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Canadian Rights and Canadian Independence.

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PUT DOWN THE TYRANTS!

They never fall who die in a great cause;
The block may soak their gore,
Their heads may sadden in the sun—their limbs
be strung to city gates
And castle walls, but still their spirit walks abroad;
Though years elapse, and others share as dark a
dour.
It but augments the deep and sweeping thought
Which overpowers all others, and which conducts
The world at last to freedom. BYRON.

People of Canada! Remember that the
blood of martyrs in the cause of FREEDOM
calls aloud for vengeance at your hands.

ORIGINAL BIOGRAPHY.

FRANCOIS XAVIER HAMELIN was a
very respectable young man, of the Parish
of St. Philippe, in the County of Laprairie,
and District of Montreal. He was born
in the year 1819. His connexions always
maintained a good reputation as honest
farmers, and were highly esteemed. The
one whose biography we are writing this
day, was always distinguished for his en-
thusiastic love of freedom, and for his de-
termined hatred of the despotic British gov-
ernment. Although a very young man, he
always cheerfully gave his assistance to
every measure in favor of reform, and when
the cup of British iniquity was filled to
overflowing, he never hesitated a single
moment in forming a decisive opinion; but
took up arms against the parent state,
which had now become his country's foe.

On the third day of November last, he,
with a great number of his brave and de-
voted countrymen, resolved to try to up-
set the present form of government. Noth-
ing but his love of freedom and national
honor could have prompted him to take up
arms against such a mighty power as that
of Great Britain. He did not stop to con-
sider the consequences of the daring act he
was undertaking; his country had been
oppressed, it was trodden under foot by an
insolent and murderous crew, sent from
England purposely to enslave his country-
men; that was enough for his noble heart.
He loved his country, and he thought his
life well sold if it could be sacrificed to the
redemption of poor, unfortunate and op-
pressed Canada.

As soon as the rising had taken place he
was named a Lieutenant in Major Robert's
company. The party went on to disarm
the loyalists, and they were engaged in
the Walker affair. We could not now
say how Mr. Hamelin fell into the hands
of the British, but at any rate, he was one
of the first prisoners from St. Philippe that
were sent to Montreal. He was forcibly
taken on the 3rd day of January, 1839,
before the "barbarous Inquisition of Can-
ada" the Court Martial, which after a trial
of a few days, without any jury
whatever, sentenced him to die on a scaf-
fold—both as a traitor to his Sovereign,
and as the murderer of Walker. On the
12th day of the same month, he was official-
ly notified that he was one of the chosen
victims of the sanguinary Colborne, and
that six days afterwards he was to be
strangled with a rope on an infamous gib-
bet. He had fortified his mind against all
the insults and the cruel treatment which
he knew these bloodhounds were accus-
tomed to inflict on the unfortunate men
who fell into their hands, so this terrible
news did not frighten him. Although ac-
cording to the due course of nature, he
had a right to expect to live many years,
yet he was willing to offer his devoted head
on the altar of liberty for the sacred cause
of his own dear native land.

The day of inhuman vengeance arrived,
& our young countryman prepared himself
for the awful end that awaited him, with
that composure of mind which speaks in-
nocence and virtue. With his four patriotic
and devoted companions of misfortune,
he marched firmly to the awful spot where
he was to make the bloody sacrifice. At-
ter our much regretted friend Mr. De
Caigne had made his dying speech to the

spectators, the sufferers were placed each
in their respective place, the Provost Mar-
shal gave the fatal signal and the young,
the noble, and generous Hamelin was
counted among those who had nobly suf-
fered for freedom's sake. Thus perished
an gallant youth, who for his love of country
deserved a better fate.

We have now given the biography of
the four unfortunate, generous and brave
patriots who were concerned in the affair
of Walker. In Mr. Ambrose Sanguinet's
biography, we have shown the wickedness
and impropriety of the unjust sentence of
the bloody Court Martial in condemning
these men as murderers; such an iniqui-
tous sentence was pronounced with the
view of blasting the memory of honest &
upright men, who would have shuddered at
the idea of spilling human blood, except in
self-defence. Irishmen, who read this bi-
ography, did not the British, after the un-
successful rebellion of '98, condemn many
of your noble countrymen as "murderers
of unknown persons" and did not the in-
famous Thomas Reynolds swear that he
had seen many of your brave compatriots
murdering unknown persons. When they
could not invent names, they then
used the common words of "unknown per-
sons." In spite of all the stigma and
shame the British tried to attach to their
noble Irish victims, yet you have honored
the memory of those devoted men, who
for the cause of poor oppressed Erin, had
taken up arms to repel a foreign oppressive
foe. The case of Canada and that of Ire-
land are precisely the same. The memory
of the so called "murderers of Walker,"
shall be respected by the Canadian people
and by all the admirers of true liberty.
In vain did the renegade LaBouchere the
under Secretary of the Colonial Depart-
ment, say in the Imperial Parliament, that
out of seven that had then been hanged in
Montreal, there were "four notorious mur-
derers." Such an imputation is false and
calumnious. He is less culpable however
than the bloody wholesale murderer Sir
John Colborne, and the hypocritical and
treacherous Lord John Russell, who by
his tyrannical and unjust resolutions of
March 1837, is the chief cause of the trou-
bles. The "great Irish agitator" in an-
swer to Mr. LaBouchere, said "ONLY
SEVEN? GOOD GOD! ONE DROP OF HU-
MAN BLOOD SPILT ON THE SCAFFOLD FOR
POLITICAL OFFENCE, IS ALWAYS TOO
MUCH." But we believe in retributive jus-
tice, and the time will yet come when the
bloody victor of St. Eustache, will have
to return to England, (if perchance he
should live to do it,) in the same disgraceful
manner that General Bourgoyne and
Lord Cornwallis had to leave the thirteen
oppressed English Colonies after the cele-
brated battles of Saratoga and Yorktown.

HISTORY OF CANADA.

CAPITULATION OF MONTREAL.

(CONTINUED.)

22. If there are any military officers
whose affairs require their presence in the
colony till next year, they may remain in
it after they shall have had a permit to
that effect from the Marquis De Vaudreuil,
& they shall not be reported as prisoners of
war. Answer.—"All those whose private
affairs may require their presence in
the country and shall have a permit
to that effect from the Marquis De
Vaudreuil, shall be allowed to remain there-
in until their affairs shall be terminated."

23. The Commissioners of provision of
the King shall be allowed to remain in
Canada till next year, in order to settle the
debts that he may have contracted in the
Colony for his provisions; if nevertheless
he prefers sailing to France this year, he
shall be allowed to leave till next year, a
person to settle his business, this last per-
son shall keep and may take with him all
his papers which shall not be visited; his
Clerk shall be at liberty either to remain in
the colony or to pass to France; and in
this last case, the passage and provisions
shall be given to them on His Britannic
Majesty's expense, for themselves, their
families and baggage.—"Granted."

24. The victuals and other provisions

which might be found in the stores of the
Commissioner in the cities of Montreal
and Three Rivers, as well as in the coun-
try places, shall not be taken away from
him; the said provisions belonging to him
and not to the King, and he shall be allow-
ed to sell them to the French or to the
English. Answer.—"All that shall be
found in the stores destined for the use of
the troops must be delivered to the Eng-
lish Commissioner for the King's Troops."

25. Passage to France in His Britannic
Majesty's vessels, also the necessary pro-
visions for the voyage shall be furnished to
those officers of the West India Company
and their families who may wish to go;
they shall also be allowed to take with
them their servants and baggage. The
principal Agent shall be allowed to leave
in Canada such persons as he thinks prop-
er, till next year, to settle the affairs of
the Company, and to recover the sums of
money which are due to him. The prin-
cipal Agent shall also be allowed to keep
all the papers of the Company, which
shall not be visited.—"Granted."

26. This Company shall remain in posses-
sion of the Beavers furs that it may
have in the city of Montreal; it shall not
be disturbed under any pretence what-
ever, and all necessary facilities shall be af-
forded to the principal Agent, to have his
Beaver furs shipped this year to France in
the vessels of His Britannic Majesty, on
paying the usual freightage. Answer.—
"Granted for all that may belong to the
Company or to private individuals; but if
His Most Christian Majesty has any part
of it, it must go to the King's profit."

27. The free exercise of the Catholic
Apostolic and Roman religion shall be
maintained entire; so that all classes of
the people in the cities and in the country
places, localities and distant posts, may
continue to meet in the churches and to
receive the sacraments as before, without
being molested in any way whatever,
directly or indirectly. These people shall
be obliged by the English Government
to pay to the Priests who shall take care
of them, the tithes and all dues they were
accustomed to pay under His Most Chris-
tian Majesty's government. Answer.—
"Granted as to the free exercise of their
religion; the obligation of paying tithes to
the priests shall depend on the will of the
King."

28. The Chapter, the Priests, Curates
and Missionaries shall continue with en-
tire liberty, in the exercise of their priestly
functions in the parishes of the cities
and country places. "Granted."

29. The Grand-Vicars named by the
Chapter to administer the Diocese during
the vacancy of the Episcopal seat, may re-
main in the cities or in the parishes of the
country as they shall think proper; they
may at all times visit the parishes of the
diocese, perform the ordinary ceremonies,
and exercise all the jurisdiction they had
under the French dominion; they shall en-
joy the same rights under the future Bish-
op, of which mention shall be made in the
next article. Answer.—"Granted, except
as to what regards the next article."

30. If by the treaty of Peace, Canada
should remain in the power of His Britan-
nic Majesty, His Most Christian Majesty
shall continue to name the Bishop of the
colony, who shall always be of the Roman
Church and under whose authority, the
people shall observe the Roman Religion.
"Refused."

31. His Lordship the Bishop, may, if ne-
cessary, erect new Parishes and refit his
Cathedral and his Episcopal palace; and
he shall during that time have the liberty
to remain in the cities or in the parishes as
he shall think proper; he shall be at liberty
to visit his Diocese with the usual ceremo-
nies, and exercise all the jurisdiction that
his predecessor did under the French do-
minion, except that they may exact of
him the oath of allegiance or the prom-
ise not to do, or to say any thing against
His Britannic Majesty's service. "This
article is referred to in the preceding one."

32. The Nunneries of girls shall be
maintained in their constitutions and priv-
ileges; they shall continue to observe

their rules; they shall be exempted from
lodging the troops and it shall be forbidden
to disturb them in the pious exercises they
practice, or to go into their houses; safe-
guards shall be given to them if they ask
for them. "Granted"

33. The preceding article shall also be
executed towards the Societies of Jesuits
and Recollets and the House of the Priests
of St. Sulpice in Montreal; this last named
and also the Jesuits shall hold their right
to appoint certain curates and missionaries
as heretofore. Answer.—"Refused till
the King's pleasure be known."

34. All religious societies and all the
priests shall keep their household furniture,
the property and income of the seignories
and other immoveables that they may pos-
sess in the country, of whatever nature
they may be, & the said property shall not
be deprived of its privileges, rights, honors
and exemptions. "Granted."

35. If the prebendaries, priests, mission-
aries, the priests of the foreign missions
and of St. Sulpice, also the Jesuits and
the Recollets, desire to go to France, the
passage shall be given to them in His
Britannic Majesty's vessels, and all & every
one of them shall be at liberty to sell the
whole or a part of the moveable and im-
moveable property they possess in the
Colony either to French or English peo-
ple, without being prevented by the Eng-
lish Government in any way whatever.
They may take with them or send to
France the produce of whatever nature it
may be, of said property sold, on paying
the freight as mentioned in the 26th arti-
cle, and those among the priests who shall
wish to leave this year, shall be fed dur-
ing the passage at His Britannic Majesty's
expense and may take with them their
baggage. Answer.—"They shall be at
liberty to dispose of their property and to
take to France the produce of it together
with their own persons and all that may
appertain to them."

36. If by the treaty of Peace, Canada
remains in the possession of His Britannic
Majesty, all the French or Acadian Mer-
chants and other persons who shall wish
to pass to France, shall be allowed to do
so by the English General, who shall see
them provided with their passage; and
nevertheless, if from this day to the time it
shall be decided, there should be any
French or Acadian traders or other per-
sons who should desire to pass to France,
the English General shall also allow
them the same privilege; they all and
every one of them may take with them
their families, servants and baggage.
"Granted"

37. The Seigniors of land, the milita-
ry officers, the officers of Justice, the Can-
adians of the cities and of the country
places, the French settled as traders in the
whole extent of the Colony of Canada,
and all other persons whomsoever, shall
keep peaceful possession of their seignories
or socage lands, and also their move-
ables and immoveables, merchandize, furs
and other goods, also of their ships of sea;
these properties shall not be molested
under any pretence whatsoever. The
proprietors shall be at liberty to keep, sell,
or rent them either to French or English
people, to take the produce of them in let-
ters of exchange, furs, cash or such other
equivalent as they shall think proper, and
to pass to France, on paying the freight,
as specified in the 26th article; they shall
also keep the furs that are yet within
the commercial ports, with the Indians,
which belong to them or which may now
be on their way to Montreal; and to that
effect they shall be allowed to send this or
next year, armed canoes for such furs as
may have been left in the ports. Answer,
"Granted, as by the 26th article."

38. All those who have left Acadia and
who are in Canada, and on the frontier of
Canada towards Acadia, shall be treated
the same as the Canadians and shall en-
joy the same privileges. Answer.—"It
belongs to the King to dispose of his old
subjects, in the meantime they shall enjoy
the same privileges as the Canadians."

39. No Canadian, Acadian nor French-
man, of those who are now in Canada
and on the frontiers of the Colony towards

Acadia, Detroit, Michilimackinac and other
places and ports of the Upper Country,
nor the soldiers, married or single, who
shall remain in Canada, shall be trans-
ported nor transmigrated to the English
Colonies or to England, they shall not be
molested for having taken up arms. An-
swer.—"Granted except as to the Acadi-
ans."

40. The Indians who are the allies of his
Most Christian Majesty shall be maintain-
ed in the possession of the lands which
they now inhabit, if they wish to remain
on them; they shall be troubled under no
pretence whatever, for having taken up
arms for His Most Christian Majesty; they
shall have as well as the French, liberty of
religion, and shall be allowed their Mis-
sionaries; it shall be allowed to the presen
Vicars General and to the Bishop when
the Episcopal chair shall be filled, to send
to them new Missionaries, when they shall
think it necessary. Answer.—"Granted,
except the last article which has already
been referred to."

41. The French, Canadians and Aca-
dians who shall remain in the Colony, of
whatever state or condition they may be,
will not and shall not be forced to take up
arms against His Most Christian Majesty
or his allies, directly or indirectly on any
occasion whatever; the English Govern-
ment shall exact from them strict neutrali-
ty only. Answer.—"They become the
King's subjects."

42. The French and Canadians shall
continue to be governed according to the
"Coutume de Paris" and the laws and
usages established in this country; and
they shall not be subjected to other
taxes than those which were established
under French dominion. "Answered by the
preceding articles, and particularly by the
last."

43. The Government papers shall ex-
clusively remain the property of the Mar-
quis De Vaudreuil, and shall be taken to
France with him; these papers shall not
be visited under any pretence whatever.
Answer.—"Granted, with the condition
already made."

44. All the papers of the Intendant, of
the office of comptroller of the Navy, of the
old and new treasurers, of the King's stores,
of the office of the Domain and Forges of
St. Maurice, shall remain in the possession
of Monsieur Bigot the Intendant, and they
shall be taken to France in the same ves-
sel in which he shall sail; these papers
shall not be visited. Answer.—"The
same with this article."

45. The Registers and other papers of
the Superior-Council of Quebec, of the
Provostship and Admiralty of the same
city, those of the Royal Jurisdictions of
Three Rivers and Montreal, those of Seign-
iorial Jurisdictions of the Colony, the
records of the Acts of the cities and of the
country places, and generally all acts and
papers which may help to ascertain the
state and fortune of the Colonists, shall re-
main in the Colony in the different offices
of the jurisdiction to which they belong.
"Granted."

46. The people and traders shall enjoy
the same commercial privileges with the
same favors and conditions granted to His
Britannic Majesty's subjects as well in the
Upper Country as in the interior of the
Colony. "Granted."

47. Negroes and mulattoes of both sexes
shall remain as slaves in the possession of
the French and Canadians to whom they
belong; they shall be at liberty to keep
them in their employment in the Colony
or to sell them, and they may also continue
to bring them up in the Roman Church.
"Granted, except those who were made
prisoners."

48. It shall be allowed to the Marquis
De Vaudreuil, to the General and Superior
officers of the land troops, to the Govern-
ors, to the Staff of the different places of
the Colony, to the military officers and to
those of Justice, and to all other persons
who shall leave the Colony or who are al-
ready absent, to name and substitute peo-
ple to act for them in their names, in the
management of their properties, moveable
and immoveable, until peace be made;