 5 years P. P.
	Augst. 28	Julia Boisvert, murder, 5 years P. P.
	Sept. 4	J. Prowse, wounding etc, 7 years P. P.
	Oct. 11	A man stealing letters, 10 years P. P.
	31	C. Beauvais, stealing, 5 years P. P.
1883	Janv. 2	Jos. Gagnon, receiving stolen goods, 8 years P. P.

	8	J. Rang, larceny, 5 years P. P.
	19	T. Milloy, murder, to be hanged, executed.
	March 10	John Clarke, larceny, 5 years P. P.
	April 6	Geo. Prowse, attempt to murder, 5 years P. P.
	June 25	J. B. Dubois, rape, 20 lashes & 12 months.
	July 11	H. Landry, larceny, 5 years P. P.
	23	M. Lamere, stealing post letters, 8 years P. P.
	Sept. 3	M. Bergin, larceny, 7 years P. P.
	Oct. 31	L. E. Sanford, obtaining money etc., 5 years P. P.
1884	Feb. 16	L. Berthiaume, stealing a mare, 5 years P. P.
	22	W. Lalonde, stealing mares, 7 years P. P.
	March 26	J. Jordan, larceny, 10 years P. P.
		W. Jordan, larceny, 7 years P. P.
	27	Geo. Nelson, larceny, 8 years P. P.
	April 4	Nap. Lefebvre, larceny, 7 years P. P.
	May 9	C. Duval, larceny in a church, 5 yers P. P.
	31	J. Poitras, stealing from the person, 7 years P. P.
	Augst 18	Jos. Hogue, larceny, 5 years P. P.
	Oct. 27	Ed. Dusureau, larceny, 5 years P. P.
1885	Feb. 4	W. Harris, burglary, 15 years P. P.
		W. Brown, burglary, 15 years P. P.
		Henry Blondin, burglary, 15 years P. P.
		Henry Howard, burglary, 15 years P. P.
	6	P. Monday, burglary, 6 years P. P.
	May 5	J. Boissure, stealing in a church, 10 years P. P.
	19	N. H. Hall, forgery, 12 years P. P.
	June 3	Jos. Corriveau, larceny, 7 years P. P.
	17	S. Camfel, rape, 7 years P. P.
	July 18	Jos. Dunn, larceny, 5 years P. P.
	Aug. 1	L. Marcil, robbery, 7 years P. P.
	3	B. Thompson, robbery, 5 years P. P.
	19	John Marks, larceny, 5 years P. P.
	Sept. 3	L. Delaunier, burglary, 6 years P. P.
	Oct. 7	Thomas Norman, stealing, 7 years P. P.
	Nov. 3	John Brogan, arson, 7 years P. P.
	13	John Kinsala, burglary, 7 years P. P.
	Dec. 2	O. Cochue, larceny, 5 years P. P.
	31	Wm. Reddy, highway robbery, 6 years P. P.

CRIMINAL TABLE FROM A.D. 1812 TO A.D. 1840—(28 YEARS).

	HANGED.	SENTENCED TO BE HANGED BUT REPRIEVED.	TOTAL.
Murder	7	4	11
Burglary	12	39	51
Robbery	1	15	16
Shoplifting	2	2	4
Larceny	2	23	25
Horse, Cattle & Sheep stealing	13	46	59
Forgery	1	9	10
Sacrilege	2	2	4
Arson	0	4	4
High Treason	12	93	105
Rape	2	2	4
	54	239	293

CRIMINAL TABLE FROM A.D. 1840 TO A.D. 1886—(46 YEARS).

	HANGED.	SENTENCED TO BE HANGED BUT REPRIEVED.	TOTAL.
Murder	10	8	18
Burglary	0	0	0
Robbery	0	0	0
Shoplifting	0	0	0
Larceny	0	1	1
Horse stealing, &c.	0	0	0
Forgery	0	0	0
Sacrilege	0	0	0
Arson	0	0	0
House breaking	0	1	1
Felony	0	2	2
High Treson	0	0	0
Rape	0	0	0
	10	12	22

RECORDER'S COURT.

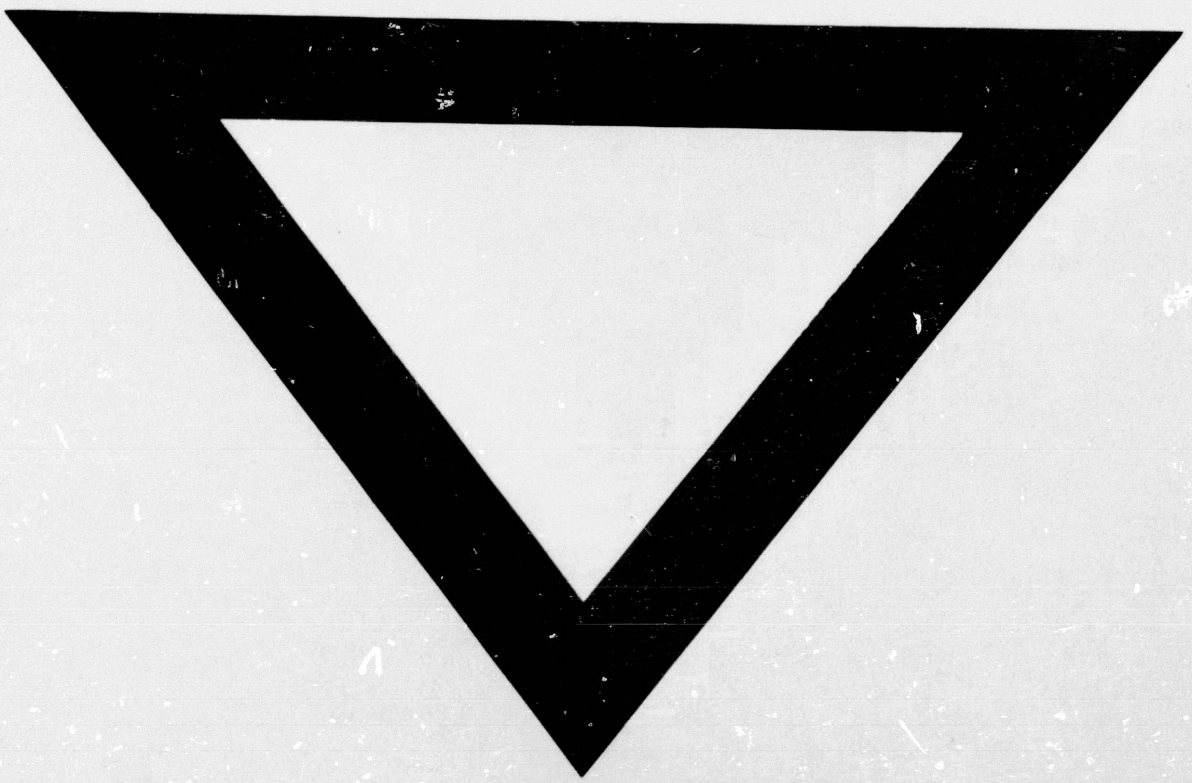
Drunk and vagrant. Number of arrests in each year.		Taverns, open on sundays or after hours.	
1864	6,602	1864	204
1865	6,727	1865	98
1866	6,897	1866	135
1867	6,350	1867	128
1868	7,022	1868	99
1869	6,543	1869	107
1870	6,810	1870	152
1871	7,781	1871	26
1872	7,676	1872	28
1873	8,558	1873	26
1874	8,378	1874	59
1875	6,288	1875	33
1876	3,656	1876	58
1877	2,499	1877	41
1878	2,579	1878	49
1879	2,190	1879	56
1880	2,302	1880	58
1881	2,586	1881	53
1882	3,014	1882	25
1883	2,809	1883	40
1884	3,593	1884	36
1885	3,221	1885	12

CHIEF OF POLICE.

No. of arrests in each year. Drunk.		Drunk and disorderly.	
186	4,175	1865	722
1866	4,375	1866	933
1868	4,274	1868	833
1869	4,200	1869	775
1870	4,584	1870	774
1872	5,277	1872	830
1873	5,666	1373	506
1874	5,220	1874	577
1877	1,754	1877	371
1880	2,555	1880	213
1881	2,395	1881	155
1882	2,784	1882	293
1883	3,251	1883	263
1884	1,730	1884	296
1885	1,392	1885	226

SUNDAYS OR
URS.

.....	204
.....	98
.....	135
.....	128
.....	99
.....	107
.....	152
.....	26
.....	28
.....	26
.....	59
.....	33
.....	58
.....	41
.....	49
.....	56
.....	58
.....	53
.....	25
.....	40
.....	36
.....	12

DISORDERLY.

.....	722
.....	933
.....	833
.....	775
.....	774
.....	830
.....	506
.....	577
.....	371
.....	213
.....	155
.....	293
.....	263
.....	296
.....	226