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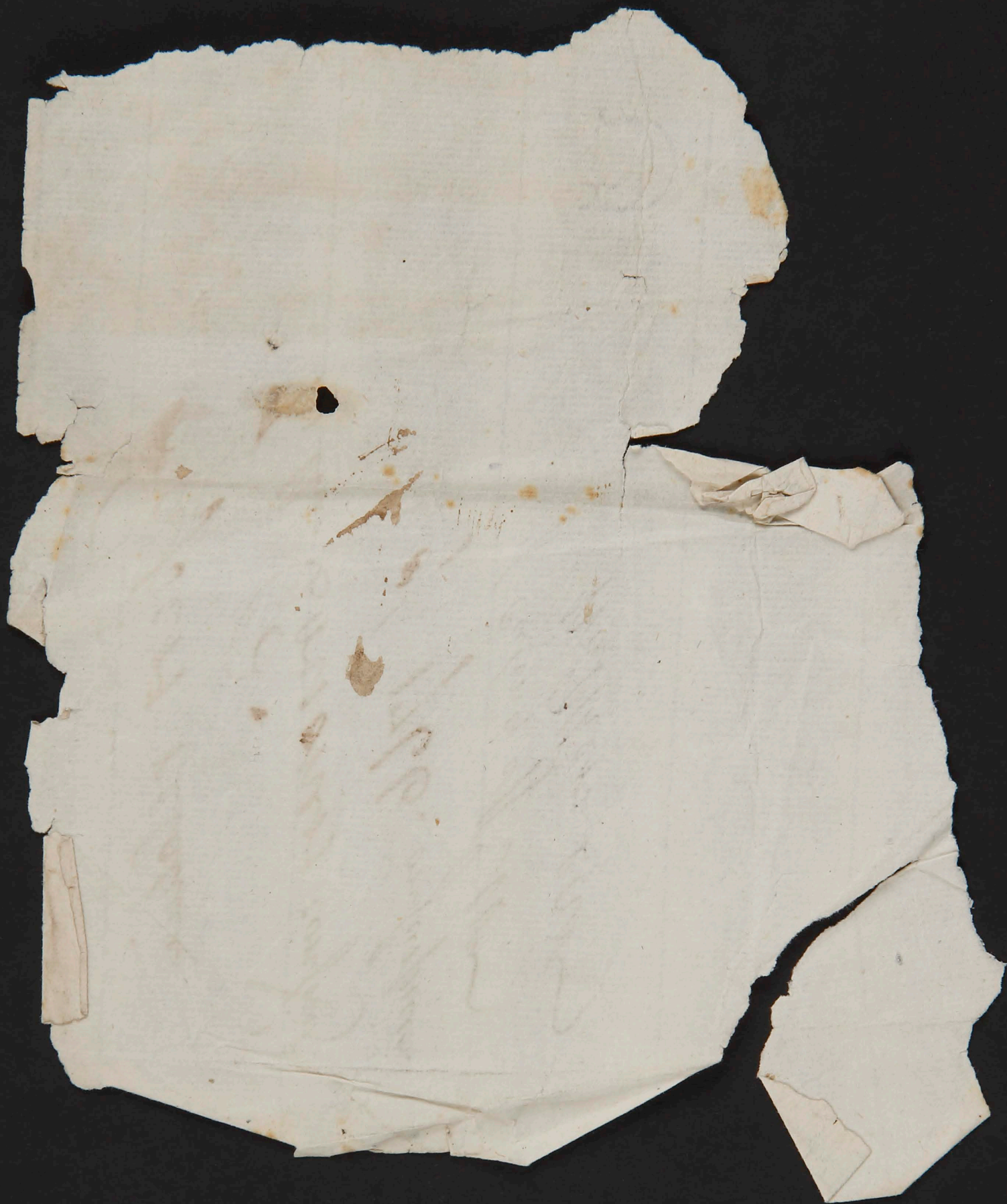
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Papers relative

To the Prisoners confined

of 1766. on suspicion

of cutting off Mr
Walters ear



Dear Major

I am favored with yours by the Post & thank you for your name which always shall be in oblivion. I have no matter of consequence in my letter from England what regard Mr. Murray's correspondence pretty nearly with you.

I cannot help observing to you, my thoughts on the strange construction which General Carleton has put on our letter to him. I never thought he could have given an action which every honest man so readily acquiesced in, & which he himself in his heart must allow to be a good one; so unnatural & vile a meaning. If he wanted to serve his other purpose at our expense I hope he will be publicly told so. It is a duty we owe our own Character, to expose him, I foresee a storm which will end in ruin to several in the end probably - his no man in office can resist or remain ^{while} such a ~~tyrant~~ Tyrant holds the reins. I would not accept the most honourable Place in the Government. I can easily divine those next marked at for vengeance & I only wish that you & my other friends may be able to evade the blow. The name of Councilor is now branded with eternal disgrace! The world must allow the honour of Mr. Irving to be untaunted & I never heard that Mr. Abner was dishonest. Every man who has the least sense of friendship would do, what they, & all of us did. I was the person who first proposed the memorial or letter, to Col^l. Irving without the knowledge of those it concerned. Durrin & I, you must remember, were the persons who went round the Town on Sunday morning, we neither solicited the people coming from Church, nor did we importune any one, that seemed averse to so reasonable a request. It was not General Carleton's Opinion that prevented the Gentlemen who subscribed to go to him in a Body. It was respect to Col^l. Irving & you

you, who

you, who requested it as a favor. — On the whole I think it evidently appears that a very bad man is at the bottom of all this affair & I wish & hope him discovered.

The Prisoners beg their Compliments to you they are as happy as their injuries will admit of.

M^r & M^{rs} Dechambeault & the whole family Desires me, to insist that you lodge in their house and that the sooner you come up, the greater will be the favor. We shall be neighbours, as our rooms are adjoining to one another I am always & shall be
D^r Mills

Montreal 12 Dec^r 1766

Your obliged & most
Sincere friend &c
W.G.

Dear Major

your agents have ^{heard} M^r Goddethouse for Gen^l Carleton, he will be well lodged, but not elegantly, nor in the polite quarter: however it will suit his business & concehons much better, as well by its situation as its neighbours hood. To live every moment of our lives in a chimerical maxim. Humane nature is susceptible, & the vicissitudes of fortune, are ~~unavoidable~~ ^{unavoidable}; we are merry or sad as her wheel turns. — Though I mentioned party & faction I never shall be factious or a partizan, but will support always the cause of the oppressed. — What occasion had Mabane for excuse? It was no crime to offer Bail; nor can I find one indecent expression in our letter to Gen^l Carleton. I wish I could say as much of his answer.

Weakeness seduced the Doctor to evade the truth. Tho it wanted no screen: but I beg leave to ask you what induced the other to give so inconsistent a meaning to so inoffensive a performance? Beware of the designing villain especially the calm. Action is a certain proof of intention; a good face, tho' an emblem, is not so of the heart. I am much obliged to you for your advice. Cap^t Fraser read me your letter; there is no passion in my actions. I only discover'd my heart to you as a friend. The spring that moves me is really different from ~~that~~ of Mabane: never the less both came to the same end.

I wrote a letter to Dunn which he will probably show you. we have no news M^r & M^{rs} Dechambeault and the Ladies beg their Compliments I always am D^r Mills

Montreal 18 Decem^r 1766

D^r

We have the Honor to ~~enclose~~ ^{deliver} to you The Petition of John Fraser, John Campbell, Daniel Disney, St. Luke Laforne Esquires, Messrs. Simon Evans & Joseph Howard. We expect You & His Maj. Chief Justice, will ^{consider the evidence} ~~take the distresses~~ support the crime law to their charge! What Distress ~~that~~ must arise to them, their Families & Affairs if they are kept in Jail until the ^{time of} ~~laws of~~ their Trial. Country ~~shall~~ acquit, or condemn them. We are so well convinced of their ~~innocence~~ ^{innocence} That all & every one of us, Do hereby offer to become their Bail; ~~that~~ ^{and} to the utmost extent of our Fortunes ~~that~~ ^{and} with our lives ^{Not only} That they will appear to take their Trials but ^{that} the Person of Mr. Thos. Walker shall not be hurt or molested by them. —

entendre que vous croyez avoir
moi au sujet d'une propo-
sition par Monsieur Prince
Capitaine Disney, comme
dans cette affaire étoit fondé
du monde tant pour vos
eux de la Justice et par la
s. Je me persuade que ce
est de ma conduite et de mes
sur un seul moment vous
oy je tâcherai de justifier
vous l'exposant naïvement
a été: car quoique ce seroit
ir réfuter toutes les calomnies
qui abondent en cette Province
droit que j'ai jamais connu
en aucun particulier de la
terre respectable croira
de ma part je ne me con-
n intérieure de ne lui
i de lui faire voir

à Monsieur

Je suis fâché d'apprendre
Lieu de vous plaindre de moi a
sition qui vous a été faite par
un peu avant le procès du Capitaine
Le peu de part que j'ai eu dans c
sur les meilleures intentions du m
propres intérêts que pour ceux de
de la Province en général; je
n'est que par une fausse idée de m
motifs que vous pouvez pour un
croire Lesi. C'est pourquoy je
ma conduite a vos yeux en vous
et simplement celle qu'elle a été
un travail inutile de vouloir ref
malicieuses et chimeriques qui ab
plus qu'en aucun autre endroit
cependant ou j'apprendrai qu'aucu
province d'un rang et caractère
avoir reçu quelque injure de m
lenterai pas de la satisfaction im
avoir ^{faite} point, mais je l'achèverai de

à Monsieur

Je suis fâché d'apprendre que vous croyez avoir
lieu de vous plaindre de moi au sujet d'une propo-
sition qui vous a été faite par Monsieur Knipe
un peu avant le procès du Capitaine Disney, comme
le peu de part que j'ai eu dans cette affaire étoit fondé
sur les meilleurs intentions du monde tant pour vos
propres intérêts que pour ceux de la Justice et par là
de la Province en général; Je me persuade que ce
n'est que par une fausse idée de ma conduite et de mes
motifs que vous pouvez pour un seul moment vous
croire lésé; C'est pourquoi je tâcherai de justifier
ma conduite à vos yeux en vous l'exposant naïvement
et simplement telle qu'elle a été: car quoique ce feroit
un travail inutile de vouloir réfuter toutes les calomnies
malicieuses et chimeriques qui abondent en cette Province
plus qu'en aucun autre endroit que j'ai jamais connu
cependant ou j'apprendrai qu'aucun particulier de la
Province d'un rang et caractère respectable croira
avoir reçu quelque injure de ma part je ne me con-
tenterai pas de la satisfaction intérieure de ne l'en
avoir ^{faite} point, mais je tâcherai de lui faire voir

que j'en suis nullement coupable, afin de conserver
auprès de lui l'estime qui me sera due

L'affaire se passa ainsi. Monsieur Snipe me dit
qu'il avoit appris de bonne main que vous aviez avoué
à quelqu'un de vos intimes amis que vous étiez ^{mallem}
présent dans la maison de Monsieur Walther pendant
qu'on lui coupoit l'oreille, mais que vous vous étiez
trouvé là sans avoir part à l'affaire, sans aucun
dessein de l'encourager et même sans savoir d'avance
qu'une telle devoit se faire, que vous aviez été en
compagnie avec quelqu'un des complices de cette
affaire sans en être complice vous même, et que
toute la compagnie ayant bu un peu trop, quelques
d'entre eux proposèrent d'aller jouer un tour de ma
lue innocente à Monsieur Walther en se trans-
portant chez lui subitement habillés en habits
de souvettes comme des sauvages et déguisés
dans le visage pour l'effrayer, mais sans dessein
de lui porter aucun coup, ou de lui faire autre mal
que la frayeur, et que la compagnie et vous entre
autres... avez approuvé cette proposition et l'avez
exécuté dans l'instant. que par ce moyen vous vous
êtes trouvé chez Monsieur Walther habillé

De cette fa-
que l'on
surpris
la fois
en etes m
Voilà
Monsieur
bon ami
Le crayon
L'idée de
cette hist
vous exte
propre ex
de couronj
coupables
personne
personne
exhorter
jusqu'au
et defens
croire pa
auriez a
laquelle
et le ha

De cette façon dans le tems d'attaque sur sa personne
que lorsque vous vîtes donner des coups, vous étiez
surpris et indigné contre ceux qui vous avoient mené
la fous de si differens pretextes et que vous vous
en étiez retiré tout d'abord

Voilà ce qu'on disoit que vous auriez avoué, et
Monsieur Thripe / qui m'a toujours paru votre
bon ami et vouloir en toute occasion votre bonheur /
le croyoit, en consequence de cette croyance il conçut
l'idée de vous en parler, et de vous demander si
cette histoire étoit vraie et en cas qu'elle le fut, de
vous exhorter de l'avouer publiquement pour votre
propre exculpation Et pour le bien de Justice en
dévouant les personnes qui furent réellement
coupables ~~de cet~~ attentat, soit que ce fussent les
personnes qui furent alors en prison ou d'autres
personnes quelconques. il crut aussi devoir vous
exhorter de ne point garder le secret de cette histoire
jusqu'au moment même de votre propre procès
et défense parce que peut être elle ne se feroit pas
croire par un juré a cause de la difficulté que vous
auriez a prouver l'innocence et l'intention avec
laquelle vous vous étiez trouvé dans la maison
et le hazard qui vous y avoit mené, et que par

par cette raison vous seriez mieux d'avouer toute
l'histoire tout d'abord et de decouvrir les personnes
que vous avez ^{eu} ~~vu~~ ^{dans} cette occasion dans la maison
de Monsieur Walker et surtout ceux qui vous y
avoient mene, auprès desquels il est certain que n'avez
pas la moindre obligation ni en honneur ni en con-
science de garder le secret apres le vilain tour qu'ils,
vous avoient joué en vous faisant tremper malgré
vous dans une si honteuse affaire, et que si vous
faisiez cet aveu et cette decouverte de bonne heure
il y avoit lieu de croire que les procédures contre vous
et meme (pour vous tranquilliser parfaitement)
contre le Capitaine Campbell seroient arretees et
vous seriez tous deux decharges sans subir un procès.

Voilà ce que Monsieur Thripe me proposa,
il me communiqua ce projet, et en demanda mon avis,
je lui repondai que j'en approuvois fort, que je
trouvois qu'il vous rendroit un service insigné en
vous indiquant un moyen d'obtenir votre decharge
sans la peine ni le risque d'un procès, et qu'il
feroit en meme temps un véritable bien a la Province
en faisant decouvrir les véritables auteurs de ce forfait.
pour ce qui est de vos compagnons de prison
Monsieur Thripe ne jamais souhaité que vous les

accusay
cher M
en'eton
d'avoir
momen
avant l
fut vo
que vo
Soit q
on d'au
que par
un ser
compag
cent de
n'en fu
servie
le
d'appro
il me l
executio
avouer

accusassiez à tort quoique vous ne les eussiez point vus
chez Monsieur Walther dans cette occasion et je
m'étonne qu'aucune personne puisse le soupçonner
d'avoir pu entretenir une telle pensée pour un seul
moment. ce qu'il a souhaité ce que vous avouassiez
avant le tems du procès cette histoire en cas qu'elle
fut vraie, et que vous denonciassiez les personnes
que vous aviez rencontrées là, quelles qu'elles fussent
soit qu'elles fussent vos compagnons de prison
ou d'autres personnes quelconques, et il est certain
que par une telle découverte vous auriez rendu
un service très important à ces malheureux vos
compagnons de prison en cas qu'ils fussent inno-
cens de cette affaire et de l'autre côté si ces personnes
n'en fussent point innocentes vous auriez fait un
service au public en les denonçant à la justice

Toute la part que j'ai eu dans cette affaire étoit
d'approuver ce projet de Monsieur Thunpe quand
il me la proposa, et de l'exhorter à le mettre en
exécution, si en cela j'ai mal agi, il me faudra
avouer que je n'ai plus de connoissance du

bien et du mal et qu'il ne sera plus possible
de distinguer l'un de l'autre puisque je ne puis
pas voir la plus petite circonstance dans
cette conduite qui mérite d'être blâmé

Monsieur J'ai l'honneur d'être
votre très humble
et très obéissant serviteur
Signé
Guillaume Hey L. J.

et Monsieur

Monsieur St Luc
Présent

My Lord Gent^l & Fellow Citizens —

The Charge you was pleased to favor us with, on opening this Supreme Court; gave us, and the Public, the most pleasing satisfaction; And the favorable opinion you was pleased to conceive of the choice made of us to fill the important Office of Grand Jurors; convinced us that from the Character given you of each Member, you was assured of his honor, Candour & Uprightness: — which we flatter ourselves we have deserved by our past & present Conduct in private and in public.

Tho' not altogether Novices in the execution of the Office Intrusted to us by our King & Country; we heartened with the most serious attention to your explanation of our duty, in the discharge of that most important Trust. And we proceeded ~~in the~~ ~~execution~~ with the greatest alacrity and unanimity to the execution of it.

An Indictment was laid before us, in behalf of the Crown, against Lieut. — Simon Evans of the 28. Reg^t. ~~at~~ in which he was accused of two separate Capital crimes. — You was pleased to mention to us in the most positive Terms (in the Charge you gave us) the manner we were to conduct ourselves — as to finding, or rejecting ~~the~~ Bills: and you observed to us that we must find them ~~Right~~ in full; and that we could not find ^{them} ~~at~~ in part. — In support of this Bill there appeared several Witnesses on the part of the

Who were all by us regularly and separately
examined with the most mature deliberation,
and the nice reflection, which so serious a
matter required. — In consequence of the evidence
offered us in behalf of the Crown alone (for we despise
the base assertion thrown upon us, of having
hearkened to Evidence inconsistent with our duty,
we threw out the Bill unanimously as we now
repeat in our own vindication Ignoramus.
This we did, on cool and mature ~~deliberation~~,
founded on the Truth, and nothing but the
pure truth, on justice and equity: And our duty
to our fellow Subjects, and our own Consciences.

Little could we apprehend that our
impartial Conduct, could have been attended
with so ungrateful ^a return. But with some
~~Persons~~ we find impartiality is construed injustice!

The reflections Mr. Walker has dared
to make on so respectable a Body, are as ill grounded
as malicious. Our amaze and surprise at
such an unjustifiable accusation, must have
convey'd to you a faint Idea of the distress of
our innocent Minds: And the sudden defence
we were called upon, to make in our justification,
and in opposition, to such base assertions, we
hope, sufficiently persuaded you Sir and our
fellow Citizens, of our Honor, Justice, and Integrity.
Sentiments which we are determined to support
without Hope or fear. —

We must beg leave to give our
free thoughts to your Lordship, on this attempt
~~made~~
made

privilege

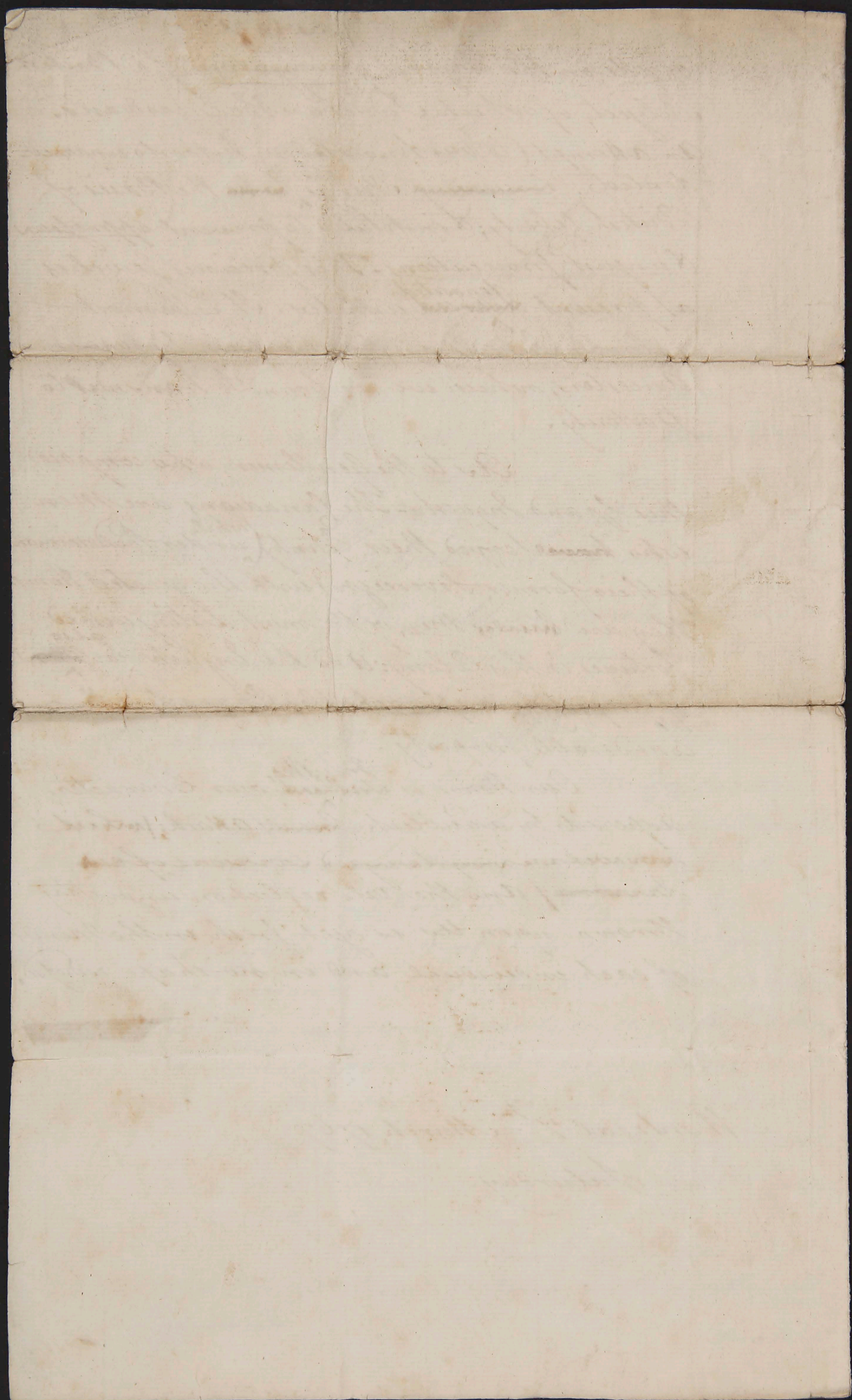
made on the dearest ~~privileges~~ of a British Subject, of which Juries are the Guardians. An attempt (to our knowledge) hitherto unprecedented. ~~Concerning~~ ^{are} Juries ~~to be~~ the Basis of British Liberty; & instituted to prevent oppression & unjust prosecutions. This precious Jewel is at present ~~deposited~~ ^{deposited} with us. It is the most valuable Inheritance handed down by our Ancestors, which we are bound to transmit to Posterity.

As to the Gentlemen, who compose this Grand Inquest. The Canadians are Men who ~~have~~ served their Country ^{(while} under the Dominion of their former Sovereign) with the greatest Honor. They are ~~brave~~ Men, of the most distinguished Fortunes in this Colony: And the English are ^{also} of ~~unimpaired~~ irreproachable Character, & considerable property.

Our Honor is ~~insulted~~ ^{Insulted}, our Character aspersed by a public ~~insult~~ ^{Insult} Attack; ~~which~~ ^{however we may disregard} ~~conscience of~~ ^{and the vile reflection unjustly} thrown upon us is yet fresh in the minds of each individual and in no shape redress.

Montreal 7th March 1767

Saturday



February 18th 1867

The above receipt is for the sum of \$100.00
and is to be paid to the order of the
Receiver of the Public Land Office at
Washington, D.C.

100.00	to the order of the Receiver of the Public Land Office at Washington, D.C.
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100.00	to the order of the Receiver of the Public Land Office at Washington, D.C.

Received of the above named person the sum of \$100.00
for the purchase of the above described land.
The above receipt is for the sum of \$100.00
and is to be paid to the order of the
Receiver of the Public Land Office at
Washington, D.C.



1

Saturday 28 February 1867

The Supreme Court of Judicature was opened this day for the City and District of Montreal by the Honorable William Hey Esq. Chief Justice. The Grand Jury were called and the following Gentlemen qualified themselves by taking the oaths of Allegiance.

Mons. Picoté de Belastre } Knights of S. Louis
Mons. S. Cuvier de Chaulon }

Names of the Grand Jury.

- | | |
|---------------------|------------------------|
| 1. Sam. McKay | 2. Picoté Belastre |
| 3. Isaac Nodd | 4. M. S. Cuvier |
| 5. Louis Mattrel | 6. M. Contrecoeur |
| 7. Thomas Lynch | 8. M. Niverville B.R. |
| 9. Jacob Jordan | 10. M. La Bruyère |
| 11. John Livingston | 12. M. Dumas |
| 13. James Postous | 14. M. Niverville (h.) |
| 15. William Grant | 16. M. De Cussy |
| 17. Samuel Mather | 18. M. Normandville |
| 19. Moses Haren | 20. M. Bailly |
| 21. James Jemison | |

The Ch. Justice gave a long pathetic and particular charge to the Grand Jury, and then adjourned the Court till Tuesday Morning.

Thursday 3.^d March 1867

Two Bills of Indictment were preferred against Lieu. Simon Evans of the 28 reg. and Cap. Daniel Disney of the 54 reg. for two several Capital Crimes, v. Burglary and on the Coventry Act for breaking open the house and pulling of the right ear of Thomas Walker.

The Jury assembled in the afternoon and proceeded to examine the Witnesses - sat till nine in the evening

evening

Wednesday 4th March

The Grand Jury heard Mr. Walker's evidence, in consequence of his application to the Judge last night

Thursday 5. March

The Jury finished the examination of Witnesses, and proceeded to collect the voices for and against the Bill preferred against Lieutenant Simon Evans.

The whole Jury were unanimous no Bill. See paper. N^o Some of the Members were asked their opinions about that against Major Disney, but not all agreeing, and some of the Members being absent, the final Determination was put off till the next day

The Jury went to Court and delivered in that against Lieutenant Evans indorsed Ignoramus

Friday 6. March

The opinions were again asked of the Members respecting Major Disney, which still disagreeing. As Mepag was brought up, the C. Justice wanted us in Court, we accordingly repaired thither. The Judge began by asking if we were ready to return the Bill against Major Disney, being answered we were not ready, he continued, and told us, he was mistaken in the charge given us on the opening of the Court, that he had then said we were to observe that there were two separate Crimes, laid in the indictment against Lieutenant Simon Evans, and that we were to find the Bill true as to the whole, and that we could not find part and reject part, which he now finds to be an error, part might be found and part rejected. We replied we had indorsed the Bill

Ignoramus on the whole: whereupon Mr. Walker got up, and with the Greatest Venom said we had been partial, that we had brow beat^d

if probably an ignorant
Witness has been told for an
hour to turn to sleep while
his Answers were written
down, or he insinuates
should be construed
refusing to hear his Testimony

and refused to hear the King's evidence, and said he would ^{leave} the Witnesses to prove it, one of the Jury said to the Judge, that if he thought we were unworthy of the Charge, that we wished he would dismiss us, that our oath to keep the King's Council our own and our Fellows prevented us from justifying ourselves against such vile insinuations. The Attorney General said if we would not find a Bill on the positive evidences he need give us no more. The Judge said he looked upon us, as a Gentleman and a Judge, proper and fit persons for the discharge of our Duty, but that we might have been mistaken and examined improper evidences, and that he had power to discharge us upon our own request, but did not care to do it, as it would be ^{un}proper to get another Jury, and that there was Bills ready for us, and hoped we would proceed on them. that he would take time to consider of our request, and hoped we would also till the next Morning. We retired out of Court to consult together, which produced a Resolution to depute Messrs. Belletre, S. Cus. Grant, and Jordan to consult what remedy we can have against Mr. Walker See paper N^o.

A Number of the Members were desired to compose a piece, in Vindication of our Conduct, which was done accordingly

Saturday 9. March

The Grand Jury having resolved by the Majority, still to act in, as the Judge desired them. Mr. Grant was voted to speak to the Judge and read our Defence and determination. Two dollars for each Member was collected to pay the Lawyers for their opinion, the Judge sent a Message for the Jury to come to Court. Mr. Grant read our Speech with feeling and energy. See paper N^o.

The Judge said, he apprehended, we meant he should
commit M. Walker to prison, which if we did, he did not
think himself authorized, he indeed was very sorry and much
concerned at hearing M. Walker say what he had the day before
that if we had been unjustly accused we had our remedy, and
when he should sit as Judge upon it he would then give his
opinion - that it is true a Judge being sitting on the Bench
may commit a Man for an insult offered to him, that he
as a Gentleman and a Judge must render us the justice to
think we were Men of Honor and Integrity, such as he had
directed might be summoned on this Occasion, and made
no manner of doubt we had acted agreeable to our conse-
quences, but that we might have mistaken, for altho we might
be certain ourselves of a persons innocence, yet if they witness
then should appear probable causes to find a Bill we
ought to do it against such person he therefore desired we
would continue to do our duty, we retired and another Bill
was given against Kelly for an Assault

There can be no better
Juryman than one of
the Vicinage acquainted
with the persons and fact

The Jury adjourned to their Chamber and
heard an evidence in Support of the last Bill suspended
their Judgments till Monday morning, and a question
being started that the Jurys conversation may have
been overheard in the Room they now sit in, whether it
would not be more eligible to take a Room in the Palace
which was agreed to, and a Room is to be prepared
accordingly

Monday 9. March

The Bill against Major Disney, was put to the vote
and carried twelve against nine the Bill as was
that against Kelly carried by all the Bill

The Jury went to Court and sent to inform the Judge, who came, and the Foreman presented the two Bills.

Asked if any more Bills were ready, were told none, but the Attorney General promised we should have some in the afternoon. The Foreman by Mr. Grant on delivering in the Bills against Major Desney declared to his honor and the Court, that our opinions were given on the Bill before Mr. Walters. Black on Friday. The Judge on our coming into Court had sent letters to Mr. Whary and Mr. Bellestre, he now told us the purport, we told him, his directions had not misquided us in respect of finding part and not the whole of the Bill against Every See paper &c. The Attorney General moved that the other Gentleman named in the panel might be sworn to sit with us. The Judge said he could not order them, but if they desired it they might. The Attorney General accordingly called the list, Mr. Cornalinger was the first asked, who said, he desired to be excused as did Mr. Wade, Mr. Rowell, & Mr. Knipe. The others not present.

The Jury adjourned to their room, and read the Chief Justice's letters which appears to have been answered in our declaration we had returned Every's Bill in the whole & in true.

It is to be remarked in the indictment against Desney that the time of the fact is laid to be between the hours of 8 & 9 of the day, and not of the night, which the Witnesses depose to be of the Case.

The Jury assembled in the afternoon at 4 o'clock and after sending several Messages to the C. of the Court during which a Bill of Indictment was bore to J. J. by Mr. Govock, the only evidence to support it against Mr. Laform & Sue, who being examined gave such a contradictory evidence, that the Jury were unanimous in Bill.

6

Messrs. May Grant and Jenson were deputed to wait on the Chief Justice to ask that all the Bills of Indictment might be immediately preferred to the Grand Jury, the Judge told them he had spoke to the Attorney General, and he believed there would be only one Bill more against a Woman for Bigamy, that in respect to the Ignoramus they would be attended with a discharge, that Mayor Disney would be tried on Wednesday, and he presumed if fifty Bills were preferred against the other Gentlemen, and only supported by McGovock's evidence not one of them would be found, he therefore imagined they would be discharged on Bail, as Mr Walker or the Attorney General would require it, he gave such significant smiles when he mentioned McGovock's testimony that indicated to the deputation that he looked upon him as a perjured hardy Counsel, and designed to prosecute Mr Walker, which he hoped we would not do, seeing Walker was like a snail.

Tuesday 10. March 1767

The Jury met at nine O'Clock, and after having waited more than an hour received a Bill against Marianna Hanlin for setting fire to the house of Thomas Parrel, several Witnesses were examined to support it, without any positive proof against the Woman, it would rather appear to have been a Servant man of Parrels. Returned Ignoramus.

The Jury sent for the Attorney General, and desired if he had more Bills, that we might have the whole laid before us, he answered he had sent us some Bills, and as soon as we returned, we should have another, which was all he had to say.

Upon a Message from the Judge, the Jury went to Court, and returned the Bills against Luc and Mr Hanlin, whereupon the Attorney General after speaking to Mr Walker said he had no more Bills to present and

therefore the Grand Jury might be dismissed. The Judge said the Crown Officers had told him they had no more Business for the Grand Jury, and if we had nothing to present, he would dismiss us, he was answered, we might have some presentments to make, and must beg leave to take time to consider them.

In the Afternoon the Jury assembled, and agreed to go hear the trial of Major Disney, and after Considering whether it would be Consistent for them to move to have any witnesses who might perjure themselves in Court, committed, were of opinion it would not be right.

Wednesday 11. March 1767

The Court being opened about 4 before nine in the Morning, Major Disney was soon after brought into Court, and being arraigned pleaded not Guilty. The panel of the Jury was called. Major Disney desired to have a Jury half French, and half english, alledging that he had lived amongst them Years, and received so many politeness from them, that if he excluded them, it would appear he was afraid to trust his life among their hands.

The Judge overruled his desire by saying that an english Jury would save very much the time of the Court, as it would be necessary to Interpret to French Jurors the english evidence.

Jurors Names

Coa	Vanderheyden
Meredith	Holmes
Oakes	Mouison
Patterson	Young
Seagles	Weir
De Saulles	DuMoulin

Mr Walker swore positively. Major Disney was in the house at the time the fact was committed, knew him notwithstanding his Disguise of a nap over his Face.

Mr Walker said the same thing, and that he could not

be above 3 Minutes during the perpetration of the Fact, or four at most, that she went back to the Court crying murder all the time and then thought Sen. Massillon was the first man entered. Mr. Boone, Pistole, and S. Arge were called and proved the Condition they found Walker lying on the floor.

McCoy gave a long & ignominious Account of the Affair, in which he so gallantly prepared himself that the Judge would give no credit to his evidence. He said positively it was before 8 O'clock, he with the party went to Mr. Walkers that it was near 9 when he was on the parade with Captain Pryn and Lieutenant Evans, that they did not stay in Walkers house but a quarter of an hour. That the whole party were blacked when they left. Serg. Meas afterwards said only one of them was not blacked, then said there was two afterwards said there were three.

Said he carried intelligence from Mr. Walkers to Serg. Meas to Captain Pryn Lieutenant Tollenham and that he was only out of the house with the first intelligence about 2 Minutes: he afterwards absolutely said he did not carry Intelligence any further than to Capt. Pryn who was standing at Bellis door, opposite Mr. Walkers. Says he went to Cases and only staid there 10 Minutes or a quarter of an hour. Says positively Major

Desney had a Blanked Coat on * that he came out of Walkers with the party, and as he was going a smart pace to the parade he saw Capt. Falconer, had a Dagger and a pistol under his belan coat, and McKough a sword and a stick. Being asked whether they were of the party, cant say positively, then why did he think they kept guard, because they came out. Meas's with the party. Gave a reason for his not being disguised, viz. he might appear immediately after the affair without suspicion.

* Did he see any person on the parade only 1 Soldr?

Note

The C. Justice finding so many palpable falsehoods

and

and perjuries now declared he could give no manner of credit to his story, and was persuaded he & McGrook knew nothing of the Affair.

Mr Lilly gave most distinct & particular Account of the transaction to his knowledge, whereby no person in particular was accused. The time when they first Came in, till he saw them go out about 7 or 8 Minutes.

William Fontaine was examined and gave a particular Account of the manner people Came in, but could not swear positively to any person; thanks for the height and corpulence of a person who pursued him that it was Captain Torarix but can't be positive. Can't tell what time the Affair was perpetrating.

Mr Wiggins called to prove a Conversation with Sergeant Massey — denied any such —

Mr Case called to same purpose — denied any such. James Case swore he saw McGrook the night of the Affair, staid in his house from between 6 and 7 till between 7 and 8 and an hour was a little in liquor but not drunk, asked to live at Case's house which he refused — Went out talked with one Johnson in the high Street leading to the parade, knew Captain Payne and Lieu Evans, also Serj. Rogers. Followed them to Lieutenant Otterharris does not know what they have been doing but they were disguised.

Henry Marts and McCarty proved a number of armed persons went up the Street towards Mr Walkers. Marts swears he knew Ashmar Coleman and Maes, thanks McGrook was there, but was muffled up and did not see his face.

The Prisoners Defence, allowed Council — Messrs Gregory, Morison and Intell — Mr Gregory opened the Cause or rather defence, by saying there was variety of Contradictions in the evidence, little Credit could be given to it that

he would call a number of Credible Men to prove the Alibi of Major Disney and in so doing the whole prosecution must drop and indeed all he said was not so much as might be said on the most trifling occasion -

M^r Sandreke, M^r Campbell, M^r Robertson, M^r Howard, proved absolutely that Major Disney was with them from about 5 in the evening till 2 after 9 when C. Benton's Servant came for him - that they were at Supper when M^r Howard informed them what was ^{happened} to M^r Walker

Lt. May, Maurer, Parreltate, Servants to the 4th Battalion A. Am. Gen. M^r Govock a vile Character

M^r Emmatinger said she saw M^r Walker two or three days after the Affair, and in conversation asked if he knew any of the ruffians he said he did not unless it was Lieut Scott - When the prisoner rested his Defence - The atty General replied with Moderation, except an oblique reflection on the Witness's for the prisoner having sworn positively - Major Disney was not out of the room or rooms of the house, which close observation could hardly be expected -

The Ch. Justice summed up the evidence explained the Law and gave a very cool and ingenious Charge to the Jury repeatedly told them he could give no Credit to M^r Govock's testimony, and said the material evidence against the prisoner resting entirely upon M^r and M^rs Walker's relation and Certitude of Major Disney being in the house, if they were persuaded of the truth of M^r and M^rs Walker's evidence they would then find M^r Disney Guilty, but on the contrary should they be satisfied of the Alibi proved so positively by Major Disney then they would weigh both evidences in their consciences, and acquit or find Guilty the prisoner, as that might direct them,

The Jury retired about 1/4 of an hour and returned

with

a Verdict not Guilty. The populace gave three hurrahs

Thursday 12th March

The Grand Jury met and found a Bill of indictment presented yesterday by John Emmons against John Porteous for an Assault, and sent for the Atty General who refused to come or made some trifling excuse returned the Bill to Court against Porteous Termin Bill

Mr. Suckling and Mr. Robertson were attending to inform the Grand Jury of some matter of consequence who being called in informed the Jury that Mr. Walker, Mr. Walker and George McGock yesterday committed wilful & corrupt perjury, and produced a Copy of an Affidavit made by Mr. Walker immediately after the Assault, wherein he gave a full account of the Assault, and says he only thinks he knew two persons, viz. Lieut. Graham and Lieutenant Hamilton, that he yesterday swore positively to Major Disney. The Jury unanimously agreed to present Mr. Walker, Mr. Walker, and McGock, for perjury. See paper we sent of this among other presentments

The C. Justice being acquainted that the Atty General had refused to attend us, he waited upon us about 11 o'clock, we asked him the form of a presentment, he answered it should be exactly in the form of an indictment and being asked whether we should say on our Oaths said we must present on our oaths, and whether it was necessary to ground a presentment should be on oath of the party informing, said, it should be,

Mr. Grant having asked the opinion of the Judge Mr. Hay and also Mr. Gregory, they were both of opinion it was necessary to present on oath or to require an oath from the party informing

In the afternoon the C. Justice received our presentments
 saw he did not think the presentment of M. Walker for perjury
 was presentable by us, and as to that of M. Govock he was
 already injured, and should not be discharged, if any
 appeared to prosecute & altho' M. Walker had sworn
 positively, yet it was not to be looked upon as perjury
 and gave some fine spun arguments to take off y.
 Vermin from M. Walker's perjury, the Jury told
 him they imagined he ^{would} give directions to prosecute
 M. Walker & M. Govock. He replied it was not
 usual for Judges to do it and that in respect to
 M. Govock his evidence, tho' vastly contradictory, and
 to which he could give no credit, yet did not see any
 thing so very atrocious to induce him to order the
 prosecution.

Mr. Thomas Walker of Montreal Province of Quebec, had
part of his can cutt of in December 1764.

George Macgoveck Soldier in the 28th regim^t. declares
himself an Accomplice, and informs against A. B. C. D. E. F. &
Macgoveck is known to A. B. to be in Walkers house, or elsewhere
with him since July last, yet A. B. has been apprehended in November
following on his information.

Quere Should the informer have been committed from the date of his
information before the Chief Justice, or should he have remained
at large?

Quere The accused persons having the Affidavits of different persons taken
before Justices of the peace, to prove their Alibi at the time the Assault
was committed, should the C. Justice have prayed any regard to
them or not, in order to induce them to Bail?

Quere Whether the prosecutor's / Walkers / consent was necessary for
the defendants to be admitted to Bail or not?

Quere The informer being of a bad, and the accused being of Good, and before
this, an unsullied Character, should they be admitted to Bail or not?

Quere As the Judge says he wont take upon himself to determine that the
Case is within the Coventry Act, and that he says, the Case is certainly
doubtful. Whether in that opinion he should have admitted to Bail or not?

Quere Whether Mr Walkers Affidavit, setting forth that his life is in danger
should be a reason against taking Bail?

Quere Whether the Case is even within the Coventry Act or not?

Quere In Case of proof that the Informer was bribed by Walker, to so inform
what Action against said Walker, how, and what liable to?

For your better Information on the points in question the following
papers are laid before you

A Narrative of the proceedings, with the several papers, orders &c.
there referred to &c.

- N^o 1 The Warrant of Commitment
" 2 Letter & Instructions from the C. Justice of the Pro-
vince to the Deputy Provost Marshall
" 3 Letter from the C. Justice to the Deputy Provost at
Quebec, assigning reasons for not admitting the Gentlemen in Custody
to Bail
" 4 Letter from the Gentlemen in Custody to the C. Justice
" 5 Answer thereto
" 6 Memorial from the Gentlemen in Custody to
the Lieutenant Governor
" 7 Address from the Principal Inhabitants
of Quebec to the Lieutenant Governor in support of said Memorial
" 8 A Case stated to Mess^{rs} Gregory, Manson, Antill
and Johnson Lawyers at Quebec with their Answer
" 9 The Lieutenant Governor's Answer to the Memo-
rial above mentioned
" 10 The C. Justice's State of the Case, with his reasons
for not taking Bail

These queries and the above mentioned
papers are to be laid before M^r Smith Junior, on which as well
as any thing else that may occur to him, his opinion is desired

Montreal 13 Dec^r 1766.

I have Considered this Case, and the narrative of the proceedings, with
the several papers, therein referred to, and conceive that the injury to Walker
is an offence within the Statute of the 22 & 23 of Charles the Second
commonly called the Coventry Act; that the Witness who accuses himself
ought to have been committed, as soon as he disclosed his own Guilt. That
Walker's Consent or disapprobation, was perfectly immaterial on the
question, whether the Gentlemen accused were bailable or not. His fears being
only a Ground for binding them to keep the peace. There is no doubt but
that the Kings Bench at Quebec had power to bail them. That Court may
bail persons charged with the highest Crimes; but then as this matter is
discretionary, the enquiry can only be, whether there was unusual severity
in the refusal to accept Bail; and considering the precedents, I think,
the Gentlemen who have their happiness to be charged with this offence,
will not be able to show, that the denial of their request, was against law,
and the Common practice; especially if the Accusers deposition against
them (which I have not seen) is full and positive, as I suppose it to be,
from the Warrant of Committment. Altho' a motion to bail prisoners
the Court of Kings Bench has sometimes entered into an examination
of the truth of the Charge, and if the testimony is Circumstantial, and on
the whole ^{very} doubtful, they have allowed bail: But ~~on the~~ ^{they} ~~are~~ ^{may} not
when the proof is direct without any thing to impeach it, but the want of
Credulity in the Witness. The Governor nevertheless, unless he had instruc-
tions to the contrary, might have given the relief, not properly Grantable
to the Court. There may be reasons of State and policy, for the enlarge-
ment of prisoners, of which the Judges of law as such cannot take notice,
and the Crown may agreeable thereto direct in its own Causes, so far as
to the Pailing of accused persons, who cannot claim a right. At
Quebec, as the Kings representative, might have enquired into the Accusa-
tion, and all the proofs on both sides: and in the result, if the Charge
appeared ill grounded or dubious, and the Close Custody of the prisoners
unexpedient, he could have justified an order to the Attorney General to

signify

his Willingness to their being bailed, and that would have removed the
difficulties of the Court - If it can be proved that Walker has
suborned his Witness, and he pressures himself, the punishment is
a fine - It gives me a pleasure to declare on the whole that I
cannot think the lives of the prisoners are in great danger from such
suspicious proof, and that it is more than probable that the Grand
Jury will return the Bill, Januarius, on which the Gentlemen
will of course be discharged by proclamation, and may then
perhaps succeed in a prosecution against their Detainers,
for Corrupt Conspiracy

New York February 2^d 1767

Yours
Wm. Smith
Jurat

Province of The Jurors for our Sovereign Lord the King present
Quebec
District of Montreal

1. That it has been represented to them that the Streets of this Town have been much neglected during the present Winter, the Snow and Ice having rendered them almost impassable, and dangerous for his Majesty's Subjects to walk on. The Jury do therefore present that proper regulations may be made to oblige the Inhabitants to keep the same in good repair, or that some other Method may be ordered effectually to keep the same in repair.
2. That the Surveyor of the highroads may have positive instructions and be duly empowered to Cause all the public roads and Bridges to be kept in Constant and Good repair, particularly that leading to Lano Court, that to La Chine and that from La Prairie to St. Johns, and it would be also of public utility that a road should be made from Thru to St. Johns in the parish of Chambly.
3. That a quantity of powder is now deposited in a vault under the King's Magazine, which, in Case of Fire, might endanger the Whole Town: The Jury do therefore present that a proper powder house be built to lodge the same in as soon as the season will permitt.
4. That from the insufficiency of the public prison of this Town many prisoners have escaped, it is therefore highly necessary that a proper prison be provided containing a sufficient number of Apartments to separate debtors from Criminals and men from Women, it would be likewise expedient to have a house of Correction for the punishment of Vagrants, idle and disorderly persons, and that a proper place be provided for holding the Supreme Court and a Spire

5 That diverse idle persons not having any fixed residence
in place of. Should go about the Country as pedlars commencing
divers disorders and impositions on the Ignorant Country
people: to prevent which, all such pedlars should be strictly
examined, and only such licensed as may appear to have no
other way of Gaining a livelihood

6 That the General licensing little tippling houses to
retail. Spirituous liquors to Savages and other disorderly
persons in this River, and that of bois rivieres in particular,
is productive of. Mischiefs, and, if not restrained, may Cause
great danger to the Inhabitants

7 That by the. Plea of. Major Disney proved yesterday in
Court. M^r Thomas Walker and. M^r Walker his M^{rs} have
been guilty of perjury, for that they did on oath positively
swear that the said. Major Daniel Disney in disguise was in
the house of the said Thomas Walker on Thursday the 6th day
December, when an. Assault was committed on the said Thomas
Walker, in the year 1764 between the hours of 8 and 9 o'clock
in the evening of that day

8 That George Macgoveck now a late Soldier in his
Majestys Regiment is guilty of wilful and corrupt
perjury, for that he at sundry times and places being under
oath legally administered did commit perjury and particu-
larly yesterday 11th Instant, in open Court positively swore
he was present at the. Assault committed on M^r Walker the
6th December 1764, and that he did carry intelligence of
the said. Assault from the said Walker's house to Capt
Payne and Lieutenant Tottenham who were then in
the house of. Ser^g. Maes and for that the said George
Macgoveck did then and there utter divers others wilful
and corrupt perjuries

My Lord,

The Charge you was pleased to favour us with, on opening
this Supreme Court, gave us and the Public the most pleasing Sa-
tisfaction; and the favorable opinion you was pleased to conceive of
the Choice made of us, to fill the important Office of Grand Jurors,
convinced us, that from the Character given you of each Member,
you was assured of his honor, and our and uprightness: Which
we flatter ourselves we have deserved by our past and present Conduct
in private and in public. We not altogether Novices in the
execution of the Office intrusted to us by our King and Country, we
heartened with the most serious attention to your explanation of our
duty, in the discharge of that most important trust. And we
proceeded with the greatest Alacrity and unanimity to the execu-
tion of it.

An Indictment was laid before us in behalf of
the Crown against Lieut. Simon Evans of the 28th Regiment, in which
he was accused of two separate Capital Crimes. You was pleased
to mislead us in the most positive terms in the Charge you gave us,
the Manner we were to Conduct ourselves, as to finding or rejecting
Bills; and you observed to us, that we must find them in whole
and that we could not find them in part. In support of this
Bill there appeared several Witnesses on the part of the Crown,
who were all by us regularly and separately examined with the
most mature deliberation, and the nicest reflection, which so
serious a matter required. In consequence of the evidence offered
us in behalf of the Crown alone (for we despise the base Suggestion
thrown upon us of having hearkened to evidence inconsistent
with our duty) we threw out the Bill unanimously, as we now
repeat in our own vindication Ignoramus: this we
did on cool and mature deliberation founded on the truth and

nothing but the pure truth; on justice and equity: and our duty
to our fellow Subjects and our own Consciences

Little could we apprehend that our impartial
Conduct could have been attended with so ungrateful a return
but with some we find impartiality is construed Injustice

These reflections Mr Walker has dared to make
on so respectable a Body are as ill grounded as malicious. Our
Astonishment and Surprise at such an unprovoked Accusation,
must have conveyed to you a fair idea of the distress of our
innocent minds: and the sudden Defence we were called upon
to make in our justification, and in opposition to such base
Aspersions, we hope, sufficiently persuaded you Sir, and our
Fellow Citizens of our honor, justice and integrity: sentiments
which we are determined to support without hope or fear

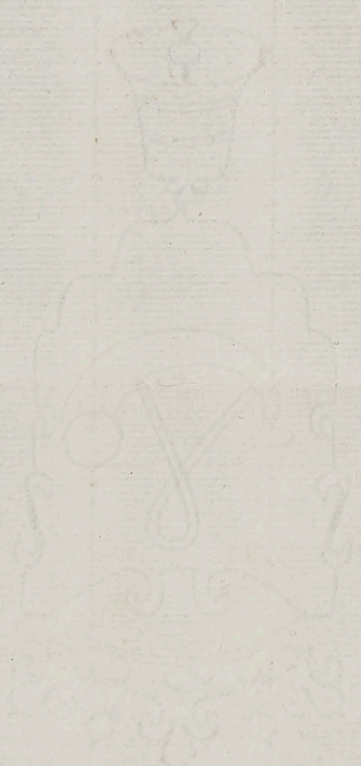
We must beg leave to give our free thoughts to your
Lordship on this attempt made on the dearest privilege
of a British Subject, of which Juries are the Guardians
An attempt to our knowledge hitherto unprecedented
Juries are the Basis of British liberty, and instituted to
prevent oppression and unjust prosecutions. This jewel
is at present deposited with us. It is the most valuable
inheritance handed down by our Ancestors which we are
bound to transmit to posterity.

As to the Gentlemen who compose the
Grand Inquest. The Canadians are men who served their
Country (while under the dominion of their former Sovereign)
with the greatest honor: they are besides men of the most
distinguished fortunes in this Colony: and the English are
also of irreproachable Characters, and considerable property

Our honor is insulted, our Character aspersed by publick. Attack
and the vile reflections unjustly thrown upon us, is yet fresh in
the Minds of each individual and more shapeless & deep

Montreal Saturday 9. March 1767

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*[Faint, illegible handwriting at the top of the page, possibly a header or address.]*

*[Faint, illegible handwriting in the upper middle section, possibly a signature or name.]*

*[Small, faint handwritten mark or signature in the bottom left corner.]*



My Lord,

1767

The Charge You was pleased to favor us, on opening this Supreme Court, gave us and the Public, the most pleasing Satisfaction, and the favorable opinion You was pleased to conceive of the Choice made of us to fill the important office of Grand Jurors, convinced us that, from the Character given You of each Member, You was assured of his honor, Candour, and Uprightness: Which we flatter ourselves we have deserved by our past and present Conduct, in private and Public.

Who not altogether Novices in the Execution of the office Intrusted to us by our King and Country, we hearkned to Your explanation of our Duty, in the discharge of that most important Trust, with the most serious Attention: and we proceeded with the Greatest Alacrity and Unanimity to the execution of it.

An Indictment was laid before us in Behalf of the Crown against Lieutenant Simon Evans of the 28<sup>th</sup> Regiment, in which he was accused of two separate Capital Crimes. You was pleased to direct us to us, in the most positive terms (in the Charge You gave us) the manner we were to Conduct ourselves as to finding or rejecting Bills: and You desired us that we must find them in full and that we could not find them in part. In Support of this Bill there appeared several Witnesses on the part of the Crown who were all by us regularly and separately examined with the most mature deliberation, and the strictest reflection, which so serious a matter required. In consequence of the Evidence offered us in Behalf of the Crown alone, we des-  
pise the base aspersion thrown <sup>up</sup> on us, of having hearkned to Evidence inconsistent with our duty, we threw out the Bill unanimously: as we now repeat in our own Vindication Ignoramus. This we did, on Cool and mature Consideration, founded on the truth, and on nothing but the pure truth, on Justice and equity: And our duty to our fellow Subjects and our own consciences.

Little could we apprehend that our impartial Conduct, could have been attended with so Unglorious a Return: But with some we find impartiality is Construed injustice.

The Reflections Mr. Walker has dared to make on so respectable a Body, are as ill grounded as malicious. Our Amazement and Surprise at such an unjustifiable Accusation must have conveyed to You



you a faint Idea of the distress of our innocent Ancestors: and the sudden defence  
we were called upon to make in our justification, and in opposition to such base  
accusations. We are sufficiently persuaded You Sir, and our fellow Jurors, of our honor,  
justice, and integrity: Sentiments which we are determined to support without  
hope or fear. We must beg leave to give our free thoughts to Your Lordship  
on this attempt made on the clearest privilege of a British Subject, of which  
Juries are the Guardians. An Attempt to our knowledge hitherto unpre-  
cedented. Juries are the Basis of British Liberty, and instituted to prevent  
oppression and unjust prosecutions. This precious Jewel is at present  
deposited with us. It is the most valuable inheritance handed down by  
our Ancestors, which we are bound to transmit to posterity.

As to the Gentlemen, who compose this Grand Inquest. The Canadians are  
men who seized their Country while under the dominion of their former  
Sovereign with the greatest honor. They are besides men of the most  
distinguished Fortunes in this Colony, and the English are also irrepro-  
achable Characters, and considerable property.

Our honor is insulted, our Character is aspersed by a publick  
attack, and the vile reflection unjustly thrown upon us, is yet  
fresh in the mind of each individual, and in no shape redressed.

Montreal 7 March 1767.

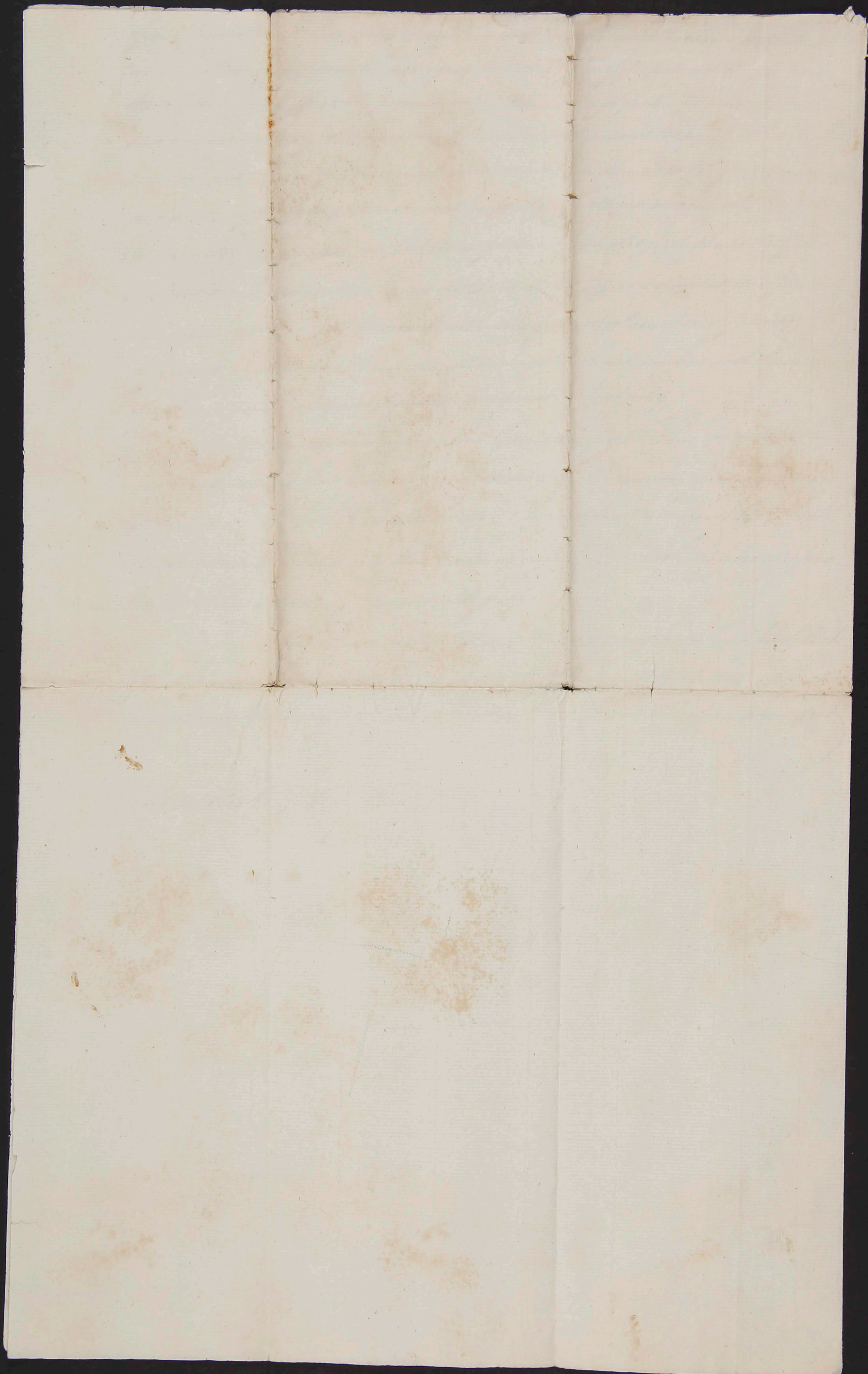


define  
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the undermentioned members of the merchants  
assembly being a little dissatisfied with the regu-  
lations of that society by the favour of that  
society other members who are of the same opi-  
nion will favour them with their opinion  
will favour them with their company on  
Monday evening at 5 o'clock at the house  
of Ashwith near the parade in the order  
to render our meetings the more agreeable  
by providing against crowd & confusion,  
which must ever be the case where proper  
methods necessary on such occasion are  
on such occasion are not adhered to

Signed

Alex. McHenry

John Ord

Wm Brymer

Dan Bayne

Jam. Clafford

John Gray

John Ray

Ph. Payne

Stephen Abbott

Jos. Walker

Jos. King

Levin Turner



Relating to Merchants  
Assembly, Quebec

1762

10-  
5-  
20  
12  
25  

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72



Monsieur

Je prends la liberté de vous

envoyer ci-joint la déclaration de

mon oncle qui a renouvelé 3 soldat

dans la ville ou je demeure a St. Pierre

du matin

après mon retour. Je vous prie

de m'indiquer la rue ou je demeure

et d'avoir une maison appartenant à

Monsieur de la Roche laqueuse. Je trouve le long

du Cap au fort de la Roche du côté au

du nord. on dit qu'il y a un fort

de la Roche. Je vous prie de m'en dire

quelqu'un. Je vous prie de m'en dire

quelqu'un. Je vous prie de m'en dire

quelqu'un. Je vous prie de m'en dire

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quelqu'un. Je vous prie de m'en dire



que d'un lambeau d'uit, elle a l'entendu  
d'un demeurant corps de logis beaucoup d'ormes  
chez un homme d'ensouffly; & qu'elle eut même  
l'entendu ouvrir une fenêtre, elle crut  
que ses mêmes gens qu'il avoit  
sans l'entendre se trouvant d'un laide  
de chambre une femme d'un au service

en anglais. Gardien du hangar  
d'elles se trouva voisin d'un corps de logis

avec et. Parle, au soldat l'entendit qu'il

10: heures du soir, lequel il avoit  
observé avoir fait 2 ou 3 fois le tour

d'un hangar. & qui parla luy disant

surprenant. et qu'il adressa l'apologie

luy disant qu'il devoit être aux

Parler à cette heure. Mais

luy dit qu'il venoit point

des affaires

que observant toujours le soldat

il l'avoit vu aller, & l'aurait vu

subarier. & qu'il l'avoit vu parler

à une femme. & qu'il l'aurait vu

l'aurait vu d'un homme d'ensouffly

l'aurait vu, (dont parle) luy disant la

venue l'aurait vu) et que cette personne



Pourroit. savoir & conséquament Nommer  
Ledit Soldat, & d'après Régianant :

Dans une maison derrière chez Mout.  
Cuy met. & d'après leur demeure en nomme  
Gagne Sapeur, & autre fait : J'ay pour  
Nuit des Soldats qui y font beaucoup de  
lavage : toutes les maisons sont extrêmement  
surpeuplées. & ceux qui les fréquentent

cette nuit l'effrayé a été mis à la  
haute ville. Proche la Suinte de  
Picote. a 2 heures 1/4 : Sous l'ouverture  
d'une petite boutique & il s'est communiqué  
tout le long de l'ouverture en montrant  
un voifin ayant sorti par besoin. ayant  
vu à l'entrée de quartier, on a jeté  
l'ouverture par. & l'effrayé a été étiré

Mc Cord

Mout. m<sup>e</sup> Kord qui aville luy même  
cette nuit avec d'autres bourgeois ont été  
parmi a deux heures devant l'adresse maison

des bourgeois de la Banville, ont également  
vu cette nuit à la Banville ; au nombre  
desir & ont continué à penser d'un  
des lieux de la Banville, toute l'extrémité

Jay l'honneur d'être avec vobres  
Respect  
Monsieur

Robert Hamble  
à vos obéissantes  
servantes

Québec le 8: Jendy annuël 1771



Forrest, Jan 1st 1861  
To the Hon. Secy of War  
Washington  
Dear Sir,  
I have the honor to acknowledge the receipt of your letter of the 28th inst. in relation to the application of the 1st Regt. of Col. R. B. Meade's 1st Div. of the 1st Corps for the purchase of 1000 pairs of shoes for the men of the same.

I have the honor to inform you that the same have been ordered to be purchased from the Quartermaster General, and will be forwarded to you as soon as they are received. I am, Sir, very respectfully,  
Your obedient servant,  
J. B. Meade

I am, Sir, very respectfully,  
Your obedient servant,  
J. B. Meade  
I have the honor to inform you that the same have been ordered to be purchased from the Quartermaster General, and will be forwarded to you as soon as they are received. I am, Sir, very respectfully,  
Your obedient servant,  
J. B. Meade

Robert B. Meade  
1st Regt. of Col. R. B. Meade's 1st Div. of the 1st Corps

Meade

Meade



rebec. I Do it Remembred

to witte ) that on the fifteenth day of September in the  
fourth year of the Reign of Our Sovereign Lord  
George the third of Great Britain France and  
Ireland King Defender of the faith and so forth  
and in the Year of our Lord One thousand Seven  
hundred and sixty four Richard Murray of the  
City of Dublin Esquire, vendue Master of and in the  
Province of Dublin aforesaid, The Honourable  
William Gregory Esquire chief Justice of the said  
Province, and Thomas Dunne of the City of Dublin  
Esquire, severally personally appeared before  
me The Honourable James Murray Esquire, Captain  
General, Governor and commander in chief in and  
over the said Province of Dublin and the Territories  
depending thereon in America and Vice-admiral  
of the same, and acknowledged themselves  
to owe and be indebted to Our said Sovereign  
Lord the King in the sum of Four thousand pounds  
Sterling \_\_\_\_\_ to be lived and recovered  
of their Goods and Chattels Lands and tenements  
severally to the use of Our said Sovereign  
King his Heirs and Successors if the said  
Murray shall make the fault in the  
underwritten

The Condition of the above Recognizance is such  
above bound Richard Murray shall and will, well and faithfully  
the Office of Vendue master of the said Province, and tender true  
of all such sales as he shall from time to time by himself or dep  
be concerned in to the party or Party's lawfully impowered to  
the same, and pay all such Turn and Sums of Money which shall  
may arise from all such sale and sales, to all such persons so as afo  
legally Authorized to receive the same, and shall well and sufficiently  
demean himself in all and singular the matters and things intrusted  
to him as Vendue master of the said Province that then and in such  
case the Above Recognizance to be Void, Otherwise to remain in full  
force and virtue



MS. A. 9. 2. 10. 21  
MA. 10. 3. 1. 6. 1  
No. 9. 1. 7. 7

M12179

X 1764 Sept. 15<sup>th</sup> M12179  
Copy of Recognizances  
of Richard Murray as  
Vendue Master of  
in the Province of Quebec

XXII Ent'd

Bundle of documents  
of 1764/65/66 - entered &  
catalogued in Register &  
marked red cross here in



7<sup>th</sup> Nov. 1764

Et Son Excellence —  
e Monsieur Le Général Murray &c. &c. &c. —

Supplie humblement Antoine Guichereau Eluier S.<sup>r</sup>  
Duchednay Seigneur De Beaufort, Gauderiville et autres Lieux,  
Et a l'honneur De Représenter a Votre Excellence que Le 1<sup>er</sup> De  
Ce mois Jour De Joursaints vers Les cinq heures Du soir, Etant chez  
le S.<sup>r</sup> Louis parent ou il s'étoit rendu après L'office divin, Deux  
hommes montés a Cheval se demandèrent, Et après lui avoir remis  
un papier écrit En Anglois Et Signé Jo<sup>s</sup>. Walker, lui firent Entendre  
par signe Et au moyen de quelques Mots Anglois Et François qu'ils  
Avoient Ordre du grand Juge de se saisir de lui pour le conduire  
immédiatement a Quebec; Le S.<sup>r</sup> Duchednay, qui ne se sentoit coupable  
D'aucun fait, surpris de se voir ainsi arrêté, entra chez la Dame de  
Manthet sa Sœur ou étoit le S.<sup>r</sup> De LaBinière, qui après avoir lu le  
papier En question, lui dit qu'il croioit que c'étoit une Espèce  
D'assignation qui le mendoit au grand Conseil, Le 21 De janvier  
prochain, pour répondre a la demande Du nommé George (midner,  
je le croi.); Le S.<sup>r</sup> Duchednay, quoique bien certain que le D.<sup>r</sup> George  
n'avoit aucune demande a lui faire, assura les porteurs D'exploits que,  
par obéissance a L'ordre du Juge, il se trouveroit au Conseil au  
jour indiqué; mais ceuxcy lui aiant fait Entendre qu'il étoit leur  
prisonnier, Et qu'ils devoient indispensablement le conduire le jour  
au S.<sup>r</sup> Walker, il partit, quoique Malade, a l'instant avec eux, Et fut  
conduit chez le D.<sup>r</sup> S.<sup>r</sup> qu'il attendit inutilement près de trois quart D'heure,  
après le quel temps, la Dame, pensant qu'il ne rentreroit que fort tard  
chez lui, consentit que Le S.<sup>r</sup> Duchednay fut relâché jusqu'au lendemain —  
morn.



moins dix heures du matin; pourvu que le <sup>r</sup>. Amiot Nég.<sup>t</sup> qui étoit  
présent, se porta caution pour lui, et parut à sa place, si manquoit, lequel  
le <sup>r</sup>. Amiot promit par un Billet qu'il passa à cet effet. —

Le jour suivant, deux ou trois, le <sup>r</sup>. Duchesnay se transporta avec  
le <sup>r</sup>. Amiot à l'heure indiquée chez le <sup>r</sup>. Walker, qui exigea du <sup>r</sup>. Amiot  
un Billet de caution de cent vingt huit piastres, au lieu de  
soixante et quatre, demandées par le <sup>r</sup>. George sous prétexte de pension  
pour les nommés Schindler et Meyer, dont, disoit-il le <sup>r</sup>. Duchesnay  
avoit répondu, le qui est absolument faux, quelque ruse qu'il ait employée  
pour l'y engager; On obligea le <sup>r</sup>. Duchesnay, ainsi que le <sup>r</sup>. Lafargue,  
qui étoit présent, de signer sur le même Billet de caution, et lorsque le <sup>r</sup>.  
Duchesnay, après cette cérémonie, voulut sortir le <sup>r</sup>. Walker, ne  
consentit à le voir relâché qu'après lui avoir fait payer neuf piastres  
moins sept sols et demi, dont il lui refusa un reçu qu'il demandoit;  
il l'obligea aussi de remettre l'ordre, qu'il cherchoit à conserver, à celui  
qui le lui avoit présenté à Beauport, et lui dit qu'il seroit averti, —  
dans le tems, au moment où il devoit le montrer au Conseil. —

Monsieur Le Général qui est informé de la conside-  
ration dont jouit dans la province l'exposant, tant par sa naissance  
que par ses qualités particulières qui lui ont attiré de tout tems —  
l'estime la plus parfaite, et des attentions marquées de la part des  
honnêtes gens de l'une et l'autre Nation; qui fait le zèle qui l'a  
animé pour la nouvelle patrie, jusqu'à sacrifier le seul fils qu'il eut  
auprès de lui, pour y amener cette tranquillité si nécessaire et si  
désirée, et combien il a été attentif à le parer de tout desagrément  
par une conduite régulière et conforme à tout principe connu, et  
suppliee de faire attention à la peine pour lui d'avoir été ainsi  
traverté, et sans le moindre ménagement, à le voir de tout un fait qui  
le considère, sur une simple demande, en l'air d'un homme de l'espèce.



Du nommé George X, dont le caractère est regardé généralement  
comme tout au moins suspect; Le Suppliant espère que Votre  
Excellence, qui semble n'être occupée qu'à étudier les besoins de  
chaque, à rendre justice à tous, et à maintenir l'ordre dans le pais,  
lui allouera une réparation complète et proportionnelle à l'insulte  
qui lui a été faite, quelle Voudra par une punition exemplaire, dans  
celui qui l'a occasionné, arrêter chacun de ceux qui sans des raisons  
bien valables seroient tentés d'en user ainsi à l'avenir soit avec le  
Suppliant, soit avec tout autre de sa classe qui se trouvent également  
intéressés dans cette affaire, Et il ne cessera d'adresser ses vœux  
au Ciel pour la conservation et prospérité des jours de Votre  
Excellence.

Quebec le 7 novembre 1764.

Juchereau Duchesneau



(8.) 10<sup>th</sup> Nov. 1764.  
 Petition a Son Excellence  
 Monsieur le General  
 Marray &c. &c. de Mons.  
 Duchesney Seigneur &c.  
 Presented & read same Day  
 & Order thereon made.  
 M<sup>rs</sup>:

Recd by M<sup>r</sup>. Goldup

54<sup>th</sup>

10<sup>th</sup> Nov. 1764  
 Petition of J<sup>as</sup>. De Kesteven  
 relative to an arrest  
 on false representation.  
 XXX. Case 2



Son Excellence  
Monsieur Jacques Murray  
Gouverneur Général de la  
Province de Québec &c. &c.

Convaincus de la droiture et de la sincérité  
des sentiments de Respect et de Soumission dont tout  
le clergé et les peuples de cette province sont vivement  
pénétrés envers Sa très Excellente Majesté Le Roi  
Georges 3.<sup>e</sup> à qui ils ont déjà plusieurs fois promis  
la pureté de leur fidélité. C'est avec la plus vive douleur  
que les vicaires Généraux du diocèse de Québec  
ont appris que quelques Ecclésiastiques pour avoir  
Refusé de souscrire à une formule de Serment  
qui, quant à quelques expressions leur a paru  
contraire aux devoirs de la Religion qu'ils ont  
la liberté de professer, avaient reçu de la part  
de Votre Excellence des ordres précis de se  
disposer à quitter cette Province.



Cette démarche en jetant la consternation parmi  
les peuples, qui se voyent à la veille d'être privés  
de leurs Pasteurs, oblige les Suppliants d'avoir  
Recours à Votre Excellence pour lui exposer  
leurs véritables Sentiments et ceux de tout le Clergé  
et de tous les Habitants de cette province au  
Sujet de la fidélité qu'ils doivent à leur Souverain  
Ils sont renfermés dans la formule suivante.

Nous Reconnissons que l'Autorité Royale vient  
de Dieu et exige de nous des Sentiments de Respect  
de Soumission, de fidélité proportionnés à l'Excellence  
de cette dignité, et Conformes à la loy de Dieu  
dont les Rois nous tiennent la place.

Nous Reconnissons la très Excellente Majesté  
Georges 3.<sup>e</sup> Roi de la grande Bretagne et de  
tous les Etats qui en dépendent, pour notre vrai  
notre unique et légitime Souverain, à qui nous  
appartenons par droit de Conquête. Nous rejettons  
absolument et expressément en qualité de Notre  
Souverain Le prétendu Prince de Galles, et  
quiconque au préjudice du Roy Georges, oseroit



Détendre contre la personne, la couronne ou les États,  
Des droits contraires à la fidélité que nous ne devons qu'à  
lui seul, et nous le défendrons de tout notre pouvoir contre  
toute pareille entreprise. Nous Reconnaissons et admettons  
La Succession de la Couronne dans l'illustre Maison  
D'hannovre parmi les descendants de la feuë princesse  
Sophie et les légitimes héritiers de notre très  
Gracieux souverain le Roy Georges 3.<sup>e</sup> à Qui Dieu  
Donne longue vie, Santé et prospérité, et nous faisons  
tout ce Serment de fidélité. Sincèrement, de bonne  
foi et en Vérité, Ainsi que Dieu nous soit en aide.

Considéré, Nous Espérons, Monsieur, qu'ayant égard  
à la droiture des sentiments de ceux qui n'ont pas souscrit  
à la formule qui leur avoit d'abord été présentée, Vous  
voudrez bien Révoquer les ordres de départ qui leur  
auroient été signifiés et faire agréer à Sa Majesté  
pour tous les Sujets Catholiques du Canada à l'avenir,  
La formule de Serment cy dessus, preuve authentique  
de la fidélité du clergé et des peuples envers Son  
Auguste Personne

Nous Espérons pour toute cette province qui vous  
est chère, cette nouvelle Marque de votre Bonté  
et de votre Protection; nouveau Motif de notre  
Reconnaissance et des vœux les plus sincères que  
nous ne Cesserons de faire pour votre Conservation  
et votre Prompt Retour.

17 Janv 1766

Joseph François Perrault  
né à Québec le 18 Juin 1719  
Prévôt du Chapitre et Vicar  
Général de Québec, 22 Mars  
à 55 ans, le 27 Janvier 1774.

Perrault ch. v. g. l. pour  
M<sup>rs</sup> les Grands Vicaires absents



VI Ent<sup>d</sup> 1766

Memorial relative to  
oath of abjuration by the  
Clergy & inhabitants -  
17<sup>th</sup> June 1766

Memorial of the Clergy  
and Inhabitants who -  
refuse to take the oath  
of Abjuration -

17<sup>th</sup> June 1766



My Lords.

Quebec 2<sup>d</sup> March 1765

I think it ~~is~~ my Duty to communicate every thing as it occurs in this New Establishment, and as I go on I shall freely give my Opinion from the same sense of Duty, of Men and Things.

The few British Traders who are out of humour because I could not make them Magistrates, nor allow them to oppress the New Subjects, continue to display all the Malice and Envy which the most bitter rancour can dictate; their attempts can have no evil consequences, every body knows the private motives which influence their conduct, and I flatter myself, the Temper and Indifference with which their Impertinence is received will make <sup>them</sup> soon desist.

One must be upon the spot to form a Judgement of the difficulties which occur in establishing the English Laws in this Colony; the Body of the People from Education and Religion are averse to them, the few sensible Men amongst them are still more so from suffering by the being excluded from every Employment they formerly enjoyed.

Our Army here is compos'd of those who conquered the Country, and who had Govern'd it for Five years. The Contempt which Military Men have ever entertain'd for Mercantile People must have been greatly increased in this Colony from the Circumstances of it. The genteel people of the Colony despise Merchants, and of course esteem the Officers who shun them most. On the other hand our Merchants are chiefly Adventurers of mean Education, either Young beginners, or if Old Traders, such as have fail'd in other Countries: all have their fortunes to make, and little solicitous about the means provided the end is obtained. Such Men are by no means proper to lessen the prejudices which Military men naturally have for their profession, as Vanity is equally powerfull, and perhaps more universal than Avarice. The Merchants hate those who despise them. This is a general Description of the State of the Colony where the English Laws are to be established; but Two Circumstances greatly increase our Misfortunes, our Chief Justice, and Attorney General are both entirely ignorant of the Language of

Walker Dunn Paper

Copy of G. Murray's

Letter to the Lords of

Trade concerning the

Animosities in the

Province Quebec

March 2<sup>d</sup> 1765

1765



Of the Natives, are needy in their Circumstances, and, tho' perhaps good Lawyers, and Men of Integrity, are ignorant of the World, consequently readier to puzzle and create difficulties than to remove them.

Colonel Burton, who had aimed at the Government of the Province, and refused the Lieu.<sup>t</sup> Government, is appointed a Brigadier upon the American Staff, and remains to Command the Troops at Montreal. It is not natural to expect that a Man will be contented with the Command of a few Troops in a Country he had so long governed without control; The same Troops remain with him, and as there had been frequent disputes between them and Merchants, which had been decided by Courts Martial, it may be supposed the Civil Establishment was by no means relished by the Troops, as the new Magistracy must be compos'd, agreeable to my Instructions, of the very Merchants they held so much in contempt. The richer a Man is, and the more parts he is possessed of, the more apt he is to resent slights, either real or imaginary; It happened unluckily, the Merchants at Montreal, the most proper from their Circumstances and Understandings, to be made Justices of the Peace, were those who had most Disputes with the Troops. I was aware of these disagreeable Circumstances, and remedied them as much as possible by joining with them half pay officers in the Commission of the Peace, and even by borrowing some from the Regiments on Duty there, and it was strongly recommended to live in Peace and Harmony together.

The Merchants at Montreal had, in an Address to me, mentioned arbitrary Imprisonments and Exactions which They had groan'd under, and from which They hop'd to be reliev'd by the Establishment of Civil Government. This M<sup>r</sup> Burton, Christie, & L<sup>t</sup> Brugere thought a reflection on themselves, and in the following News paper They inserted a Declaration in their own favours, and by some means or other prevail'd upon a Number of those who had sign'd the Address to declare they did not mean these Gentlemen, but they could mean no other body, for General Hage had long left the Place. The Merchants who made this recantation were those who had not been made Magistrates



Magistrates, and who began to hate those who were; the other set published an advertisement begging the Publick to suspend their Judgement till the Law should determine who were the Delinquents, as prosecutions were to be carried on against them. This made an open rupture between the Army and Magistrates, for the Resentments in those of superior Rank are immediately adopted by Inferiours.

An Ordinance of Council was published confirming the Decrees of the Courts during the Military Government; Nothing could be better intended, or indeed more conducive to the Peace of the Colony. It did not please the Merchants, especially those of Montreal, for the prosecutions intended there were under the sums admitted to an appeal to the Governor and Council. In the meantime the new Magistrates at Montreal, eager to shew their power, forgot the Moderation recommended to them, and, with a view of finding fault, the Civil and Military were equally watchfull of one another's Conduct. Necessity required that the Troops should be Billeted on private Houses, and tho' this is practised in most of the other Colonys, here it was exclaimed against as Illegal.

As Complaints had been made of partiality in former Times, Cap.<sup>t</sup> Fraser the Custos Rotulorum was intrusted with the Billeting, and an Ordinance was published removing all doubts of the Legality of a Measure, which from the Circumstances of the Colony was absolutely necessary. — Cap.<sup>t</sup> Fraser Billeted a Cap.<sup>t</sup> of the 28.<sup>th</sup> Regim.<sup>t</sup> on a French House where one of the Justices was a Lodger; the Justices immediately wrote to Cap.<sup>t</sup> Fraser, claiming an exemption. Mr. Fraser however persisted in ordering the Canadian Landlord to find Quarters for a Captain, representing in Writing that tho' the Justices Rooms were exempted, ~~that~~ the Landlord's House had no title to such Exemption. The Justices immediately assembled, and thinking this a fair opportunity of wreaking their Resentment on the Army, without acquainting their Custos Rotulorum, without attending to his having receded from Billeting on the Justice by his Letter to the Canadian Landlord, They sign a Commitment of the Captain of the 28.<sup>th</sup> Regim.<sup>t</sup> to the Common Goal, where he was accordingly lodged. Mr. Fraser immediately wrote to me, and in the heat of his Resentment, which it is natural to believe was —  
stimulated,



Stimulated by his Military acquaintances, declared if these Justices, who had always been turbulent, and who now had illegally committed a Gentleman to Prison without being heard, were not dismissed, he would no longer act as a Magistrate. In answer I represented to him, that tho' it appeared these Magistrates had been violent and resentful, yet the Legality of their proceedings remained doubtful; and by my Instructions no Magistrate could be dismissed without being heard in his own defence, and an Account of the whole Circumstances sent home to the Lords for Trade & Plantations.

It is easy to conceive that the Commitment of the Captain of the 20<sup>th</sup> Reg.<sup>t</sup> increased the animosity betwixt the Civil and Military, and that every man now took one side or other as his Profession or connection sway'd him. The Magistrates persisted in what they had done, and as the Ordinance was now published, they explain'd every doubtful word to the disadvantage of the Troops, and industriously sought opportunities to distress them. This occasion'd a Complaint even from one of themselves, that Mr. Walker, whose Understanding and Circumstances made him the principal, did every thing to create Confusion. Upon receipt of this Letter the Justices were summon'd to Quebec to answer for their Conduct; but two nights before Mr. Walker's intended departure for that place, while at supper with his family at nine o'clock in a clear moon light night, a number of men disguis'd broke into his house, and having chased his Wife and Sister into the back Court, fell upon him in the most cruel manner, knock'd him down by repeated blows on his head, till at last becoming senseless they had it in their power to cut off his Ear, which seems to have been the Object they had in View in committing this barbarous outrage against Civil Society, and the Laws of their Country. In the Room was left a Regimental Hat, and a Bayonet of the 20<sup>th</sup> Regim.<sup>t</sup> and some pieces of Tongs & Pickers. Both Ends of the Street were guarded, of course Twenty Men at least must have been concerned. The Alarm was given, but, tho' a Garrison'd Town, many Guards, and numerous Sentries, none of them could be apprehended: so little were they apprehensive of a pursuit, they went to the Adjutant of the 20<sup>th</sup> Reg.<sup>t</sup> Room where were the officer of the Main Guard, and the Surgeon's Mate, opened the door, Threw



Threw the Ear, wrap'd up in a piece of paper, on the Table saying, there was Walker's Ear, and march'd off without any attempt having been made to stop them. — The Adjutant indeed appears to have been angry, order'd them out of his House, and ask'd what they had to do there. The Magistrates were active & Diligent on this Occasion, and, considering the Difficulties thrown in their way, did a great deal towards a Discovery: their Endeavours might have been more ~~successfull~~ Effectual had not the Brigadier insisted on all the forms which the Law requires when Troops are to assist the Civil Magistrate, by which Opportunities were certainly lost. M<sup>r</sup>. Walker's behaviour, and the Suspensions he vented at almost every Officer in the place, probably made the Military lukewarm in discovering the Delinquents.

The Government offered a Reward of £200. a free Pardon, and a Discharge from the Army if a Soldier, to any Person who should make a Discovery, and the Inhabitants of Montreal promis'd an additional one of £300. but not one of the many that must have been concern'd in it would reveal the Secret. I wrote to the Civil Magistrates to be active, and assur'd them I had nothing more at heart than the Vindication of the Rights of Mankind, which were strongly Attack'd in that Barbarous Outrage against civil Society. Unfortunately the Officers of the 28<sup>th</sup> Reg<sup>t</sup> look'd upon the Endeavours of the Civil Magistrate towards a Discovery as a hardship, and the Soldiers began to entertain the same Opinion. The Commanding Officer of the Regim<sup>t</sup> wrote a Letter to Brigd<sup>r</sup>. Burton declaring that he apprehended a Mutiny and Revolt, and mentioned some Commitments by the Justices of the Peace as the Cause. M<sup>r</sup>. Burton transmitted that Letter to me, and begg'd that I would think of some method to prevent the Mischiefs apprehended. I immediately had the Attorney General's Opinion as to the Commitments complain'd of, who declared them Legal; and that nothing might be wanting in me on so critical an Occasion, I determin'd to go to Montreal directly with His Majesty's Council for the Province. There we found every thing in Confusion, and the greatest Enmity raging betwixt the Troops



Troops and Inhabitants; the latter spoke and acted as if their Lives were in danger, and as Compassion made them forget their hatred for Mr. Walker, they guarded his house every night, and patrolled the Streets with Arms, and a Stranger entering the Town, from what he heard or saw might reasonably have concluded that Two Armies were within the Walls ready to fight on the first Occasion. — From the Day I arrived, how they had conducted themselves before I shall not say, the Troops certainly behaved with great Submission to the civil Magistracy, every Man was given up to be Examined the Instant he was demanded, and the Magistrates in presence of the Council made the proper Enquiries into the Assault committed on Mr. Walker. — What the Event of these Enquiries may be, will appear on Tryal before the proper Court of Judicature. In the Course of the Examination before the Council, it was evident the Army had not been very Zealous in Aiding the civil Magistrates, and that the Insolent, Indecent and groundless Suspicions which Mr. Walker expressed against Officers of undoubted honor & Reputation, might have occasion'd that Indifference, especially as designing Men, or those who perhaps had something to apprehend from a Discovery, Influenced the whole Army against him and Associates as if it were a general Cause. — The Council having done their utmost to discover the Perpetrators of the Outrage against Mr. Walker, enquired into the Behaviour of the Magistrates previous and subsequent to that Affair. There was nothing in their Conduct after it, which, considering every circumstance, was not commendable, for small defects either in formality or politeness may be overlook'd, where the Intentions are pure and Upright. As to their Conduct in the Commitment of the Captain of the 20<sup>th</sup> Regt. it appeared plainly to be the Effect of a Turbulent Vindictive Spirit, unbecoming Men, and



and unpardonable in Magistrates. However as Mr Walker was still in Danger from the Wound he had received, another of them, Mr Lamb, had been remarkably active and Diligent, and the third a French Protestant, who might be supposed to be free from Ignorance, it was thought most expedient at that time to represent the fatal consequences of Disunion and passion amongst Magistrates, and to recommend, for the future, the publick Tranquillity might be the rule of their Actions, and to leave the Law to determine as to the Commitment of the Cap<sup>t</sup> of the 28<sup>th</sup> Reg<sup>t</sup>, he having raised prosecutions in the Superior Court against those who issued the Warrant. At the same time some new Magistrates were made, and such Justices of the District of Quebec who are moderate men, and whose business led them frequently to Montreal were inserted in the Commission of the Peace for each District.

I flatter myself nothing in our power was omitted, which prudence and impartiality could dictate; to satisfy either party would have been unjust, but I fear where a party spirit prevails, the men who act from principle and a sense of their Duty, and attach themselves to neither side, will be hated by both. Faction devours gratitude, and every regard for the Publick; men are the same every where, it is as true as it is ridiculous, the same scene of party is acted in every Province in North America which is exhibited in Great Britain.

After settling the Magistracy as far as it could be done, we took into Consideration the Letters of Brigad<sup>r</sup> Bourton and Cap<sup>t</sup> Mitchelson relative to the apprehensions they had of a Revolt and Mutiny of the 28<sup>th</sup> Reg<sup>t</sup>; it had already appear'd that some Soldiers of that Reg<sup>t</sup> had been actors in Walker's affair; that the greatest Rancour subsisted betwixt that Corps and the Town's people was but too evident, and as neither the Brigadier, nor the Officer commanding that Regiment would answer for their good Behaviour, it was high time for Government to provide



provide for the publick Tranquillity. There were at that time in Garrison Four Companies of the 27.<sup>th</sup> Regiment, which might be depended upon: These with the 28.<sup>th</sup> Reg.<sup>t</sup> made in all Thirteen Companies. As there are no Barracks at Montreal, the very quartering these Troops, had their Behaviour been never so good, was a Burthen on the Inhabitants. — A Letter was sent from the Council to the Brigadier, requesting, in consequence of his, and the Commanding Officer of the 28.<sup>th</sup> Reg.<sup>t</sup> Letter to me, and in order to ease the Inhabitants; that Five Companies of that Regiment should be sent into Cantonments in the adjacent parish, a Disposition which at the same time it eased the Inhabitants, assured the obedience & good Order of the Troops. The Brigad.<sup>r</sup> did not think proper to comply, but proposed an Exchange of Regiments, which alternative, as better could not be, was readily agreed to.

After having remain'd at Montreal a month, we return'd again to Quebec, and on the Road, a Petition from the Soldiers of the 28.<sup>th</sup> Regim.<sup>t</sup> over took me: in this Petition they desired, that the Soldiers of the Corps committed to Goal by the Civil Magistrates might be delivered over to the Regiment, which would answer for their Appearance at Quebec; and by other Letters by the same Courier I was inform'd, <sup>that</sup> I had hardly left Montreal when the heart burnings between the Soldiers and Merchants began a fresh; and soon after I was inform'd, that two nights before the Departure of the 28.<sup>th</sup> Regim.<sup>t</sup> from Montreal, immediately after Roll-calling, between four & five in the afternoon a Body of that Regiment went arm'd to the Prison, and in sight of some of their Officers, who no doubt did their utmost to prevent it, broke it open, and carried the Prisoners in Triumph out of the Gates. Cap.<sup>t</sup> Skene of that Reg.<sup>t</sup> put himself at the head of the Miquelets, overtook the Mutineers five miles from the Town,



Town, and with some difficulty, and not till after running one — soldier thro' the Body, brought back the prisoners, and lodged them in the Goal. But no precautions were taken to prevent a second attempt, for at 12 o'clock that very night, the Prison Doors — were opened, and the same prisoners released. Some days after they were found at the Fort at Chamblee, where a Detachment of the Regt<sup>y</sup> was doing duty; they had either been told the story which those who had rescued them chose they should be informed of, or they despair'd of making their escape, as the Lakes were not yet — froze over. The Sheriff very prudently committed them to the care of the Commanding Officer of the Regt<sup>y</sup> who delivered them to the Goaler at Quebec.

Brigadier Burton, under whose Command the revolt happened, had no doubt very good reasons for not enquiring into it, and for not endeavouring to discover the Authors of it. When the Regiment arrived at Quebec under my Command, I acquainted the Officers that it was impossible to wink at such a Crime, and intreated them to find out some of the Ringleaders, that they might be punished by a Court — Martial, which wou'd be more for the Honor of the Corps, and more effectually prevent malicious Conjectures than — if the Civil Magistrates took cognizance of it, and discover the guilty. My Remonstrance had no Effect, so the Discovery has been made by the Civil Officers upon complaint of the Deputy Sheriff, and several are confin'd, and will be tried at the same time with those suspected of having cut out M<sup>r</sup> Walker's Ear.

I have the honor to be with great Truth & Regard

To the Right Hon<sup>ble</sup>  
The Lord Commissioners  
for Trade & Plantations

My Lords: &c

(Signed) Jas: Murray



(Copy of)  
Governor Murray's  
Letter, March 2 1765  
to the  
Lords Commissioners  
for  
Trade and Plantations

describing -

- " animosities in the Province
- " Chief Justice (Gregory?)
- " Attorney Gen<sup>l</sup> (Sackling)
- " Montreal Merchants & Traders
- " Troubles relative to Billet<sup>t</sup> troops
- " General Burton
- " The Walker outrage
- " Mutiny
- " Gov<sup>r</sup> & Council go to Montreal  
& stay there a month -
- " Reg<sup>t</sup> exchanged between  
Quebec & Montreal
- He &c -

Mem. This Document is one  
of the Dunn-Walker papers  
H. H. M.