

Gazette Extra.

SATURDAY, APRIL 28, 1849.

SATURDAY AFTERNOON, APRIL 28, 1849.

We are much gratified in being able to inform our readers that Messrs. Heward, Perry, and Ferris, were liberated from prison, this afternoon, at half-past one o'clock.

At half-past ten Messrs. Ermatinger and Gagnon, Justices of the Peace, went down to the Jail for the purpose of taking bail from Messrs. Montgomerie, Mack, Heward, and Ferris, and permitting them to return home.

Having sent for those gentlemen to meet them in the Jailor's apartments, they descended, and were informed by Mr. Ermatinger that, on his own responsibility, he was prepared to continue the examination, accept bail from them and liberate them. The following conversation ensued:—

Prisoners.—Before we accept bail or enter upon the business at all, we desire to know whether you are authorised to release Mr. Perry?

Mr. E.—I am not. He is here under different affidavits, and a different warrant, and I cannot release him at present.

Prisoners.—We are all here on the same charge, and as we believe on the same affidavits, although on different warrants, and we beg to inform you, that out of this Jail we do not go, unless Mr. Perry goes with us.

Mr. E.—He is in under different affidavits, and a different warrant, and I cannot do it.

Prisoners.—Then, Mr. Ermatinger, we return to our cells. We all go or none. Mr. Perry has had no examination, he has never seen an affidavit nor warrant against him, and we request you will proceed to take his examination in the usual form, and allow him to accompany us, for if you keep him you keep us.

Mr. Ermatinger then looked over the affidavits, and found that all the prisoners had been arrested on the same affidavits, and consented to release Mr. Perry also.

Mr. Ermatinger then desired to continue the examination, but the Prisoners declined answering any more questions, or to sign any more declarations.

Bail Bonds were accordingly signed by friends of the prisoners, who had come down on purpose, having heard of the intended release, and everything being in form, they were told they were at liberty.

As Mr. Ermatinger had not come prepared with printed forms for Mr. Perry, some time was consumed in writing them out. Friends in the interim had come in, and an omnibus having been brought to the gate they prepared for departure.

On passing through the Court yard, they cheered the guard and sentries, some cried "Remember them, Wm." and having given three cheers for the Queen, they proceeded on their way to town in the omnibus and cabs.

On the way up more cabs and a second omnibus were filled, and by the time they reached White's Hotel, a respectable number of people had joined them.

but merely to afford the magistrates, many of whom were in attendance, an opportunity of consulting together upon the business in hand. Under this assurance and relying upon Mr. Delisle's word as a gentleman, we accompanied an officer of the Court into Mr. Ermatinger's room, where we were locked up. After a detention of about two hours, during which time Mr. Ermatinger was in attendance at the Government House, that gentleman made his appearance, and tossing some papers upon his table, said, "Gentlemen these are the depositions against you." He added that we might look at them, but copies were then refused, upon the plea that the Clerk must have them to make the usual headings,—which, we need scarcely say to you, was absurd, and amounted to a refusal of copies; he, however, promised to send them to us immediately, after our examination. We were then for some time left alone, and on his return he said, "I will now take your voluntary declarations," and made the usual formal explanation on that subject. We asked him then if he was prepared to act in this matter alone, to which he replied in the affirmative—and, in reply to the question whether he acted as an independent Magistrate or under the directions of the Attorney General—he asserted that he was acting as an independent Magistrate, and under the orders of no one. About this time Mr. Castle, a Justice of the Peace, entered the room, when he was requested to withdraw—though he stated his capacity, and that it was in that capacity he presented himself. Mr. Ermatinger said his appearance was unusual, and begged that he would retire, which Mr. Castle did, and Mr. Ermatinger then proceeded to take our declarations—which were given by us, even then under the impression that this step was merely preliminary to our being carried before the magistrates, who were waiting for that purpose in the Police Office. The formal part of the declarations were read to us, to which we respectively answered that we had nothing to say except a total denial of the calumnious and offensive charge.

We have already stated that we were arrested on a charge of arson, and arson only; but the declarations set forth that we were charged with exciting and instigating a mob to the commission of that crime, and aiding and abetting in the same. We need scarcely say that all this was an afterthought in order that there might be an apparent harmony between the declaration and the affidavit, which latter in no way sustain the charge on which we had been arrested—a charge for arson.

Having now discovered that Mr. Ermatinger intended to accuse us of the crime, we offered evidence of the most conclusive nature, then in attendance, that we were totally innocent, not only of the crime of arson, but even of the supplementary part so irregularly introduced into the Declarations. We at the same time called his attention to the insufficiency of the affidavit—but his reply

He required me to follow him immediately, and I was conducted to the Central Police Station, where I was placed apart, in a solitary cell, and detained there for some time, without being allowed to communicate with my brother, who called to see me, or indeed with any person whatever. After about eight hours of this solitary confinement, I was conducted to the Common Gaol, in charge of a Sergeant of Police. Mr. M'Ginn, the Gaoler, was not in the building at the time of my arrival, but I was immediately placed (seemingly in pursuance of whispered instructions from the Sergeant in whose charge I was) in a close, dimly-lighted cell, without bench, chair, table, or any other article of furniture. Finding my remonstrances against my confinement in this place to be all in vain, I requested that my situation might be made known to Mr. M'Ginn, upon his return. Previous to that time, however, I was visited by Sheriff Boston, and, by his instructions, was removed to a more convenient apartment.

Here I have remained until this time—upwards of forty-eight hours from the period of my first arrest—and I would especially request your attention to the fact that I have not yet seen the affidavit or affidavits on which I have been committed; that I have undergone no examination whatever; that, in fact, I have no further official information of the cause of my imprisonment than the production of a folded paper by Mr. Jermy, with his assertion that it was a warrant for my apprehension, for the crime of arson.

This, sir, is a plain and simple statement of the facts of my case, and I now desire to know whether a British subject is to be thus torn from his family, and thrown into a dungeon, on an accusation which I have no hesitation in pronouncing false and unfounded—without any intimation whatever of the grounds on which that accusation is based—and without even an opportunity of recording my emphatic denial of the charge made against me.

Believing that the authorities are bound to take action in a matter by which I am most unjustly detained from my home and my business, to my great loss and detriment, I have again respectfully to request that you will bring my case under their consideration.

I am, Sir,

Your most obdt. servt.,

ALFRED PERRY.

A warm debate took place in the Assembly this morning, on a motion of Mr. Boulton, of Norfolk, to the effect that the House should address his Excellency, expressing its desire to maintain peace, and support the government in any measures to attain that end.

The discussion arose on clauses of the motion to the effect, that the country was in a state of profound tranquillity. Hon. gentleman on the opposition benches warmly arguing that this was false; and charging the Government with not having used proper precaution.

ceeded on their way to town in the omnibus and cabs.

On the way up more cabs and a second omnibus were filled, and by the time they reached White's Hotel, a respectable number of people had joined them.

Here a Union Jack was procured, and the party proceeded, increasing as they went up the Quebec Suburbs, and being cheered from the different establishments, and from windows as they passed. The loyal men of the St. Mary's Foundry particularly, turned out, and mounting the fences, gave lusty cheers for the prisoners.

Several small parties of soldiers were now and then met by the way, and were loudly cheered by the cavalcade, as also were the Officers' quarters on the route, and the pleased countenances of the gallant fellows spoke how the heart beat, beneath the uniform of Her Majesty, as the cheers told the feelings of the civilians towards them, and that the sympathy of 1837 and 1838, was still vivid in 1849.

By the time the procession—triumphal procession we may call it,—had reached the Government House, it amounted to several hundreds. Here deafening cheers were raised, the windows of the offices being crowded with the clerks.

It continued on to Orr's Hotel, where the whole stopped for a minute or two, and then proceeded to the Place d'Armes, where a crowd of several hundreds had assembled in front of the Montreal Bank.

Messrs. Ferres, Mack, Heward, Montgomerie, and Perry, addressed the people present, thanking them for their good will, and expressing their sentiments on the stand they had taken. They exhorted all to peace, order, and tranquility, recommending them strongly to do all in their power to allay the excitement, and permit things to return to their usual course.

They were loudly cheered, and the people seemed to concur heartily in the advice. The Hon. George Moffat then addressed a few words to them, urging peace and order, and informed them that the French Canadians had been disarmed, and that the safety of the city had been confided to the military. He said that all knew the gallant feelings of the soldiery, and that everything would now go right. He also said that no more meetings must be held, and trusted that order would resume its sway.

The people then dispersed quietly. The rain poured down the whole time, but it did not damp the enthusiasm of the people.

TO COL. GUGY, M. P. P.,

MONTREAL JAIL, April 29, 1849.

SIR,—On the morning of the third day of our confinement in the Common Jail, without any committal, except a mere remand for further examination, we address ourselves to you in your capacity of a member of the House of Assembly, to represent to that Body, should you see fit, that we consider our arrest and detention as illegal, as will, we doubt not, appear to you, on perusal of the short and simple facts of our case.

On the morning of the 26th instant, we were arrested upon a charge of arson, and taken to the Police Office for the purpose of undergoing an examination before, as we were informed, the usual Bench of Magistrates. After being detained there for upwards of an hour, we were requested by Mr. Delisle, clerk of the peace, to step into Mr. Ermantinger's own office, and, upon our objecting to any private examination before that gentleman, Mr. Delisle assured us that it was for no purpose of that kind,

then in attendance, that we were totally innocent, not only of the crime of arson, but even of the supplementary part so irregularly introduced into the Declarations. We at the same time called his attention to the insufficiency of the affidavit—but his reply was, "I have no discretion in the matter, I must commit you, but I shall make out your committal in full for arson, for the felony—so that you may make your application to be admitted to bail immediately." With these words he left the room and we saw him no more—nor did he or any one else send us copies of the affidavit—and, in fact, we never had an opportunity of making any application even to any officer of the Court for copies.

After a further detention of an hour or more, we were sent under a military escort to this place, where, for the first time, we found that Mr. Ermantinger had merely remanded us for further examination—in this respect we must be permitted to say that that person has been guilty of a piece of trickery and deceit towards us.

We think that we were sent to prison illegally, because the depositions are perfectly inconclusive against any of us, because we ought, in the face of, at least, doubtful affidavits, to have been afforded an opportunity of adducing the evidence of the witnesses in attendance, who were ready to prove that the charge in all its parts was false.—because a full Bench of Magistrates being in attendance, we ought to have been examined in presence of more than one magistrate, in which case we must have been permitted to adduce evidence, because having been once brought before the Police Court, and there detained, we ought not to have been removed into the private office of Mr. Ermantinger; and finally, because we were examined touching facts other than that which was assigned in the warrant for our arrest.

We think our detention here illegal, because we were only committed for further examination, and have not yet been further examined, and are thereby deprived of the precious right of applying to Her Majesty's Court of Queen's Bench for our release under Habeas Corpus.

Under all those circumstances we have requested that you will, according to your discretion, bring this matter under the notice of the House, as we feel assured that that honorable body will not suffer any British subject to be deprived of his liberty without most important and satisfactory reasons for the same,—certainly not under a proceeding like the present, which cannot be characterised otherwise than as a Star Chamber Warrant, or a *Lettre de Cachet*.

We remain, Sir,

Your most obedt. Servts.,

W. GORDON MACK,
JAS. MOIR FERRES,
AUGUSTUS HEWARD,
HUGH E. MONTGOMERIE.

COL. GUGY, M.P.P.

Montreal Gaol, 29th April, 1849.

SIR,—I beg to address you as a Member of the Provincial Parliament, with the request that you would kindly use the influence of that office, to ascertain from the proper authorities under what law I am now confined in the common gaol of this city. To enable you to do so, I will state the circumstances under which I was conveyed here.

About five o'clock on the morning of the 26th instant, Mr. Jermy, Sub-Inspector of Police, called at my house, and intimated that he had a warrant against me for Arson.

motion to the effect, that the country was in a state of profound tranquillity. Hon. gentleman on the opposition benches warmly arguing that this was false; and charging the Government with not having used proper precaution.

Col. GUGY read two letters from the prisoners, which we publish below. He commented in a very indignant manner on the irregular and illegal course the Attorney and Solicitor-General for Lower Canada, had advised Mr. Ermantinger to take. He said, the whole of the disturbances and destruction of property that had since occurred, was attributable to it.

Mr. BALDWIN replied that the Government could have neither interest nor intention to interfere with the regular administration of justice. He said that the delay might have occurred in consequence of the excited state of the city, and the committing Magistrate being occupied.

Mr. BARDLEY, in an indignant speech, followed to the same effect as Col. GUGY. He stated that Mr. Ermantinger informed him, that he, (Mr. E.), had been desired by Mr. LaFontaine not to go on with the examination.

Mr. BALDWIN said that it was not then the time for explanation, but that it could be given in proper time.

Mr. HINCKS had heard the examinations were going on, and probably, by that time finished.

Col. GUGY said then that the excitement would immediately cease in that case, and that they might disarm their constables immediately.

Mr. HINCKS replied they had been disarmed long ago.—(Cheers.)

The East Hall of the building is occupied by the 71st Regiment, which has been brought in from St. John's.

BY TELEGRAPH.

Boston, April 27—1, p.m.

By the Cambria we have the following important news from Constantinople. There have been changes in the Ministry, by which Solomon Pasha, the great enemy of Russia, has become Minister of War. The Turks have seized a Russian Custom House, and are administering the affairs themselves. It is also stated that the Egyptian army is coming up, and everything wears a most warlike aspect.

The Milan Gazette contains a summary of the revolt and capture of Brescia, after a siege of eight days, by the Austrians. The town was bombarded for six hours. The streets were carried at the point of the bayonet, and the inhabitants driven into the houses, which were burned down. The carnage was immense.

An Extra of the New York Morning Star contains important news from South America, received by Telegraph, dated Norfolk, April 27, which says, the Douglas arrived at Hampton Roads yesterday, bringing dates from Rio Janeiro to the 25th March.

On the 2nd of March, the city of Pernambuco was the scene of a prolonged and sanguinary battle between the Government party aided by the troops of the line, and Gustavo's party.

The fighting continued 15 hours, during which the Liberals displayed the most determined courage, repeatedly charging upon the bayonets of the troops of the line. Nunez Washia, the leader of the revolt was shot dead at the commencement of the fight while leading his followers to the assault. The Liberals were at length forced to yield to superior numbers and discipline of the European forces and their retreat, speedily became a flight in which great numbers were cut down by their pursuers. Immediately on learning the state of affairs, at Panam Brieo. The Emperor hastened hither at the head of all the forces he could collect, and instantly dissolved the Chambers. Great dissatisfaction prevailed, great part of the citizens being in mourning for the slain. Business was of course suspended.