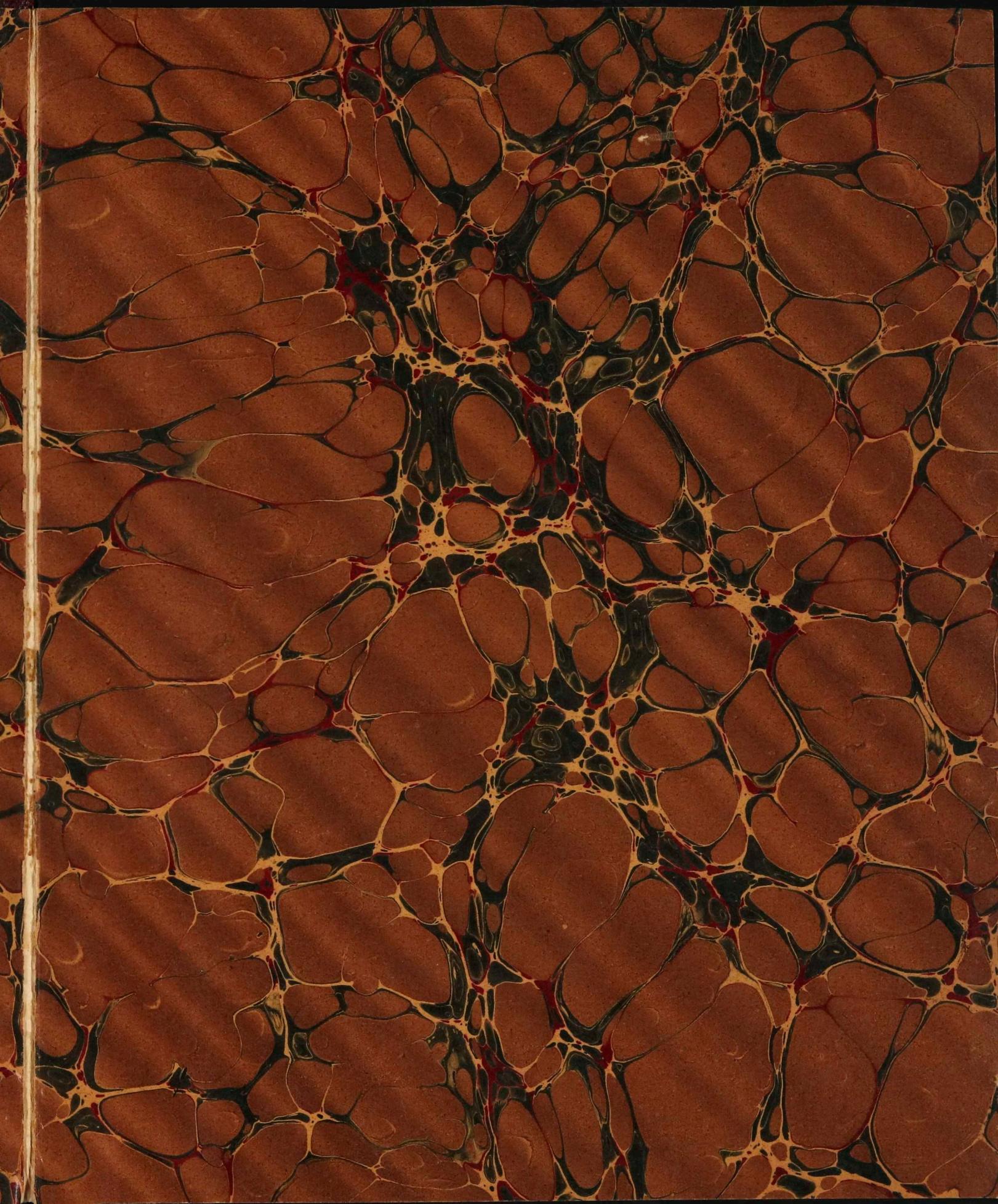


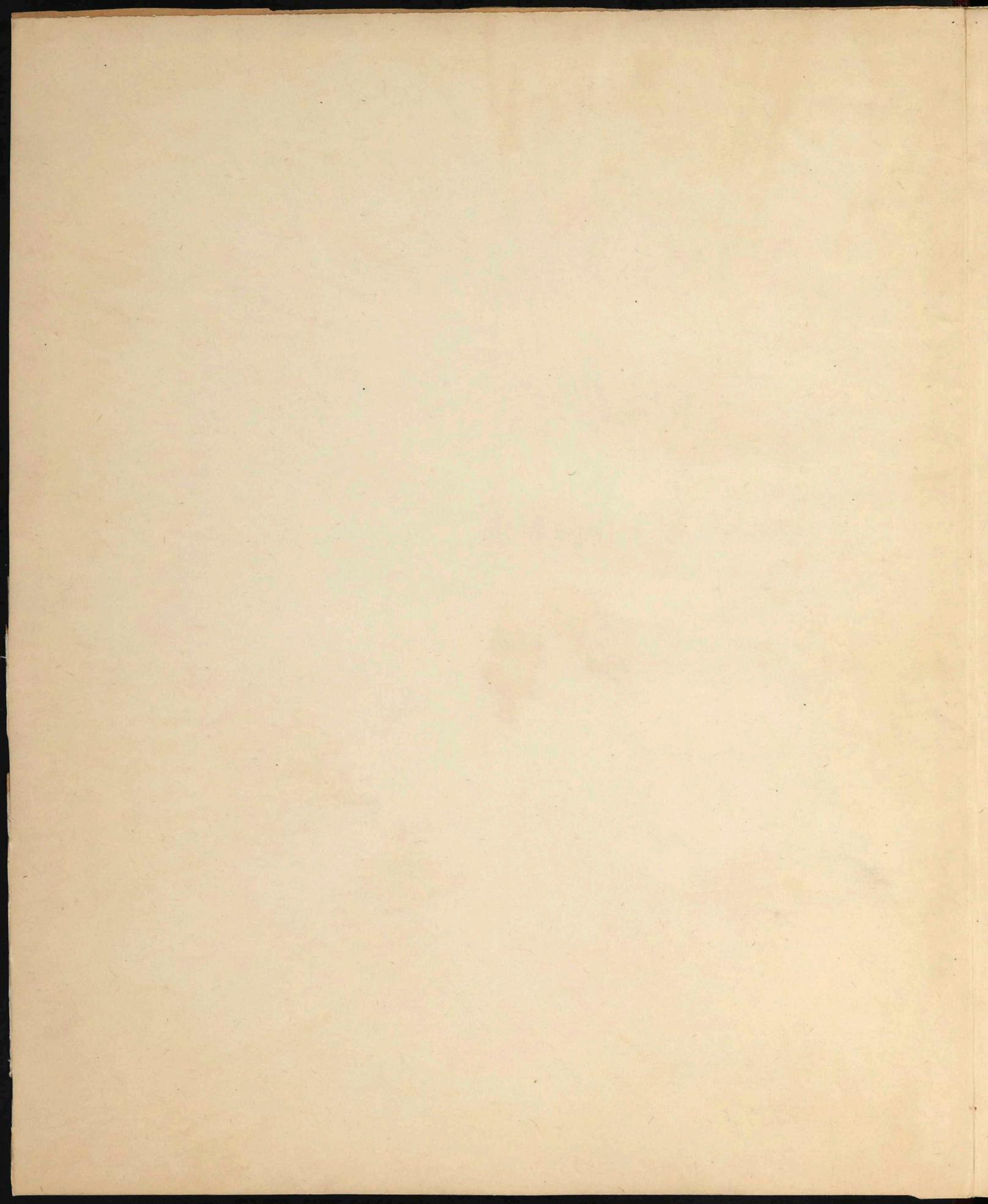
COUR D'OYER ET TERMINER

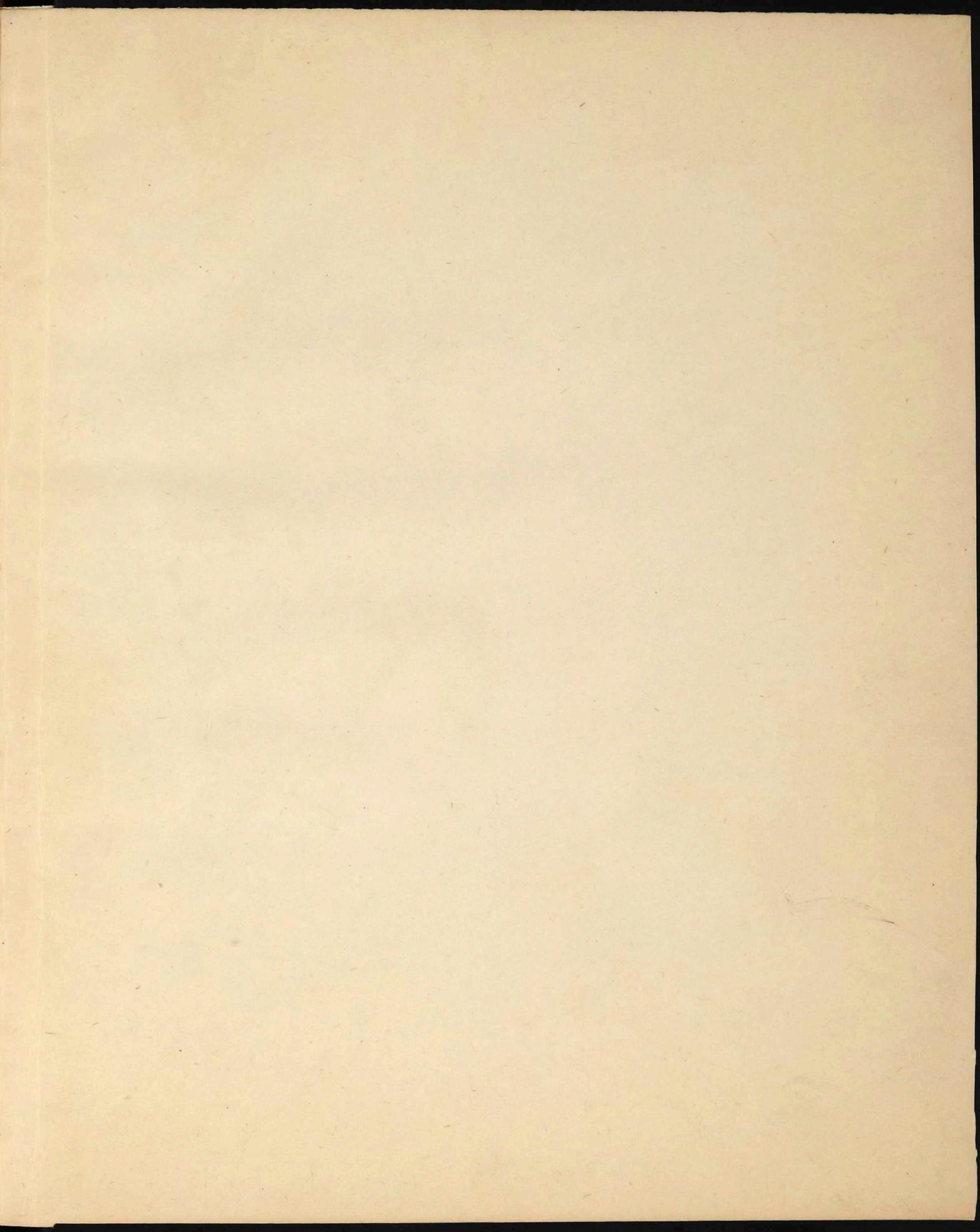
PROCES DE REBELLION
POINTE-CLAIRE ET LACHINE
AOUT ET SEPTEMBRE 1812

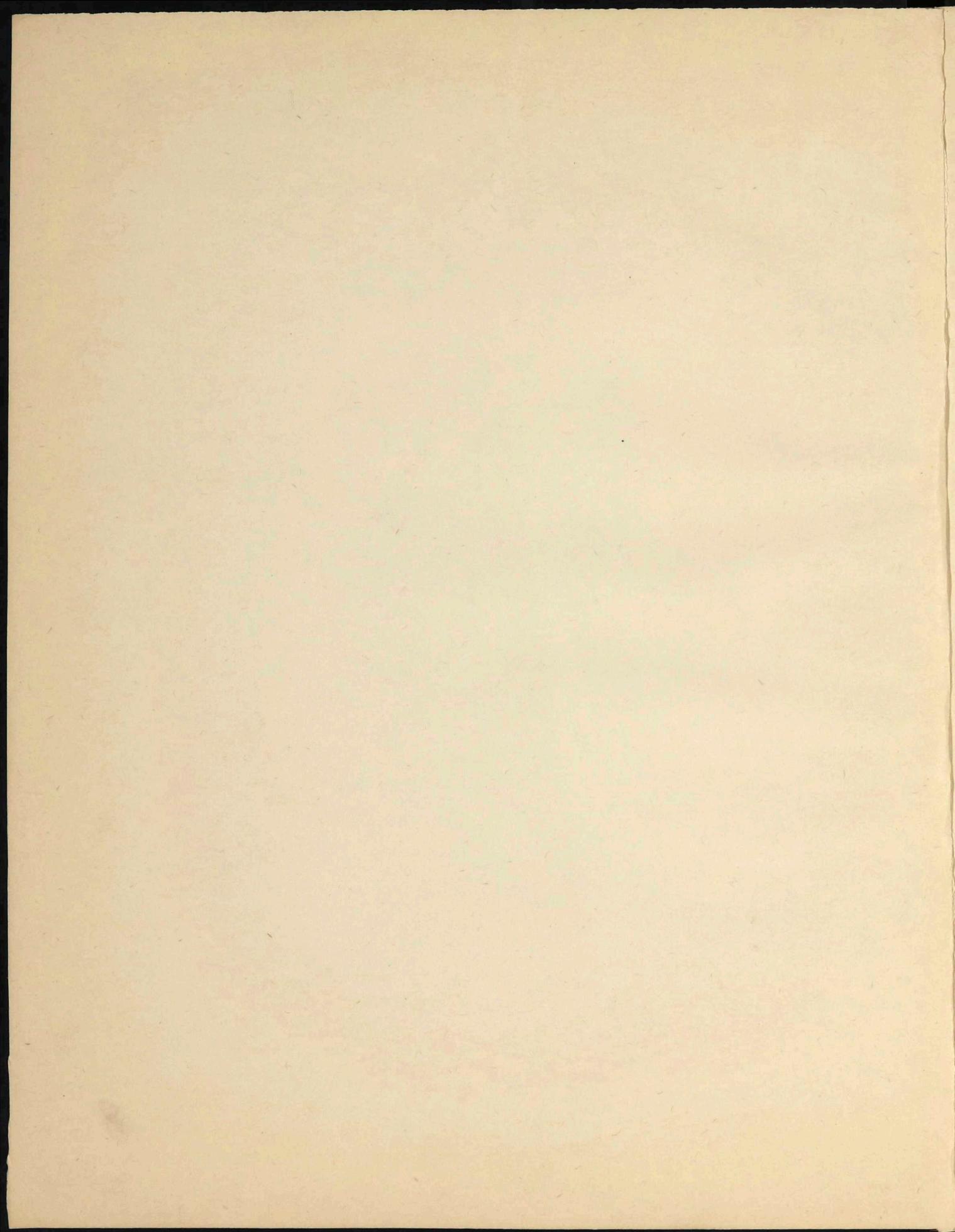
NOTES DU JUGE REID

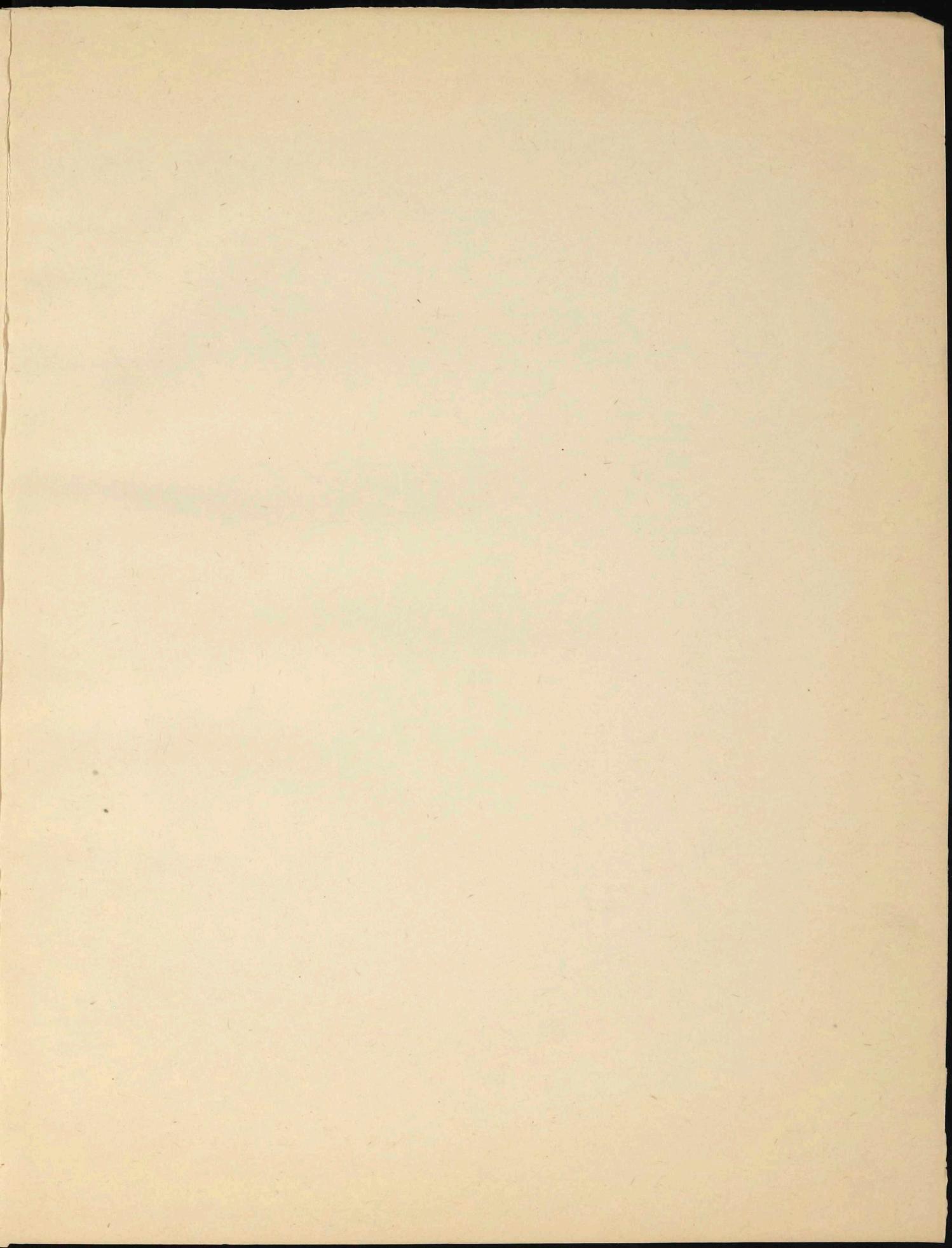


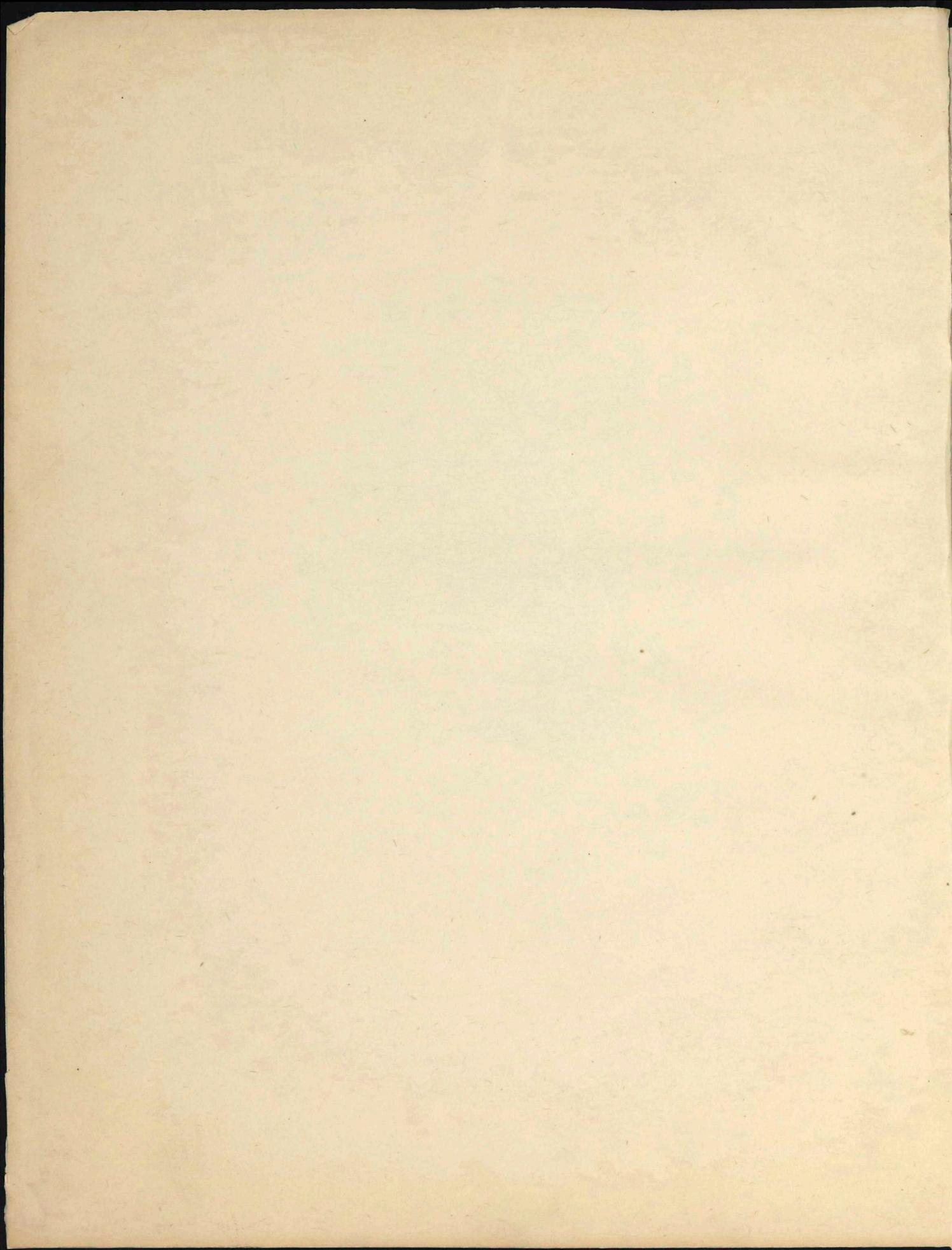












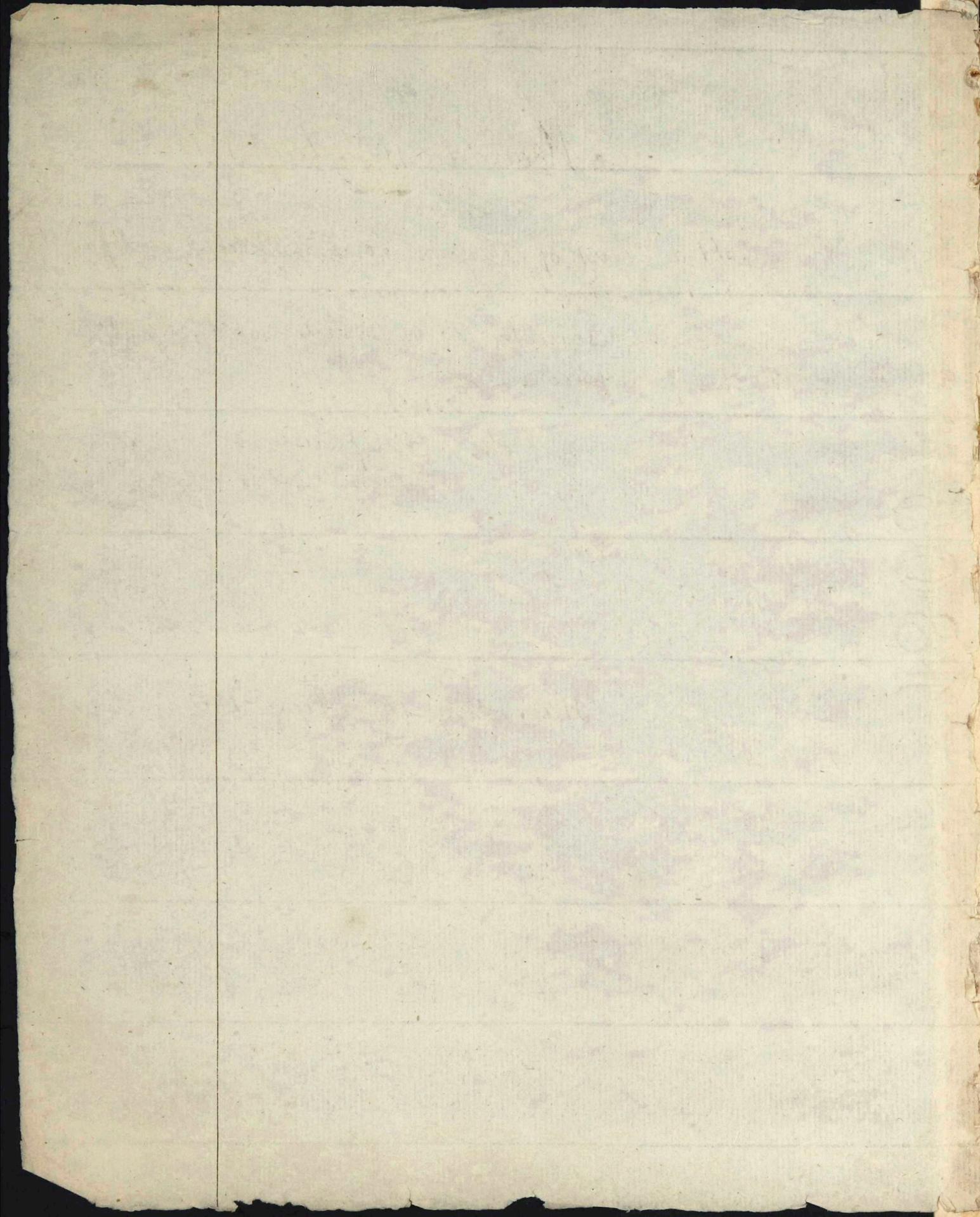
Monday 10th Augt 1812

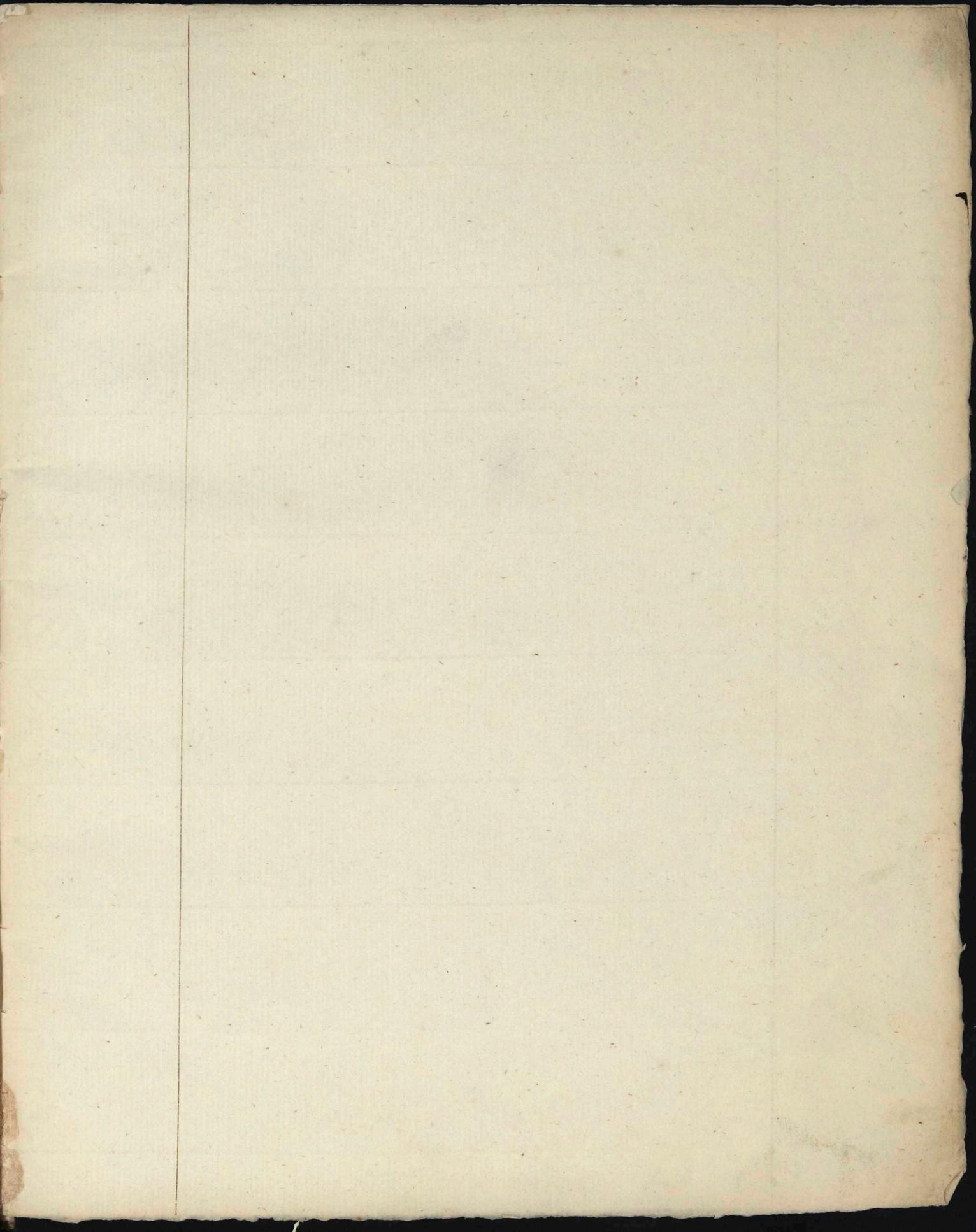
At a Court of Oyer & Terminer held in & for the
District of Montreal commenced this day under a
Commission issued by His Excellency the Governor
for this purpose - Present

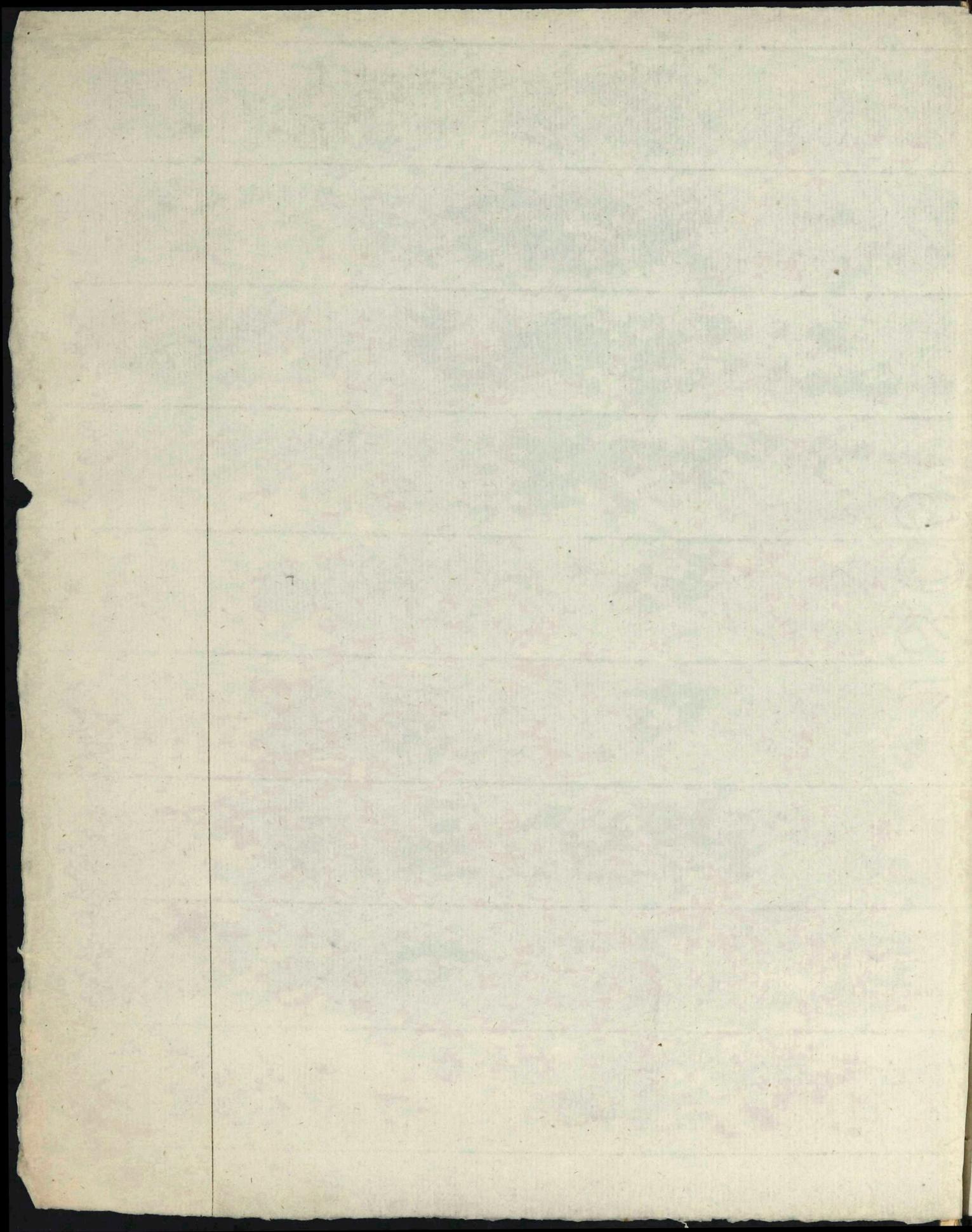
The Chief Justice
& Some Judges

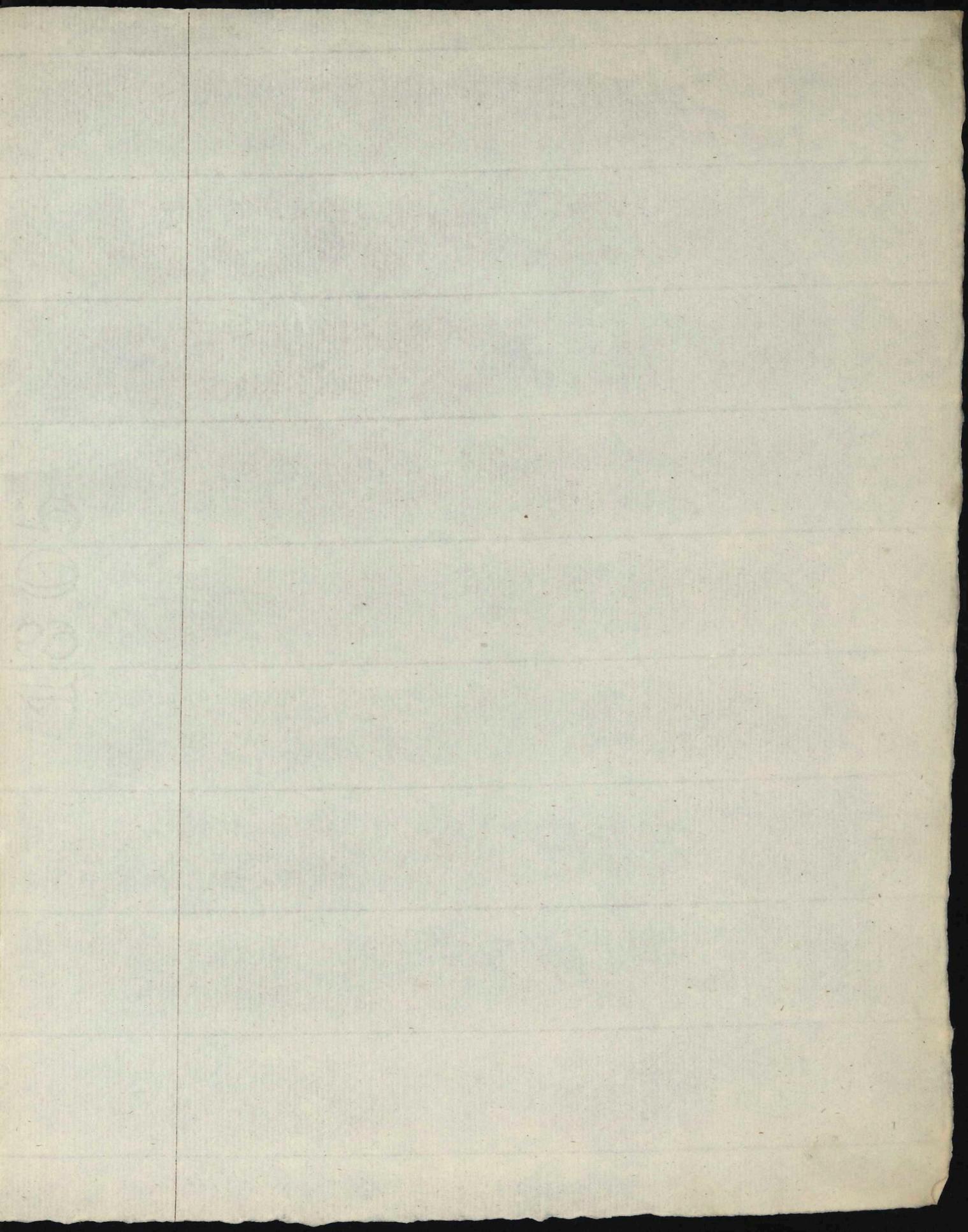
The Court adjourned to the 13th inst.

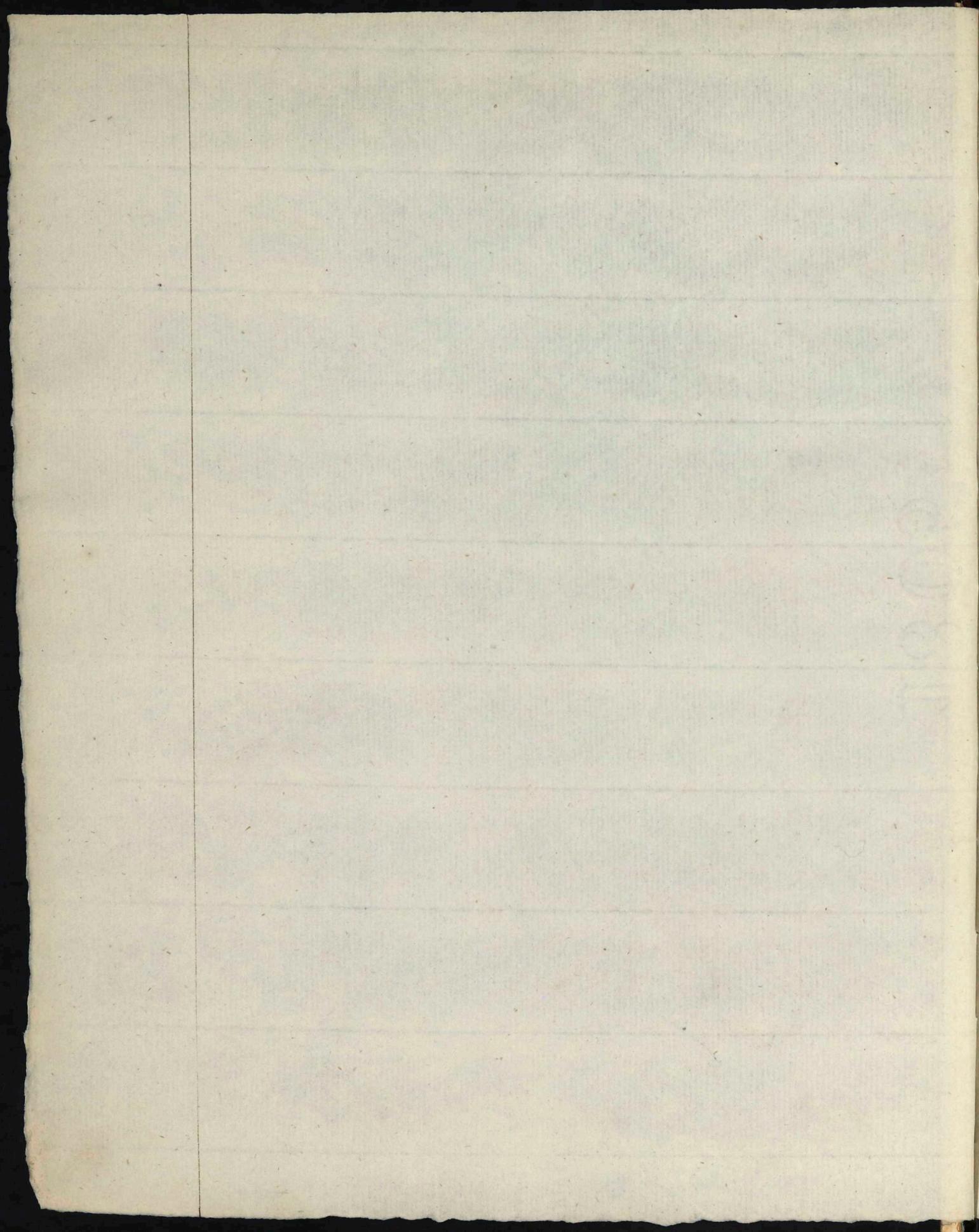
Thursday 13th Augt 1812











Wednesday 19th Augt. 1812.

The King

Jac. Trottier
+ East. Beaucet.
East & Beaucet
Louis Pâlement
Noel Legault
St. Delaurier

In trial of Indictment for a riot and rescue.

The Solicitor General opened the case on the part of the Crown.

Jos. Fleury Deschambault, qf. master general of the Militia of S. Canada. In beg. of May last the mwp. Mil. was ordered out. There are 4 battⁿ - one² of 9² were ordered to Laprairie, in May last where they have since rem^d. & is com^d by Col. de Ronville.

^{x:}
He know^r he has of the mwp^d of the militia was his hav^r rec^d orders to draw up regulations for the militia when incorporated & has in conse^q given directions for their cantonement - In Jun^t last he was ordered to ex. the militia at Lsp. as Inspect^r Field officer, qf. he did in June last - That he saw the orders for incorporating the 1st battⁿ in the handwrit. of the adjut. Gen^t. That he heard the Gov^r give verbal directions to the adjut. Gen^t to send out orders for levying the 1st batt. of incorporated militia cannot relate what the orders given by the adjut. Gen^t were only that they cont^d directions for the embodying the 1st battⁿ of militia in this Province & the places where they were to be assembled - Those orders were addressed to each Col. comm^d the diff^t battalions, & issued to them. & in conse^q of which the militia was embodied - That the issuing of those orders do not regard his official duty - qf. consists in taking care of the diff^t cantonments & providing for their subsistence & cloathing

Being asked if he has a kn. that the law respects, the embodying
the militia had been printed and copies thereof transmitted to
the different individuals therein named? - objected to as
irregular - Objection admitted - That Col. Vassal is adjt
Genl. & Col. de Ronville the Officer commands the battⁿ of militia
at Lapeairie, both of whom are still alive -

Cte St. Dezier is Lt. Col. of the div. of Militia of P^t. Clair - That
in May last he rec^d orders from the Com^r. in chief to levy a
certain number of the said div. & send them to join the 2^d
batt. of Drwps. militia at Laps under com. of Ronville -
on 27. he gave his orders to each of his captains in 8^d. division
one of whom was called L^d. Thibaudreau, for the same purpose.
Thibaudreau made a return to him of 4 or 5 militia men who
had been ordered, but does not recollect ~~all~~ their names
except one ^{ord^d} Jos. Leveillé, the person now shown to him

That the orders he rec^d were in writing. -

L^d. Thibaudreau. was a Capt. of militia at P^t. Clair in May last - that in
May he rec^d orders from Col. St. Dezier to draft 5 men from
his company to join the embodied militia at Lapeairie,
which he did & sent their names to the Col. - that one of
them was L^d. Leveillé, the person now shown to him -
that he gave them seven or 8 days to join - after this he found
out that Leveillé had not joined, he went to his house & ordered
him anew to join, this was several days after the expiration
of the time for joining - but he did not join - in consequence

he reported him to Col. St Dizier as a deserter -

That the orders he rec^d from S^r Dizier were in writing, & believes he has them still - that he was thereby directed to command the men or ballot them, and he in consequence commanded them - & one of them was the P^r L^eveillé, to whom he gave the order, he being at the time in the field plowing to join at Laprairie as a militia man within the time specified. That the name on his militia roll was Jos. L^eveillé, & he addressed him as such, he afterwards found out that he was called Louis -

Et^t St Dizier. That on the 29th June last he gave orders to Major Leprohon to apprehend the men of his division who had not joined ^{the incorporated militia at Laprairie as they had been ordered} and gave him at same time a list of them, amounting to 22 or 23 - Major Leprohon reported to him that he had apprehended several of them. -

F^r-

That Mr Leprohon have expressed a wish to apprehend those deserters, & thinking it his duty to cause them to be apprehended he gave the orders in consequence to Mr Leprohon to that effect. That he rec^d no orders, nor had any communication with the officers of the embodied militia before giving the orders.

In P^r. Leprohon - is major of Militia in the division of Pte Clain com^d by Col. St Dizier. - That on 29 June last he rec^d orders from his Col. to apprehend all deserters ~~from~~ the P^r. Division who had not joined the embodied militia at Laprairie. being 23 in number - and one of whom was ^{one} Joseph L^eveillé

Leveillé of the Company of Capt Thibaudéau - That on
30th he ~~would~~^{to be informed} informed that Leveillé was one of those deserters
I was at the house of one Buthotel - he sent for him & asked
him if he was one of the incorporated militia, he said he
was, is the same now however, since has been told by him that
his name is Louis Léveillé, that he could not give any reason
for not joining the incorporated militia, & appeared like a man
of weak intellect - he arrested him - & had with him 12 or 14
militia men as assistants - He came on to Capt. Binet's at
Cote St. Jean, but was previously told that he might expect
to meet with difficulty there - he sent on a head on P^re
Bonhomme to tell Capt. Binet the W^s was coming on & to
observe what was doing - he followed - I was surprised to
see a number of persons gathered together - he asked where
Capt. Binet was, he was told, to look for him - he saw
Binet at length coming from his barn & asked him if all
those men were assembled to assist him to take up the deserters
he said yes - The W^s ordered Binet to go to the neighbouring
^{on Bonhomme} house and take up one of the deserters, he returned in a
minute & said he was not to be found - Some of the
Assembly then asked him by what authority he came there -
that his orders were not sanctioned - was not by the Kings
orders - By what authority do you come to take away our
young men - The W^s said, Do you know me - I am major
of the division to which you belong, - they said they knew
him

as Mr. Leprohon - that if their young men were willing to go
with him, but if not, he should not have have them - That
M^o Bourlome who was with M^r came to him & beg^d him to come
to M^r Grant & M^r Fraser as they wished to speak to him - he
went - was informed that there were both men & arms in the
barn of Binet - went off & left Binet's, & going towards Pointe
Claire was astonished to see the number of persons who
were going towards Cap^t Binet's, & had scarce gone 15 acres
when he saw a great many people follows him, when he
came near the turn of the road to the grande a^cce he
lost sight of them, & afterwards perceived a number of men
endeavouring to get into the road before him, did not then
think it was their intention to rescue the s^t Léveillé as he was
w^t them at Binet's - That seeing the crowd proceeding on
the same direction whim he ordered his driver to push the
horse to get before them, but could not - That when they
got into the road they might be about 40. and crossed the
road so as to stop it up - that 25 or 30 had muskets -
about 25 paces he stopt his horse, & asked them what was
their intention, if they meant to commit murder - they stood
in the position of presents their arms, and he heard some of
them cocked by the noise - Saw one man who was near him
who had his gun cocked - That upon his question a number
of them cried out, we must have the prisoner Léveillé -
he was alarmed at such a disposition in the Canadians -
that one of the s^t J^r. Trotter s^r give up the prisoner
and we will do you no hurt, - thinks they might been

be about 160, they appeared in heat & violent & the ^{1st} that
it prudent to deliver up the P^r to them - it is true there men
had run on near a league & a half from the house of Capt Binet
in order to get before him - but it was from the apprehension
of danger that he delivered up the P^r to them - That some of the
crowd asked Lerville, if he was willing to go with all Leprillion
or to go with them, upon which Lerville very quickly cried out
I will go with you, upon which the Mr. thinks he heard some
of them say, "Let him go" upon which Lerville went off with
them - That Trotter the P^r had a stick in his hand & so near to Mr.
as to lay his hand on the shaft of his calabash - That a number
of the above persons followed us to Lachine, some came up to him
on horseback & said we want the man you took the day before
at P^r Clain - The Mr. said these people do not know what
they would be at, do they want to make an insurrection -
The man said, we are decide, to make a civil war, was told
that this man was named Jos. Eust. Brunet, but cannot tell
his name himself nor does he know him to be one of the P^r's

L.

Is Major since 1st April last, that he has made himself known
as such as well by having been in the parish of P^r Clain
as having carried orders from the Col. of that division from
to the 29 June last - That the orders he carried were addressed
to each Captain, except in the parish of St Genevieve, where
he had not been prior to the said 29th June last - That Mr.
observed to Col. St Dizier the length of time that the militia men
had

had been ordered to join the embodied militia at L'aprairie
and the state of rebellion in which some of those militia
men were, reg^d. that they shd. be apprehended & that in conse^q
of this communication he supposes the orders were addressed to him
by the Col. - That the name of the persons he was directed to
arrest was Jos. Lerville^{ou}, but is the same now before the Court
who is named Louis - That when he went to take the prisⁿ
he put on his uniform, had a pair of pistols in his pocket
and a sword by his side - That he laid his pistols by his
side in the Calash, when he went to Capt^t Penet's, thinks
he had one of the pistols under his arm. - That the men
he took with him to assist him were armed with guns
~~where~~^{at} he ordered ~~them~~ to load ~~their~~ guns with powder only, except
Mr Grant who had a pistol & who loaded it with a bullet
as well as we who loaded his pistols with bullets at our
Capt^t Letangs -

That upon the people coming up to him supposing
his proceeding on the road, he was called upon to give up
the F^r Lerville, he said, you ~~are~~ may take him, but this
was from the force used at the moment, & not his voluntary
act - That the force used was by ~~using~~ of guns & crossing
the road so as to prevent the ~~pris~~ from ~~leaving~~ -

Robert Grant. On the 29th June last he was called upon by Major Leprohon
at Lachine to go with him to take up some militia men who
had refused to join their fellows at L'aprairie - Went to
Capt^t Letangs, he assembled the people there with him

and told them to load their muskets with powder & follow him to apprehend said deserters - They took up several, whom they sent on to Lachine - Came to St. Genevieve at Mr Berthelot's and took up a man - They then went on to one Cap' Benet's where they saw a number of men collected - Upon whom went into the house, & the people came round them - That upon informⁿ he had from one of his men he sent to acquaint Mr L. that they w^d be attacked as there was a number of armed men behind & about the house & barn - That Mr L. came away & took the road towards the river, & were followed by those people who cut across the fields & came into the road in front of Mr L's cedarash, that Mr L. asked them what do you want my friends - They were then across the road, & a great many of them had muskets raised in a way ready to use them - They s^d we want the P^r Leverille There were then about 30 or 40 men in the

~~# being the same
man who had
been arrested at
St. Genevieve~~

road and a great many more coming up across the field that they said they did not mean to take the P^r by force but that they must have him, Mr L. s^d if you mean to take the P^r by force you may, & I shall see if you have a right to do so afterward - That they s^d if he will go with us we will take him, that Leverille was getting out of the Cart when two of the people laid hold of him - That he recognizes the P^r Trotter to be the person

person who laid hold of the pris. & took him from the Cart - That sort of these men followed Mr L to Lachine where they came up to Lapensee's, & upon other conversation respecting this matter said, that you are going will go to town and tell the Col. of Militia that unless the militia men who are at Laprairie be sent back to us by to morrow, we will go and take them - what do Lapensee do you mean to raise a war, yes said one of them, we mean to have a Civil war -

x.

Was commanded by Capt: of Mil. to assist in apprehend the militia men who had been drafted & had refused to join the other militia men at Laprairie - That he took Leveille' at the pot ash manufactory of Mr Berthelot at St. Genevieve, upon his arresting him he asked if he was not one of the deserters from the militia, he said he was, but made no previous enquiry whether he was one of the men that Mr L had orders to arrest - That from the number of persons assembled at Binet's, their going backwards & forwards between the house & barn, gave him reason to think they had some bad intentions.

Stuart Fraser. rejected for having come into the Court during the testimony of the last witness. ~

Pre Denis. Knows Major Leprohon - saw him about the end of last June at St Genevieve cot St Jean - he had some militia men with him

and understood that he came to take the 5th part, a dozen of the
militia men who had been ordered to join the embodied militia -
Heard that he had arrested one Léveillé before he came to Capt. Binet's
was near the hour when Léphon arrived there, when he left Binet's
he took Léveillé along with him - That he saw the P^r. L^r
Painement at Capt. Binet's, who w^t many others said in the heat
of wit^r let us go after Léphon and take the P^r. Léveillé from
him - That he saw the P^r. Legeault at the Grande aine of Pointe
Claire, who laid his hand on the arm or thigh of M^r. Léveillé
and said come down - that M^r. L^r was then there, & a number
of people crossed the road some of wh^m were armed, perhaps
about a dozen or 15, there were also several in the fields. That
the P^r. L^r. Painement was at time near the Cart & armed with a musket
They took away the P^r with them, & M^r. L^r went on towards town
That he heard some of them say, now we have got this man
we must go and get the two others that were taken last night
That a part of the people who took the P^r about 40 or 50
followed M^r. L^r to Lachine to one Deschamps, but did not
overtake him -

X

He is now in custody a P^r. since the business at Lachine. &
thinks it is for having been present with the others there -
That he was taken before the Grands Juges & gave evidence
before them. That he heard M^r. L^r say to the people, they might
take the P^r & it was after this that he heard Painement say to the
P^r to get out of the cart - that understood that P^r heard what M^r
Léphon said - That he heard the people say, that if Léveillé was
willing

willing to go with Mr L. he might go, but if he was not
willing to go, they must have him - saw no violence offered
to Mr. Lep. before he ^{is} to the people to take the P^r on the contrary
he heard them say, Mr. L. we will do you no harm. —

In P^t Monet. Knows Mr Leprohon by sight - was com^d. to accomp any him
to take up deserters the 29 June last - went w^t him & among
others took Lerville who was put into the same Cart with Mr.
that they left Capt. Binek & came on to the grande aue on
their way to Lachine - there he saw a number of persons some
of whom were armed & who closed up the road - That he saw
among those persons, the P^r Noel Legault -

X.
Thinks he saw Noel Legault ^{then} will not swear absolutely to him
he knows him, has seen him several times before, but was
demonte, & will not engay his Conscience to say it was the
P^r Legault. —

To Hyacinthe Proulx. Knows P^r lives at Cole St Jean parish du Clain -
knows that about end of June last Mr. L. came there to take
up some militia men - That when he came to Capt' Binek's
there was a number of people about the house & barn - he
went off from there with the P^r Lerville - That he saw the
two P^r Pamelet & Trotter - That Pamelet said after
Leprohon was gone we must go after him & take the P^r
from him - They went off in consequence they took a short
cut across the fields & got in front of him - W^r followed

when he arrived he saw Trotter & parment, & the P^r had
got out of the Cart, & among the people who went after him
He also saw Noel Legault among the people also when he
came up - That as soon as they got the P^r they ~~carried~~
him off crying out vive le Roi. That having proposed to
M^r L. to deliver up the two other P^r he had taken the day
before he said they were at Cap^t Ducharme's, They said
as M^r L. has promised to deliver up these two militia men
at Ducharme's let us go there for them - That they in
consequence went on as far as Cap^t Ducharme's at
Lachine & the W^e with them - remembers to have seen Jde.
Trotter there but none of the other pris. - finding that
the P^r were not at Ducharme's they went on to one
Deschamps near the Kings Stars -

x³-

That when M^r L. was at Binet's the people wished to
know by what authority he came there to take the militia
men - he saw no orders produced by M^r L. - only heard
him say he came there for the militia men - That
Cap^t Binet's son then observed if there be such orders we
will not make any objections to them - When people came
to M^r L. at the Grande Ame, they were very quiet and
did not seem disposed to do him any hurt -

Pierre Lapensee. Is Capt: of militia at Lachine - & on 29 June last
he gave several men of his company to assist Mr Leprohon
to apprehend deserters - That on the 30th June he saw
several men^{4th} on horse back who followed Mr Leprohon
who asked of Mr to come into town for them, he asked them
for what purpose they said, we want to get our prisoners
~~that~~ Mr Leprohon has taken the day before, Mr said, it
was a bad errand, well, they said, if we dont get them
we will return to morrow for them - You appear to
be very strong, they said we can form a thousnd men if we
please, Mr then said, you then wish to raise a Civil war
they ans^d they consider that they would. -

x

This conversation was held between Mr and one L^e. Brunet
and in the absence of any others - he seemed anxious to
be informed of their right to take away the militia
men -

St Leveille - That he lived for 2 or 3 years with Mr Berthet at St. Genevieve
That he was commanded by Mr Thibaudier to go to
Laprairie as a militia man last spring - That he did not
go - was taken up as a deserter - saw Major Leprohon at
Capt. Brinell's at the cote St. Jean - That he went in a
Cart from Capt. Brinell to the grande arme, where Mr
L. was stopped by a number of people whom he did not
know

know - That he does not recollect that any one took him out of the Cart, went with those people, & that he went on towards Lachine

x^o

That after he had been ordered to join the militia by Mr Thibaudier, he gave him a discharge on account of his infirmity & that he need not go to Laprairie

The evidence for the Crown was closed

Upon the motion of the Defendants Counsel, Eustache Brûlé was discharged from this prosecution as no evidence had been adduced agt him. —

Joseph Martin cap^t of Militia of St Genevieve, recollects that Mr le Brun passed through that parish on the 30th June last to take up some militia men, he applied to Mr W^r for a party to look after deserters - That he in consequence ordered out 5 men one of whom was Le Pacement Rupt who did his duty well & always behaved as a good subject - That he knows Gen. Trotter who is a quiet & honest man & good subject -

Jos. Brûlé He was Cap^t of Militia of St Genevieve, recollects that Mr le Brun came to his house in June last, he came from the field when he was at work, he told him of a militia man who had deserted & was at Trotter, — Mr went there, but did not find him.

h

saw Trotter himself told him to come to Mr Leprohon, then
at his Benet's house, and give what information he could
on the subject - That after Mr Leprohon was gone the people
then about his house began to complain -

Amarie Delaurier Was at the Grande arme of Belair on 30. June last
saw Mr Trotter the 1st. there, who went quietly up to Mr L.
to ask the reason of his taking away Leveille' as prisoner;
I said that if there was no particular order for his discharge
he wished to have him - That before Trotter came up. he
saw Mr L. stand up in his Calash & say, debarquez le Cuir
That Trotter said to L. if there be such orders that you
are entitled to take such militia man we wish to be informed
of it, and until we get such information we wish to have the
militia man, and in consequence of Mr L. own order they took
Leveille' out of the Cart - Has no kn. of any violence offered
to Mr L. saw no gun presented or cocked - That some persons
there had muskets - Heard Trotter say, that he did not wish
to take the pris^r by force

x^r

That he came from St Charles with 10 or 12 others to the grande
arme, who came to get information respecting the right to take up
the 5^r. of militia - That he saw a number of men standing in
front of the Calash of Mr L. and the number of all he saw
in the road and in the fields adjoining might be about 30.

St Thibaudieu. That after the expiration of the time of the pris^r Leveille' was to have
joined the militia at Lapreairie, he was inform^d that he was an
Idiot - he did not, and had not power to discharge him, but he
took

took the information of several persons on that subject, wh
he forwarded to Col. St. Dizier in order that he might get his
discharge - But thinks that he gave the man to understand
that he might remain quiet ^{at home} until further orders

Hyacinthe Brunet knows L^e Sevallé for yⁿ 8 years past, who passes for
an idiot in his parish - Knows P^m Sevallé & Paiment & Delanne
who are militia men in another parish -

The Defendants closed their defence

Verdict - Guilty. —

Thursday 20th Aug^t 1812.

The King
or
Eust. Beneche
& Savictone }

On trial of Indictment for inciting persons to assemble riotously and seditionously and to oppose His Majesty's Government and the execution of the laws and certain Statutes of this Province.

Frank Vassal. Is adjt. general of the militia in this province - about the end of April last he rec^d orders from the Gov^r. to send to the diff^t. Col. of Militia to furnish their quotas to make up a body of 2000 embodied militia to be assembled in the first week of June - That in consequence the said militia was called out and embodied in 2 battalions, the 2^d. Battⁿ of which assembled at Lapeairie in this district under the com^d of Col. De Rouville -

The orders he rec^d were in writing, the original of which remains in the office of this^t at Quebec

Jos. Fleury Deschambault 2^d. M^t Gent. of Militia - That 2^d batt. of Mil. were incorp. in the beg. of June last - he saw the 2^d. batt. at Lap. under com^d of Col. De Rouville, & exercised them as Inspect^s. Field Officer -

It has also a kn. of the incorp. of s^t. m. in con. of the diff^t orders he sent for the incorp^s of s^t. militia by orders of His Ex^y the Gov^r - q^t covers were signed by the adjt. Gen^e

P^r Vallée

No P^r for 2 years past - rem. to have seen him on 30th June last at the parish of St. Anne where W^s lives, and who asked W^s if he w^r join them next day at Lachine, that at the time there was a man of the name of Laurin - told him their object was to assemble at Lachine and proceed from thence to L'aprairie to get their militia men - or embodied militia, and to bring his arms along with him - That W^s belongs to divis. com. by Col. St- Dizier - has kn. of the orders for drafts the militia & that four men had been taken out of the C.Y. to g^t he belongs who had gone to L'aprairie - It has a k. of similar orders in the m^gh^s parishes and that militiamen had gone from thence to L^sp^r. Passed by Lachine on 1st July last - That the said Laurin ~~on the presence~~ of Dr told W^s that he had sent to other parishes to acquaint the people to meet at Lachine - That s^d Laurin came to W^s house about 1^h before Dr ^{had} proposed same thing to W^s to him also to go to Lachine. That he arr. at Lachine next day about 10 o'clock & rem^d a couple of hours where he saw a number of people assembled to the number of 100 or upwards - heard them talk among them that they were desirous of going for their militia men at L'aprairie That some of the people so assembled had arms - He said ^{to all} in the crowd, that if any of those assembled should go away their houses w^r be burnt. The people assembled remained together at Lachine for two hours -

X

Was 14 days in Gaol in consequence of h^s been at Lachine as he supposes - no promise made to him on getting out - made his de^{cl} before a Mag. - who told him it was fit he sh^d tell the whole, but he did not understand he w^r met with any better treatment in conse^q of any de^{cl} he might make -

That Laurin alone the first proposed to Mr. to go to Lachine.
That after the arrival of P^r he with Laurin & Mr. talked also of
going to Lachine - That P^r did not advise Mr. to go to Lachine
it was Laurin who did so, the P^r only talked over the matter
w^t Laurin diff^r after his arrival - That it was Laurin who told
him to bring his arms with him, but he did not understand
that it was to do any harm with him, and he went there without
any bad intention, and knew of none there who had any such
intention - Saw no harm done to any one while he was at
Lachine - He understood while there that Capt Thibaudéau had
that morning set out from P^ubl. to go to Mont^t with a Pet^r, on
the part of the people so assemb^d and they were waiting his return
with the answer - That the s^r Pet^r regarded the mil. men at
Lafrairie -

Jos. Delaurier That he has made his declaration before a magistrate
and was a witt. before the Grand Jury - Lives in parish of
Belle-Isle. P^r - said him return from St. Anne on 30 June
last - he asked Mr. to go with him to take the 5th of militia
men, as they were not there by order of the Crown - That Mr.
Lepronhou had returned them a part of them and if they did not
go and get the rest they were a lost people - told Mr. that
he was then going about to collect people for that purpose.
Told Mr. that the place of rendezvous was at Lachine - That
next day there was a great assemblage of people at Lachine -

X.

Re. P^r always known him as an honest quiet man - That when
P^r asked Mr. to go to Lachine to get the 5th of mil. he did not consider
it doing anything wrong - that he understood it was to get the 5th
of mil. men who were not at Lep. on the part of the King

Heard at Lachine that Capt Thibaudreau was coming to Montreal on
the subject of a petition touching the militia, & on that acc^t. the Yps
remained there - as well as the others waiting an answer to s^r? petition
While there he saw no harm done to any one, everyone was quiet
peaceable - When P^r first spoke to him he told M^r there was to
be an assembly of the people next day at Lachine, asked him to
be of the number - never understood that he had any bad
intention ag^t anyone - That before this time he had heard
speak among of the people of a réquête they were to make to
obtain their militia men - That there might be about 300
people assembled at Lachine some of whom had arms. —

Jos: Duchesneau. K^r P^r met him on the last day of June at Côte St Charles
parish of P^r Clain ~~and~~ at Lachine & at P^r Clain the P^r proposed
to him to go to the Cedars to get the people of bonne volonté
~~de la révolte des canadiens~~, to go to Lapeirerie to get the 5^e of
militia, and to bring their arms. + That they were to meet
at Côte des nieges, the next day -

X.

Did not at the time hear of any petition being presented on the
subject of the militia - This he heard some time before, ^{which is 15 days or more} that
there shd. be a meeting of the people at P^r Clain for that purpose -
at q^t. meeting he was present - There might be about
150 persons there or more, but Mr Thibaudreau refused to
draw up their petition, under pretence that it w^r? injure
him in his business - Heard nothing about a petition at
the côte des nieges, but did not understand that it was to
do any hurt -

Et. St. D'Argen. Col. of Mil. of Div. of St. Léonard since 2^o Ap's last
rec'd orders from the Com. in Ch. in May last to draft
59 men out of his division to send to the 2^o batt. of
embod. Mil. at Lape. com. by Col. De R - His Div. consists
of St. Léonard, St. An. de Gen. Lachine, St. Laurent & Laval aux
Riv. - That on 3^o June he sent 28 or 29 -

*

Louis Brunet 10^o P^r saw him on 1^o July last at Lachine in ask. M^s. to go to
the Cedars to ask people of good will to meet at Cote des neiges
the next day - in order to proceed from thence to L'Assomption to
get the 5^o or militia men of their division who were there -
also told him to tell people to bring their arms. -

Was not given to understand by the pr^r that there was
any petition to be presented respects the militia - Heard
this some time before as generally talked of among the
people - Did not understand that by going to the Côte
des neiges there was hurt meant to any one, or
violence to be used in obtaining those militiamen. -

Jos. Savoie de Laplante. Knows Jos. Duchesneau & L^o Brunet ~~sur~~^{sur}
heard - came to house of M^s at the Cedars on the last day
of June last about 8 or 9 o'clock at night, called to M^s
to come out of his house - upon q^t they asked him if he had
any young men in his house, he said he had not,

he

he then asked the reason of their question, they said, they wanted main forte to go and take ~~their~~^{our} militia men at Lapeairie - with these obsrvⁿ? then you are going to have much pleasure, yes, they said, more than they w^r have at a wedding - The s^r. two men were apprehended next day - They also told M^r that the young men in that quarter w^r have theirerry p^r them, and that they w^r found 800 men next day assembled at Lachine -

X.

Never saw the s^r. two persons before nor knew their residence
They were both on horse back

Frank Cousineau lives at the Cedars, knows two M^s Jos. Ducheneau & Louis Brunet - saw them at the Cedars about last day of June last at house of M^r and asked him if he w^r not go w^r them to morrow to Lachine in order to proceed from thence to Lapeairie to get their gens, or militia men who had been called out - M^r refused to go - They told him if he w^r go to bring his arms w^r him, & if he knew any cf his friends to go w^r him to tell them to bring their arms, s^r he knew of none, as they were all good subjects then rsatified w^r the govt - I did not consider they had any proper command to go on such a purpose. Understood from them that a great number of people were to assemble at Lachine

X

That he had seen Brunet before but not Duchenau
that he advised them they had better return & leave
the people in that neighbourhood quiet, as they would
obey no orders that did not come from the King or
Governor -

John Grant, lives at Lachine, was there on the 1 July last, saw
an unusual concourse of Country people there on that
day about 3 o'clock in the afternoon - there might be
upwards of 400 in all, ~~as~~ good many a $\frac{1}{3}$ with
arms, viz' guns - he spoke to some old men among
you, advised them of their proceedings, they said
they meant no harm, only that they were going to
Laf. for their young men - δ^o they took a wrong
way, they ought to carry their complaints if any
they had to their Col. if their young men were ill
used, and he w^o yet justice rendered to them, but
by going with arms in their hands they were going
as rebels against their King & Country - Some of them
consented to lay aside their arms, but some others
of the meeting coming up, called out to them, come
come along, upon q° they again took up their
arms and joined the crowds - Knows that they
afterwards fired upon the Kings troops

x³.

Saw no violence done by those people until the firing commenced, does not recollect whether there was a discharge of artillery before - Saw Mr. McCord there - who kept the firing back for a long time -

Willm Ellis. Lives at Lachine - on 1st July last saw an unusual concourse of people about and near his house, when they remained till near dark and then went off

Dominique Ducharme. lives at Lachine - on 1st July last saw a great concourse of people - on returns from his field about he saw them in diff^t parties on the road - some of them saying, take courage. This is the plan you must go to - Their determination was to carry things to the last extremity, they might be about 4 or 500. many of whom were armed, and many of them very violent

x³

It was after sun-sett he went among the people - saw a party of the Kings troops there - saw some of the people with sticks & spikes on the end of them, saying they w^d use them agt. any person who would oppose them -

S^r Chabotier. Is one of the Justices of the Peace for this district. on
1st July was at Lachine saw about 200 persons assembled
some of them with guns, some with sticks & nails ~~at the~~
end of them — thinks there might be about 100 or 120
men with guns — He quest^d some of them touch^s the
object they had in view, they said, that they wanted
to have their gens, or militia men called out to the
embodied militia at L'Assomption — As they considered
that they were there without legal auth^s, he thought proper to
address them in a body — He advised them that the law
respects the militia ^{as} equally strong as any other law
and their opposing it openly with arms was a crime of
great enormity, & their persists therein w^t. tend to the
loss of their lives the property & their honor, he then
remarked on the sentiments of loyalty & ought to inspire
them on the present occasion, & the use their enemies w^d
make of their resistance — Seeing this discourse did
not make impressⁿ he com^d them as a magistrate
to disperse & go home — some voices in the crowd
called out, thank you Sir, for yr good advise
but we set out w^t. the intention of getting our young
men, and we will have them in spite of everything
this might be about 4 or 5 o'clock in the afternoon —
and the troops were not yet arrived from town —

That Mr Ross, the ~~Coun~~ at this bar was with him — Proceeding of his desire to go & meet the concourse of people to ascertain the truth of what was said; he was advised by some of the Privy Councillors ~~as perh~~. some influence among the people, to go and advise them to disperse and desist from their bad intentions. — He did not go with intention to use force, but persuasion and his ordering them as a magistrate to disperse, was done in consequence of his finding that persuasion could have no effect — That he considered the people there assembled as having bad intentions & disposed to use violence — They ^s? they did not mean to hurt any one, if their militia men were given up with a good grace, but if this was refused them they w^d use force to get them — That three persons told him this Guil. Mallet — Luc Courville, & Bernard Courville — That while he was speaking he heard a man in the crowd making a great noise, seemingly with

D^r Thibaudreau — Is M^r P. residing at St. Clair? — In June last a number of people came to him to draw up a petition for them — a crowd had assembled opposite his house, some of q^m came to him to draw up a pet^t to Gov^r in q^b they wished to state, that the Gov^r w^d prevent the drafted men of the militia from being taken from their homes — He s^p it was up his duty to make such a pet^t & w^d not do it — advised to go to Montreal & address themselves to some more experienced person —

There are at least five or six persons in the parish besides himself who can write, but who are not perhaps able to compose a pet. to the Govr. They applied to him only once to draw this petition, it might have been 15 days before the business at Lachine - & might be in number about 200, but he declined doing it as it might be ill cause him to be ill looked on by the Govr. That on the first July last at the request of four persons ^{the inhabitants} he came to Montreal to acquaint the people there, that they were of opinion that the bill respects militia was not in force as it had not been sanctioned by the Govr. 1. That if it was not in force they refused to deliver the drafted men. 3. That if the militia law was in force, they were willing and ready to carry these men to Lachine and to spend the last drop of their blood in defence of the Govr. - Then men were ^{to} Rabaut, ^{Mr} Rupin, & Guel. Mallet & Amable Legault. He went to Mr Col. St Dizier's, was by him introduced to 4 Councillors at Mr. McGill's, vizt. Mr. McGill, Ch. Dub. Monk. Mr. Jart. Panet & Mr Richardson, by whom he was told that they were the persons who represented the Govr. in his absence, charged him to return by the way of Col de Mege & give this answer to the people, that it was certain that the militia act was sanctioned and had full force - and that it must be absolutely executed - & further that the people who had so assembled ought

to disperse without noise or tumult - that it was further
necessary that the prop^r of drawn m. men should be immidiately
be deliv^r up - which if refused, they w^d. put the Kings troops
in motion to take them by force, & they must abide by the
consequences & that if they wanted informⁿ upon any other
point they might appoint 3 or 4 among them to come and
get informⁿ and they shd. be satisfied upon all points.
He returned immediately to the 4 Cross roads leading
to Lachine a little after four o'clock in the afternoon
seeing no one there, he enq^d if any persons had
assembled there of a woman at that place, he was told that
a considerable number of persons had in effect assembled
there, but had gone off about 3 o'clock - that he did
not go after them, but returned home by the road
of Lisse, where he stopt at house of one Larose to feed
his horse, & did not leave that house till dusk. - That he
went on by the ways of Lachine, but saw no people
assembled there understood that the crowd had been
dispersed, so that he has not an opportunity of
communicating the opinions of the Councillors to
these men - The men ^{who} employ him are respectable
persons and have influence among the Inhabitants -

Defence

Jos. Sarazin K^o. P^r That about end of last June he was about sett^g out with him to go to his Chantier at Quinchien - P^r lives by works at Chantier - That W^r set out from Isle Bozzard where he lives w^r P^r on 30 June & went to Cote St Charles n^r par. of Sta Genev. - on the road they met several people who talked about presenting a petit in regard of militia men, who engaged the P^r to take a part w^r them, & both he & W^r joined the party - heard that Mr Thibaudier was to draw up the petit - they went on to Pa Glaie - where they separated - saw the P^r commit no act of violence - has always borne a good character -

Jac. Duchenau. K^o. P^r He gains his livelihood by day labour - That on 30th June last he was told that he had set out with another man, ^{Jos. Sarazin} to go to his chantier, he met them at St Charles about mid-day

Verdict. Guilty.

Friday 20th Augt. 1812.

The King
v
J. B. Prejean
Fran^r Renouf
Pre Chancullard
Peyre Delorier.

On trial of Indictment for inciting persons to assemble riotously & to oppose His Majesty's Govt and the execution of the laws & Statutes in this Province -

One Isaac Russel, was called as a Juryman & sworn after which it was objected that he was an alien being an American. He said that he was born before the Revolution in America, & remained there after the peace until 1798, at qth time he came into this Province, and has remained there since - and holds real property in Upper Canada. et

Objection overruled. *

Fran^r Vassal de Monville. is adj^t Q^r of Mil. in S^r Can. has a letter in the end of Ap. the Govr. gave him orders to draw out the embod. Mil. which was done in consequence under the orders q^t he issued about same time or in the beg. of May last - there were 4 batt. the 2^d of which was ordered to Laps^r. under com. of Col. De Renville where they are still -

The orders he gave to the Col^s were in writing, the originals of which are in his office -

Jos. Henry Deschambault Dr. M^r G^t. of Mt. en l' Canada
has a Kn. that the Mt. was encorp. in May last. the
2^d batt^e of q^t is cantoned at Lasp. under com^d. of Col
de Ronville - he was active in that batt. as Inspect^r
Field Officer -

Etienne St. Dizier Col. of div. of Mt. of Pt. Clain - recd
orders in the end of May last to furnish his prop^r
of Militia men for the embodied militia quartered
at Laspairie - he gave his orders for that purpose
and in consequence several men to number of
24 or 25 were forwarded to Laspairie - That the
parishes in his division are Lacune St. Clain St.
Anne Sylgenevieve St. Laurent & Sault aux Recollets.

M^r Proulx rec^r Prozeau & Deloiers - saw Prozeau latter end of
last June at Cote St Jean in the parish of Pt. Clain, that
s^r Prozeau com^d him to go, ^{capt. Bégin's} and assist him to prevent
Mr Leprohon from taking away the 5th of the ~~militia~~
~~5th man or~~ ~~that he had come for~~ militia man at Iae Tiotter
~~who has been commanded to go to Laspairie~~ - Said also
that they must also have the militia man from Laspairie
that if he did not go, he would not be the better for it.
That they must absolutely have the 5th if there was

no right to detain him - That after the man who
had been delivered up by Mr Leprohon, the 9th Dr told him
he must go to Leprairie to take the other militia men who
were there - Dr told Mr there was to be a meeting of people
at St Laurent next day in order to go & get the 5th of
militia men at Leprairie, and he was requested by Dr
to go to that assemblée - That the next day in coming
to Montreal he saw a number of people ^{coming from Dr's house} going towards
Lachine about eleven o'clock in the forenoon and going
in groups some of them armed - Saw Delorier at same time
at Cote St Jean, who told him, that if he the Mr did not
go to Capt^t Biret's to prevent Mr Lep^r from taking the
5th of militia he w^s set fire to the ^{house} barn of his father & mother
if he succeeded in his undertaking - also that he should
give assistance or main forte to go & take the militia men
at Leprairie - also spoke to him of a meeting of the
people to be held at St Laurent who were to go on that
errand. That the next day he saw a great assemblage
of people at Lachine

x^o-

That Prezeau was not at home when he spoke to him, but
might be about half a league from his house - That he
told Mr that they were to go to Biret's to prevent Mr
Leprohon from taking them if he had not right to take them.

does not recollect whether Prezeau, told him he must go to St Laurent, but thinks he did. Capt. Binet, lives in parish of St Genevieve. Prezeau did not then speak to him about a pett^e but he heard of it before. Legault told him that there was to be a meeting about the said petition - that he was commanded to go to St Laurent about the militia men. That Delorier told him the first object after meeting was to present a petition if it could be done in respect of the militiamen to see if they had a right to go and get them - ~~if not they would go and take them. if there were no law for drawing out the militia, they w^t then go and get them.~~

Joseph Delauriers - K^r. Prezeau. saw him 1st July last at Lachine where he saw about 200 people assembled. -

Hyt^e Neveu. K^r. Legault. saw him 1st July last when he arrived at his. ^{Pr^s} house about 8 or 9 in the morn^g. said he had come ^{by} River du St Pierre where had been to notify people respects a petition, & to assemble at St Laurent to present that petition which regarded the militia men at Laperairie

Robt. M^r Gregor lives at St Anne. K^r. Chamaillard p^c saw him 30 Jun^l last late in the evens, he came into house of W^r. asked him if he w^d be one of them to go to Laperairie for their young men, s^t he had no young men then, but if he could convince him that their young men were there wrongfully he w^d go with them then asked him when they were to go and when. P^r said

that

that a number of people was to meet at his house next morning - The wife of the Mr told P^r as he wts. could not explain himself well in French to tell her what it was and she w^r explain to ws what it was - although he understands French very well - P^r said that ^{he understood that} expresses had been sent ^{to the Cevans, vaupreuil & Grandchene} and they were to meet at Lagnieu on the Coteau - and that there was a messenger on horse back should come by the Cote des neiges to notify them if the people of the other parishes were ready, upon which they were to proceed to the end of St. Ant. Suburbs from thence to the gates of the town where they sh^r send for some persons of the town to acquaint them if there was any law or authority for taking their men to La Prairie, and if these men sh^r tell them sh^r say there was such authority he the pr^r meant to return home and he supposed the other people w^r do the same - Mr P^r he w^r think of it and go to P^r house next morn^r - Next morn^r Mr went over found P^r w^r his father saw no other person there, soon after two or three men came in, Parisien & his son ^{other}, who asked P^r if he was ready, P^r yes. Mr observed that two of people had arms, asked them if they meant to take the town, P^r no it was not their intention - That one Languier, the miller, passed the door, when P^r Parisien went out to ask him if he w^r be one of them, he refused -

W^r s. it w^r be better for them to send 5 or 6 of them rather than go in that way, to state the grounds of their demands when Parisien s^r aliez vous en, vous n'etes pas à nous autres - That Mr observes that they need better not do anything wrong otherwise they w^r repeat it, the Dr said, Mr M^r Gray
that is not ^{my} intention

x^r

He has lived six or seven years, Defd^r is his second neighbour he has occasion to go as frequently to house of W^r as to that of any of his other neig^r is a quiet peaceable man, & W^r was surprised to see him concerned in this business - That Dr act^r W^r of this business a piece of news, but did not sollicit W^r to go with them - That Dr app^r sollicitons to get inform^r wh^r the m. law was in force, - Before this time heard the people in his neighbourhood complain that they were ignorant w^r the militia law was in force or not - and heard the p^r say, that they were informed ~~from~~ ^{that} people in the town had said that ~~the law~~ there was no law in force for draws out the militia - That Dr this father w^r whom he lives are quiet & peaceable people as much so as any persons he ever knew in the Country -

Joseph Vallee, 1^r. Dr. Chamailard. on 1 July he askid W^r if he was ready to come un w^r the others to La Prairie to get their militia to W^r the people were going to meet at Lachim that day

that Dr. told him it was generally talked of that when at Lachine they were to cross the river & go to Sopravie - He saw people that day with arms going from St. Anne's to Lachine

x^o.

L.P. says of Dr. Chamaillard - it is but seldom they meet - there is ^{no} enmity between them - Heard a rumor before this time of such an assembly of people but not openly talked of till Dr. mentioned it to him - Dr. asked W. if he was going to the meeting - W. said ^{it} was obvious that he had heard that many people from Vandren & Cedars were also going to it - Dr. replied nothing - W. said he could not go till they had passed Dr. said you will come with us and not wait for those people from the Cedars - Before this time he had heard there was no law in force respecting the militia and that a fact^r. was to be present to ascertain whether that law was in force or not - understood by the meeting at Lachine it was to get that fact^r. made always known Chamaillard for a quiet honest man -

John Grant lives at Lachine. on the 1st July last a great concourse of people was collected there - Spoke to some of the old men said, they were doing very wrong by thus disturbing the public tranquillity & that of the provinces, that they shd. consider their families & property & return home quietly - Many of them had arms - That upon his persuasion about 80

of

of them laid down their arms, but upon others afterwards coming up, & crying out to them to take up their arms, they went and took them and seemed determined to persist in the object they had in view which was to go to Laxmair and take their militia men - They do also that if the Kings Officers were they w^t not oppose them - That the number of people assembled might amount to about 400 - It was about six o'clock in the evⁿ when the Kings troops arrived - He saw and saw firing from the people so assembled upon the Kings troops - Many gentlemen & Justices of peace were there endeavouring to persuade people to disperse & return home but to no purpose -

X

That he addressed himself to three or four persons particularly in the crowd, but the greater part of them must have heard - they has a pretence that they were ignorant w^t there was any militia law in force - never heard any thing respects a pvt: on that subject, or that a messenger had been sent to town on the subject

Until the time of firing the crowd had committed no violence there were troops arrived w^t artillery - cannot be positive whether the artillery fired before the firing from the Crowd, as he was busied at the time, but the order was given to fire over their heads - That Major Plenderleath comd. the party & was accompanied by Mr Ward a Justice of peace, heard no shot at least before the firing, and was near enough to have heard it had it been the case - That the people to whom he spoke are some of the most respectable inhabitants in the County, who have

have all real estates in it -

Louis Chabotier. Is one of the clrs. of the district of Montreal - went to Lachine on the first July last on the Subject of an assembly of people of an alarming nature being ~~about to be~~ had there. - He was informed by them that the object of their meeting was to obtain the young men of their parishes who were in the encamp. mnl. at Lapeyrre - That in the crowd he thinks there were 100 or 120 who had Muskets, some had sticks with spikes at the end - he addressed them ~~and~~ told them that their assemb^s was illegal, and the law respects the militia in force and advised them to disperse & return home quietly - this however had no effect upon them - and he thereupon commanded them as a magistrate to disperse & go home quietly - they said, that if he would pledge ~~themselves~~ himself to deliver up their young men to them they w^d go home, to this his ans^d that he would not, that on the contrary he could assure them they could not get their young men - then said they we will use force to get them - and that they had set out with the determination to get them - That he remained upwards an hour among them endeavouring to quiet them & advise them to return home.

This motive in going out to meet those people was to be of service to them and to prevent them from doing an illegal act, he was besides requested by ~~some~~ of the members of the Executive Council in town to go there — That he had no instructions from their Coun^t. respects a mission of one Thibaudier, or to make inquiry about the persons who had sent him — That he found people quiet and in different small groups when he first went out, and some of them said that they meant to do no hurt ~~and~~ even to a Child, but to have their militia men — That it has been observed that they were ready to proceed to do so with arms in their hands, one of them, Guil. Mallet, while many people were going about, said Mr Lefebvre has shewn us the example by taking militia men with arms and we mean to do the same thing — That Mallet as well as others said, that there was no law^{King respects the militia}, but a law of their Candidates meaning their Rep. in the Legislature, and therefore they thought they were not bound by it, as they had not shewn them the sign of the Governor —

When they used the words nous ferrois, the Ws understood the use of force by their arms & their numbers to effect their purpose — by their having arms in their hands & the language they used respecting Mr Lefebvre & their great numbers binds induced him to consider that it was physical force & was meant

That he saw many respectable characters & men of property
in the assembly -

Dominique Ducharme. Lives at Lachine, is Cap^t. of Militia - saw a great concourse
of people at Lachine on 1st July last - began to assemble about
mid day - About evening he saw a great many who had assembled -
he went among them asked them what was their design, they ^{said}-
they had set out to get their militia men at L'aprairie & w^{ere}
hurting them - he advised them that they did wrong & that they
ought to return - some listened to him, the greater part refused -
and appeared violent -

X

That he spoke to no one in particular, but addressed
himself to the whole - That before the Cannon was fired
they had done no hurt to any one - That the Artillery
was the first to fire - Heard no proclamation read before
the firing - Knew some respectable men in the crowd
shrieks that the man who had his thigh broken that
it was done by the fire of the troops -

The Evidence was closed. ~~on~~ the part of the
Crown. -

The Counsel for the prisoners ~~demanded~~ that Renouf
th^t, be discharged, as no evidence had been given of him
which was asserted to by the Counsel for the Prosecut^t -

He then moved that a verdict sh^t be entered in favor of
the other pris^ts without entering on their defense, as

no County or district had been proved in which the offence
was stated to have been committed - 2 McNally, Ev. p. 503.

That no proof that any of the prisoners excited a number of
persons sufficient to commit a riot -

Objections overruled, the Court being of opinion that
the question ought to go to the Jury -

Louis Thibaudet nobt. at Pt. Clain for 18 years - heard it said
among the people that there was no law for drawing ^{out} the
militia men for the incorporated militia - Some time
last Spring ^{about 15 June} they applied to W^t to draw up a Petition to
the Gov^r on this subject - It appd^d to him they were to
the number of 3 or 400, in 9th part. They wished to insert
that they were desirous that the persons drafted for the
incorporated militia should ^{not} be taken out of their parishes
as they considered the militia law not in force, ~~that the~~
Governor only permitted it but did not order it,
~~it having been~~ made by the House of assembly alone -
he considered the thing improper and refused to do it.
That he told them that the law was in force although
he had never seen it, but could not believe that Col. Bo
Duzier would have taken upon himself to draw out the
militia in that way without suff^t authority - That
there are not above 5 or 6 persons w^t pt. Clain besides the
Priest & W^t who can write or who were able to draw such

such a petition - That on 1 July last 4 Inhabitants came to his house to ask him to come to Montreal - They were Jos. Rabau, Amable Legault, ~~Fox~~ Rappin & Guil. Mallet to inform the chief men there of the assembly of the people about to be had - before setting out he took a note of what they wanted, which he headed as their Dire, 1^o That they that that the act concerning the Militia was not in force & wished to be informed thereon - 2 If it was not in force, they w^d not agree that the drafted militia men shoud go to Lachine - 3 If it was in force, then they would not only themselves bring forward those drafted, but were ready to spill the last drop of their blood in support of the govern^t - 4^o That at all events, they found it extraordinary that armed men should be permitted to come among them with orders to fire upon them if they refused to deliver up their people - They told Mr. that they w^d wait for the Mr. w^t his answer at the 4 cross roads at St Laurent until 4 o'clock in the afternoon - That the 4 persons aforesaid came in the name of the others - Left P. Blain after nine o'clock in the morn^g & came directly to the Col

carried him to house of Hon. Mr. M'Gill
St. Dizier's, who ~~told him to come along w^t him when~~
~~so~~ when it might be between 2 & 3 o'clock in the afternoon
there were assembled M'Gill, Ch. Lurke Monk, Mr.
Panet & Mr Richardson & Councillors, & dict^d the notes
he had taken to Mr M'Gill, who noted an answer
thereon ~~to~~ ^{w^t directions to return immediately by the Cote du Noye} each of the demands - To the first, it
~~was ansd.~~ They told Mr. that they were the 4 Councillors
who represented the Govrnt. in his absence - ~~They~~
~~quarrelled~~ ^{they} ~~had~~ ^{convinced} him to return by the Cote
du Noye where the assembly was to be held, &
to assure them that the rep^r Mr. was in force & must
absol. be exec^d. & that it was neaq^t that the drafted
men sh^d be immedi^{tly} sent on, & if they refused to do
the Kings troops w^t be put in movement to take them
by force and they must stand by the consequences
that if these people wished to get any informⁿ they
might come 2, 3 or 4 to them & they w^t give them
satisfaction upon all the points they wanted - Hav^d
ing the above ans^r he went off immediately, & cont^d
his journey to the 4 cross roads, & when he arrived
there it was not late & might be after 4 o'clock, but
cannot say how much - he sent to make enquiry
respects the people who sent, & was told that ^{a number of} ~~several~~
people had met there but had gone off between
2 & 3 o'clock in the afternoon, he considered that

then

were the people from St. Blaine who had commissioned him, but is not certain, understood that they had gone the way of Lepre to the river side - That from the cross roads after? to Mr. Grant at Lachine, there may be about 2 $\frac{1}{2}$ or 3 leagues - when he saw those people had not waited for him he did not hurry after him, went to town from Lachine about a mile further on his road where he stopt to refresh himself & horse, and did not leave it till about dusk, when he reached Lachine it was dark he saw persons assembled there when he passed & he went on to his home - By D. That he afterwards had occasion to ask some of the afores^d persons the reason why they did not wait for him at the 4 cross roads

x³.

I know no other parish of Lachine, parish of St. Blaine or St. Laurent or côte de Lierre than ~~that~~^{those} in County and district of Montreal - Before he went to the Councillors he stopt at Mr. Chabot's when he learnt that he & Mr. Ross had set out for Lachine - about

That when he refused to draw the part, in question
he told the people that he did not think himself
sufficiently instructed to do it, I advised them to
go to Montreal & get some person there to do it, &
where they would get information on the points, they
wished -

Evidence closed -

Verdict. Guilty of exciting persons to
assembling & make a riot

Saturday 29th Aug^t 1812

The King
Jos. Siccard }

On Indictment for High Treason.

The Pris. was arraigned & pleaded Not Guilty -
Trial fixed for 11th Sept^t next.

The King
Guil^e Mallet }

On Indictment for High Treason

The Pris. was arraigned & pleaded Not Guilty
Trial fixed on no. of Sol. Gen. was fixed for
14th. Sept^t. next.

The King
Bern^c. Courville
Fr^ranc^r Courville
Joseph Binet }

On Indictment for High Treason

The prisoners were arraigned & pleaded Not
Guilty -
Trial of Bern^c. Courville fixed for 15 Sept^t
Trial of Fr^ranc^r Courville fixed for 16th do
Trial of Jos. Binet fixed for 17th do

The King
Luc Courville
Jos. Pascal Palon
In Bt. Thivierge.
Joseph Rabean }

On Indictment for High Treason

The prisoners were arraigned, generally pleaded not guilty
Trials fixed as follows -
of Luc Courville on 18th Sept^t. next
of Jos. Pascal Palon on 22^{do}
of In Bt. Thivierge on 21 Sept^t
of Jos. Rabean on - 23^{do}

The King
vs.
Jos: Bonet.

The Counsel for the prisoner moved that he shd be enlarged from prison on bail, on account of bad health - produced Certificate of two Surgeons to that effect -

The Sol. Genl. opposed the motion - objected to the sufficiency of the Certificate, as not being under oath, nor containing any thing to shew that the life of the prisⁿ w^d. be endangered by being continued in Gaol -
The certificate was admitted and the motion granted -

The King
vs.
Jⁿ B^t Preceau
H^t —

On Conviction for exciting persons to

The Counsel for the Defendants moved for a new trial -

1. No proof that offence was committed within the jurisdiction of the Court, a place laid in the Indictment

2. Leach p. 726. King v Thomas

1 de 425. King v Hazel -

when the place where, was not found, & considered insufficient

2. That the evidence given of Prisoners extended only to their exciting two persons to commit a riot - contends that no guilt can arise from exciting to commit a crime, if the crime has not been committed - That two persons cannot commit a riot, & therefore no guilt attached to ~~the~~ prisoners for exciting them to commit it -

King v. Tindal & Brown

3. The charge found agt. prisⁿ constitutes no offence. 3 M^t Rep.

C. M. Rep. Queen v Daniel - The bare exciting to do a

thing criminal, if nothing is done upon it, is not an offence -

1116. Raymond. Queen v Collingwood. -

Exciting, to be considered as an accessory - there can be no

Rep. v. Scifford
caderott.

Rep. v. Higgins
2 East. 8. -

4. Burn. 2494

1 Bl. 218. -

accessary in any case under felony - nor to a crime which has
never been committed -

King. &
Beneche } Dam

Same observations applicable to his case as in the
preceding - That his guilt ought not to extend to acts of
Duchesneau & Brunet, as they went beyond the orders they rec'd
from Paris - in demands main forte to get the militia meas.

King
Trottier
et al } On Indictment for Riot & rescue -

Obj'cted that no order was proved for the arrest of Leveillé
named in the Indictment. - No proof that Leveillé was
a deserter - Warrant given by St. Dizier to Leprohon
2. Exp. A. P. 687 Schuyler & Parsons shd. have been produced & proved - and if produced & proved
1049. was insufficient to arrest Dr. Leveillé the person named in
the Indictment, as the person named in the warrant
was Joseph Leveillé - East. C. L. 312.

No legal proof that the militia had been embodied, the Governor's
orders to that effect ought to have been produced -

No proof of Mod. Reynell, except his being present in the crowd
without giving any consent to the cutting of that crowd
Ignorance of law not culpable in pris.

MRoss in reply. The general verdict of the Jury precludes the objection of ~~P^m~~ as to place where the offence was committed. Had a sp. verdict been found by them, any variance such as that stated in the Cases referred to might have been fatal -

The exciting persons to commit an offence of a public nature, is criminal - not so if of a private nature, which is the case referred to in the authorities referred to 6 Mod. Rep. - & Raym. - Rep

Stewart - King v. Tooley - 2 Raymond - a man wrongfully in custody may be rescued without criminality in so doing -

Friday 11th Sept 1812.

The King.
Jos: Siccard

On trial of Indictment for High Treason.

The Jury not attending in sufficient numbers
a Writ of Hab. Cor. Quæstorum was ordered to issue returnable
on Monday next, to which day the Court adjourned -

Monday 14th Sept 1812.

The King
Jos: Siccard

On trial of Indictment for High Treason

Jury sworn -

Amable Gaudry -
William Edge -
J^r B^t Bontonne -
Charles Laberge -
Benj^r Ritchotte -
Joseph Vallée -

Jos: Chevallier -
Louis Partenais -
Eustache Revost -
J^r B^t Desforges -
J^r B^t Duranceau
Clement Perras. -

Isaac Russel was challenged by the P^r pro causa, he having
been born in the United States of America, ~~in the year 1773~~
where he remained till the year 1798, when he came into
Upper Canada & has since there remained until ~~year~~
~~ago~~, when he came into this Province & is since ~~then~~ resided
in Montreal - That he holds a grant of lands from the
Crown in Upper Canada, & took the oath of allegiance
when he first came into the Province -

Obser. over ruled - see Stat. 31 Geo. 3. -

The Case was opened by the Solicitor Genl for the Crown —
when the followg. witnesses were examined. —

In P'te Melchior Hertel De Rouville, is Lt. Col. of 2 batt. of incorp.
militia quartered at Laperairie — His Com. is dated 25 May
last — That the incorporation of that batt. was not commenced
before 6th June last — That the 2^d batt^h was at Lap. in this
district on the 30th of June ^{1st July} last — That on the 30th June
or 1st July last he rec'd a letter from Col. Vincent comm^g the
district advising him of danger of his men being carried off
& to use precautions agt. it, which he did — That there were
militia men from the division of St. Clain in 2^d battalion.
That he heard on the 1st July last of a tumult at Lachini, &
heard the firing that evening —

That on 1st July last there might have been 2 or three
militia men of St. Clain — that the men of that division
were sent to Laperairie by an Officer of Militia, qth is all
the kn. he has

Et: St Dizier, is Lt. Col. of mil. of div. of St. Clain — On
the 27th May he sent out his orders to draw out 57 militia
from that div. to send to the 2^d batt. of Embd. mil. at Lapey
That in consequence 23 or 24 men came to his house on the
3^d of June who had been so drafted, qth he ordered to Lapey
under Capt. Mondlet. —

The orders he rec'd were in writing & directed him to draw out
by

by ballot or order the quota of militia men of his division.

John Grant lives at Lachine, and was there on the 1st July last - about 12 o'clock of that day he saw P^r there, he was passing in the road on horse back, he was then alone - There was a great assembly of people there that day - it commenced about 3 o'clock ~~or later~~. The W^s heard the day before that the people were to come and take his battalions, q^t had induced him to send as many of them as he could to the King's

~~He directed his
Carpenter to take
the oakum out
of the hull,~~
Hàngard^t - That he saw several groups of persons assembled at different parts - he spoke to some of them - & they were going to take a bad step - they & they meant no harm to anyone and were only going for their young men - W^s told them they were wrong to go armed as they were - Some of them agreed to leave the crowd & come w^t him - Went to another group and talked to them in the same manner - Observed that if they had any grievances, they ought to chuse out 2 or 3 people w^t a Capt^t of Militia & apply to their Col^t, who w^t give them redress - That they were assembled w^t arms in their hands like rebels, and were going in oppos^t to their King & Country, & w^t be treated as such - They & they meant no harm - w^t not hurt a child - He prevailed about 60 of them to lay down their arms & return - but upon some of the young men re

Carts

Carts and crying out to them, come along, come along
why do you listen there - those persons again took up their
arms and joined the crowd - That he then told them
they did very wrong, & w^t repeat it - understood from
them that they meant to go to La Prairie for their young
men - That after this he saw a general assemblage of those
people at Cap Desechamps where they remained till
towards the evening, when they seemed disposed to resist
every demand made to them to desist - The Kings
troops arrived & some artillery - they fired over their
heads and on every side of them without effect -
those persons so assembled returned the fire with
balls from their muskets - Thinks that it was Cannon shot
that was fired by the artillery - saw one man next
morning who had been killed near a barn - understood
there was another man who had been hurt -

P.

From the reports he heard the night before, he was alarmed,
that when he saw one Delaurier & two Indians pass before
his house cry out huzz a three times, he apprehended they
were of the party - That among the people assembled
he saw many respectable inhabitants - they s^d. they meant
no harm, only wished to have their young men - That
when the young men who went past the H^t and called to

the people to q^m he was speaking, come, come along w^t u.
Doit listen to him - Cannot say then young men heard
what he was saying to those people at the time - From the
time he first saw the assembly of the people until the firing
commenced, he saw no harm done by any one of them -
that it was the Kings troops who fire first - did not
hear the riot act read nor any procl^m made by a Justice
of Peace chas them to disperse, before the firing - Saw Mr
McCord, one of the police magistrates there - Thinks that
the man who was killed must have fallen by the fire
from the Kings troops - has not known that any hurt was
done by the fire of the people opposed to the troops -
nor whether their guns were loaded w^t ball - That
the troops were not ^{at} a great distance from the people
when the firing began, & thinks they might have been
easily hit by the habitants assembled - Does not
know where the P^r went when he passed on horseback
& did not see him afterwards in the crowd - The P^r has
been in the service of the W^r as a Major ager -

Antoine Lange - went to Lachine on 1st July last - he had heard in
the morn^g of that day, that the people of Pt Clain were
going to Laprairie for their young men, & when he saw
the troops pass he followed to Lachine - Saw them

great crowd of people, about 150 or 200 of who had arms
some of whom said that they had come for the purpose
of presenting a petition to Gov: to get their people who were at
Laprairie - If we do not make a petition, we will go to
morrow for our people, and we will have them dead or
alive - Saw the P: that day in the Crowd of people so
assembled - ~~cannot say whether~~ Thinks that P: had a
musket - he had on a red Shirt - what gave M^r occasion
to remark ~~P:~~ was, that he appeared very active, and
was talking a great deal - heard him say - on dit que
la guerre est déclarée - si elle n'est pas déclarée, nous le
déclarerons nous-même - on dit que les troupes viennent de
Montreal, nous les aurons bien vite repoussés - saw
Mr McCord, Just. Peau, Mr Leenix, Mr Gordon & several
other gentlemen from Montreal - that the P: was in
the Crowd when he talked as above - Mr McCord said
to them, go home, I come y or 8 of you to morrow to me, I
will draw up a petition for you & send it to His Excell^y
They ans^d that they w^t not wait so long - Some of them
s^t they were waiting an answer from Mr Thibaudeau - the
P: during all this time app^d active in exciting the people
was talking a great deal - and appeared a leading
man among them - Staid at Lachine until after the
arrival of the troops - many of the people then went
away

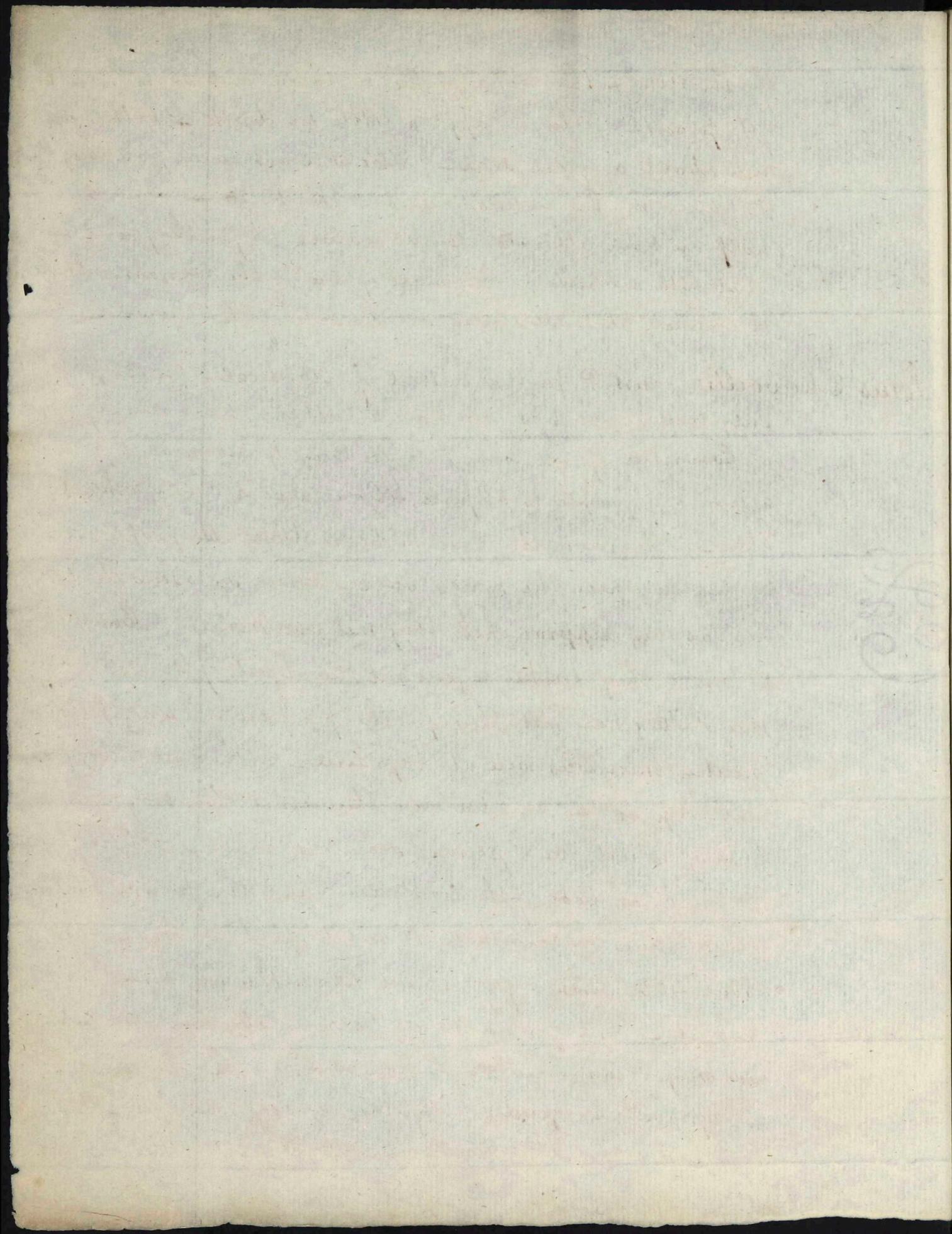
that about 100 men who were req^d. by Mr. McCord to disperse and go home, they ans^d. that w^t not so. Mr. McCord saw the troops w^t be obliged to fire on them if they did not they said they w^t return the fire - did not see the Dr^r them in the Crowd - but saw one Bernard Courville - When Mr. McCord r^u. towards troops, they fired a cannon - when several muskets were fired by the Crowd, I heard bells pass - fire cont^d about ten or 12 minutes, -

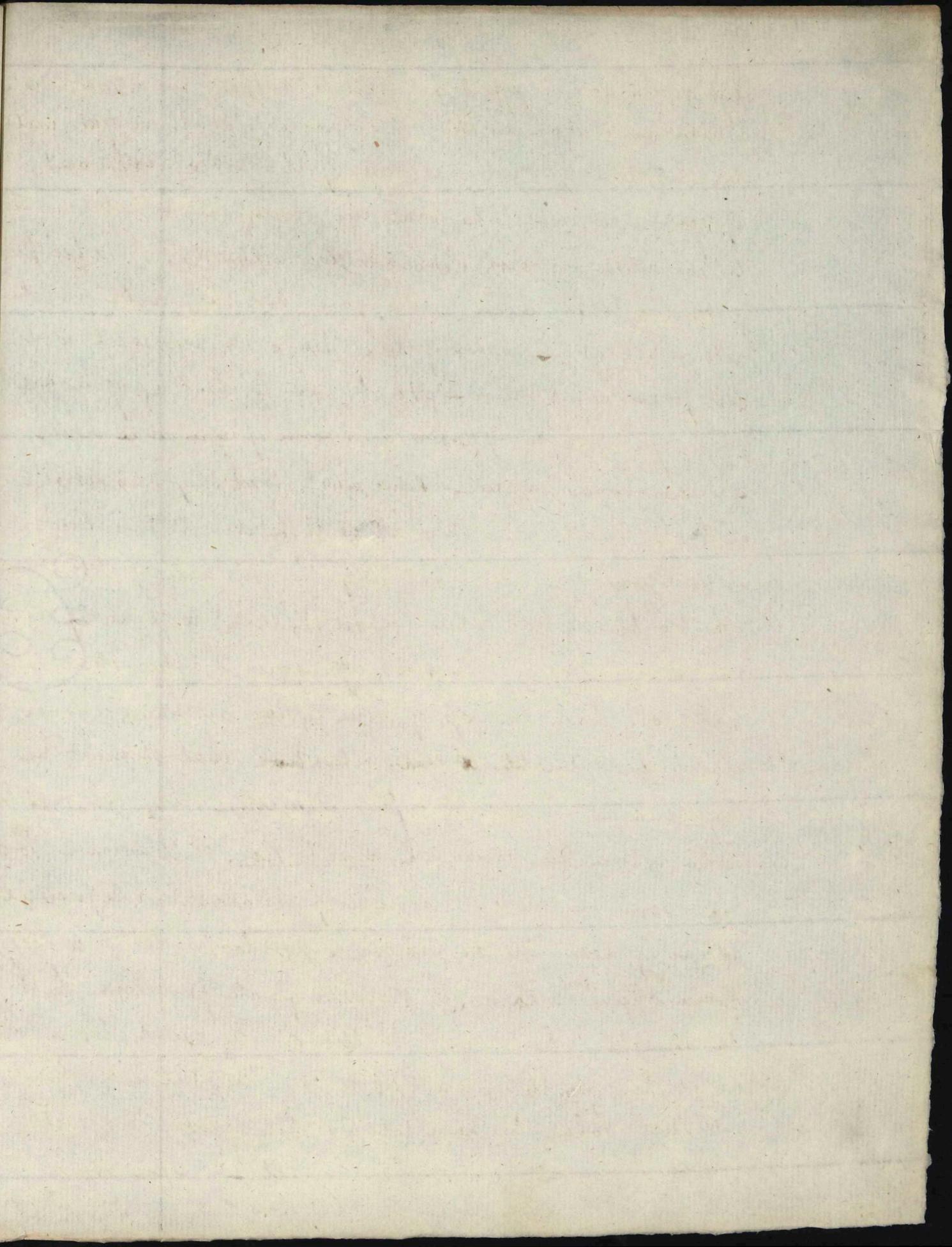
X^c

Expected to see a great crowd of people when he arrived at Lachain - saw them at house of one Deschamps - they were quiet, but there was a great talking among them advised some of them to go home, they sd that they were waits for the Huronians to get an answer to their Pet^r They seemed waits for something - some of them were sitting - Heard them say, if we do not make a requette, we will go to morrow for our young men - also that if they did not succeed by a requette to get their young men, they w^t go over to morrow to Leprairie for their young men - They did not appear unanimous in their plans - They seemed determined to take away by force the young men or militia men at Leprairie - They s^d that these young men had been taken away wrongfully as there was no law for it, and had not been sanctioned

by the King - that some people in town did so, in order to
get places - The P^r app^d a little in drunk - talked and
run about a great deal - He will not swear positively that
P^r had a musket in his hand, but thinks it - Saw the P^r
half an hour after Mr. McCord arrived, & before the firing -
that after a discharge was made of one of the Canons, about
20 musket shots were fired on the side of the Crowd -

Louis Chabotier, Just. P. for the district of Montreal - On the first
July last, he went w^t Mr Ross to Lachine, has been req^d by
a Committee of Ex Council to go there to endeavour to persuade
a crowd of people to disperse wh^{ch} it was s^d had gathered
there - That on the road he heard that the people were
assembling near the Kings Stores - went on to see the crowd
and as they approached they met one Mallet & Courville
to whom they talked to find out the object of the meeting,
they s^d they had met there for the purpose of going for their
militia men who were at Lafraire - after dissuading from
that step as the militia were there doing their duty according
to law, which the s^d persons seemed to doubt - a little further
on the great body of the crowd was, and these persons proposed
to bring them forward that Mr might speak w^t them - saw
about 400 persons - of qth about 100 or 120 were armed with
muskets - Mr got up in his Calash, told them their conduct
was very criminal, that the law made qth the People w^t
at Lafraire w^t equally obligations as any other law - that
he requested them as their friend to desist - observes that





his advice had no effect, he then told them, as a magistrate
I command you in the Kings name to desist, a speech well
be considered as Rioters - some of the crowd cried out,
if you will undertake that our young men be returned to
us we will disperse, otherwise we will not, & so far from
promising this, I can assure you that they will not be
returned to you - Some of them then said, very well, we'll
use force to get them - He observed to them, if you use
force, you will be opposed, and some of you will never
see your homes again - Some ans^d that they had set out
with this intent and they w^d go to the end of it - Some
of the Crowd told Mr that they thanked him for his advice
the trouble he had taken upon H- turned to go away and
out vive le Roi! - H- stood up again, & after silence was
made to them, the exp. of vive le Roi on that occasion
was little applicable to their situation, that it must be
considered as an insult to his Majesty - they did not
listen to him, but cried out, vive le Roi, still more - He
heard some one make a noise as if w^d an intent to prevent
H- being heard by the Crowd, upon looks round to see
from whence it came, he observed for the first time the P^r
the W^r arks who was, mallet s^d be quiet, let us hear
what these gentl^r have got to say, they tell us nothing
interesting, when they have told us their reasons, we will
tell them ours - he was then quiet - Saw three persons

persons there of the name of Courville - one Laurin - one
Thivierge - one Pilon - several Delaurens - some of whom
were armed - The general object of the people so assembled
was to go to Lapeairie for their young men - the Ms arrived
at Lachim about 4 o'clock in the afternoon & left it about
six -

x^d

He rec'd. a written message from Mr. Gill requests him to attend
the Com. of Council, & he did & he was by them requested to
go & endeavour to persuade the crowd to disperse - thinks
that his influence might be useful in this respect - and he
felt regret & some mortification that he had not been able
to succeed - When he arrived at small inn near St. Dr^v
Johnson's, he saw about 30 persons, who proposed to go for the
grande bande, that was at a little distance - That
P. had a wild look, and thinks he might have been in liquor
or been ^{much} agitated - ~~that~~ that he spoke w^t 5 or 6 in particular
so as to find out their motives, and Guil. Mallet was the
first to g^re he spoke - Does not recollect that Mallet spoke
of Thibaudon to him, or of his mission to town - says, that
they were going for their gens, as there was no law for
keeping them there, as they had not shewn the King's
signature to it - S^r. that they meant not to do hurt to
anyone, not even to a child, but that they must have their
gens - When he first spoke to Mallet, he said, that they
were expecting to see some gentlemen from town -
when he spoke of their being armed, they said they
were doing what Mr. Leprohon had done ^{the day} before

he had come with arms accompanied by militia men
to take away some of their guns, and as he had shewn
them the example, they were come to do the same thing.
While he was with the crowd they behaved with great
civility and politeness towards him, & he saw them do
no hurt to any one -

Jeanne D. Laroix lives in town on 1st July last he left town about
 $\frac{1}{4}$ after 4 in aft. to Lachine arrived there at 5 o'clock
and remained there until midnight - He first stopt
at one Branconnier's, where he was informed that
the crowd was farther on - went on to a small Inn
where he saw Mr Chabotley & Mr Ross speaking to a
about 60 persons - They sent for the crowd, which
came up, when both Mr Chabotley & Mr Ross used
every argument to induce them to disperse, & finding they
did not succeed Mr Chabotley ordered them as a
magistrate to do so - the persons to g^m 10^e addressed
himself all agreed to say they had come there in
order to get their militia men from Laprairie - the
while Mr Chabotley was speaking he saw P^r who
cried out several times, to the people not to listen to him
as he might gain them over to disperse, and the object
of their meeting be lost - Mr Ross advised the people

also

also to disperse, and used same arguments as Mr Chabot to this effect - That the P^r did not appear to Mr a leading man more than the others, but he seemed to be a little in liquor, so was clad in a flannel shirt like Canadian voyageurs - There might be about 150 of the people armed - That there might be about 700 or 800 persons assembled there as far as he can judge. That understanding that the troops were coming, and even after they arrived the Mr did every thing in his power to persuade the persons then assembled to disperse - he succeeded with a few - The p^r was not armed - That after the troops arrived there remained about 100 or 150 of the people ^{who} refused to disperse - That the first gun q^t was fired was by the troops, it was pointed towards the river & not upon the people - upon q^t 15 or 20 muskets were fired in return by the crowd - a second & third gun were fired, when the fire was returned by the people - it was then dark, and the people began to disperse - he spoke w^t one Laverin who was there armed w^t a musket, who told Mr that the people were assembled for the purpose of getting their militia men - that the people of Le Genevieve, when he lived had shewn themselves in 1775, and either by friendship, or by force, they would have them - Knew in the Crowd then assembled, Guil Mallet

four persons of the name of Legault - three persons of the name of Courville - one Prault - one Therrien - one Pelon & many others. —

x.

That when at Lachine, Mallet asked Mr if he had seen Mr Thibaudieu, Mr said he had left him at Montreal - Mallet s^d They had sent Thibaudieu to the Council to know whether there was any such law or not regarding the militia - That there was much difference in the manner of talking, some said one thing some another, but the general object of the meeting seemed to be that they were to go to LACHINE for their gens - some talked of effecting this by a requette, some by other means - many knew not for what they were assembled, saying they had been ordered to come there to sign a petition, Mr told them to return home, they s^d They could not, as there were guards on the road to prevent them - Heard Mr Chabotiller command people as a magistrate, in the King's name to return and when he bid them adieu, they cried out vive le Roi - Mr Ch. obmmed to them, that ~~as~~ traitors rebels to their Country it ill became them to use such expressions - Saw no injury done by any of the persons then assembled until the firing by the troops - They s^d that they had been in Montreal to take advice and understood that the law had been made by their represent. but had not been approved of by the Gov^r and therefore their gens were illegally detained. — That P^r was not so drunk

as

as not to know what he was about - Thinks that
the reason why the remaining 100 or 150 persons remaining
did not disperse, at the time

Thomas McCord, says is I. O. & one of the magistrates of Police - On
the 1 July last has heard informⁿ from one Fraser that
there was a tumultuous meeting of the people at Lachine
who meant to take the Kings Battalions in order to go to
Lafrairie - this informⁿ he gave to the Com^d. of Coun. who
told him he must go to Lachine w^t the troops in order to
stop and disperse them - Set out for Lachine about five
o'clock arrived there about $\frac{1}{2}$ past 8, came to house of
one Deschamps where he found a crowd of about 300
1400 people - He asked them what they were come there
for, after have told them he was a magistrate, and had
come there in purpose to speak to them - they s^p? they
came there to get their young men from Lafrairie,
meaning the militia men who had been sent there - he
told them they took the wrong means to get them by
coming armed & in such numbers, if they had any
petition to make, they shd. do it differently - One of
them s^p? they woul^d make a requête but woul^d find
none to do it - W^t am^p come to me in town & I'll get
it drawn for you - but they r^d when it is drawn

me

we cannot present it to the Gov. W^r. told he w^ere pushed
and present it w^t them, if they came to the number of 8
or 10 - begging them at same time to withdraw and
go home - many listened to W^r and went away, many
also refused and remained - W^r then told them that
he had come from town in purpose with troops, to
tell them that unless they withdrew immediately he had
orders to make the troops fire on them - ordering them
at same time in the Kings name to disperse - as their assembly
was illegal even if they had no arms - after having told
them this he remained about an hour & a half, when
the troops arrived and W^r withdrew - He spoke to
Command^s off. of troops, went back again to the crowd
w^t a view to withdraw as the troops only waited for his
orders to fire on them & gave them further $\frac{1}{4}$ hour to go
away - A young man who was near W^r ans^d if the
troops fire, we will fire also. He withdrew & again
spoke to the Comds off. He went back a second time &
spoke to the people begging of them to disperse - a
young man then said, well let the troops go away for
W^r said the troops w^rnt go away, then he s^d neither
will we go, and we shall see the fire before we
go - That it might then be about $\frac{1}{2}$ past eight o'clock
when he came back to the troops & gave orders to fire
which

which they did - That upon this fire being made, the firing of about 60 muskets was returned from the crowd
there were afterwards two other discharges of Musquetry from
the Crowd - That He repeatedly told the people assembled
that the law respects the militia was in force, and that they
ought not to trust to the reports they had heard - They however
still persisted to say, that they w^t have their young men, and
that they w^t go and take them - That there app^t. to the W^t
to be about 60 or 80 who had arms. —

x.

Was requested by the Com. of Council to go to Lachine, as a
magistrate, & that the troops waited for him - Did not hear
of any violence hav^s been committed by the persons so
assembled, when he went to Lachine - They told him that
they would take the bateaux q^t were at Lachine in order
to cross over to L'aprairie - About 4 dozen of them s^r this, &
it might have been about $\frac{1}{4}$ hour after he arrived there
Did not read the proclamation prescribed by the Riot act -
They spoke to W^t of Thibaudreau, saying they had applied
to him to draw a petition for them q^t he had refused to
do, & this is all they spoke to him respects Thibaudreau.

Dominique Ducharme. Capt. of militia at Lachine - saw a great
collection of people there about 6 o'clock in the evg of 30 June
last - That about 11 o'clock a man of the name of Trotter came
to his house and told him that it was the intention

of the people to go and take the militia men who were at Lafrairie - he dissuaded him taking this step as he would it contrary to law. A number of persons collected in the road while he was speaking to Trottier and to whom he gave the same advice to return home quietly, as they ought not to go agt the law, seeing it was their intention to go to Lafrairie for their militia men - they went away - The next day the 1st July when he returned from his field about sun set, he was informed that crowds of people had gone part & that people had come from town to stop the tumult, but had not been able to prevail, and that his brother in law was in the Crowd - he went out and found several crowds of people assembled, who informed him that they had come there for the purpose of going for their militia men at Lafrairie - he told them they were wrong and advised them to disperse - Some of them seemed to listen to him and went away, others refused and persisted in remaining. -

Stuart Fraser. was at Lachine on 1. July last - saw there a great crowd of people collected - saw Kings troops there - saw M'Wnd Cad there - saw Canon fired - the fire was returned by the Crowd - heard the ball passing, saw some of ball, next day, which had been found near the place, one of them which he now has was made of Pewter -

Joseph Deshautels - W. P. saw him on 1 July last at Lachine on Island
of Montreal - he came to house of W. then and s^d to W.
you were in town yesterday, ans^d yes - you took in a P^r
w^t you - yes - You did well to go off w^t him as you
did, had you staid much longer, you w^d not have carried
him as there are 500 men from P^t Clain who were
determined to carry him off from you - they are all
going for them to morrow - W. then s^d you have never
seen a company of Soldiers

x^d

Had been employed to take some pris. into town the
day before by Mr Leprohon - when P. s^d that they w^d
go for the rest - W. understands it was the other militia
men who were at Lafrairie / P. said there were 500 men
at P^t Clain who were going ^{next} to get their people ~~from~~ ^{who were at} Lafrairie

This was said in the presence of Mr and his wife -

Joseph Filionette - lives at Lachine for 13 or 14 years part - hs P^r that
he is a batteau maker - that the batteaus at Lachine lie
generally at Mr Grant's, Mr McGroch & at Kays Stores -
That on 30th July last Mr Grant sent his batteaus to the
Kays Hangard & from thence he took the oakum out of - Upon
finishing this work he passed the Jr. who was sitting
near the plan where Mr passed - Mr observed that those
who cross in those batteaus will soon see the bottom, the
P^r said, either, we, or they will make you caulk them
over again - if you ^{will} make me caulk them over again
you must find oakum, he replied, they w^r soon open up
the stores and procure oakum. -

Gives a good character to P^r

John Ogilvie. went to Lachine on 1st July last - found about 300
people assembled there, about the half of whom were
armed - said they had come there in order to get
their young men who were at La Prairie - he did every
thing in his power to dissuade them, that if they
were aggrieved they shd. state their complaints in
different manner - Recollect has seen the P^r
from his figure, his hair a red shirt on, and
his

his being very active - That about $\frac{2}{3}$ of the people had withdrawn from the Crowd with an intent to disperse - this a little before the troops fired - Then were 5 or 6 persons who were running about in order to prevent them from going away among whom he recognized this man with the red Shirt - he remained in the crowd endeavouring to persuade the people to disperse until the moment the firing commenced -

x.

Before we went to Lachine he heard reports of a number of people being collected at Lachine & that the troops were gone there - this induced him to go there - he spoke to many of them people, they seemed dissatisfied that their young men were taken away from them - they did not speak particularly to him about any law but only that they must have their young men - saw a great many respectable Inhabit. a point of means among the Crowd, and ~~who~~ he would not have suspected of being guilty of heading any revolt w^t the govern^t I was on that ac^t. surprised to see them there - did not hear the riot act read before the firing nor hear any orders given to arrest any of the persons then present - that the people assembled

were in suff^t force to have carried off the battaues at
Lachini or to have broken open the Indian Store,^{that} ha
they been so disposed - Never saw the late act
suspects militia before this tumult happened -

~~John~~
~~Robert~~ M. Nabb 10. Dr saw him the day of the tumult at
Lachini in the morn^s. In the afternoon - was in company
with one Delaurier in the morn^s in a Calash w^t another
person - there were two guns in the Calash - Saw Dr
in the afternoon go across to the Indian village in the
Ferry boat, and at same time Delaurier w^t two Indians
down the river side - Saw a ball extracted from a cedar
log q^t was made of powder -

Joachim Clement. was not at Lachine on 1st July last -

Ebenezer Jewell. lives at Montreal - went to Coleen du Lac - at Lachine
he saw an unusual collection of people then, some of
whom told him that it was on acc^t of the young men
who had been drafted for the militia and were at
Laprairie, and that they were going for them - one
in the number came forward & spoke in English, as
W^t does not understand French - He requested W^t to
join them, as there were Americans also at Laprairie,

he said he was not then able - asked them what number they were - said they were 300 & had sent for 200 more that there were 800 to come to town by the cote des megs to prevent the battcaux from going to Laprairie - and that they were to take the battcaux at Lachine in order to go to Laprairie to take away their drafted men - that there were Americans at Laprairie among the drafted men - that the Bostonians were coming soon into the County to take the County stake Quebec, that the Americans were Bonaparte's people and so were they, and that Mr. ought to join them - if he w^t not, the Bostonians when they came into the County w^t with them destroy his and his family -

x-

He has lived in this County for five years & has lived by farming, and is now a Saddler in this town - Has taken the oath of allegiance three years ago and ^{also} since the proclamation on the 20^e July last - That he was requested to give the information he now has stated to Mr. Sewell which he did - on his return to Montreal he was repeating what had happened to him on the road to some people, who told him he ought to give information to Mr. Sewell - That he met with the person who spoke to him as above in the crowd of people about a mile or a mile & a half beyond Mr. Grants at Lachine

hi

he was a man of fair complexion red hair, but
thinks he was a Canadian, as he did not seem to spe-
ak English language so well as he did the French -
They asked the Mr what news there were in town, &
any thing was said then about their assembling -
That he does not recollect to whom he told the story when
he came back, & who advised him to go to Lachine & Mr Seur
recollects having met it to a Mr Hatley & Mr Troup,
but they did not advise him to say any thing of it
to Mr Swell -

Robert Grant. That his father John Grant has batteaux at
Lachine, & on the 30 June last he sent to the hangard
of the King, owing to a report current in the Country
that the Country people were collecting to come to
Lachine to take those batteaux & go to Leprairie to get
their militia men -

Jacques Richer. Was at Lachine on 1st July last - did not see the
P. there that day -

Pascal Decoste ~~was at Lachine~~ Was at Lachine on 1st July last, saw the P.
there, he had left it before he saw there a great number
of people collected - saw Mr Chabotay there, who as
he was about going off he heard P. ask, an rec for the

King here, all the people said yes, yes, & then cried, viva le Roi, & prenons le batteau, its sont partis pour traverser
did not understand where he meant to go nor for what
purpose - That he understood the people had met
in the purpose of signing a petition - Bernard Fourville
came to his house told him this & the man who was
with Fourville told him to bring his arms with him

That P^r: app^d at time to be much in liquor, & what he
said seemed to be without consideration -

Pierre Pilon, the ~~Bernard~~ Fourville Guil. Mallet & Jean Fourville
saw them several others at house of Mr. at St. Clair
on 1st July last - told Mr. that their intention was to
make a petition, and if they could not do that they
w^d send Capt Thibaudier to town to enquire if the law
was in force - That while they were on the road some
of the party said that if they did not succeed in their
petition they w^d take the batteaux & go over to Laprairie
understood that they were to go to Laprairie provided
they found the law was not in force, and would take
away their militia men - That some of the people
so assembled had arms -

x^r-

That Mr. remarked it was not necessary to take arms with
them to sign a petition - They said Mr Leprohon had taken
arms

arms w^t him when he went into the County & thought
that they might do the same thing - all the people
were in doubt whether the law respects the militia
was in force, and the general opinion was, that there
was no such law, as it had never been approved
by the Gov^r.

Jos: Pilon. lives at Pt. Clain - Mr. St. Laurin, Fr. Couville
Gnl. Mallet - That Mallet on the first July last
came to house of Mr. and asked him if he was going
with them to Lachine - That he understood that
they were going to sign a Petition - That if they
found the bill of the militia was not in force they
were then to go to La Prairie & get their militia men

P^r Vallée Mr. St. Laurin - saw him on 30 June last at St. Anne
at house of Mr. he came to tell Mr. that he must go
to Lachine in order to get their 5th man or militia men
That they were going to La Prairie to get them - saw
Laurin next day at Lachine also Bern^d Couville
and a great many more persons to the number of
150.

That he was told at Pt. Clain that the people
were

were going to draw up a petition in order to ascertain whether the law was in force, which was to be sent by Mr. Libaudoux to Montreal - it was the answer to this petition &c. was to direct the people as to the measures they were to take touching the militia, as if they found that the law was not in force they were then to go and get their militia at Lachine

Jos. Bertrand - lives at St. Laurent - W. Bern & Courville
St. Courville & St. Laurin - saw 10 or 11 men pass by
the road of Lierre to go to Lachine 7 or 8 of whom had
muskets - they said they were going to draw up a petr
to be presented to the Govt. They asked W^r to go with
them - he went there about 2 o'clock in the afternoon
W^r P. saw him at Lachine on that day -

That he understood the object of the Petition was
to ascertain whether the law required the militia
was in force -

Louis Thibaudet is Notary Public - is also Capt^t of Militia at
St. Clair - When there was a question about putting
the law respects the militia in force, it became much
doubtful if the law was in force, as no copy of it had
been seen - That about middle of June last a
number of persons of St. Clair came to him to request
him to draw up a petition to the Gov^r. to be informed
whether there was any law on this head - that the
persons so collected might be about 200 - he refused
to draw up the petition, because he was afraid to
act improperly in the eyes of Gov^r. These people
thereupon went away. That on the first July last
four of same persons, vost Jno. Rabau, Am. Legault
Fr Rappin & Guillet came to W^r. to request of
him to go to town & get information respects the
militia law - they requested of him to acquaint the
people in town of their meeting, he took a piece of
paper & made a note of their reasons - this he entitled
Dire des gens de la St. Clair - The first object was 1.
that they considered the law respects the militia
was not in force - 2. If the act of militia was
not in force, they w^r not in that case that the
contingent of militia of their division ordered for
Laprairie should march - 3^t If the act
was

was in force they w^t. not only driven up all those
who had been so ordered for the embodied militia
at Laprairie, but w^t. shed the last drop of their
blood in defence of the government - Li! They
found it extraordinary that people armed should
come among them w^t orders to fire upon them -
The s^r: persons charged us to get information on the above
points from the most respectable persons in town
that he sh^t return to them at the four cross-roads
between Lierre & St. Laurent at 4 o'clock in the
afternoon - He set out in a Calash w^t one of said
persons from St. Clair same day about 10 o'clock
in the morning and arrived in town in the afternoon
he went first to Le Col. Le Dozier to g^m he commt^d
his commission - he took ^{him} to Mr. McGill's where
he found a Committee of the Executive Council assembled
vizt Mr. McGill, Mr. Richardson, Chief Justice
Monck & Mr. Paint, to whom he communicated his
mission & gave to one of s^r: Gentlemen the small note
he had so taken, which after perusing they returned
to him - Then gentlemen charged him to return by
the Cote des neiges where he was to meet w^t the persons
assembled & to tell them - That they represented the
Gov^r: in his absence as memb^r of th Ex. Council
that

That these people should immediately withdraw
to their respective abodes quietly - That it was
certain that the Militia law was in force & much
law in the Country - That it was absolutely
necessary that the persons commanded should
join immediately the Incorporated Militia - which
if they refused to do, they w^t face the King's
troops in motion who w^t go and take them of
their consent & they must abide by the consequen
as to the other points if they wished any inform
they had only to send to them three or four from
amongst them & they sh^t receive satisfaction upon
~~the~~ same - That it was after 4 o'clock when he
arrived at the above cross-roads & seeing nobody then
he enq^r. at a neighbouring house if any persons had
assembled there, was told that there had been
such an assembly but that about 2 o'clock in
the afternoon they had gone off towards the
water side by the road of Liss^t - That he
slept at the house of one ~~Dubois~~^{large} being hungry
& fatigued, when he staid till it was near dark
when he set out towards his home, - he passed
through

through Lachine & found all quiet there -

That he represented to the persons who applied to him to draw up their petition that he could not make it as he considered what they asked in it to be illegal - he offered to make a supplique for them - what they refused. They wished to put in the petition that they did not wish that the militia should be drawn out which he said was like a child who shd. tell his father, my father I am willing to obey you in every thing, but in this I do not wish to do it - When he refused to draw their petition he referred them to Mr Chabotilly Mr Stuart & several other persons in town, upon which they went away - He said nothing more on the subject till the first of July - That he had orders to command or draw by ballot 5 militia men from his company - Does not remember to have seen the militia law of 1803, but some years ago had occasion to receive orders to command 24 of his company to keep themselves ready to march at first order - Then heard it murmured among the people that it did not please them to draw out a part, but that they w^d march all together - When he came to town on 1st July last he did not hear of an assembly being about to be made at
Lachine

as they were to meet at St. Laurent - That it was
Rapin who accompanied Mr and returned with
him to St. Clair -

By the Co - That he was in the habit of receiving the
militia laws before this was made, but never read or explained
them to his company, nor had he ever any orders to that effect
nor did they ever come to his office to get information on this

Jeanne D. Sauroix. That he went to Lachine on the afternoon
of the 1st July last - it was after 4 o'clock in the
afternoon when he set out and saw in town a
few minutes prior should Mr Thibaudreau coming
towards the French church, it was then a few
minutes after 4 o'clock. —

James McGill - On the 1st July last one Thibaudreau
from St. Clair came to house of Mr - when there
were assembled as members of the Executive Council
Mr Ch. Just. Monk, Mr Panet & Mr Richardson
w^t the witness - cannot recollect the particular
questions put to Mr Thibaudreau, but thinks it
was the object of his mission to get information
regarding the existence of the militia law - understood
that there was a meeting of the people behind
the mountain to wait the answer he should
give

give them -

John Richardson was at McWylls on 1 July last when
Mr Thibauder came in, there were present Mr Ch
Justin Mr Panet, Mr McGill himself - he who
came from some people who were assembled to
wait his answer, to get information upon certain
points, one of which was to know whether the militia
law was in force ~~as~~ that if the law were not in
force they expected to get back their militia
men - There was something said by Mr H-
or written in the paper he produced, that in case
the law was in force they were willing to spend
their blood in support of the government - they
also said that they were surprised that armed men
came among them to take away their militia men
and they seemed to make conditions if they did
certain things, they expected that certain things
also must be conceded to them - it was answered
that no conditions could be admitted of, as they
must send in the militia men who had deserted
by 4 o'clock next day, they must the military
from w^{ch} be used to take them by force, and they

They must abide the consequences. - That it was about 2 or 3 o'clock that Thibaudieu was at Mr. McGill's -

Jules Panet is member of the Executive Council - was at the house of Mr. McGill on the 1st July last when Mr. Thibaudieu came there - he s^r. he was charged w^t. a Commission on the part of a number of people who were assembled and were coming towards the Town - he produced a paper w^t.

1st. If the law respects the m. was in force if it was not they meant to have the m. men who had been sent to Luf. 2^o If it was in force they w^t themselves bring their m. men to join the other militia were ready to shed their blood for their King & their Country - The ans^r: given to Mr. Thibaudieu was that the law was in force, and that they must disperse immediately and send in the militia men who had deserted otherwise the Kings troops w^t be sent to take them that if the people wanted any further information

three or four of them might come forward and
every information they demanded is to be given
to them —

Frank Rapin, rejected - he having been in Court & heard
some witnesses examined. —

*U. Natty. ch. 17.
Lug. Rub 3. 4. 5.* The Counsel for the P^r moved to ex. Guillaume
Mallet. — Objected by Crown - that Mallet is
charged by Indictment for the same offence as that
charged in the present Indictment, being for the
same treason — not a matter of right to have
an accomplice examined. 1. M.M. p. 203. —

No. rejected

Joseph Legault & Delaurier - was at Lachine on the first
July, last about nine in the morning - he was at
Deschamps Inn with P^r where they drank some glasses
of liquor together - They went together to Mallet's where
they took another glass - He then asked him to cross
over to Sault St Louis w^t him, q^t he did on being paid
for assisting - They went into the Inn of Jarvis where
they drank some beer together, th^t P^r left th^t W^t
there, & went back to Lachine, th^t W^t remained at
the Sault for some time after - That the

W^t

W^s saw P^r long after the firing at the house of Deschamps
P^r Denis. Was at Lachine on the 1st July last - saw the p^r: he
saw him sometime before the firing began, he had no
gun in his hand, and W^s gave his musket to him
to carry it to one Maranda's then to leave it for
Thinks that P^r went off immediately with the
musket - K^s P^r some his infancy, & always knew
him to be an honest man & good subject -

x³

That Maranda lives below Deschamps - Th^s
P^r went the way of Maranda's passed through
the crowd - That he was told by P^r that the
troops took away the musket from him. —

The

Monday 21 Sept. 1812

King
v.
Seward

Defd. moved to quash Indictment -

1. Because the 1st & 2^d Counts charge acts of High Treason
and not of Misdemeanor -

They constitute a constitutive levying of war - the
removing of some public grievances by open force -

2. Distinct & different offences, requiring different degrees of
punishment, are joined together in the same Indictment
Conspiracy & Riot cannot be joined - punish^t different
3 T. R. 98 -
Charges ought not to be tried together -

Answered. a -

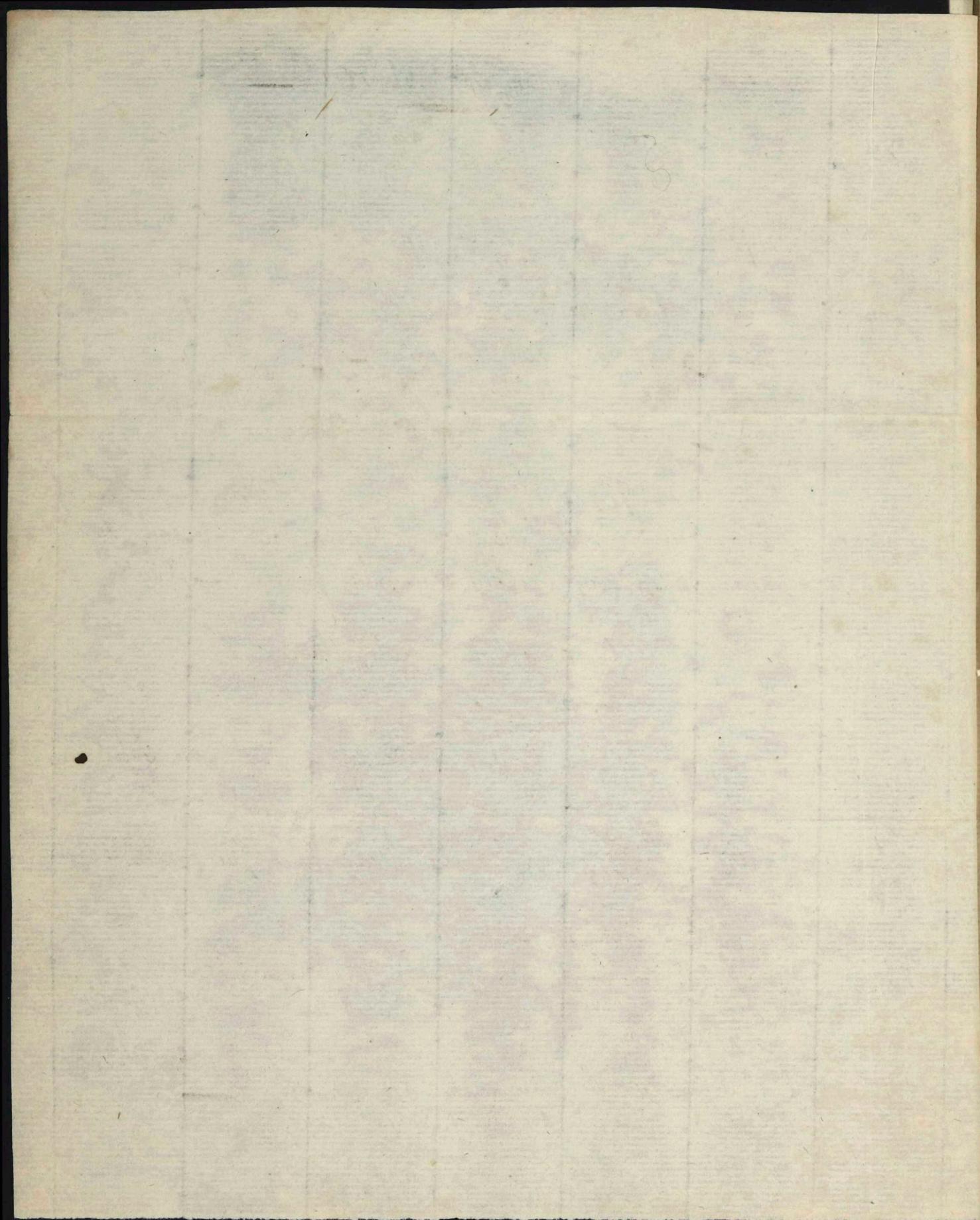
1. The offence charged in 1st Count, is laid as a Misdemeanor
and not as Treason - Crown has a right to lay it so -
case of Hamden -

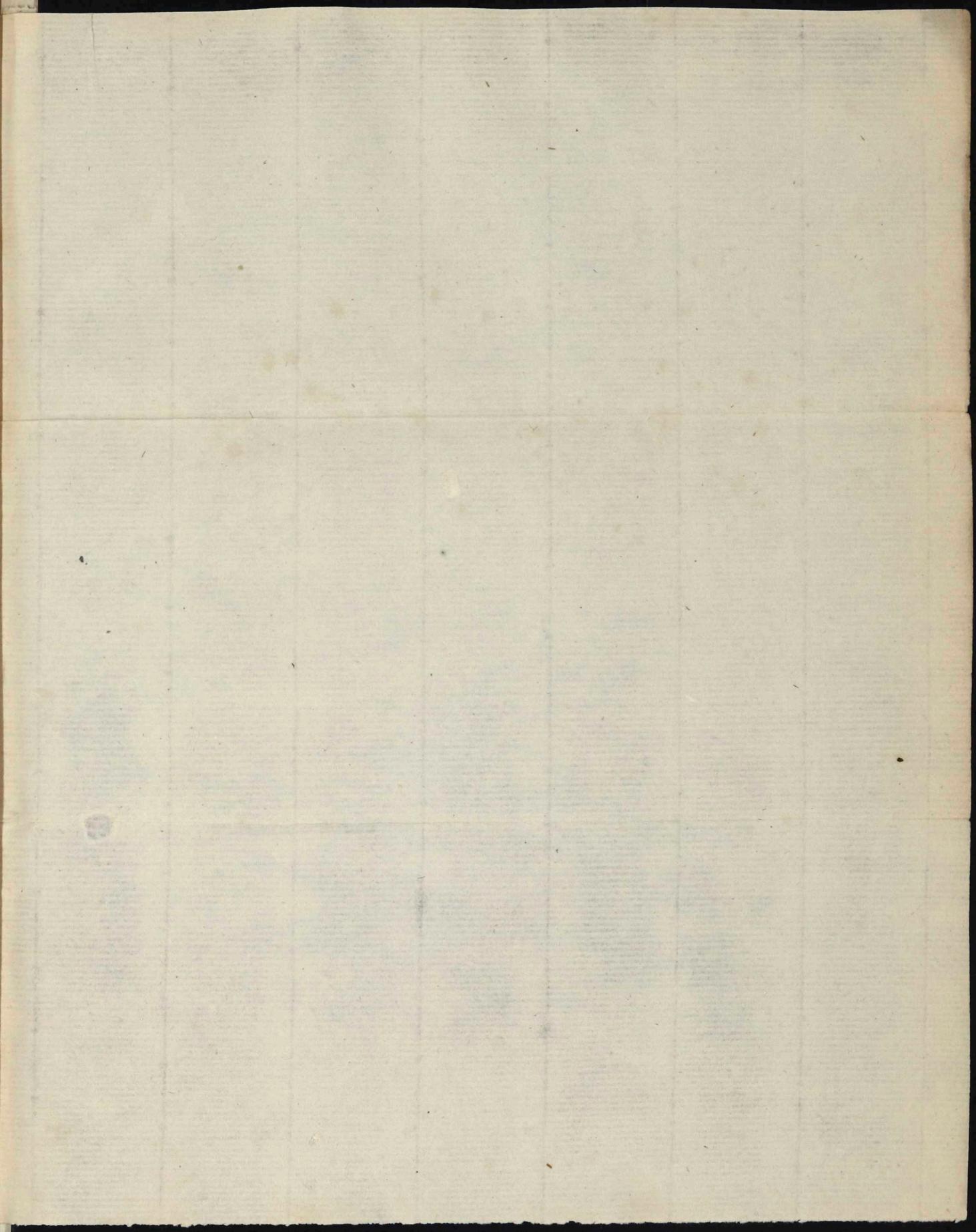
2. The offences are all misdemeanors - may be joined - case
of Bowe -

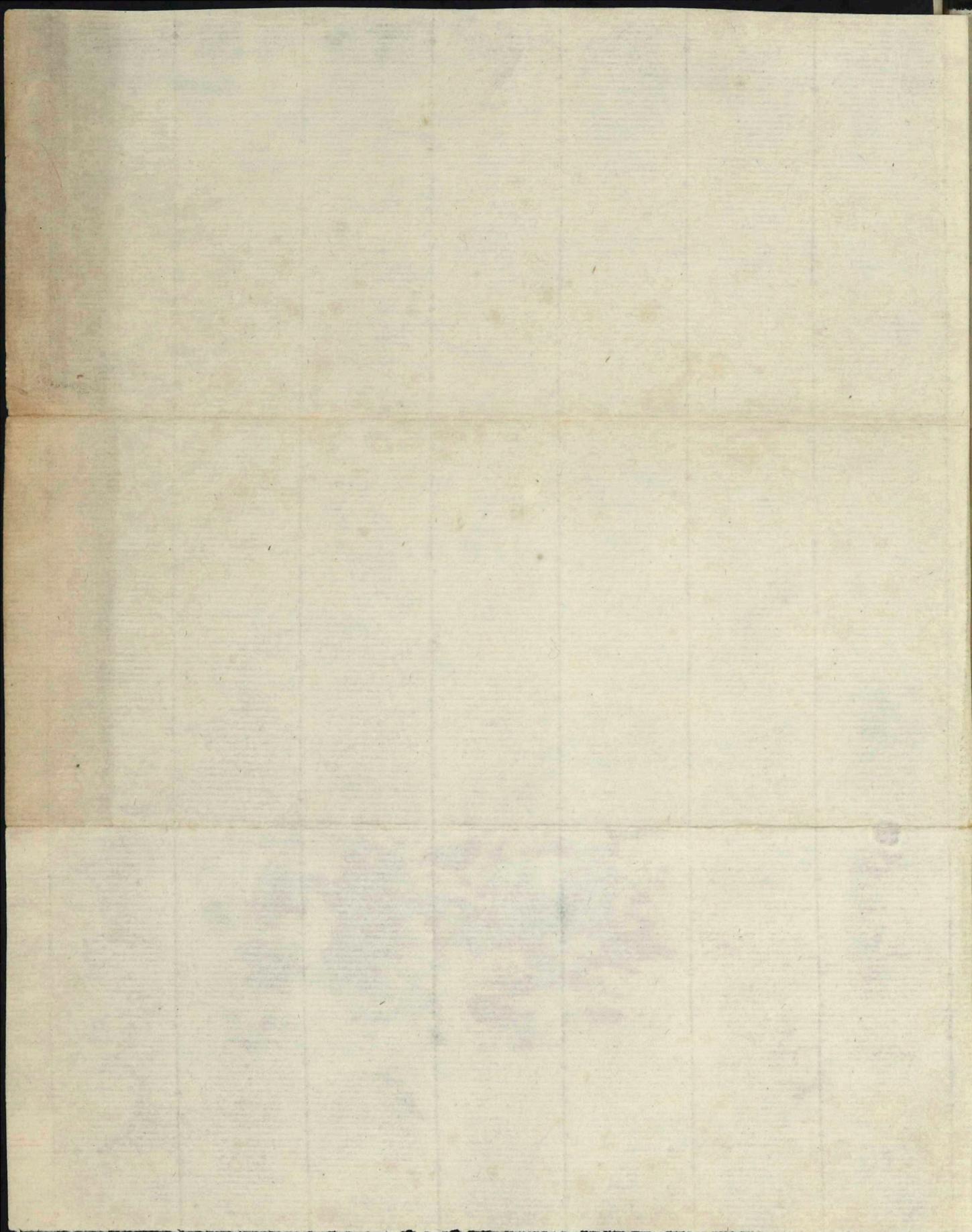
Salk. 593 -

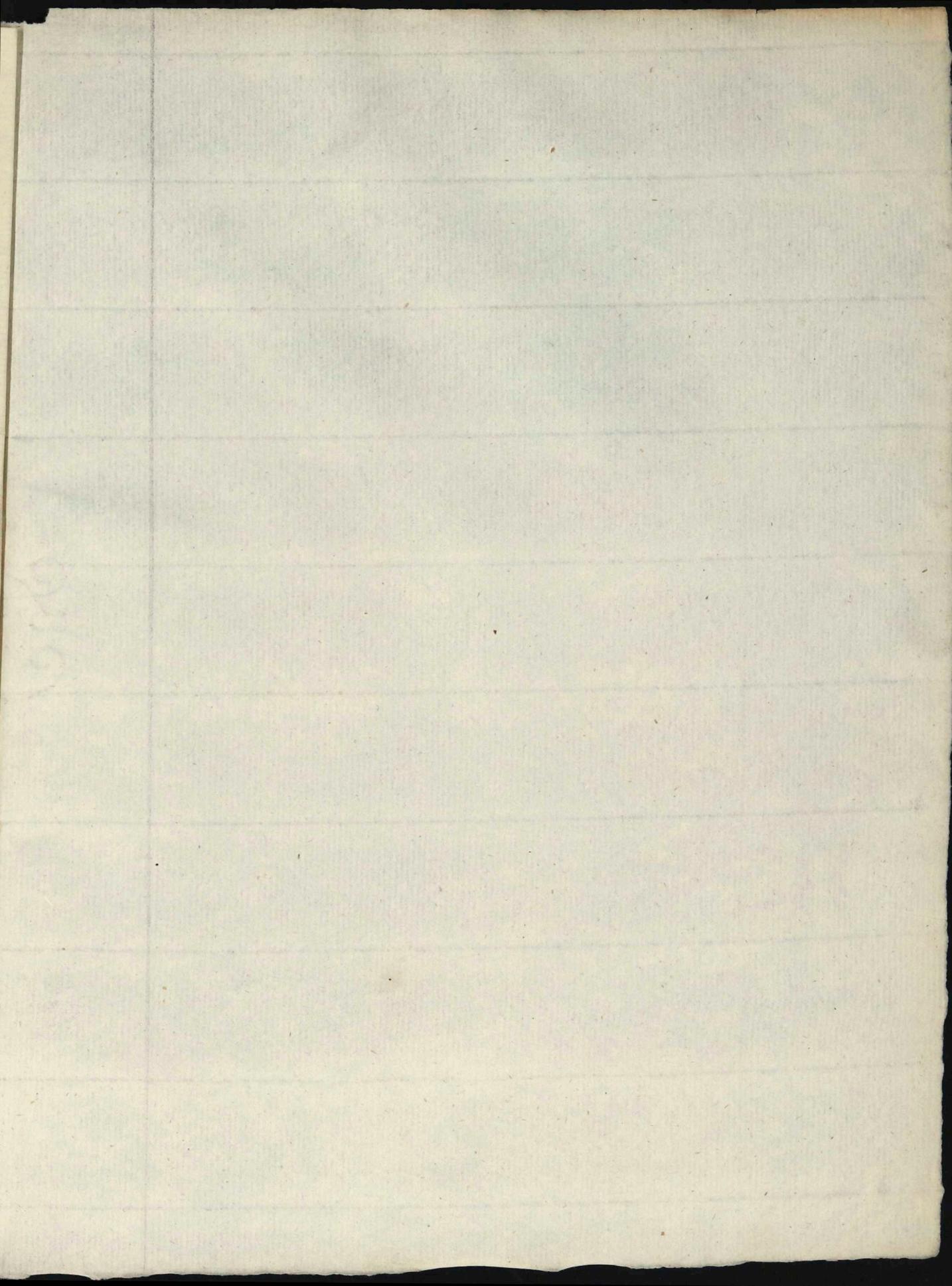
Cr. Cr. Comp. form of Indict. for consp. & Riot - 422

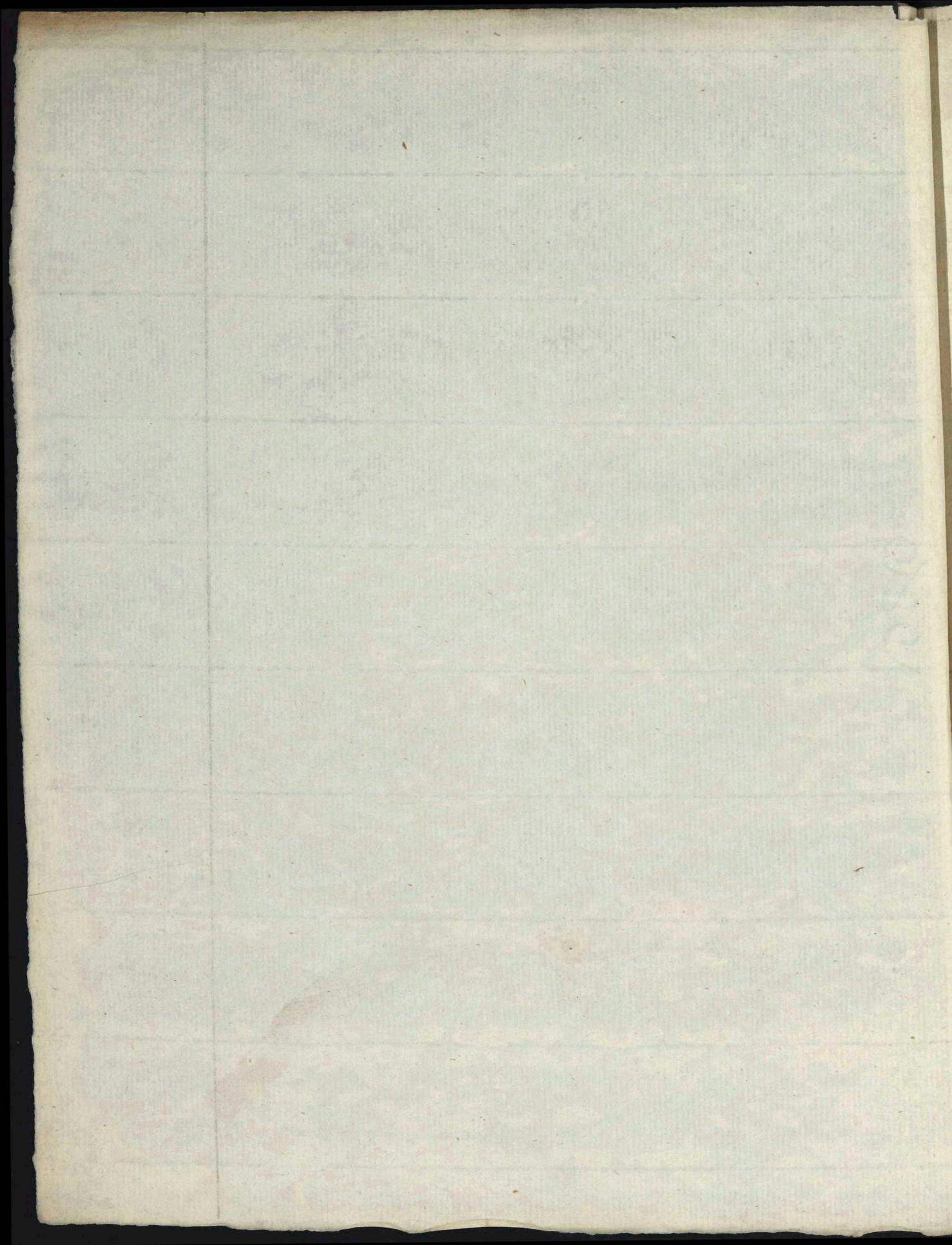
The Court overruled the objection, -

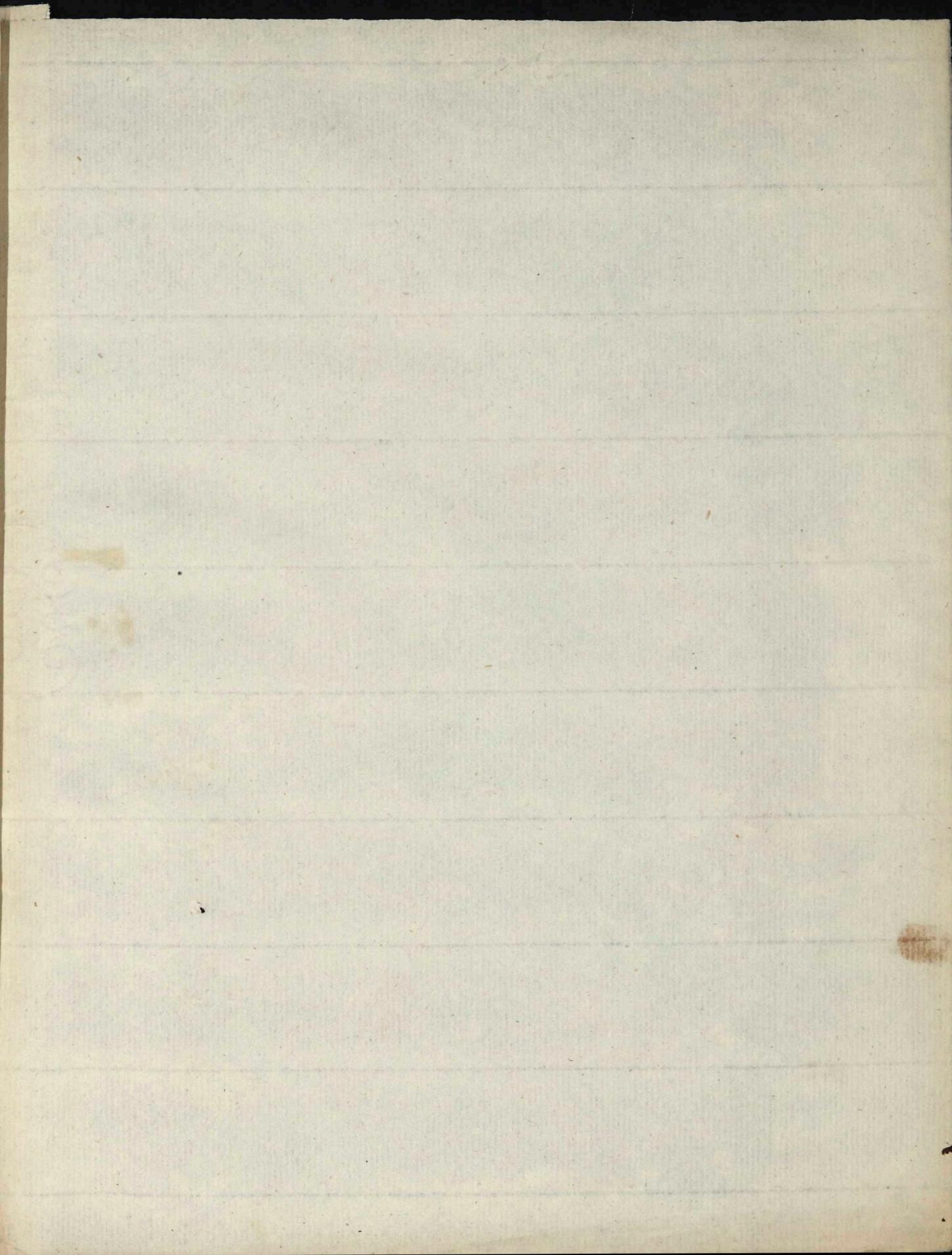


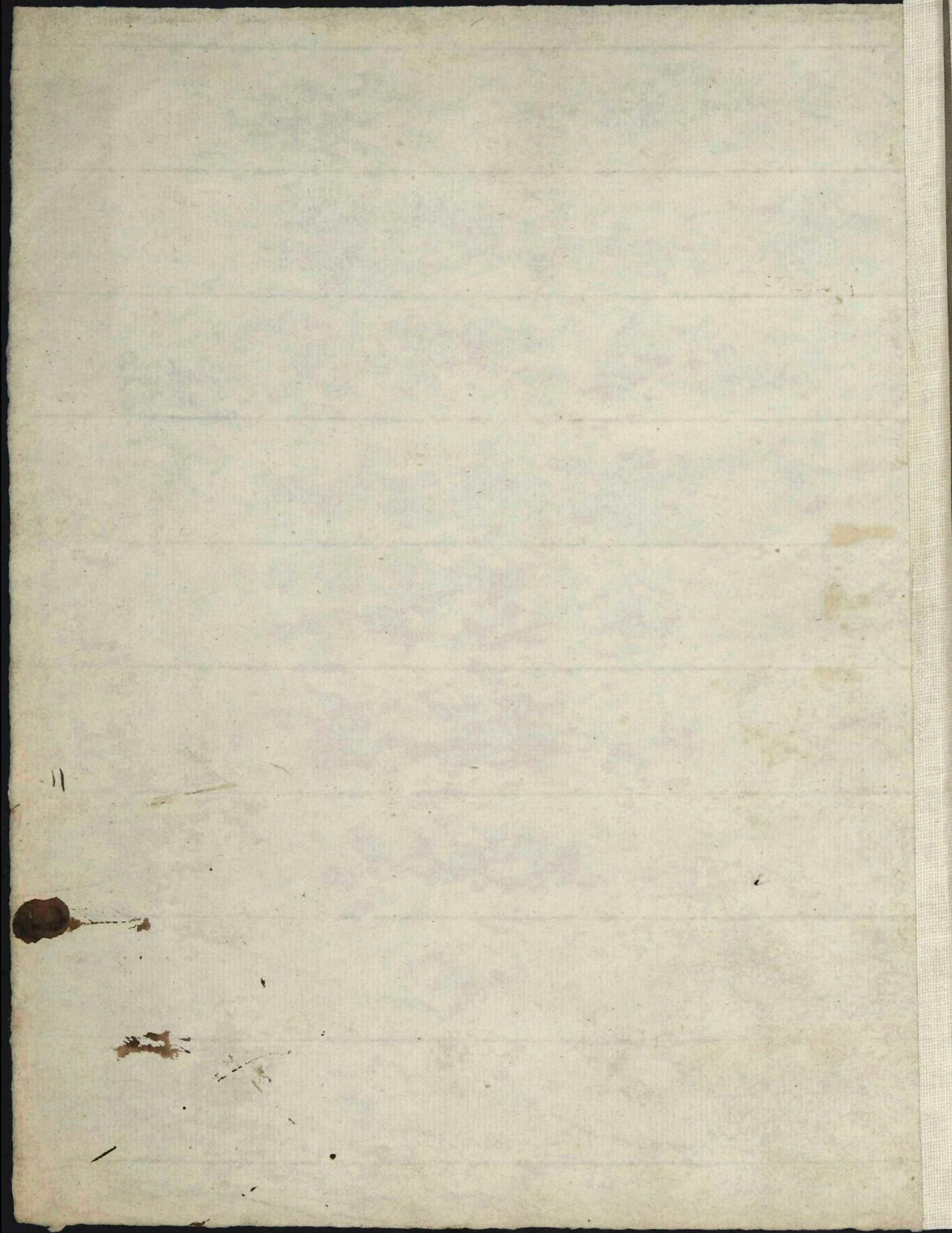




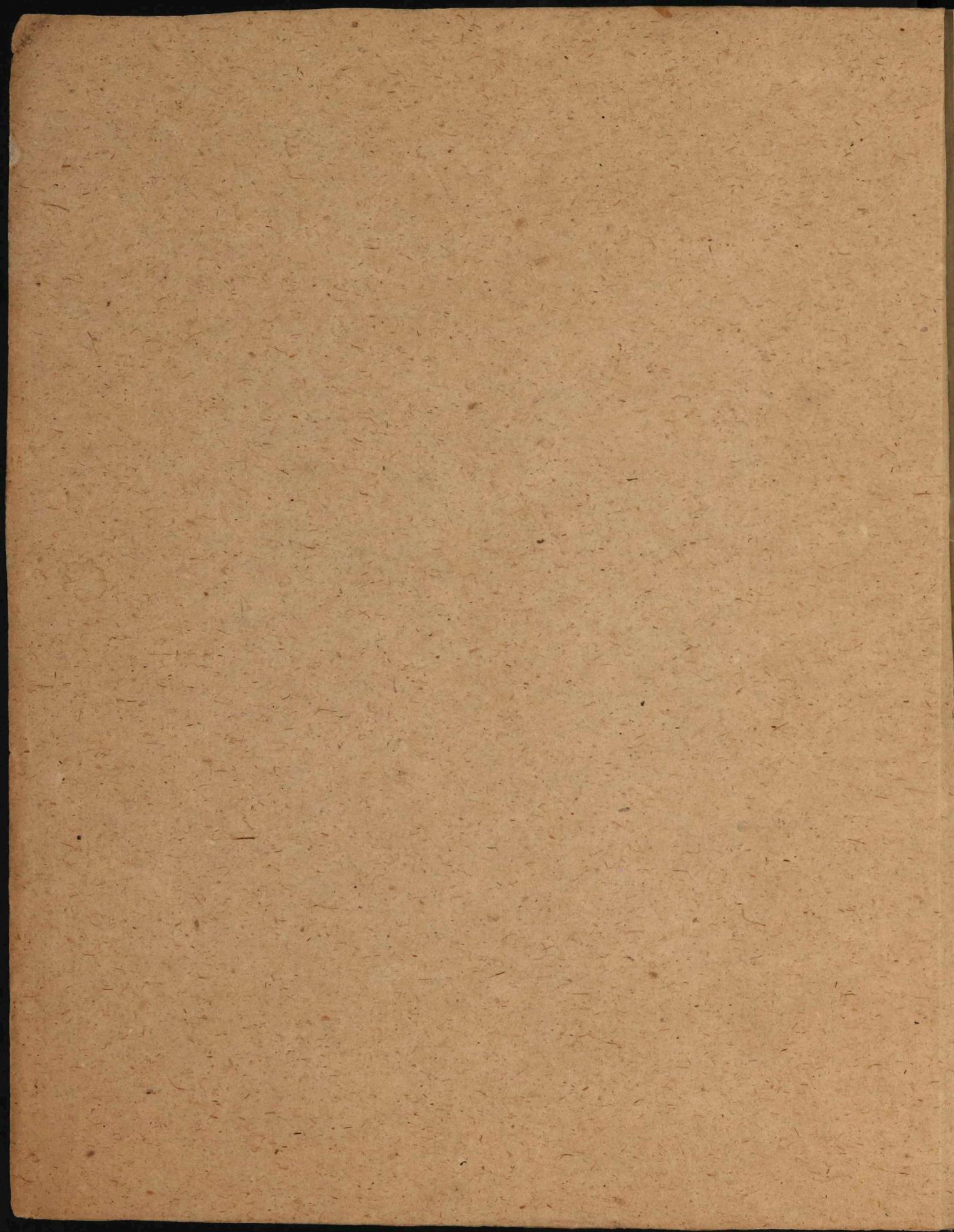








1872



O^r High Treason.

To levy war ag^t the King was H. Treason by the Com:
Saw. 3 Inst. p. 9. —

To levy war ag^t the King in his realm, is Treason
by St. 25 Ed. 3. c. 2

This st. was clearly extended to Canada by the
Quebec act — but independant of that, Calais was
considered as part of England, while under the dominion
of the Crown of England —

vid. 1 Str. 158. per Parker, ch. in Rex. v. Hale & Man

See also the Case of the mixed monies in Davis
Reports. p. 20, from wh^t something may be gathered

Assembling in a Warlike manner ag^t a State or
is levying war against the King —

1. Hale 133 to 150. — 3 Inst. 9

5. Bacon. Treason D No. 3. p. 115. 116. 117. & cases there cited

Taking arms, not only to dethrone the King, but
under pretence to reform religion, or the laws, or other
grievances whether real or pretended, is levying War.

1 Bl. Com. 81. —

Foster — 211. —

Or to deliver men out of prisons. — 3 Inst. 9. —

All risings in order to effect innovations of a
public and general concern by an armed force, is
a levying of War -

Foster. 211. 212. and 208. —

Foster, I. on the case of Damaree's purchase, observes
"The insurrection in this case must be considered as
"declaration of the rabble against the Toleration Act
"an attempt to render it ineffectual by force"

Foster. p. 215.

Damaree's Case - 8th St. Trials. p. 218. —

If many conspire to levy war, and some of them do
levy the same, this is High Treason in all. —

3rd Inst. 9.

Foster. 213. —

Hales. P. C. 14

1 Hawk. 38. —

See also Foster's observations on Binstead's Case,
p. 212. and his opinions as to Weapons, drums &c. p. 208.

1 Hale. 10. 91. ch. 13. throughout but
more particularly p. 107. & seq. —

Words may expound an Overt act - see p. 115. —

Levying of War. What - p. 122. 123 —

A

A Constructive levying of War. what. p. 123 -
is no overt act of compassing the Kings death. -

But such a levying of War may in process of
time rise into a direct War against the King, as if
the King send his forces to suppress them and they
fight the Kings forces - and thus it may be an
overt act to prove the compassing of the Kings death. -

Levying of War is a question of fact. p. 136.

Conspiring to levy War agt the Kings forces, however
disguised, is evidence on Indictment for conspiring
the Kings death - p. 148. -

Levying of war partly a question of fact - if they
be armed with swords, guns &c it may be reasonably
concluded they are in a posture of War. - p. 149, 150.

Evidence, that they mean to defend themselves - p. 150.

East's Pl. Cr. -

An offence, though it fall under one branch of
the Statute of Ed. 3. as a specific Treason, may also come
within the construction and be deemed an overt act of
another - Thus the levying of War agt. the King
may

Words may expound an overt act, and shew with what intent it was done.— as in Cehagan's case though the speaking the words as well as the act coming to England in order to kill the King, were laid as distinct overt acts.— p. 118.

Overt acts.

The true sense of the clause is that no overt act amounting to a distinct independent charge though falling under the same head of Treason shall be admitted in evidence unless expressly laid — but an overt act may be given in evidence though it be not expressly laid, or not well laid in the Indictment if it amounts to direct proof of an overt act which is well laid — p. 121. Quotes Lawyer's case. 6 St. Trials. p. 286. q. in which correspondence with the Pretender though not laid, was admitted in evidence because it tended directly to prove one of the overt acts laid, namely, his conspiring to depose the King, and place the Pretender on the Throne —

What certainty is sufficient in laying & proving words and writings — Sec. 58. p. 123 —

Alpin

Upon an Indictment for ~~compassing~~^{compassing} the King's death in which a treasonable declaration of the Prisoner was alledged as an overt act, but was only set forth in substance, it was objected in arrest of Judgment that the words of the declaration were not specified, but the Court unanimously held the Indictment sufficient - It was laid that the declaration contained incitement, persuasions and promises of reward to induce the people to join in rebellion, which was an overt act of the treason charged, namely the compassing the Kings death - p. 123 -

Time and place in an overt act - immaterial - p. 125 -

If but one of several overt acts is proved, it is sufficient, as in the Case of treason in levying war - if the overt act be an arraying in an hostile manner and thereby killing divers of the Kings Subjects - if the arraying in an hostile manner be proved, that is sufficient without proof of the rest - p. 124

One witness to one overt act, and another to another overt act of the same species of treason, were two sufficient witnesses within the st. Edw. 6. - From that time the rule has prevailed - p. 127. 8. 9 -

A collateral fact not tending to the proof of the overt acts, may be proved by one witness only - p. 130.

See, Bur. Rep. 642, King v. Florence H

See a variety of other authorities to the same points.

Viner. 2^o Treason

Comyns 2. do

Black. Com. A vol.

Menally -

After proof of an overt act in the County in which
the treason is laid, evidence may be given of any other
overt acts of the same species of Treason in other Counties

The King
vs.
Jos: Siccardi

On Indictment for High Treason.

The Indictment contains two Counts.

- 1st Count. For compassing the Kings death.
2^d Count. For levying war agt. the King.

Overt acts charged in the first Count.

1st Overt act.

That the Defendant with divers persons unknown did meet, conspire, and agree to levy insurrection and war agt. the King.

2^o overt act. —

That the defd. did with divers unknown mee
conspire and agree to go armed to Sapraine and
discharge the militia men of the 2^o. battⁿ of the
embodied militia there. —

3^o overt act

That the Defd. w^t divers unknown did meet, conspire,
and agree to go armed to Sapraine and disperse and
discharge all the militia men called out from the
division of p^{to} Claire, attached to the 2^o. battalion at
Sapraine afores^d. —

4th Overt Act. That the Defd: w^t divers unknown did sollicit and incite divers unknown to take up arms and levy insurrection and War within this province. per

5th Overt act. That Defd: traiterously said to Joseph Deshantels (special words stated) manifesting the traitorous disposition stated in several overt acts & under both counts in the Indictmt to compass the death, by levying war per

6th Overt act.

That defd. further said to the S. Jrs. Deshantels — th
defd. & others w^t continue the war begun - and if not
begun, they would begin it, for the purposes of the
1st & 2nd Counts in the Indict. —

7th Overt act

That Defd. did collect 400 men ~~men~~ for the purpose
of seizing the Kings boats or batteaux at Lachine and
also at Montreal. —

8th Overt act.

That deft. w^t others unknown, did raise 400 men for the purpose of dispersing all the militia men of the embodied militia at L'aprairie, and did march in a hostile manner thro' divers parts of the County of Mont' and by menaces did compel and induce others to join and abet them. —

9th Overt act.

The same as the 8th but declar^s Dft's intention to disperse and put at large all the militia men called out from the divisions of Pt^e Claire, then attached to the 2nd Battalion of the embodied militia at L'aprairie &

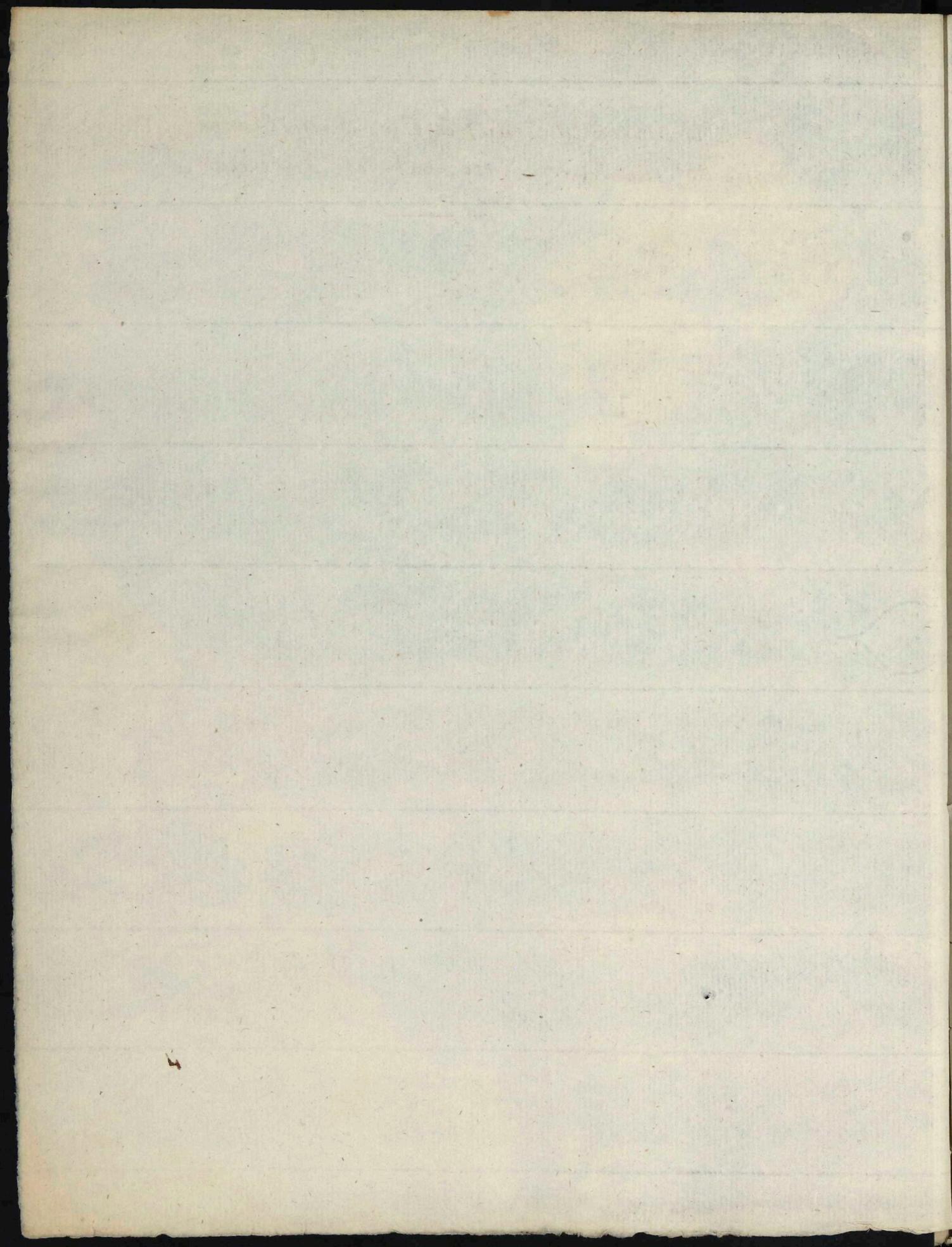
10th Overt act.

That Defd^t w^t others unknown, did assemble 400 men
in order to raise insurrections & War agt the King. —

11th Overt act.

That Defd^t w^t others unknown, did levy War, and
did oppose, engage and fight the Kings Troops —

On the second Count in the Indictment, for levying
war agt the King - no overt acts are laid. -



Tuesday 22^o Septr 1812.

The King
vs
Joseph Sicard & al. } On trial of Indictment for a Conspiracy
 & Riot —

Jos. Fleury Deschambault is 2^o Master Gen. of militia in this Province - in June last he was ordered to go to Laperrière where he was directed to act as Inspector field off^r to 2^o battⁿ of the Incorporated militia quartered there —

François Vassal is adjt Genl Has a kn. that the militia was must^r on 1^o June last - 2^o bat. ranc^t at Laps. - & were ordered th^r on 1^o June last - saw them th^r after 30^o June last - have always remained th^r since they were called out —

Etienne St Dizier, is Lieut Col of the Div. of mil. of pt Clémie - Rec^d orders about end of May last to draw out 59 men from his div. to join the incorp. mil at Laps. on 3^o June - On the 3^o June about 23 or 24 came to his house who had been drafted in consequence of his orders, which he sent forward to Laperrière

Janvier D. Lacroix, went on 1 July last to Lachine - left town about
a little after four - heard that a numb. of Inhabitants
assembled there & at ^{ance} ~~the~~ ^{ance} of P. Gane - arrived about 5 o'clock
and found Mr Chabotilly & Mr Ross speaking to about
50 or 60 persons, who told him they had sent for the
people assembled at the ^{ance} - About 1/4 hour after about
400 or 500 people, of whom about 150 were armed with
guns & pistols & as many more with clubs - Mr Ch.
addressed the crowd - Mallet called out to the crowd to
listen to the good advice these gentlemen were going to give
them, he had not spoke long when Seccard called out
to the people not to listen to him - Mallet told Seccard to
be silent, and Chabotilly then advised them to disperse
return to their homes - That then two gentlemen finding
that they were not listened to, they left the crowd & went
home - Many of the people so assembled told M. that the
object of their meeting was to get their people, a militia
men who were at Laprairie - that if they did not go over
the river that night they would go next day w^t 2000
people to take them - that there was no law sanctioned by
the Governor for sending the militia to Laprairie - That
Mr Chabotilly after he found they would not listen to his
advice told them, that as a magistrate he ordered them to
disperse - Knows all the Difend^s and saw them all ^{at}

Lacune that day - one of them, whose name he believes is Bernard Courville, but is positive as to his person, whom he more describes, had a musket in his hand. - That Mr Courville appeared to be quiete than the others - who said he had come there to get a petition drawn out to send to the Govr. to return them their Young men - That either he or one Vallee, who was with him told Mr. that they had some days before offered Thibaudieu 500 livrs to draw the said petition, wh^e he refused, saying he dares not to do it - asked Mr to do it - q^h he said he would - when a number of them assembled round him to procure names for this purpose - Mr W^r told them to get the names & bring them to him next day which they agreed to do, and in consequence Vallee who had his arms laid them aside - It app^r to run that about 200 or 250 persons did thereupon disperse - After this he was about returns to town, when Courville & S^r. Vallee came up to Mr when he made them prisoners - They s^p to him, Sir, we are come to know what hour you will appoint next morn^s. to receive us - as we mean to follow your advice - The troops did not arrive till about ten minutes after - when they came up, Mr W^r Cerd spoke to the crowd for a length of time at different periods, & ordered them as a magistrate to disperse, but they did not listen to him - That Siccard, was violent and seemed to have taken liquor - that when Mr La balle

D
way

was speaking he cried out, dont listen to him - if you do, he will gain upon you & all is over - That the firing began a little after nine - That a canon was first fired by their troops, and about 12 or 15 shots were returned from the crowd. That Mr. was behind the first canon & it was fired, the director of it was across the river & not in the direction of the Crowd.. That he remained at Lachin till 12 o'clock at night, when all was quiet - That it created much alarm the assembling of so many people. -

* ex^d -

That upon Mr going up, he observed Siccard who was near to him, & app^d. to be in liquor - then Mallet called out to him to be silent when he cried out at time that Mr. a brother was speak^d - That Siccard was one of those who said they would have their young men & that they w^d cross next day to get them - This appeared to be the general opinion of the people assembled - They seemed to approve what was said - He heard no dissentient voice - Siccard's conversation was not like usual to him, not loud nor addressed to the crowd - All those assembled would not have heard this conversation, than about him myself, perhaps to the number of 15 or 20 - That he thinks, that this was heard by others as an elderly man collected about 30 or 40 armed persons about him & repeated the same words to them, saying, we will take post here & be ready to march in morn. to cross the river - It was before this he heard Siccard

Speaks

speak of the petition to be presented to the Governor to obtain the release of their young men - that it might have been their intention to have gone for their young men after such release had been obtained, but they did not express themselves in that manner. That before the firing, he saw no violence used by the Crowds at any person, on the contrary they seemed quiet. — That

Test: by Mr Papineau - when he left Montreal that day he saw Mr Thibaudreau & spoke to him - thinks that it was Mallet who said they had sent Thibaudreau into town to see if the law was in force - heard Mallet say to Mr Chabotier & Mr Ross, that he thanked them for the good advice they had given them - that the general opinion of the people was, that the law was not in force. That a great many of the people were in their shirt sleeves and some said they were only waiting the return of Thibaudreau to get an answer in order to conduct themselves accordingly. That Cormier & Vallee might have been about 2 acres distant from the crowd when he arrested them - That some of people said they could not retire back, because there were guards on the road to prevent them - That before the firing he heard some of them also say, that if the troops would withdraw they would withdraw also. —

Seign Marie Mondelet - is major of the div. of Pt Clérie - In
last orders were rec'd to draw out a certain number of that
division to form the 2^d battⁿ of embodied militia at La Prairie
that a certain number of these militia men so drawn out
were sent to La Prairie & he accompanied 18 of them to that
place, & knows that others were next day delivered to Major
Malliot at La Prairie -

Ant Lange - on 1st July last he heard of a great assemblage of people
at Lachine & went there upon seeing the troops pass to go
there - Saw there a crowd of 400 or 500 people collected -
it might then be between 5 & 6 o'clock - a great number of
them were armed - they were talking & walking about -
and some of them s^d. They had come there to get a petition
oration to present to the Gov^r - to get back their young
men from La Prairie if they did not succeed in -
getting the petition, they would next day go over to
La Prairie & get their young men, dead or alive - he
understood by, young men the militia men at La Prairie
that about 150 or 200 ~~were~~ armed with guns, others
had sticks, & many had nothing - He remained at Lachine
till about 1/2 past eight - saw there, Bernard Courville,
Luc Courville - Sicard and Mallet - the other defend^s

B. Courville
Luc Courville
Sicard
Mallet -

did

did not see to his kn - Thinks that B. Courville had a gun
It app. to him that Sicciano & B. Courville behaved
extremely ill - Saw Mr. Cord & several other gentlemen from
town among the people, who warned the people that they
were in error, that it was not in this manner they ought to
meet & get petitions drawn, that they had better disperse and
spur - Heard some of them say, we wait an answer by
Mr. Thibaudieu, if we do not succeed to get our petition
drawn, to morrow we will go to La Prairie - this seems
to be the general determination - That these gentlemen
continued for two hours upwards advising the people to
withdraw - Saw troops arrive - & for half an hour after them
gentlemen did every thing in their power to get them to
disperse - the first gun app. to him to be fired in the
air, the people returned this fire by two volleys - The
manner in wh^t these people was assembled was alarming -
Saw B. Courville two or three minutes before the Canon was
fired, and he was then armed - That Mr. was speaking
to some one near him, and said, that they perhaps did
not know that America had declared war agt G. Britain.
that thereupon Sicciano stepped up & said, if the war is not
declared we will declare it .

Before he left Montreal he heard alarming accounts from Lachine and this led him to view things not in a good light when he went to Lachine. — understood that St. Vaudéau had been sent to Montreal to get some information on the subject of a petition to be presented to the Govr. for the release of the young men at Laprairie, and this seemed to be their general object of assembling — And it seemed if this petition was granted they would go to Laprairie and get their young men — but if they did not succeed in their petition, they would themselves go and get them — That he spoke to about 20 or 30 persons of the crowd from whom he understood the above sentiments — That Sicard appeared to be drunk.

That it did not appear to him that the people assembled had intention to do hurt to any one then present —

By Count — Saw Mr. McCord there who told them that it was not in their manner they ought to assemble w^t arms in their hands to get a petition drawn — That they shd. go home — and if 10 or 12 of the principal people among them w^t come to him next day, he draw their petition & present it to the Govern — he did not promise them that they w^t get their young men, on the contrary he thought they would not get them — There was a confusion of voice, but many cried out, we don't want petitions, we will go and get them —

X^o by Mr Papineau -

Saw Mallet when he arrived at Lachine & saw him also about 1/2 hour before the troops arrived - he seemed very quiet - he advised Mr. McCord to speak to him to endeavor to disperse the people - Mr. - addressed himself to Mallet for the same purpose, he answered, it would be needless for him to attempt it, as they w^t. not listen to him - when Mr. McCord told them that the Kings troops were arrived, & that if they did not withdraw that death might ensue, some of them said, this was only to frighten them, and that they must not be afraid - That ^{Mr.} Courville told him that he had been brought there ag^t. his will, as he did not wish to come, ^{but} they had threatened to burn his house if he did not - Mr. then s^d to him why do you not now go away, he said there were guards placed on the road to prevent it -

Antoine Boyer, lives in the parish of St. Claire, - was at Lachine on the first July last where he arrived about 5 o'clock in the afternoon saw there a great concourse of people to the number of about 200, some of whom were armed - Mr. Courville, ^{Mr.} Mallet ^{and} François Courville - Bernard Courville - saw them at Lachine that day, - That there was a guard placed on the road to prevent persons from returning from Lachine - that he knows that Mr. Courville was one of those who placed some of those guards saw G. Mallet there when the firing began, and as the

Ms

Mr. Courville
François Courville
Bernard Courville
G. Mallet

was then about going away, Mallet & others came to him, and said to Mr come on my friends, they wont hurt us, meaning the troops then assembled - he heard the firing - the Mr went away and saw Mallet then going towards the troops -

x^c

That it was a number of persons who passed his house who engaged him to go to ~~Lachine~~^{St. L'urent} to sign a petition to get their militia men who were at Laprairie - That he understood from them that Thibaudreau had been sent into town to get information respecting the business, and that they shd. wait his answer at Lachine, where they were sure to meet him - all the persons he saw at Lachine seemed to be for signing this petition - That some of them said they w^d go for their militia men w^t out any petition, others were of a different opinion - That Mr Courville & others told the people to put persons on the road to prevent people from returning until they shd. get Thibaudreau's answer, and know how things would turn out -

Louis Cheboller - On the first July last he was requested by a Committee of the Executive Council to go to the upper part of the Island & endeavour to persuade an assembly of people of they heard had been collected there Mr. Tor and Mr. Ross in consequence set out from town went to Lachine - they there first met Genl. Mallet & Genl. Courville - the Mr asked Mallet what meaning of the assembly of the people was, he said it was to get their militia men who were at Laprairie and were not well used - also complained that Mr Leprohon had come among them with armed men and taken some of them

Young

young men pris' - Learning from Mallet that several persons
were assembled farther on, th W^r de Ross went there, and saw
Thivierge tell the Couvilles - Thivierge was complaining much
of the ill-treatment of the militia - There was a body of people
at some distance to whom the W^r wished to speak, one of the
persons present proposed to go for them which they did - and a
great crowd to amount of 300 or 400 of whom 100 or 120 had
muskets - The W^r then got up in his Calash and told them
that the militia law of which they complained was in force
and that they did wrong to go off it with arms in their hands,
and that evil would result from it - after spoke^d some time
he heard some one making a great noise & looking towards
the place he saw Siccard who was making a great noise upon
which Mallet cried out to Siccard to be quiet, and listen to what
these gentlemen say, thus ^{do not insult us, we must not insult them} ~~you are bad reasons~~, attend to what they
say, when they have given us their reasons, we will give
them ours - The W^r finds that what he said was not
approved of he told them, as you will not listen to what
I have been telling you as a friend, I command you as a
magistrate to disperse, and not to remain assembled in a
state of rebellion - when he sp^t this one or two of the
crowd said, will you promise us, that our young men
will be restored to us - ^{we will go home} he sp^t that was more than he could
do, but on the contrary he could assure them they would
not be restored to them - Then they said we will use
force

Mallet
This w^r
L^e Couville
B^r Couville
C^r Couville

force to obtain them - upon this the W^r & Mr Ross were
about turning their Calash to come away, when a voice cried
out, vive le Roi - then all the others joined in the cry of vive
le Roi - we are all for the King, we will march all together
and do not want drilling, we will march as our fathers
formerly did without drilling - We told them, that the cry
of vive le Roi, by them at that moment was an insult from
them to His Majesty, in the situation in which they then were - he
considers it customary among the people to cry out vive le
Roi, when they succeed in any enterprise - Saw all the
All the Drifts
Pr^r at Lachine upon that occasion except Binet - That
except Binet
Binet's Committee observed, the Canadians are despised, and now is
the time to show what they can do - another of the Committee
said - he thinks it was due - said, all this is wrong, this will not
end ~~badly~~ for them and they had better go home - Heard
none of the crowd acquiesce in this or agree to return - That
the W^r is of opinion that their appearance carried terror with
it & that they thought so themselves, as when W^r told them that
they were sent from Montreal to speak with them, Mallet
said that they expected this - that such an assemblage of
people must carry terror with it -

x -

Other the complaints of their being ill-used in respect of the militia
was very general among the people - They were quiet & even
very

very civil to us leaving other person as far as he saw & said they did not mean to hurt a child provided they could get their young men -

John Grant lives at Lachine, was there on 1st July last - somehow day there was a great assemblage of people in 3 or 4 groups to the amount in all of 300 or 400 one third of whom were armed. Saw Siccard at Lachine that day, also Guel, Mallet, & Bernier Courville. - He went among them and told them they were doing wrong to assemble in that manner with arms in their hands, if they had any grievances they should go a few of them to their Colonel & lay them before them - they ^{said} they meant to do no hurt to any one, they only wished to get their young men who were at Lapeyrre - saw the Kings troops arrive, & heard Mr. Mallet advise and command the crowd to disperse - saw a gun fired on the side of the troops over the heads of the people and he thinks without powder - a fire was immediately returned from the crowd, to the amount of 20 shots - the heads the balls from their guns pass him -

X.

Before this assembly, heard it murmured among the people that they were dissatisfied with the law respect^s militia, & that they were about drawing up a petition for releasing the militia men who had been sent to Lapeyrre -

Siccard
Mallet
B. Courville.

Dom^{9th} Ducharme, lives at Lachine - was there on 1st July last when there was an assemblage of people there some of whom were armed, some of whom told him they had assembled in order to get their captures, meaning then young men of the incorporated militia at Laprairie - he told them they were doing wrong and advised them to desist - there were several groups to all of which he spoke in the same manner some were disposed to listen to his advice others refused - Saw Mallet there that day - it might then be about 7 or 8 o'clock before the firing took place - Saw Sicard after the firing attend^d on Charlebois who had his thigh broken - Saw that Mallet was active & moving about - & seemed agitated like those who wished to resist the force brt. of them -

X.

Heard there was some uneasiness respecting the militia law before this time & that the people were about draws a petition to the Govr. on the subject - but he saw it was with arms in their hands - although they did not tell him so - Considered the people so assembled good worthy people, but that they were supports each other in an undertaking which they had wrongfully engaged in

Thomas McCord - Is one of the police magistrates in Montreal - went to Lachine on 1st July last w^t a party of troops to disperse a mob said to be assembled there - Saw then about 300 or 400

assembled

about 60 or 80 of whom were armed - He addressed them
on the subject of their meets they said they were come to get
their young men, means the militia men at Lafrancie - He
told them they took wrong means, as their assembling in
arms was illegal - They ought to lay their grievances in a
proper manner before the Govr - that he w^d draw up a
petition for them & lay it before the Govr & begged they
w^d disperse & return - many of them would, & did
actually depart - He said he was a magistrate & had
come for the purpose of dispersing them & therupon
ordered them in the Kings name to disperse - That a
great crowd still remained & said they would have their
men, & they w^d take the battaix & go for them - after
the arrival of the troops an hour & a quarter elapsed in
persuading them by every means in his power to disperse -
He saw Mallet than - That there might be about 60
^{muskets}~~guns~~ fired in return to the fire from the first Cannon,
there were several shot also fired afterwards - Think that
this firing from the Crowd was directed ag^t the troops -
The assembly was such as to create terror in the minds
of His Majestys Subjects -

Mallet

X^o

Before the arrival of the troops saw no violence committed by any of the crowd; before the firing the riot act was not read. That Mallet did not seem one of the most quiet, as he seemed to be moving about in the crowd — and they seemed to be attentive to what he said —

Joseph Landerman. lives at St. Cléme — was at Lachine on 1st July last
that it was a man of the name of Rabau who took him there
there were 100 people in the party of which he was — when they
came to Lachine they saw about 200 people already assembled —
some of the people w^{ch} whom he went had guns — Knows Mallet
~~de~~ Courville & Capt. Binet — saw Capt. Binet on this side of the
A cross road near Lachine and afterward at Lachine — saw
Mallet on the road toward Lachine — saw Bern^d. Courville ~~de~~
and ~~de~~ Courville — Sicard was pointed out to him as having
a red shirt on — Heard Bern^d. Courville tell people not to
return home, as he seemed disposed to come on either to town or to
Laprairie — to find their militia men —

X²

Saw Capt. Binet arriving at place where the firing took place
he was talking to the people in the road — first time saw
him the sun might be an hour's height, start time it was about
sun down — That Rabau came to house & told him he must
have main force to go w^t him to Lachine — He had heard him
talk of a Petition day before, she supposed it was for this
purpose

and thinks that was the intention of all the other people,
those saw no violence done by any of the people so assembled

Joseph Deshautes - was at Lachine on 1st July last the evⁿ. when the
firing commenced, there was a great assemblage of people
he did not see any of the P^u there - saw Sicard the day
before, told M^r that he M^r had been in town with a P^u
he did well to go when he did or they w^d have taken him
away from him, as there were several people assembled at
P^t Clark for this purpose - said that next day there would
assemble 500 persons at Lachine in order to go to La Prairie
to get their young men - M^r said if they saw a company
of soldiers before them they w^d be afraid - he s^d. they were
afraid of nothing and were able to eat up all the soldiers
that could be brought up to them -

Antoine Parisien, lives at end of Island - was at Lachine on
1st July last saw several people assembled there in
arms - Ks. Capt^t Binet, saw him there in the crowd -
it was about an hour before Sun set - Thinks that Capt^t
Binet came to Lachine by the road of St Laurent - saw
him

Binot

B. Courville
on that road therefore he saw him at Lachine - he was in
Calash without arms - Bernard Courville was then & had
a musket - heard him say, to the people, we set out in order
to get a petition or go for our young men at La Prairie, and we
must go on - Saw also Mr. Courville in the crowd coming down
to Lachine -

x.

That it had been ment^d. to him that a petition was to be
presented on the subject of the militia, & he went to Lachine
with this view or to get their young men from La Prairie,
in case they were detained there without legal authority -
it was not intended to take them by force from the
hands of Government - and thinks it was not the intention
of any one to resist the Kings authority to take them - He
heard at P^rle Clair when Mr Thibaudreau set out for Town
to get information respects the law & whether they had
any chance of getting their young men or not - It was
expected that Mr Thibaudreau who passes by St Laurent to
give them his answer there, but at all events that he
must pass by Lachine as the only road he has to return
him - saw Benet do no more harm at Lachine than
he did himself - That he understood what Bern^d Courville
said, respects going to La Prairie, was upon the supposition
that they got a favorable answer by Thibaudreau

Jos. Deschamps lives at Lachine, keeps a tavern there. - Saw a great many people assembled there on 1 July last near his house to the amt of 200 or 300, some of whom were armed. That five or six of them put their arms into the house of Mr. Saw all ^{about 3 or 4 o'clock} at Lachine ~~on that day~~, except Sicard whom he did not see till after the firing after sun set.

x^o

He and people talk about presents a petition to the Govr respects their militia men - some of them said the time was too short - did not see any harm done by any of the persons assembled. Heat after the fire from the Canon, he saw only five or six persons return the fire. She was very near to them.

Jos. Brunet - was at Lachine on 1 July last & saw armed persons assembled there - saw Capt Binet in the Crowd, but without arms - the sun might then be about half an hour high - saw also Bernard Courville there about same time with a gun in his hand -

x^o

That Capt Binet seemed very quiet - He was asked to go to Lachine for the purpose of a petition & meet Mr Thibaudéau - Some people in the vicinity went upon the same purpose - apprehended no ill in doing this - Cleat he understood that Thibaudéau had that morning gone to Montreal to get information respects the militia

that

that Mr Courville told them if they meant to wait for
Mr Thibaudreau's answer they ought to leave their guns behind
them, as they could not get their militia men in that way
as they had been ordered out in the King's name - and if they
meant to proceed he would not go with them - Some of them then
said, we do not mean to go to Leprairie, but only to Lachine in
order to sign a petition - That the gun was not drawn, nor
had the firing begun when Mallet left Lachine - He persuaded
a great number of persons ^{to number of 200} to go along with him -

Jos. Fellowette lives at Lachine - is a battoe maker - Mr Mallet
Sicard & B^r. Courville - Before 1 July heard the people were
going to assemble there, upong^t Mr Grant sent his batteaux
to the King's Navy yard, except four which he was directed to
open the seams by taking out the Oakum out of them -
He saw Sicard coming along to q^m the W^s said the people
who will ~~see~~ those batteaux will soon go to the bottom -
he said, either we or they will make you recall them -
but s^r the W^s you must get Oakum first - he answered
the stores can soon be opened will find it - That on
1 July last there was a great assembly of people at Lachine
which alarmed the people. -

P^r Denis was at Lachine on 1 July last saw there B. Courville
and all the other P^rs He arrived there about 4 o'clock
and went away at six o'clock in the afternoon - He never
talk of a requete - some do it was already others & let us
consult how it is to be made - But Courville & the requete
was already made but that they must have their 5-
or militia men at Laprairie - heard him say that they
would take the battaux to go there - Heard several say
let us go - let us go - but heard no one contradict this -

^x
lives at St Genevieve - had heard talk of a petition to be
made to ascertain whether the militia law was in force, and
if it was not in force they were to take some further steps -
that this was the intention of Mr of Cap^t Binet & many others -
that he did not set out with a view of doing hurt to any -
He set out to go to St Laurent - where he saw Cap^t Binet -
when he came there he heard that the people had gone from
there to the road of Lachine & when he came there I found no
one there then went to Lachine - where it was said that
Mr Thibaudreau would give them an answer to their
petition & this was the intention of the W^e remaining
at Lachine, as well as Cap^t Binet -

Saw Mallet at Lachine - saw Mr O'Brien speaking
to him, it was then time to withdraw & he went off

B. Courville

C. Binet

Mallet

Defence

Fran^r. Rapin - lives at Pt Clain - recollects that before 1st July a great deal of uneasiness existed among the people whether there was any law warranting the calling out the militia - before drafting of militia the habitants assembled at Thibaudreau's at Pt Clain to get him to draw up a petition for them & he refused to do because he was afraid thereby of losing his communion as a notary - That thenceupon the uneasiness increased - That - Thibaudreau was requested by Dr. Legault, Rabcan & Mallet L^W. requested him to come to town to get information on the subject, & to ascertain whether the law was in force - That W^s came into town w^t Thibaudreau where they arrived about half past one o'clock in the afternoon as he was told - the W^s remained at Mr Chabotley's while Mr Thibaudreau went to get the necessary information - They set out again about by the way of St Laurent & stopped at the four cross roads when they were told that the persons who had come there had gone off, they then proceeded to house of Mr Larocque where they stopped until after sun set - they then set out & passed by Lachine, but saw nobody there - That Thibaudreau did not meet those persons who expected an answer from him - That he knows that a great many people did assemble on 1st July for the purpose of getting the answer from Mr Thibaudreau at Lachine - the W^s never had any other intention himself -

that on the way home they stopt at the house of one Mr
Roi de Portelance, ^{about mid night} where Mr Thibaudreau read and explained
to them the answer which he had received from the gentlemen
in town, who he understood were Hon. Ch. L'entu Monk, Mr
Pant Mr Richardson & Mr McGill, that the law respects
the militia was in force, & that they must conform thereto
and if they did not that they must stand by the consequences.

X
That Mallet told them that there had come some troops to
Sackville and that they had dispersed the people who were
assembled, and that one Charlebois had been wounded.
When he went away from the house of Portelance he left
Mallet there who said he remained there to take care of the
said Charlebois. —

Amable Legault - lives at P^r. Clain - knows that some time before
the first of July last the inhab. of P^r. Clain were in a great
state of uneasiness respecting the Militia law - that about
2 or 3 weeks before that time about 100 persons assembled
at Mr Thibaudreau's, to get him to draw a petition for them
to the Gov. to know if the law was in force, Thibaudreau
refused to draw the petition saying it might occasion
the loss of his commission - this created still more
uneasiness, made them more anxious to find out
means of ascertaining the truth - On first of
July

last Mr Thibaudreau undertook to come to Montreal
for them to get information on the subject - he left
his house about 10 o'clock at Rapin, & was to return his
answer to the people at the 4 cross roads of St Laurent
that w^t. & many others went to St Laurent to receive the
said answer, & when there they were given to understand
that Thibaudreau would go by the way of Lachine to Lachin
they went there, when an express came to tell them that
Mr Ross & Mr Chabotley were at Lachine & wanted them
They in consequence went there - he saw Capt Binet &
Daud of Lachine & believes he went also to Lachine - the
W^t heard what Mr Ross & Mr Chabotley said to the
people, they were listened to and treated respectfully -
Papineau - Saw Mallet speaking with Ogilvy about
sun set - heard the troops were withdrawn -

Recollects that Mr Chabotley told them that the
law respects the militia was in force, & that their
militia could not be commanded unless it were
in force - When he heard the troops fire he was ^{four or five}
^{on this side} hours ~~at~~ ~~Picard & Portelance~~ and that it was after this
when Mallet passed him on horse back - Recollect having
heard say at Portelance that evening that Charlebois had

been wounded. —

P. L. Panet — Mr Thibaudier Not. at St. Claude was introduced into the room where the ^{com.} Council was sitts at Montreal on the first July last composed of the ^{com.} McGill chairman the Chs. Lester Richardson & others. The Com. was then assembled on the subject of assemblies of people &c to be held above Lachine & before this they had sent off Mr Chas. L M Ross to endeavour to disperse them — Mr Th. commun. a certain paper entitled *Die des habitans de la St. Claude*, to be presented to the Principal people of Montreal, the substance of qth was — 1. That the Inhab. wished to know of the law under which their young men were called out was in force or not — 2. If that law was not in force they ^{expected} intended that their young shd. be returned to them — If it was in force they were ready to send back all the young men who had been drafted to join the battalion at Lachine that they were ready to obey the law and to shed their blood in defence of the government — Mr Thibaudier said that the people were to wait the answer at the cross road of St. Laurent — The Chairman of the Com. informed that the people were very criminal to make such assemblies and assured them that the law was in force, and that he Mr Thibaudier shd. return immediately & acquaint them thereof — that they should give up all the young

men who had been drafted to join their battalion
or if they did not, that the troops would be put in
movement for that purpose and that they must abide
by the consequence - That no communication was
sent to Mr Chabotier & Mr Ross in consequence of
what had been stated by Mr Thibaudet -

Joseph Legault, d^r. Delaurier, was at Lachine on 1^r July last & in
company w^t. Siccard - he found him at first at Deschamps, where
he took a glass of rum with him - he left W^r then went
away - W^r afternoⁿ found at Millars, where he drank w^t him
from this they went to Ellis' o^r, there he hired W^r to assist him to
ferry over to Indian village, where they went to Thomas' & Drank
together - Then Siccard left W^r and seemed considerably in
liquor -

Papineau - Saw Mallet same day speak w^t. Mr Ogilvy, ~~beauvillier~~ & Mr
saw Mallet take off his hat cry, vive le Roi, and say, let us go
but does not know whether he went away or not, it was still
light & the troops had not fired - he went into Deschamps & did
not afterwards see Mallet -

Jarris Marcomber - Is a tavernkeeper at Sault St. Louis - Mr Siccard & last W^r
recollects has seen Siccard at his house w^t ~~another~~ person on 1 July last
they had some liquor from him -

Joseph Rabau was at Lachine on 1 July last where he went w^t intention
to get a petition drawn for the discharge of the militia men - That

He was one of those who spoke to Mr Thibaudet to go to town
to get information on the subject - Saw Siccard at Lachine - Did not
see the troops arrive there as he had left it before - That Siccard
joined us before the firing began, & he was at that time 7 or 8 arpents
from the troops, they went through the field - Saw no harm done
by Siccard -

x^o

That he was committed to Gaol, for the business of Lachine, but
does not know for what offence - That when Siccard joined
him in the field he told him he was flying as fast as he
could -

Pre Sansouci is ferrymen at Lachine & was so on 1 July last, recollects
news employed Siccard on that day to ferry for him - K^o. him for
a man of good character - Never knew anything that could
induce him to look on him as a bad subject -

Joseph Muller - Is a Tavernkeeper at Lachine - Rem. that on 1 July last
one Siccard another had liquor at Lachine in his house, did not
remark if he was in liquor at time - never heard any thing against
him -

Issette Lalonde K^o. Luc Courville from his infancy - has a
family of nine children - Had occasion to go to his house in
June last - heard him say it was impossible to get the militia
men as they had been commanded in the King's name - Was at his
house on 30 June last when he met^d to her what had happened
in regard of the Leprince & that the persons who had taken away

the

En la Courville

the militia man from him had done wrong as the law was
in force respects the militia - that he was going next day to
Lachine in order to have a Petition drawn but had to meddle in any
other business - Next day he went to his field, when some persons came
to his house asking if Courville was of their opinion to go to Lachine
Courville said in so he would go, but would consent only to make
a petition to obtain their militia men, but w^t not join in any
thing else

Angelique Pilon lives at bout de l'ile - Re. sue Courville for 22 years
has always had a reputation of an honest man & good subject -
that on 30 June last her brother in law slept there - Courville
came there in the morn. to say, if he saw the people of Vandreuil
passing to stop them, or if they w^t not consent to return to tell
them to come by his house as he had some reasons to give them as
they never could take away their militia men who had been
ordered out in the Kings name - That he always appeared to
support this law, was even blamed for it by some of his
neighbours. -

James Fraser. was at Lachine on 1st July last - saw there sue Courville
in the mob. & after the arrival of the troops, he was much more
peaceable than most of the others - He was arrested, but at
the time he was on the side of the troops & seemed to have
withdrawn from the crowd - He conducted him into town
when he told Mr that the sole motive he had in going to Lachine
was

was to get a petition drawn & for no other purpose -

In P = Gauthier. Mr. Lee Courville from his infancy he has 9 children has lived in great intimacy with him & known him to be an honest man and of irreproachable character - That upon Mr. tells. Courville that some people had rescued a po^t from Mr. Lepronhan, he observed they had done very wrong & would be punished for it - He dissuaded Mr. from going to Lachine on 1 July -

Eustache Beneche & Lavictorie - Mr. Lee Courville - worked for him in June last - He has heard him say, that the militia men who had been drawn out were ordered by the King and they must march - He once heard one Major say in presence of Courville that he did not think the law in force, when Courville said that the law was certainly in force, and he ought to submit to it -

Stuart - Heard many people say that he considered that law as not being in force & that they were going to get a petition drawn for information on this subject -

Papineau
Mallet - On 1st July last saw Mallet at Lachine ~~on~~ Mr. Ogilvy, heard Mr. Ogilvy request of him to return, when Mallet cried out let us go away, let us go away - saw a number of people withdraw in consequence - he saw Mallet go away but does not know if continued his route - was cause that many others went away also

The troops were then arranged a little further off

Joseph Pilote. Was Lee Counville for 10 or 12 years past lives in same parish
with him - he enjoys character of an honest man - saw him at the
Court on 1st July last - there were 10 or 12 persons assembled then talking
together - That Counville comes up & said to them you are talking
about drawing up a petition, but you have guns in your hands
and that is not the way - He says a W for the Crown - that
he often used to get liquor at house of Mr father - Saw mallet on
same day speaks with Mr Ogilvy - heard Ogilvy tell him that
he must go home, he said he was ready, took off his hat and
cried out Vive le Roi and went away, at same time advised a
great many other persons of the crowd to go away with him
upwards of 20 -

x?

That at time that Mr Ogilvy was speaks with mallet the
Troops were at a small distance assembled in order -

Gilbert Leduc. Was on 1st July last at Lachance where he arrived about 10
o'clock in the evening - he then saw Lee Counville, whom I. S. knows
there 30 years past - told W. he had come then on the subject of
a petition to be drawn respects their militia - That W. advised
the crowd to disperse, when Counville came up & said it would
certainly be better for them all to withdraw - Upon this he saw
Counville leave the opposite party and come toward the troops -
when he was taken prisⁿ he was near the troops & Mr. heard him
say that he had withdrawn from them -

The

He saw Antoine Boyer who app^r. like a man who had
seen a wolf.

John George Degen - was at Lachine 1 July last -

Noel Brunet lives at Pt^e Claire, No^t Fr^r Courville - He went to go to
St. Laurent on 1 July last to get a petition made to ascertain whether
~~Fr^r Courville~~ the law respects the militia was in force & to obtain their discharge
if possible, that Fr^r Courville went with them - They passed his
house & they told him for what purpose they were going & asked
him to accompany them & he did - He has known Fr^r Courville
for 25 years during which time he has enjoyed a good character.
& looked on as a respectable habitant -

Amable Lawson lives at Pt^e Claire - set out for St. Laurent first July last
in order to get a petition drawn to be informed if the Mil. Law was
in force, as it was much doubted by many people, if it was
~~Fr^r Courville~~ not in force then they were to demand their fifth - On the way
they stopped at Fr^r Courville's & spoke to him respecting their intentions
when he agreed to accompany them - Before they left the
village of Pt^e Claire they heard that instead of St. Laurent it
was at Lachine that the petition was to be made - He had
heard that Mr Thibaudet had gone to Montreal for information
on the business and they were to wait his answer at Lachine -
that Fr^r Courville is a man of good character -

Noel Brunet - Knows that B. Courville was requested to go to St Laurent
B. Courville to join in making their petition, which he did - There is not
stable - but has a family & is a man of good character -

Robert McGregor - That Bern. Courville lives at St. Anne's for about
B. Courville a year past & is a neighbour of Mr. & has during that time behaved
well

Hyacinthe Proulx - was at Lachine on 1st July last - recollect being at Tavern
of Deschamps - recollects that Bern. Courville told him that Mr.
Bern. Courville Thibaudet had gone to town & they were waiting for him to answer
he was going to bring them - he appeared to have no
bad intentions whatever -

Noel Legault lives at Isle Boizard - Knows Thivierge who lives there -
they went together to St Laurent to get a petition drawn to
the General to get their militia men - when they came to
St Laurent they were told that the meeting was to be held at
Lachine - That they both left Lachine about an hour & a
half before sun set - They saw that no petition was going
forward ~~and~~ they s^t. it was not well for them to be there, as the
business seemed altogether different - Thivierge then wished to
withdraw, which they both did - That Thivierge is a quiet
honest man but poor. -

Thivierge
August: Boileau lives at Isle Bizard, K^e: or Thivierge - on 1st July
last set out to go to St. Laurent to get a petition drawn to see if
the law was in force & whether they could get back their fifty
Militia men, and if they did not succeed they were to return
home - when they came to St. Laurent they were told that the
meeting was to be held at Lachine upon which they went
there -

Thivierge
In B^t. Massy - is ferrymen at Isle Bizard, saw 25 or 30 persons stopped
at his house, who said they were going to St. Laurent to get a
petition drawn - that upon some of the young people bringing
their arms, Thivierge observed that was not the way to
make a petition, as they ~~had~~ no occasion for rebels to draw
petition them - spoke like man of experience -

Joseph Letang lives at P^r Clain - was at Lachine on the first of
June last -

F^r Courville
Joseph Legault & Delaurier was at Lachine on 1st July last - has
a kn. that Fr. Courville left Dubreuil's house previous to the firing.
that upon Mr Ogilvy's request^s them to go away - so away
some of them did withdraw

F^r Courville
Amable Legault, that on road to St. Laurent on 1st July last Fr. Courville
joined them -

Jacques Trottier. That on the 1st July last it was proposed to draw
a Petition to know if the M. Law was in force to see if they could
get their militia men if it was not in force - They were to meet at
St Laurent, Two from each company were to carry it & get the
necessary informⁿ. If they found that there was no question they
should return home quietly - That Mr went to Capt. Benet
and told him of their intention to get such Petition made and that
he ought to go also, as they wished to have respectable persons
in their party - They went to St Laurent - They asked the people
there if they would join in that petition, if they did they would
send two of each company to acquaint their superiors in
town to get the necessary information but they did not succeed
they oh? return home - That they understood that Mr
Chubaudem had gone to town to get the necessary information
- That he was to give them an answer at the park road of
St Laurent - They went there & found some persons who told
them that they were called upon to go to Lachine - They went
there & heard what Mr Ross & Mr Chabodley told him, in what
they agreed - Went & talked together - That Capt. Benet
accompanied Mr all this time in his Calash & left Lachine
w^t him a little before the firing began - That Capt. Benet is
a quiet and peaceable man & does not think that he meant
to let the militia men try force -

Joseph Meloche. lives at Cote St Remis in the parish of St Genevieve
remembers having been at Cap^t Biets on first July last, he saw
Trottier come in & asked Capt^t if he was going to St Laurent
Binet He seemed not much disposed to go, Trottier then said that they
were not going to do any harm but to present a petition, & in that
case it would better that they shd have a Captain at their head -
that he has always done his duty as a Capt^t of militia, &
was much respected where he lives. —

Fran^s. Chauvet - was at Lachine on the first July last, ~~of ass~~ saw
a great number of people assembled there some of whom were
armed - heard Capt^t Biets at three o'clock road till those
Binet who had arms, that was not the way for people who wanted
to make a petition to carry guns with them & requested they
would lay them aside - That Biets left Lachine before
the firing from the troops began -

Jeanien Foretier - was at Lachine on 1st July last, when he saw
Capt^t Biets there - that he had been requested to speak for
the people about drawing up their petition - he wished to decline
that office as he did not hear well and might make some
mistake - That after Mr Ross & Mr Chabot had spoken
Capt^t Biets approved much of what they said & advised
people to withdraw - That he is a man who has always

conducted himself well & fulfilled his orders as Capt.
faithfully -

Louis Trillet - was at Lachine 1 July last saw number of people assembled
there salu Cap^t Brinot - heard Mr Ogilvy talk to the people
Brinot. there upon which he asked Brinot what he thought of it, he said
it was very right to do what was advised whereupon
the rest I several others withdrew

Jos. Theoret - was at Lachine 1 July last when there was a great
assembly of people, heard Capt. Brinot tell the people that
Brinot what Mr Ogilvy had said ought to satisfy them and it was
proper that they should go home, whereupon the rest and
many others retired, & the Capt. retired soon after -

Joseph Letang. was at Lachine 1 July & saw there Mallett the
whose intention it was to draw up a petition respecting
the militia law, & that Mr Thibaudet had gone to town
& was to return with answer to them - saw Mallett speak
with Mr Ogilvie, and heard him request the people there
to withdraw & many did - after hearing what had been
said Mr Mallett told Mallett that they had better withdraw

when

when Mallet said let us go, and in consequence withdrew
that it was still light - That Mallet is one of the
most respectable Inhabitants of the parish & has a large
family -

John Forsythe - knows Mallet for many years - was in his
employ as a voyageur for many years always found an
honest industrious & sober man, and a truly character, in
whom they had much confidence, I never knew any thing to
the contrary of his being a quiet & peaceable man -

Thursday 24 Sept^r 1812. —

The King
v.
Joseph Sicard
& others. &c &c }
 }

The Defend^rs counsel moved that verdict given in
this cause ag^t. Frans. Courville, ~~Jean B^t Thibault~~, and
Joseph Binet, ~~should~~ be set aside and a new trial
granted inasmuch as no evidence was given at
them to support the verdict —

R. n Roque. 4 Bur. The nicety of construction of words to favor
innocence of party accused —

5 T. Rep. 445. &

—
The Court, although they admitted the right of the Defd^rs
to move for a new trial, yet considering that the Jury had
evidence before them sufficient to support the verdict. The
application was rejected —

The King
In B^t Preseaux }
Frans. Kenoche
de Chamaillard
Bazile Delorier }
 }

The Court rejected the application for a new
Trial. —

The King
Eust. Béneche
& Lanielone }
 }

Motion for a new Trial overruled —

The King
Jac: Trotter }
Louis Paiment } The motion for a new trial over-ruled.
Noel Legault -

The King
Joseph Ricard }
et al. - The Defendants moved in arrest of Indict-

1. Because they have been found guilty of an Offence for which they were not indicted. -

In the 4 first counts, the charge is for a conspiracy to assemble and liberate certain militia men - 5: Count for a riot & fighting Kings troops - and 6: Count - The introductory matter in the indictment respects the Defendants assembling, is merely aggravating the offence of Conspiracy law - but there is no separate or distinct count charging the unlawful assembly, which was necessary to support the verdict - must be laid up ^{peace & at the} the crown's dignity of the King.

4 Hawk. 56. 57. a. There cannot be distinct offences charged in the same Count. - King v. Young et al. Cr. C. Comps. -

2 Leach. 927. Two offences charged in the same Count must be irregular - - -

Ross in answer - The Jury can find part of a Count & acquit for the rest - the charge of an unlawful assembly is clearly stated & may be so found -

The Sol. Gen! In case of misdemeanor, all the circumstances composing it must be stated, which may in law constitute different offenses - the circumstance of assembling unlawfully was the incipient part of the Misdemeanor charged in the Indictment, & of this only they ~~Defend~~⁴ have been convicted -

King. v. Canning. St. Tr. 10 vol. where it is laid down that part of offense may be found - ~~etc~~ case of King. v. Bone, q^r. untried of one Count, a verdict for part said to be the second Count -

Stuart in reply. The verdict in case of King. v. Bone. was supported by the Court upon the principle that the Indictment cont. Several Counts, and that the verdict was founded upon one of them - this shows that it is was not a finding of part of a Count as in the present instance - Unlawful assembly - distinct offense from Conspiracy or Riot, ought to have been laid separately - In cases of Burglary, there may be a verdict for stealing merely, because this is a constituent part of the offense of burglary - so in case of an Indictment for Murder there may be a verdict for manslaughter.

Notes & Authorities —

4. Wilts. 136

5 Bur. 2261

Rex. v. Woodfall

1 Hawk. 25.

1 Leach. 425.

Wells, R. 117

3. Bur. 1235.

v Norton.

Rex. v. Banfield
& Saunders

2 Bur. 985.

2 Hawk. ch. 47

§ 6, art. 12.

Caledon's Rep. 18
A.D. 2.

2. Bur. 700

Where there are more charges than one - guilty of some only, is an acquittal of the rest. —

Verdict may be amended in Capital cases, when there are minutes to amend by. L. Mansfield. Haz. Ca.

A negative need not be found in a Special verdict except it be necessary to shew that the person or thing does not come within a particular exception.

Where a verdict is given or entered upon a wrong Count, the Court will order it to be entered on the right Count according to the evidence. — On Penal Stat. Brereton, per

So determined in K. v. Bone. Sep. 1. 1811. —

So where two were indicted for Misdemeanor Riot & Libel. —

On arrest of Judg^t. grounded, that the verdict was entire, and a part of the charge was for matter not libellous — The C^t over-ruled the objection & gave Judg^t. on the part indictable. —

So where one indicted for felony — if the special circumstances of the case do not amount to felony but only to an enormous trespass, Judg^t. may go for ~~the Misdemeanor~~ be given for Trespass only. —

And so hold generally on an Indict^t. for felony in setting fire to a house, amounting only to a trespass — Judg^t. may go for the misdemeanor on a general verdict of guilty. — The Court will apply that verdict to the Circumstances manifest on the Record —

So when the intention after being convicted in their conviction, the C^t will substantially award Judg^t. conformable to the Verdict, if the Ind^t. has charged an offence upon which it can rest. — So adjudged in Case Bone

In cases of felony the Jury by their verdict, qualify or reduce the degree of felony — Murder to manslaughter — Burglary to Compound or Simple Larceny — So of Robbery or privately stealing or felony to Misdemeanor. —

The Dif^rs are charged w^t an unlawful assembly combined with a conspiracy
also for a Riot. — The Jury negative the Conspiracy ^{charged} negatived in the Court
which alledges the unlawful assembly, and limit the verdict to the guilt
of an unlawful assembly, modo & forma only — doo negative the other Counts for
riot &c — They may find such verdict, guilty as to part & not guilty
as to other parts — Canning Can. 10 St. Tr. Augt. not. —

The intent & meaning of the Jury is apparent, and the Court can
carry the same into effect by operating a negative to the words,
conspire, confederate, combine & agree, after which the verdict will stand
upon a count for the unlawful assembly —

Secd. Recd. of such Indict. Cro. Cr. Comp assist. 256.

Friday 25th Sept. 1812

The King
" Preceau } On mo. in arrest of Judg^t.

1. That several persons have been joined for different offences in the same Indictment. —

4 Hawk. p. 53. 54. b. 2. ch. 25. Sec. 89. —

King. v. Benfield & Sanders. 2. B. 1. 984.

The offences separate - by incitements by different persons at different places - true - for the same assembly - but like injury by different persons in the same cause - the criminality of one cannot attach to the other —

Sol. Gen^t. The act of the Defendants is joint - the inciting for the same riot & assembly —

2. Hale. 173 —

after verdict it must be presumed that enough was found to support it - and that all Defendants were jointly concerned - Mo. cannot be rel^d as suff^r in arrest of Judg^t —

Stuart in reply st^tated in Indictment that the incitements were joint - they are charged for separate acts —

The King
" Siccarddal } On motion in arrest of Judg^t. —
Siccarddal

The motion was over-ruled. —

 see opinion of Baron Pergny. Fuller's case. 927. Leach. —

King. v. Hunt. 2 Camp. Rep. —

Saturday 26th Sept 1812

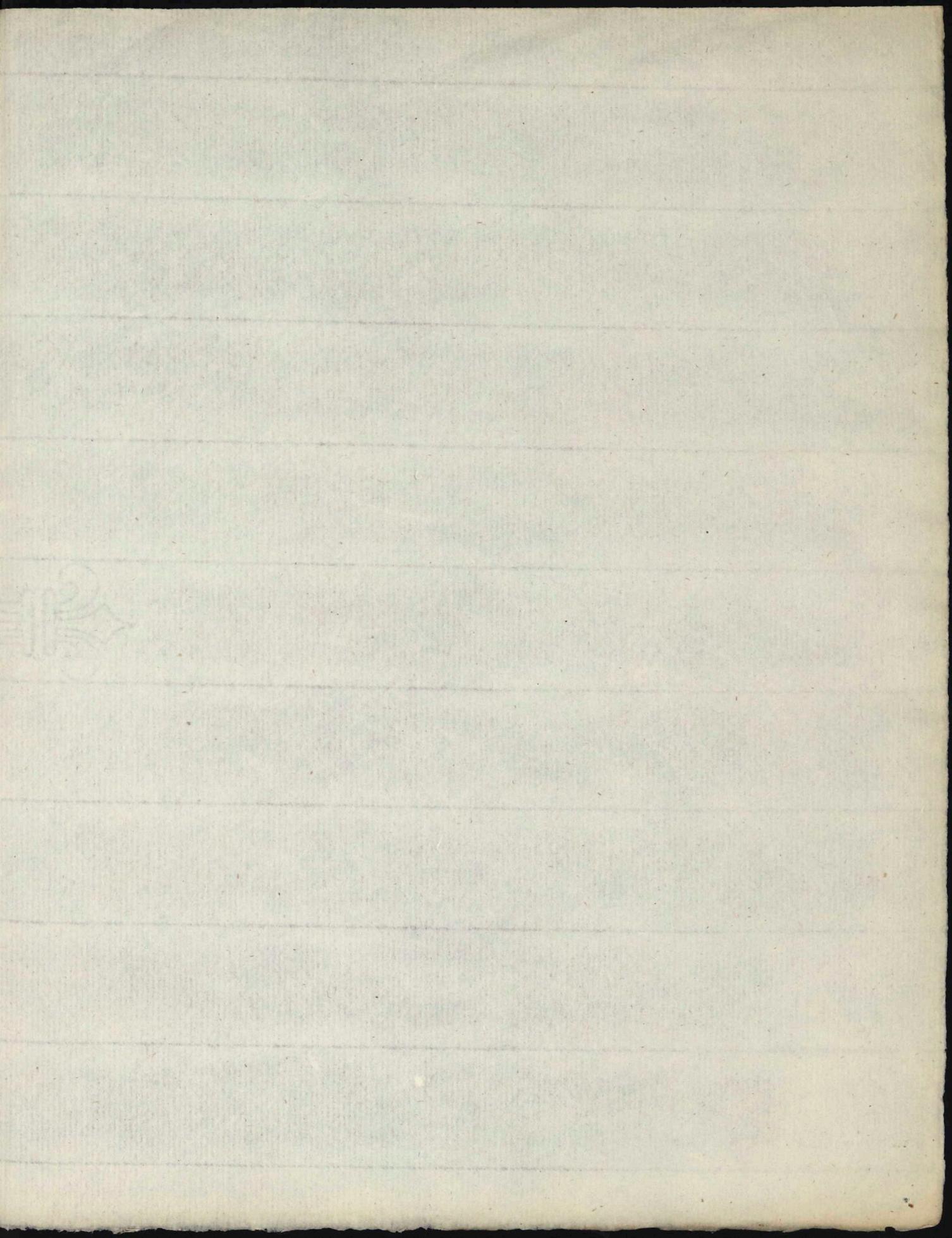
The King }
Prereau Sal. } On motion in arrest of Judge -
motion over-ruled -
see Cr. Cr. Ass^t. 41. -

King. -
Jac. Trottier }
Louis Poiement }
Noel Legault }
Dr. Delorme

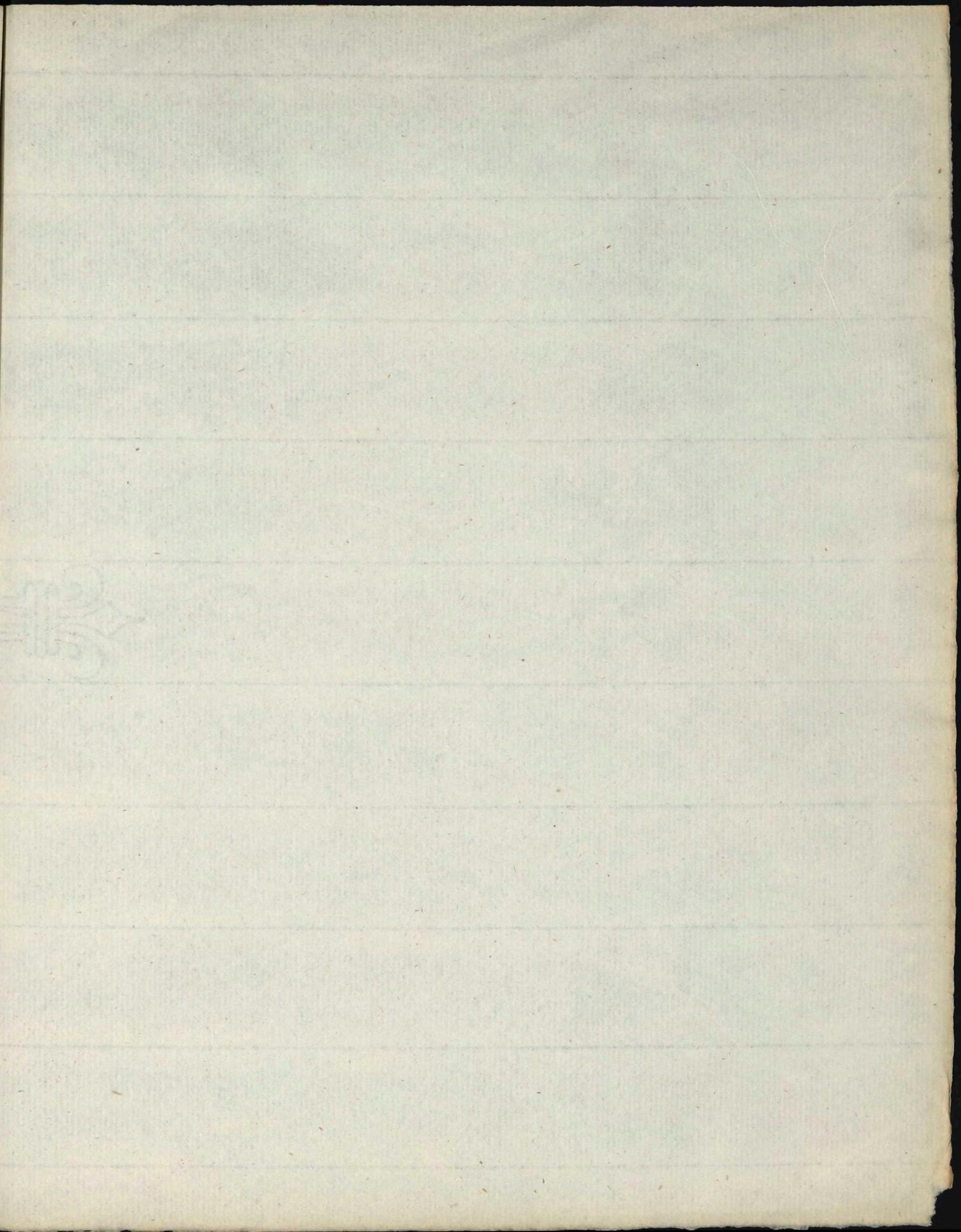
King
Eust. Beneche }

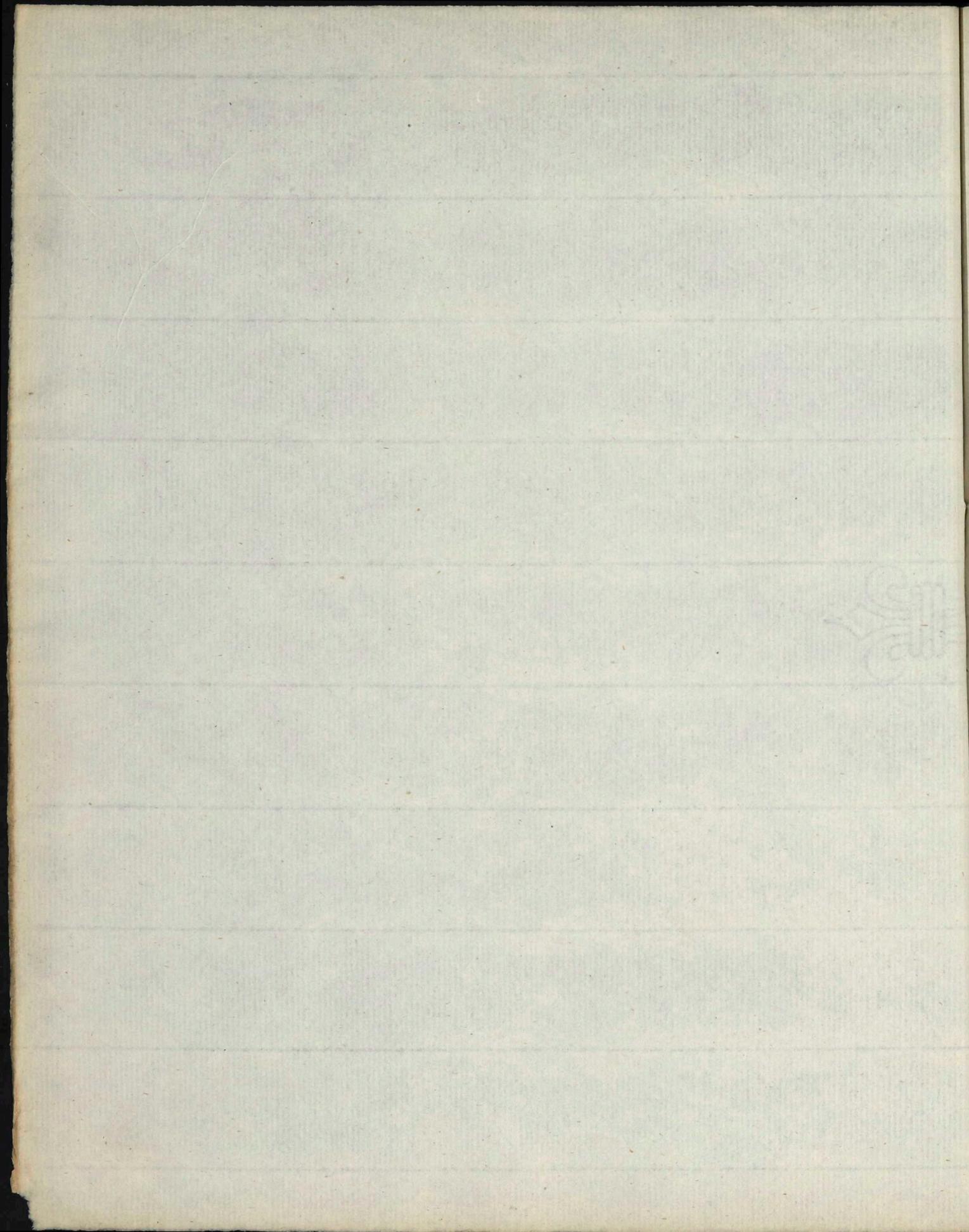
King. -
J. B. Prereau. -
P. Champlain
Barile Legault -

King.
Joseph Sicard,
Luc Courville. -
Frans Courville.
Guill. Mallet. -
J. B. Thivierge -
Joseph Bel. -
Bernard Courville -









卷之三



