

Criminal Court.

6 Sept 1813 to 10 Sept 1813.

Monday 6th Sept. 1813.

The King
vs
Jas. Hetherington
Jas McDonald

On trial of Indictment for stealing above 40s from
a dwelling house.

Laurence Burns, Soldier in 103^d Regt. 10th P^o who are Soldiers in same
Regt. last sum^r quart^r at Chamblay - W^h had a small house at
Chamblay in q^h he & his wife slept - it was made up of turf on the
outside and boards in the inside, it had a window & door q^h locked.
On the 8th July last he locked up the house and gave the key to his wife
who went out also - he went to the Camp and did not return that night
He returned next morn^g about 6 O'clock, he found the door wide open
and the things in the house a good deal tossed about, and he missed several
things q^h had been taken - the box in q^h they were out^d was opened -
The P^o were quart^r about a gun shot from house of W^h in camp
That next day he saw some of the articles in the hands of the Sergeant
Major - speaks to some of the articles now produced as belonging to him
x^o.

Is positive that he locked the door of his house on the even^g of the
8th July last when he left it -

William Baker, Serjt. Light Co of 103^d. - 10th P^o who were encamped at Chamblay
last sum^r. About 1 or 2 in the afternoon q^l July last saw P^o coming a
field and Hetherington wth a bundle under his arm, q^l created suspicion
that there was someth^g wrong - he was then about 200 y^d from them - he
went up to them, & when wth in 3 y^d - saw they were both on the ground and
the bundle opened out between them - Hetherington upon W^h coming up
ran away, M^r Donnell remained, picked up the things in the bundle
and walked on about 10 y^d - when he threw away the bundle and
then stood still, the W^h came up, picked up the bundle while he
was

was ex^d. it, M^donnell went away - there was a ^{red} spotted gown -
a new black petticoat - a white d^c a small child's frock and other
small articles of q^h. the W. did not take particular notice - he deliv^d.
the articles he so found to Sij^t. Major Willard

x

Knew house where L. Burns lived, it was made of sod and wood
with a door and window to it - it was a secure dwelling -

John Burd. Soldier in the 103^d. Reg^t. No. 8² accompanied Sij^t. Baker last
Sunn. when he follow^d. the P^r into a field about a mile from
the Camp - when they came up wth them they were ex^d. the bundle -
Hetherington run off - M^d - packed up the bundle & went on with
it a few y^d - when he threw it away - W. took it up. & found
several articles of woman's dress in it. -

x

Does not recollect that he s^d. the articles belonged to a girl, or that he
w^d. deliver them to a girl -

Francis Willard. Sij^t. Major 103^d. Reg^t. - No. 8² were quart^d. at Chambly last
Sunn. That on 9 July last Sij^t. Baker & In^o. Bird bro^t. a bundle
wth. several articles, to W. q^h. are same now produced, & q^h. he kept
in his poss. till he deliv^d. into the police office - Has^d. heard that
Burn's house had been broke open, the W. sent & had s^d. taken
up - upon search^s. Hetherington he found a cotton Thaval such
as that now produced, in his pocket, wth. some pieces of money &
some coppers q^h. he took from him & deliv^d. to the police office -

x

That one Grahame, a Soldier in s^d. Reg^t. was confined at same
time that P^r. were confined - s^d. Grahame told W. that he knew

or

or was concerned in the business of taking the things from the house of Burns, and wished to be turned over to law to be prosecuted along wth the pris^r. for it - That Graham was liberated the same or next day that he might be a wit^{ness} wth the pris^r.

John Farver - clk in the police office - says, that the last W^h deliv^{ed} into the Police office the whole of the articles now produced, q^d W. has had in his poss. ever since. -

Ann Burn, wife of Law^{er} Burn - was at Chambly in July last, and lived in a house they had there - the house was broke open some time in that month - Knows the articles now produced and thereon, to be her property - and were in her house the day before robbery locked up in her box ~~with the key~~ of q^d was in her possession - That the evs. of the robbery she locked the door took the key along wth her about 8 o'clock in the evens -

X

About 1 o'clock of day prior to rob^y. she had occasion to go to her trunk and saw her things in it -

Defence.

John Plackett. ks. s^o ^{or about} On the 14th July last the Supt. ^{of the Guard} had occ. to go to the Guardroom of the Regt. at Chambly, & Mr. & Tho. Naullty was wth him - there was a one Jas. Graham then under confinement. there ~~was~~ susp^{icion} of stealing a pair of shoes - Supt. Major went there, Graham s^{aid} to Supt. Major - that he wanted to speak wth him, & on Supt. say^{ing} what is it Grak. s^{aid} I am the man who broke open Burn's house and took out the things - Supt. M^{ajor} asked him if there was any one else along wth him, he s^{aid} not - so much the better - Supt. Major went out & returned about 10 minutes after - wth Burns, and Graham ^{1 one of Guard} went out along wth them in search of the things

and

and returned 8 or 10 minutes after w^t the things, being ⁱⁿ a bundle
this was about 10 o'clock in the morn^g - That Grahame was
liberated next day by the Colonel of the Reg^t - Kn^o. P^{rs} and never
heard any thing of their character -

Tho^s McNulty. Sold. 103. was on guard in charge of P^{rs} on 14 July last
the Supt. Major came to the Guard tent that day - Grahame was
then a P^r and W^r heard him say to Supt. Major that he wanted
to speak to him, & told him, that he, Grahame, had been in Corp^t
Burn's house and took the things out, and told where the things
were hid in the bush - said also that he was the only person
concerned in the business - Supt. Major went out and returned
soon after w^t Supt. Burns - Grahame & Burns & another soldier
then went out into the bush & returned shortly after w^t a bundle
which W^r understood w^o the things in question - this was between
9 & 11 o'clock -

x^o

When the conversation took place between Grahame & Willard, the
P^{rs} were in the Guard tent - that this might be 2 or 3 days
after the robbery at Burn's. -

James Callan sold. in 103. 10 P^r for 18 m^o joined Reg^t w^t W^r know^o them to
regular, steady honest men -

Rolland. Has lived many years in Canada, knows Chambly, but no
parish of Chambly - the parish is generally called St Joseph
de Chambly, & sometimes Chambly. -

In Ph. Leprohon. Native of Canada - Now place commonly called Chambly - the name of the parish is St Joseph - but commonly it is called - Chambly -

For Prosecution

James Grahame - No. McNaulty & Plakett of 103rd Regt - was in the Guard-room in July last. at time heard article, had been stolen from house of Burns he expressed a desire to see Col. to tell him what he knew respects some stolen article - the article had been hid away by plakett in the bush in the presence of the Mr and consists of some Calicoes & three shirts - That Mr. had been confined for offering for sale a pair of shoes which he had got from Plakett - That

Francis Willard No. that Grahame was in confinement on 10th July last, the Mr. went to warn him for his trial by Court Martial, when he requested to speak wth Colonel, saying he had some knowledge of the things which had been stolen at Burns - and could tell where some of them was concealed that a sergeant of Guard, Burns & Grahame went in consequence in search of the articles & somethings were found - but these articles were different from what were found with the P^s

It was objected that the place of the offence was laid to be at the parish of Chambly, whereas there was no such parish within the district - C^t considered the place to be commonly called, the parish of Chambly thot. it sufficient -

The King
Benjⁿ Clement

On trial of Indictment for stealing a Cow

Joseph Leduc, S^r Law. sub. in Aug^t last he lost a black Cow, hav^g her horns painted red, & bored wth a gimlet - The Cow was going to pasture & was stolen - The Cow not return^d as usual the W^o. went in search of her, they had information that she was sold to one Bellisle of S^t Jacques, he went there & found his cow - she is worth 20 dollars -

Louis Dufresne, lives in Queb. Sub. W. P^r - that on 11 & 12 Aug^t last, the P^r - the P^r passed in the street wth a black Cow & red horns, one L^d. Chaput now of Vercheres was about buying the Cow for Six dollars - but there being some doubt suggested about the Cow hav^g been stolen, he declined purchasing it - and there was a question about detaining the Cow - the P^r got in a violent passion, swore & threatened them if they did not deliver up the Cow - which they did - he then went along wth a man from the Country who seemed disposed to purchase the Cow - and W^o. understood that the P^r sold the Cow to some man for 4 dollars -

D^r. Loedel. He passed the street in Queb. Sub. when P^r was making a great noise, swearing, & crying, because they were going to detain a Cow w^h he had offered for sale upon a presumption that she was stolen - she was a black Cow -

Th. McCord Magistrate in Montreal - swears to ex^t. of P^r taken before him -
cont^s the confession of P^r -

Says, that the P^r seemed intelligent, was at first a little frightened but afterwards declared freely what is ment^d in his exⁿ. but seemed to be under an impression that after making his declaration he would be set at liberty -

Defence.

Jacob Marston. That when P^r was sent wth W^{ts} to look for the person who had given the Cow in question to him to be sold - he used no threats nor inducement to make him confess his crime -

Louis Dufresne - same testimony -

Josette Clement - mother of P^r - he will be 15 years next spring - that for some years past she has perceived that he was of weak mind would give a thing of great value for almost nothing - would do an act of extravagance without consideration -

Ant. Clement. brother of P^r - has obser^d that in many instances he is of a weak mind - that for a few coppers he will do any extravagant act without knowing the extent of it - will leave his work & go to play - he sold a shawl for his mother for 1/3 & eat it, when he had orders to sell it for 3/9 -

Verdict, ~~Not~~ Guilty. - Recommended to mercy from his youth. -

The King }
v^r
Jⁿ B^t Raimond }
Jⁿ B^t Clement }

On trial of Indictment for G. Larceny.

Margaret Chaille, wife of Jos. Boccage - In July last she was a hired servant in house of Mr. ^{Fred^r} Fraser ^{& Jas. Stevenson} of Montreal - she had a trunk in the s^r house - she perceiv^d that the trunk had been broke open - she hav^d in the morn^g of same day locked her trunk as she was going out. That same day her trunk was broke open and some articles taken out of it - That the Pris^r were taken up on suspicion

suspicion, Raimond, s^d that he had assisted in opening the trunk, but that Clement stole her money which consisted of 3 dollars & two pieces of 30 Sols - the other P^r Clement was present and seemed to admit the fact - she had a Shawl stolen at same time, but could not find it, as they denied never seen it. -

Alexand^r. McDonell. In July last lived in house of Fraser & Stevenson of Montreal. - The W^r employed them ^{or another boy} to carry Snythes up to the garret in bundles of a dozen - he p^d them 15 Sols - soon after they were gone Mr Fraser came in and s^d the boys had broke open the trunk of the first W^r & stolen three dollars & a half - They were taken up soon after the same day, and upon being questioned, they 2 P^rs threw the blame upon the other who had run off

Fredk. Fraser, knows Mad^e. Boccage who lived at house of W^r some weeks before the felony in question - Has 'a ken. of P^rs has been employed to carry Snythes up to garret by Mr McDonell, & that the trunk of Mad^e Boccage was broke open - upon being told he run after the P^rs & bro^d them into the house - they said they had not done it - a dollar was picked up at time which they said had been given to them by the other, who took the money. -

Verdict: Not Guilty.

Tuesday 7th Sept. 1813.

The King
v
Jos. Beneche

Information
On trial of Indictment for an assault upon a militia
Officer in the execution of his duty.

James Whitford, lives at St. Therese, is a Lt. in the militia - W. D^t.
who lives there also. In Nov: last the militia men in that q^r. had
orders to proceed to Lacbrie - W^r. had one Jours^t. Beneche son of D^t. under
his command as a militia man. - He saw D^t. in the ranks among
the men - he had marched about 2 miles to the River side when he
at observed D^t. W^r. told ~~him~~^{his son} to go home and he would take his
place, and mentioned this to the W^r. who said he could not accept of
him and that he must apply to the major - D^t. s^d. that his son
should go home, and if W^r. w^d. not accept of D^t. in his place, he
w^d. go wth him. -

It appearing that there was no further testimony to prove
the assault, the Defend^t. was acquitted, without proceeding
further on the trial. -

The King
Am. Legault

On trial of Indictment for Perjury. -

Isaac Ogden. Is one of Judges of N. B. and presided
in the Inf. Court last March. has no other recollect. of the Cause
then before him than what he finds in the Req^r. of that Court
of the 18th March last - by q^r. it appears that D^t. was examined
upon oath upon an action instituted by him ag^t. one Mailloux
for a note of hand - Mailloux pleaded pay^t. and submitted matter
to the oath of Legault - Legault swore that he had not received

a copper from him since the passing of the note, — that he had not received 16 dollars on account, ~~new dollars~~ by the servant of him the S^r. Legault ^{not six dollars p^t to himself} — whereupon the W^o gave Just^r. of Mailloux for the sum demanded —

Alex^r. Reid. Is one of the Proth. of the Court of J^r. B. on the 18th Mar. last the Def^t. was sworn by W^o and upon his oath declared that he had not received ~~any money~~ ^{copper} from Mailloux since the making of his note — nor did he receive six teen dollars from Mailloux by the Servant of him the S^r. Legault — Mailloux made an incidental demand for work done as a notary — which S^r Legault said he had paid. —

Joseph Mailloux. W^o Am. Legault. he bo^t. peace of him in 1811, for pay^t. of q^t. he gave his note dated 28 Mar. 1812. In ^{April} ~~Sept.~~ after, he sent by one Perilland, who S^r. he was the engage of ^{Legault} ~~Mailloux~~, a sum of 16 dollars — he had no other transactions wth Legault but for these peace — In June or July after the S^r. Legault came to house of W^o & he p^d. him 6 dollars on acc^t., and at same time told him that he then owed him only 10 dollars, q^t. Legault admitt^d. q^t. made W^o presume he had received the 16 dollars sent by Perilland — that Mad^r. Mailloux was present when he p^d. the six dollars — That some time after the bailiff Gordien Bonasse sum^d. W^o on part of J^r. to settle balance of his note, W^o S^r. that Def^t. then owed him, & that he Def^t. ought to come & settle wth him — Upon this W^o rec^d. a sum^e for the whole amount of the note, but not having any proof of the pay^t. he made thereon he submitted the matter to oath of Def^t. — he was sworn by Alex^r. Reid the Proth. upon his oath declared, that he had not received a copper on acc^t. of the note from W^o. and that when he employed W^o as a notary he paid him —

Never had any other transactions wth D^o except in regard of the pease in question - thinks it was 30 bushels for q^{ty} he gave his note - he had agreed for more, but has rec^d only 30, he gave his note for that quantity - thinks he received no more than 30 bushels, as he gave his note for that quantity - That the money he p^d on out. as well the 16 as the 6 dollars were in silver - the work done by W^o for D^o was for draws up a statem^t. of facts q^{ty} took place at Lachine in July 1812. for which no price was agreed upon - but it was never agreed that this should pass as a compensation for delay of pay^t. of his note for the pease. the 16 & 6 dollars had been p^d. at this time. - That he believes D^o passes as an honest man in his parish.

André Perillard w^o D^o. he was a servant wth him from beg. of Lent to 3 months after - that D^o one day told him to go to M^r. Mailloux's & see if he will send me some money - that he in consequence went to M^r. M^{'s} and asked him for money, and received 16 dollars from him - that Capt^t Pairement was present when Mailloux p^d. him the money - that he deliv^d. the money to the wife of Legault - as he was not at home at the time - does not recollect that he ment^d. this to the D^o. Legault -

X

That M^r. Mailloux last March called upon W^o to give his evidence for him respect^s the pay^t. of the 16 dollars in the Court ^{at Ch. of Police} of ~~the~~ last March - That a man of the name of Jac. Beauchamps was called on at the same time but did not appear.

Joseph Pairement, w^o D^o. - He also last Writ^o Perillard - was at M^r. Mailloux's when Perillard came there for money in March 1812, but cannot recollect exactly the time - M^r. Mailloux gave the young man 16 Sp. Dollars, saying it was on account of what he owed to M^r. Legault -

It is about the end of March 1812 that he saw the money paid - thinks it was after the 18th - That Defd. is considered as an honest man, and is one of the Church wardens of the parish -

Marie Loe King was present at Mr. Mailloux's when the young man Perillard came for money for Defd. that it was between 15. & 20th April - she saw the money counted - That the note was made on 28 March 1812 being Samedi Saint, - this was ment^d. to her by M^{rs}. Raimond who was then in the house. -

Marie Anne Gueditte, wife of Mailloux - Was present in the month of June or July, she was present when her husband Jos. Mailloux p^d. Defd. Six Spanish dollars for pease of her husband had bought - That Mailloux s^d. there's Legault come for money & I wish to give him some - took 6 doll^s. & gave ~~them~~, when Legault acknowledged that her husband owed her a balance only of 10 dollars -

Alexis Berthelot, W^o. Mailloux. & Defd. has seen in the hands of Defd. a note made by Mailloux - Defd. asked W^o. if he w^d. purchase the note - said he w^d. give the note for 20 or 25 dollars half in money & half in goods -

Amable Perillard - That on 28 March 1812, Samedi Saint, he saw a note of Mailloux's in the hands of Defd. - That Defd. told W^o. that he had rec^d. 16 doll^s. on act. of that note - this was after he had seen the s^d. note in Defd. hands, on Samedi Saint. thinks it might be a month after - this was at the house of Defd. - who told him also that it was Andre' Perillard who had bro^t. the money. -

Eustache Massou. No. Legault & Mailloux. — In Jan^y. or Febr^y. last he was employed by D^f. to take out a Sum^o out. Mailloux — he gave the note to W^r. and the note was due in full except some work of Mailloux had done for him — D^f. s^d. he had rec^d. 15 dol^s from M^r. Mailloux prior to the date of the note, for pease of^t he had sold him. —

x^o

Speaks to his character — and as a man of easy circumstances

Deference

Guill^m. Mallet No. Legault & Mailloux. That D^f. told W^r. that Mailloux had given him a note for the Pease he had sold him. — Gives a good character to D^f. a man in easy circumstances, one of the Church wardens of the parish — and not likely to forswear himself. —

Joseph Vallois. No. D^f. — gives him ch^r. of an honest man — & not likely to take a false oath for any consideration. —

Charles Valois — same evidence. —

Fran^o Vallée — St Anne — Same evidence —

Verdict: Guilty. —

Recommended on acc^t. of his
good character.

The King
or
Paul Dufresne }
}

On trial of Indictment for Gr. Larceny. —

Marie Angélique Solequin wife of Jos. Sunot, on the 31 May last she sheared her sheep and put the wool in the barn — The next day she went to look for her wool & found it had been taken away — there was the wool of sixteen sheep, 15 of wh^o were taken. they w^o weigh at least 2 pounds each. — The wool now shewn she believes to be hers & particularly from the wool of one of them being of bluish colour. —

Joseph Junot lives in parish of Repentigny - on 31 May last a bridle & pair of reins were stolen from H^c with the wool of 15 Sheep - upon the information he received he went to the house of the P^r & found the bridle & reins in the chest of the P^r under the wool - he values the wool at 1/3 £ pounds & thinks there were about 25 pounds of it - & bridle & reins he values at 10s. -

Fran. Junot. he borrowed a bridle & pair of reins from his brother Jos. Junot some time about the beg. of summer - he used it for a few hours when it was sent for and could not be found. -

Jos. Baril J. Namur. 1^o P^r who lives at St Henry of Mascouche - H^c Junot's wife - In June last he had a search warrant by P^r to search for 25 £ wool a bridle & pair of reins & Calash cushion - He went there, but P^r was not at home - the wife of P^r being informed of the cause of their going to the house and having demanded permission to search, the wife of P^r said I will shew you all the articles which my husband has taken - and opening a trunk shewed a quantity of wool a bridle & pair of reins, which Jos. Junot who accompanied him, claimed as his property -

Verdict. Guilty of Petty Larceny. -

Wednesday 8th Sept: 1813.

The King
Ann Fitzgibbon }

On trial of Indictment for Grand Larceny. —

Jacob Marston. W. P. since 29th July last. when he was sent for to the Police Office to take charge of ~~her~~, and with a search warrant went wth her to her house to look for sundry articles which had been stolen from Mr Ferns. She unlocked a trunk and s^d. she w^d. show all the articles the W. was in search of and produced to ^{him} the articles he now shews, of^h he has kept in his possession ever since — The P. said she had found ^{2 or 3 weeks before} the s^d. articles tied up in a bundle on the outside of the Quebec Gate — There was also a miniature picture of^h he found among the other things which he delivered to Mr. McGord. There was a ring which the P. told Mary Gaudy acknowledged to have sold. —

Jane Ferns, is wife of Thomas Ferns — lived last July in Queb. Sub. and being shewn the diff^t. articles produced by the last W. swears to some of them positively and to her belief as to ^{all} others — which she said were in her house in the beginning of July last in a small red morocco box locked into another larger box, which was carried away, she kept the key which fits the lock now produced, as one of the articles found in the poss. of the P. — She had the box on the 4th July, and on that day week she could not find it —

Does not recollect to have purchased any of the s^d. articles, but bro^t whole of them from England or Ireland — recollects to have purch^d. only two rings, the cut glass ring & enamel ring, as guards for other rings and made the purse — the other articles were given to her — She may have seen similar articles — When she arriv^d. in Montreal, she had a ser^vt. a soldier in the 100th who rem^d. a short time after.

after discovers, the loss of the ⁵ articles - he was frequently in liquor before this time, & she parted wth him in consequence - he was sent to join his Regt. at Aux Voix - heard he was afterwards absent from the Regt. but does not know that he deserted - That prior to the loss of these articles she usually employed the wife of one of the Dragoons as a sempstress in the house - Cannot say that she suspected her in particular of having stolen the articles - she went to an off^r of the Dragoons her loss & that she did not suspect her own sempst - she in consequence had the quarters of the woman searched but found nothing to lead to any suspicion - Does not know the P^r and never saw her till she was pointed out to her after she was arrested - The W^r caused a public notice to be given of the loss of the articles, and also to be inserted in the Gazette - There were besides the articles above shewn & spoken to, several other articles in the box in w^{ch} the Morocco box was contained - There were 3 other servants in the house besides the sempstress -

James A. Dwight the P^r by sight, since the 22^d or 23^d July last - he keeps a Sewell's shop - she came there to offer him rings to sell - she offered first a pearl hoop finger ring - w^{ch} he bought - & gave her 18/- w^{ch} he considered to be worth a little more - 2 days after he purchased another from her for 12/- he sold the ring he first purchased for 30/- wth some additional work to it - The first time the P^r came, she was in company wth a Mr Goudie - s^o she had a ~~similar~~ ring for sale, which she had bought in England for 30/- for it - The W^r had before this time rec^d a description from Mr & Mrs Ferris of the rings she had lost, but had no suspicion of the P^r as his workman, Auclair, s^o he knew the P^r to be an honest woman - when P^r returned wth the 2^d ring, she s^o she had found

found it in the yard - at the same time she offered ^{the} ~~another~~ hoop ring, she offered a rich topaz ring set round with rubies - she asked 30/- for it, but seemed not to know the value of it - W^r thinks that it w^d have been cheap at £5. - this led him to suspect that this ring was part of Mrs Fern's - & he asked P^r to leave the ring that he might ascertain the value of it, but she would not - he showed the topaz ring to some people in the Shop & expressed his suspicions to them, but they could not advise what was proper to be done - The ring now produced he believes to be the same as that offered the 2^d time by the P^r for sale - from a particular mark on the side of the stone - The P^r also offered an ear ring for 9/- he considers to be same now shown - The ring the W^r bought from the P^r the 2^d time - Mrs Fern swears to be hers - from two of the pearls being out, which happened the first week after she got it, & she has had it four years - proved value of articles laid in the Indictment. -

X^o -

That Mr Goudy who accomp^d the P^r app^r interested in the sale of these articles the P^r produced

Defence

Louise Monjeau wife of Jous^t Brisset of Queb. Sub. - W^r P^r from her^s lived a month & 12 days when she was arrested - Her husb^d also lived at house of W^r he is one of the Artillery went to Up. Canada two or 3 days before P^r was arrested. - The P^r behaved well as far as W^r obser^d - she put her victuals in same cupboard w^t W^r & never observed anything amissing - W^r left her keys lying about so that P^r might have had access to them - She seldom went out - except to go to market - was never one hour absent at a time

x^d

Says, that the P^r shewed W^r several rings which she said she had got from her mother - recognizes some of the articles now shewn to be among those shewn by the P^r -

Joussaint Brisset, husb^d of last W^r W^r P^r & also knew her husb^d - they lived in house of W^r about a month & a half - her husb^d is an artill^y man & went to W^r Can. a few days before P^r was arrested - Gives P^r a good ch^r -

Jacob Marston - That the name of Mary Goudie was included in the search warrant g^d he rec^d -

Verdict. Guilty of Gr. Larceny. -

Recommended -

Thursday 9th Sept^r 1813.

The King }
v. }
Am: Legault }

On mo. in arrest of Judgt. -
cont. till to morrow

Friday 10th Sept^r 1813.

The King }
v. }
Am: Legault }

On mo. in arrest of Judgt.
Stead for Def^r

1. Indict. insuff^t not s^d that Count before g^d the oath was

administered, had suff. competence - or when it began or was held

Hawk. p. 27. ch. 25. Sec. 27.
31 - See 60.

Word "term" used in the Indict. not synon. w. "Court". - things may be done in term, which are not done in Court -

2. Does not appear that the plea of debt was cognizable before the Hon. J. Apple -

The amount of the debt - not stated - whether above £10 or not - Nature of action ought to be specified to show *luris dictio*.

3. Oath admin. illegally as a Wit^o in his own Cause -

Does not appear what kind of oath was administered to Aft^r whether on facts & art. w. Verment Quisom -

It w^o on contrary appear that party was a Wit^o in the usual course, and in his own Cause. - Nature of oath diff^r -

Hawk. p. 86. ch. 69. Sec 4

4. Because J. O. had no power or auth^y. to administer the oath as administered - Does not appear - that Judge had "then & there" had legal auth^y. to administer such oath -

5. Not shewn that the facts sworn to were false - ought to be stated that at the time of swearing, the Def^t had rec^d. the money -

The Att^r's Gen^l in reply -

The Court over-ruled the mo. in arrest of Judgment -

The following sentences were this day pronounced upon the different persons convicted during this Session

The

The King }
Jos: ^{vs} Dumas }
Ete ^{and} Dumas }

On conviction for Seditious words -
Sentence. 2 Years Imprisonment in Gaol
Fine of £10- each - Security for the
good behaviour for 7 Years -
Principals £100 - Securities £50- each

The King }
Jar. Hetherington }
Jar. McDonnell }

On conviction for steals from a dwell's house
to the amount of 19/-
12 Months confinement in the House of Corr:
to be there kept at hard labor. -

The King }
Paul Dupresne }

On conviction for Petty Larceny -
Whipt in public market -

The King }
Anne Fitzgibbon }

On conviction for Grand Larceny -
6 months confinement in House of Corr:

The King }
Am: Legault }

On conviction for Perjury. -
12 m. Imprisonment & Fine of £50. -

The King }
Ete Vaudry }

On conviction for Steals an Ox

The King }
Pr^{vs} Vict: Racicot }

On conviction for a Rape -

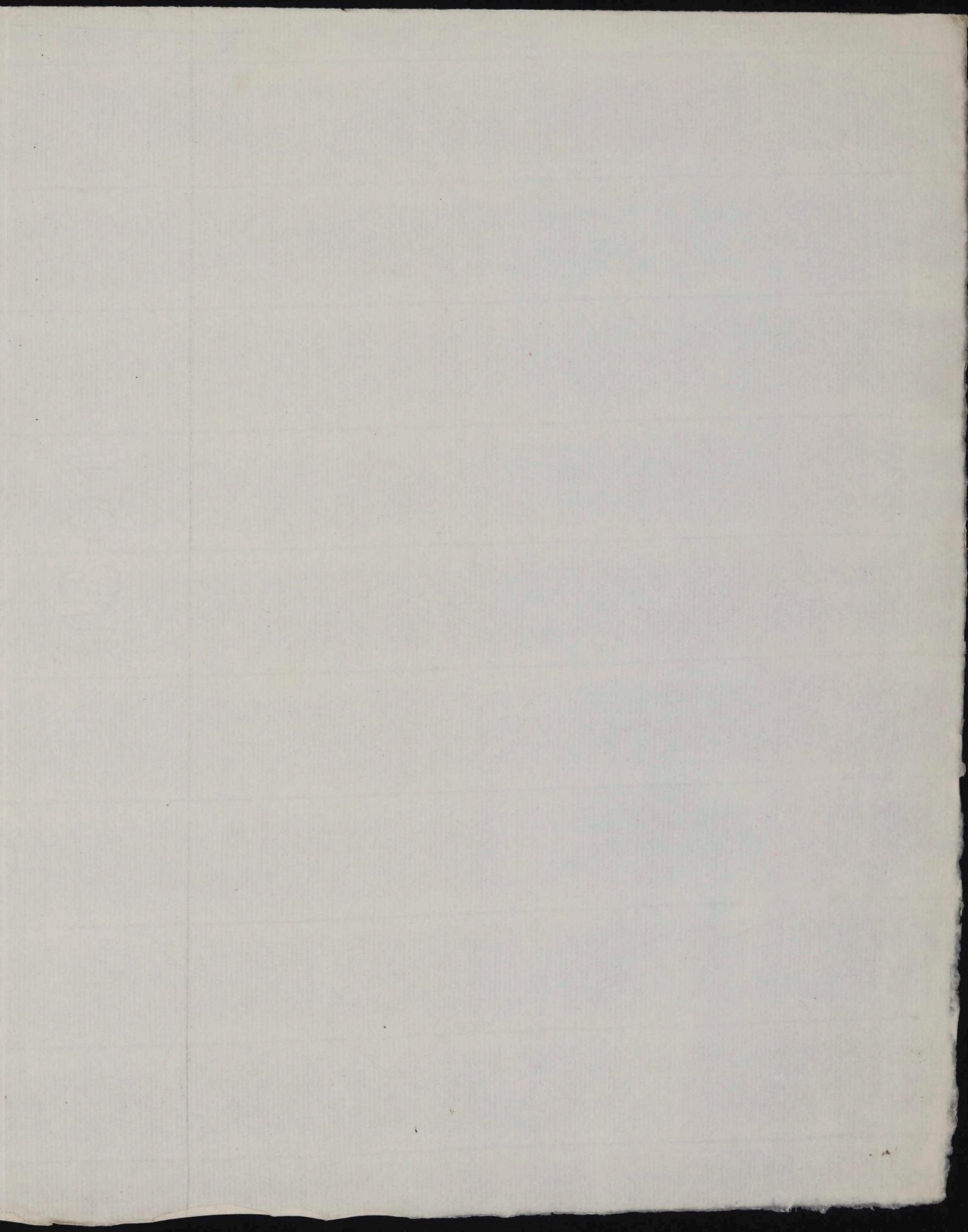
The King }
Jos: Montreuil }

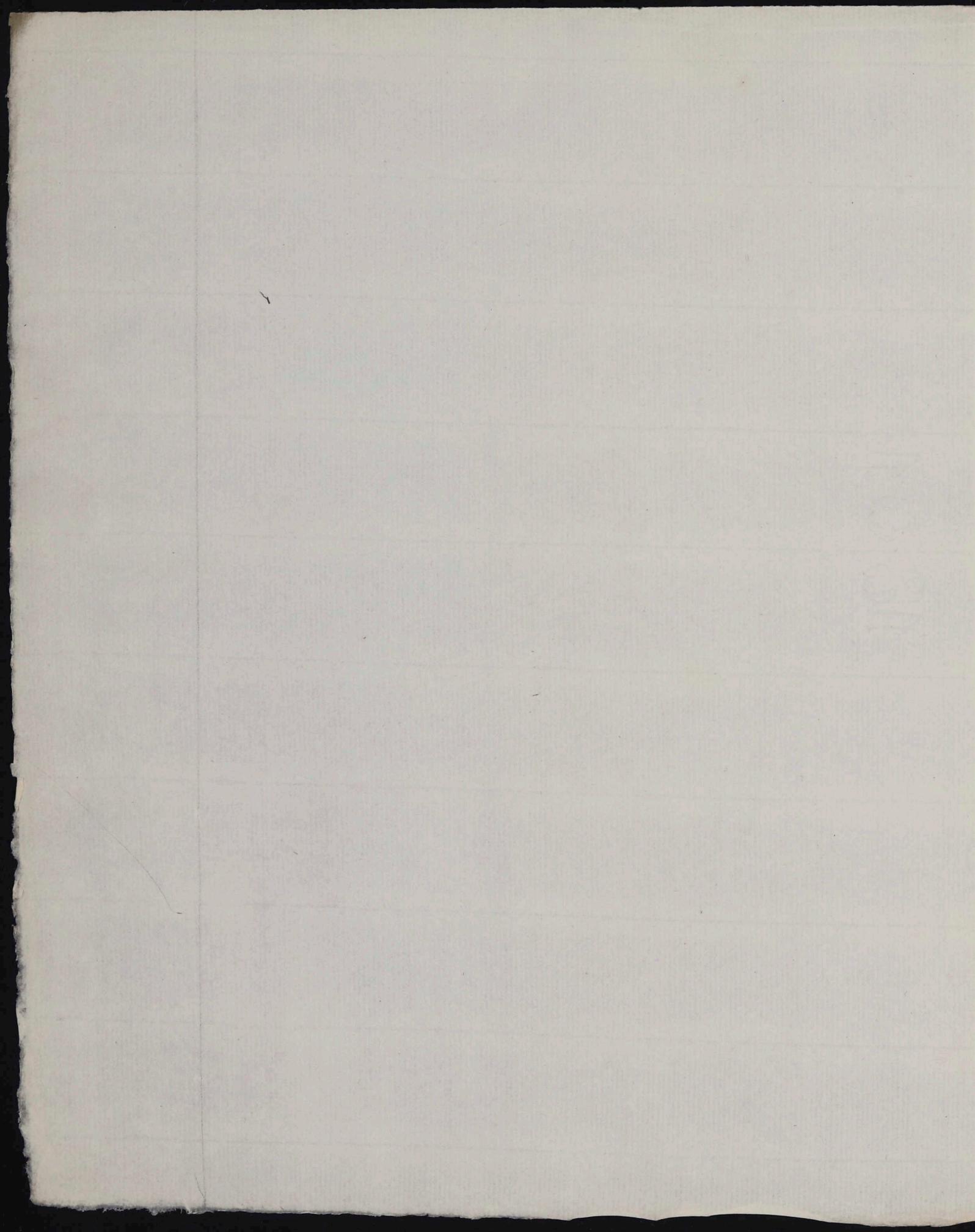
On conviction for horse Steals

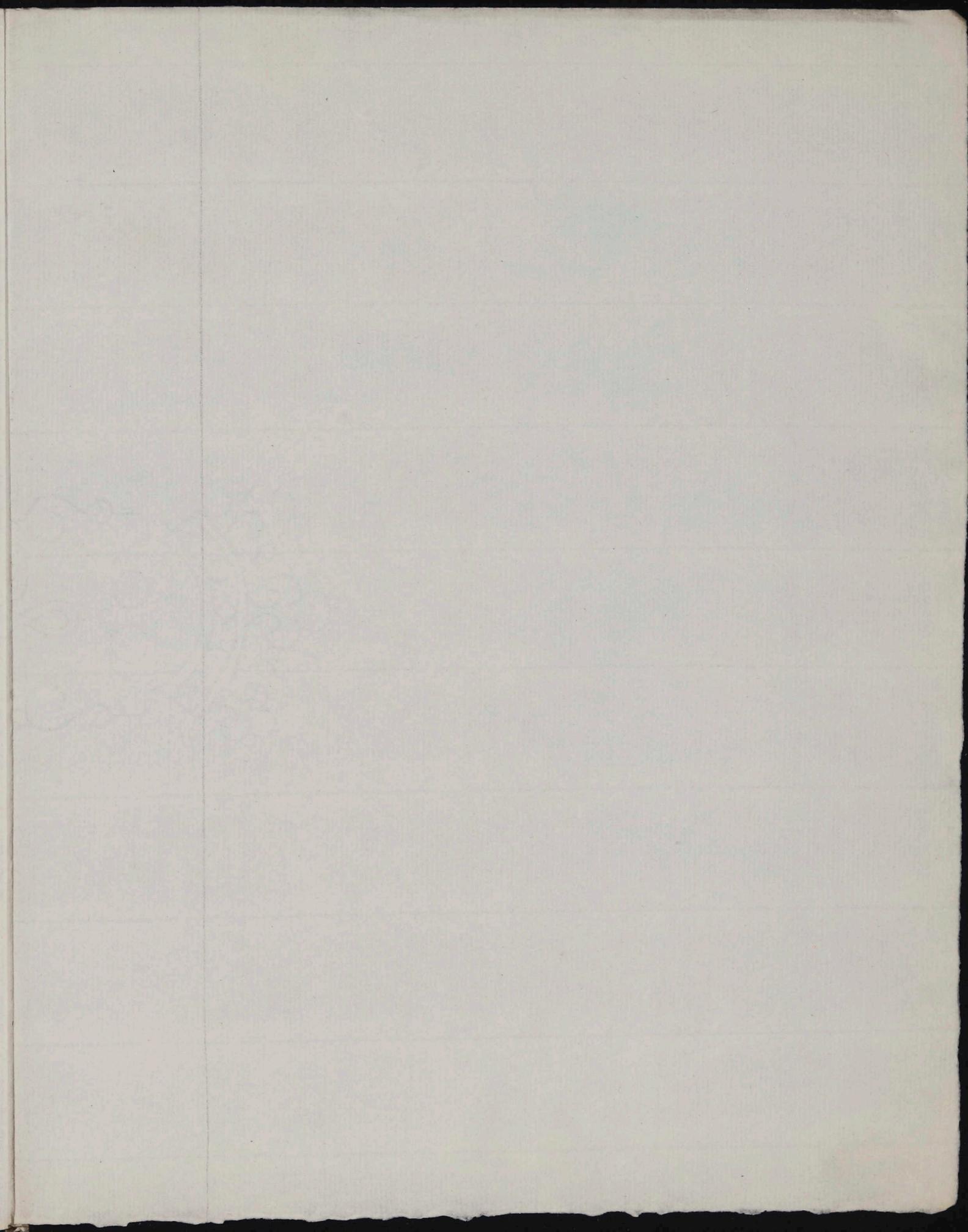
The King }
Benjⁿ: Clement }

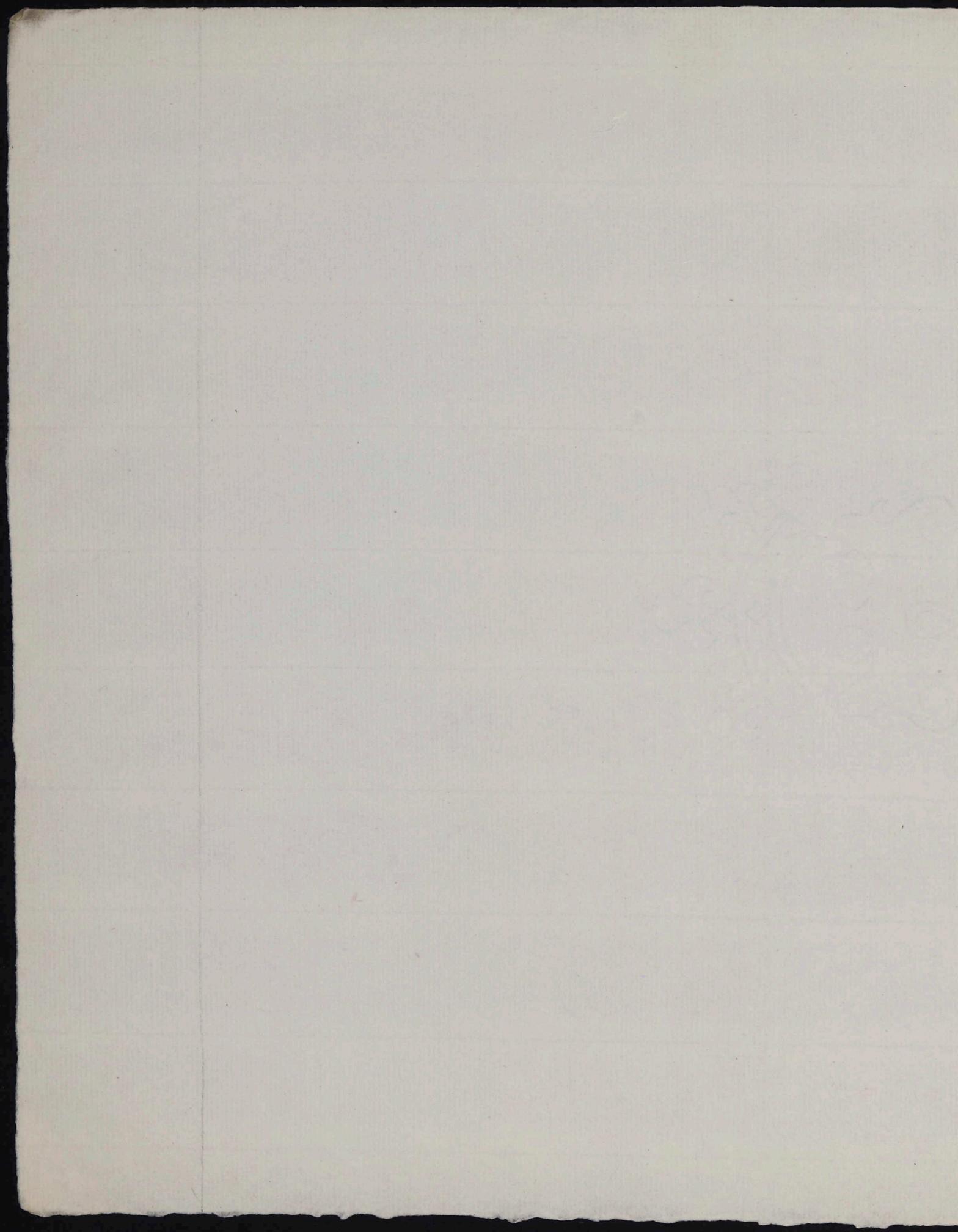
On conviction for Steals a Cow

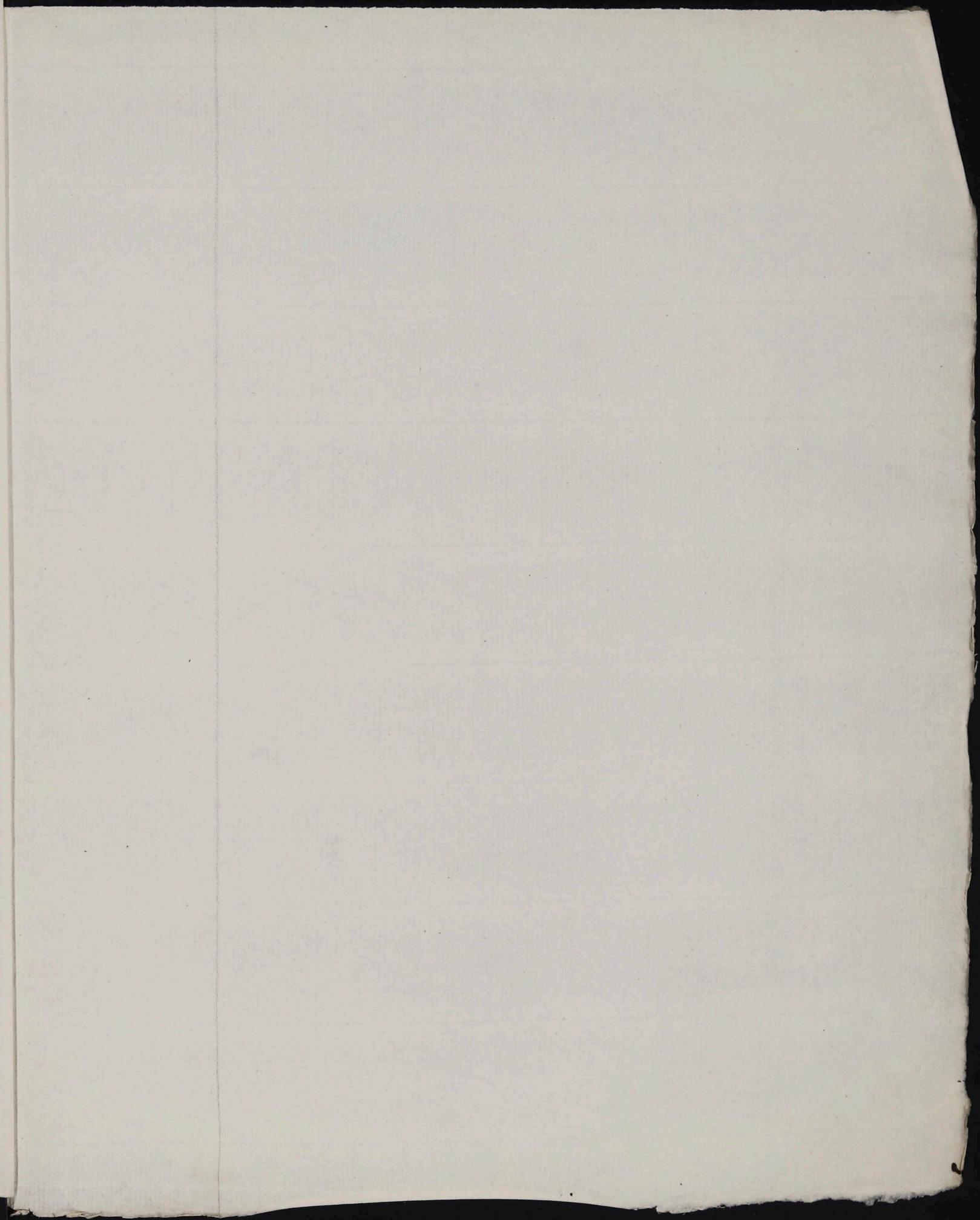
Death -

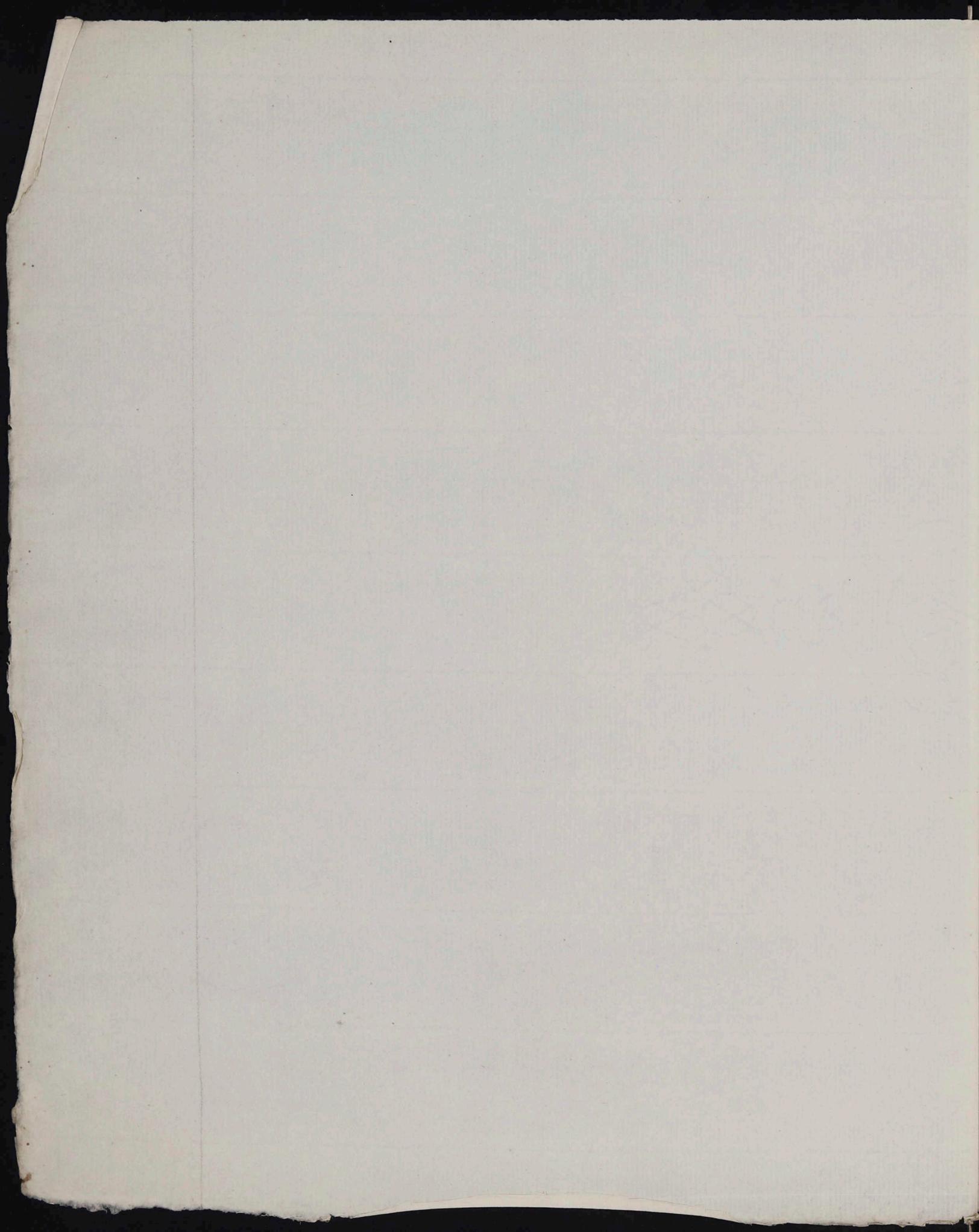


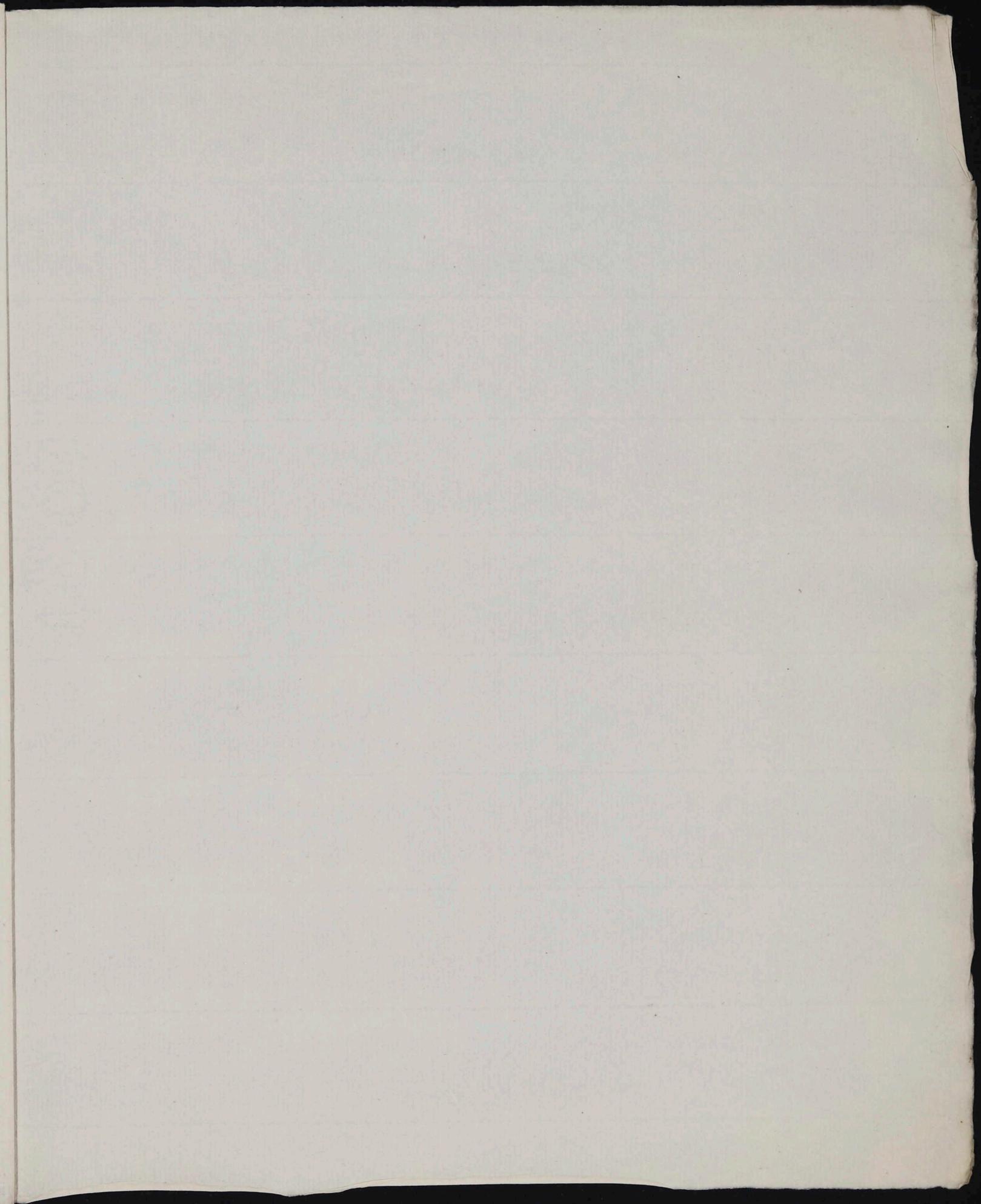












Green. Ct. 1 Sept 1875' an 9 Sept 1875'

September Sessions.

Friday 1st Sept^r 1815

Present

Ch. Just. Mowk

Justices, Ogden, Reid, & Toucher

The King
Ch^r. Chauncet }

On trial of Indictment for feloniously
~~burning~~ & maliciously killing Cattle.

Fran^{co}. Page, lives in Parish of St. Benoit lived at St. Rose in
1814, W^o. P^r who was then one of his neighbours - In Aug^r. last
the W^o. lost all his cattle - viz. ~~1 cow & 1 young do~~ on
~~man~~ - 2 large heaps - 4 cows - 1 red ox £15 - one black do £15 -
one cow £10 - one red do £10 - one do do £10 - one blk man £25 -
one pig £12. 10 - one do £2 - That ^{about a month} after he had lost the above
cattle, he went to L'assomp^{ti} & bot. a pi^{er} of ox. & on his way home
he met P^r who s^{aid} to him tu a arbeti curon des heups, mais tu
m labourera pas loutens ave, the W^o. ask^d. why so - the P^r said
he w^o. kill them as he had done ^{all the} ~~the~~ others - That some time aft^r,
when W^o. was in his barn, he saw P^r. come down into his field, &
saw him put a bundle ^{into the loft of} ~~between~~ his stable ~~door~~ & return, the
W^o. went ^{2 days after} to see what it was, & found a kind of spike attached

to a wooden handle, & another parcel - thinks that part
of our parcels with arsenic -

2

It has been reported to P^r in 22 years - one of his sons has married
one of W. Daughters - formerly was in habits of friendship wth
P^r - says he had occasion to find fault wth his wife in regard
of her conduct towards P^r in 2 years past - did not explain to my
knowledge of her conduct, nor to our Gab. Laballe - that since that
time he has not been in habits of intimacy wth P^r - that at
same time P^r lost his cattle his neighbor P^r Gravelle lost
a great many cattle in same way - Has no know. that cattle
died in that way in the parts of parish - that our Jacques
told him he had lost a Cow, & on his stating the nature of the death
the W. P. he had lost all his in same manner - Spoke wth our
Laurin on same subject - that when he passed P^r house wth the
oxen - it was in the ev^g. & next morn^g. he had the conversation
in regard of the oxen, in the presence of our P^r Gravelle

Aut^{re} Leclair. lives in St^e Rose - his P^r is also Fr. Page - That one
day last fall he heard Page's wth disputing - did not hear
what passed at first, but heard Page say to P^r he was not
like him to destroy Cattle - when P^r answered - yes, I have
destroyed your cattle, and I will ^{reviser} destroy as many as you
shall procure - Page then observed, as you are capable

to

to kill cattle, you may have set fire to Gravelle's barn
yes P. P. I did burn Gravelle's barn, and I will burn
yours also -

P

That Page & P. have not been friendly for upwards of a year
past -

Jos: Lacasse. W. P. & Fr. Page - are both his brothers in law - W. that Page
lost all his cattle in Aug. last year - states, proposal made
by P. to poison Page -

Gab. Charbonneau lives at St. Rose. W. P., ~~was~~^{was} in his service at St
Onichel last year & staid a month with him - That P. was
then neighbour of Fr. Page - his cattle were then dead - That
while he was in Charcut's service he told W. -

Frank Page, his - in Aug. 1814. he lived in his father's house, the first
W. that one evening, about 8 or 9 o'clock he saw P. ^{coming out of} the
Pigeon of his fr. & next day the hog wh. was in it died -
this was about the time the other cattle died -

Fr. Chalifoux. That last year as well after & as during the time Page
lost his cattle, he heard the P. say to Page, that he had killed
his cattle, & w^d. kill as many more as he should procure -
W. then lived at one Gravelle's, who was present at time

Pierre Gavelle of St Rou. 14: P^r - That some time about Tournant
being at his house distant about 3 arpents from where W^r
stood - heard P^r say to Page^r that he made his cattle die
W^r do so again to as many of them as he sh^d get,
and would kill him (Page^r) also - Recollects that
Chalifaux was present at one of these conversations -

x²

Is much^r in 10 years w^r P^r - but has not been
friendly w^r him for some time past - has raised
a prosecution ag^t him for burning his barn -

E^r Evidence for Crown closed -

Gabriel Labelle. W^r P^r & Frs. Page^r - That last year after
Page^r had lost some of his cattle, he came to house of W^r
to enquire for a person who had skill in the diseases of
cattle - that W^r had then lost 12 of his own cattle
by disease - & stated in what manner they had been affected
by swellings in different parts of the body before they died
Page^r then shew^d that he had lost his in the same way,
That in talking together at another time, Page^r seemed much
indisposed ag^t P^r in regard of his wife, as he Page^r charged
P^r being too intimate w^t his wife, said he w^d be
revenge^d of him. - W^r P^r to be a man of good character

Louis Boutron d. Major - W. P. & Papi pen - that Papi lost
cattle last summer - that about same time W. lost four
the year before he lost 36 - opened some of them & found
much extravasated blood - that many other habitants
lost many of their cattle last summer in the same way -
gives a good character to P^r -

Pierre Marcotte - 100. parties - 100. that many people lost cattle
by disease summer of last year -

Jean Haye - lost a Cow by disease summer of last year
that a neighbour had lost a sheep in that way & opened
it & s^d he had found extravasated blood in the entrails,
upon of Papi s^d that he had lost four Cows & he had
opened & found the same thing - that many persons
lost cattle in the same way -

Pierre Laurin - about last Toussaint, saw Papi at Terrebonne who
told us he was going to law w. P^r as he would not live
in his neighbourhood - gives good character to P^r -

In B^t Charet. Heard Fran^s Papi pen tell his son, that he must give
no inducement that he saw P^r come out of the ^{the} P^r steps, & now to
secure this suit of P^r -

Amable Gagnier & Billiste - same evidence -

Jⁿ B^t Gascon & ~~Lalonde~~ ^{Lalonde} ~~Bellanger~~ conversation of Papi's
Heard Charbonneau say he w^d be revenged of P^r
for having called him a lazy fellow -

Alexis Paquet - lost cattle by disease - gives a good
character to P^r -

Verdict. Not Guilty

on Saturday 2^d Sept. 1815. -

The King,
Charles Chauret }
Charles Chauret }

On trial of Indictment for Arson,
burning a barn, the property of one
P^r Gravelle -

P^r Gravelle. lives at St Rose in the district of Montreal
is second wife of P^r - 9th Sept. last his barn 7th was situated
near his house was burnt about close of the day - there was
then about 2000 b. hay. & 2400 sh. wheel - That at the
time the P^r was not in good understand^g wth P^r - That
after the barn was in fire he saw P^r then who called
out to throw water on a small barn adjoining to ground

Frank Page - Mr. P^r Gravelle, who was his 2^d W^r in Sep. last -
when his barn was burnt - did not remark the time exactly
time - That 2 or 3 days after as he was pass^d the house of
P^r the W^r W^r will your cattle are dead - yes the W^r said,
the P^r then s^d as many cattle as you shall get I will poison
the whole of them - the W^r then s^d if you are capable of poisoning
my cattle, you are also cap. of burning Gravelle's barn -
Yes Mr. P^r I did burn his barn, and will burn yours also

Ant. Auclair, Mr. P^r Gravelle. was present at time his barn was burnt
last Sept^r - some days after he heard, as he was going to return
from Gravelle's he heard a dispute between Fr Page & W^r - in
q^t the P^r avowed that he had burnt Gravelle's barn, &
would burn his (Page's) also - it was then about sun-down

x^d

Son in law of Gravelle - that

Defense

Chas. Charnel - Is 2^d W^r of Gravelle, that his fr. in law Page lives between
that Gravelle's barn was burnt about begⁿ of Sep^r last - that
the P^r then lived in same house wth P^r - & he waked all that
day wth W^r in hear - & in the evⁿ when W^r went away
the P^r went to bed - that soon after he observ^d fire, &

went there, when he found the P^r - that people had been at work thrashing in the barn the same day, or Chalifaux and Auclair - that Gravelle's, father in law, one Compere' lives wth him is in the habit of going about the out-house, wth his pipe lighted - some were of opinion that this had occasioned the accident -

Amable Goguet - St^d. that last year about end of Aug^r. the barn of Gravelle was burnt - she then liv^d. wth P^r, - that on that day the P^r worked in his field wth W^r to Jean and wth went to bed - that the fire was observ^d about between 7 & 8 o'clk - the P^r got up & went to the fire & had suspicion of accident hav^g. happened by fire from a Pipe - that people had been at work in it in the morn^g and heard Auclair, one of W^r-say, that he w^d. never smoke again in any out house -

Josette Chauret - is daughter of P^r - the day in of^r Gravelle's barn was burnt, heard people at work thrashing in it - that when the barn was s^d. to be first on fire the P^r was in bed got up, & went to the fire -

Jⁿ B^te. Chauret - son of P^r - the morn^g. of the day that Gravelle's barn was burnt, people had been at work in it - accident supposed to have arisen from people smoking in barn - and

he heard Auclair say, he would never smoke any more -
That same ev. after the fire had subsided he heard Papé
say to Gravelle, that it must be the P.^r who set fire to the
barn -

Jean Hoque. was at fire, saw P.^r there, was employing activity
in extinguishing the fire, & preventing its extending -
it was supposed that fire might have arisen from accident
& people smoking in barn -

Verdict. Not Guilty.

The King }
Sean Raymond } On trial of Indictment for Gr. Larceny -

Etienne Gregoire opp. of St. Cuthbert. remembers has seen
P.^r about 2 mth ago at house of one Harnois - The wit^h had
left his harness with his Calash in his charge - it was stolen
from thence and found in the possession of the P.^r with a
pair of reins, of which he acknowledged to have stolen -

Jm Bth Harnois, Tavernkeeper, lives at St. Cuthbert - The P.^r came to his house
& offered for sale a harness, a pair of reins & one of the strips of the
Calash of the W. suspected they were stolen - sent for Raymond, who
acknowledged his

P^r Trudhomme, lives at house of last W^r - about the beginning of June last, the P^r came to Harnoi's house & offered for sale the skins of a Calash, & a harness. - Harnois suspected they were stolen sent for G. Raymond who knew his property & it was given up to him -

Jos. Douaire Bondy - Just. Peace - proves examination of P^r taken before him -

Verdict. Guilty of Petty Larceny. -

The King }
André Latilped }

On trial of Indictment for Privately stealing from a shop. St. 10. & 11 W. 3. c. 23 -
2 E. P. Cr. 646.

Thomas Gibb. Is a partner wth J. D. Gibb & Jm. Kollmyer
the P^r is a day lab^r: hired to work at house of W^r -
In July last the W^r went into a back store where they keep goods deposited, ^{for safe custody, but is not a shop in w^{ch} goods are exposed for sale} he found there & saw him push a gross of buttons up between his waistcoat & shirt, and he found two other gross of buttons in his hat - they were jet vest-buttons - he took buttons from him - values the three gross of buttons at 36/-

Jm. Carver. Elk Police office - proves identity of buttons

Held that this back shop. was not such shop where goods were ordinarily exposed to sale - as mere repositories, for goods, for their safe custody, was not within St. 2 East. P. C. 642

Verdict - Guilty Petty Larceny

The King
Louis Fortin }

On trial of Indictment for horse stealing -

Jⁿ B^{te} Simard, lives at Blairfindy - between 8 & 6 May last, he lost a black stone horse - he was put into stable in the night & was taken before morning, he was well tied & secured - the horse was worth £30 - After some search he was informed that his horse was in the poss. of one B^{te} Mador - he went there & found his horse -

Jⁿ B^{te} Mador. lives at Lachine. W. Pⁿ since he bot. a horse from him about 8th a 9th May last, he is a black horse wth a brown nose, - the W^r p^d. 50 d^l for him - The horse was afterwards deliv^d. to the last W^r as his property -

Never saw Pⁿ to his Kⁿ. before he sold horse to W^r -

Jean B^{te} Serré lives at Lacadie - W. Simard first W^r, & that he lost his horse last May - he saw the horse sometime afterwards in Montreal, & gave information thereof to Simard -

Arch^d. Campbell. keeps a tavern at Lachine - W. Pⁿ since about the

20th May last, he brot. a horse to house of W. for sale
he had been at W's house some time before wth another
horse, & knows that Mador wanted to buy a horse, tho W
sent for him to look at the horse - he came, but found
him too small - He returned on the last mont^y day wth
a large black stone horse, & sold him to Mador for
55 d^{rs}. - Knows that Simard came to Mador's and
claimed the horse afterward -

x

The first time he saw P. it was between 1st & 8th May,
he then had another small blk horse for sale - he
wth between 10th & 20th May with the other horse -

Antoine Mallet - lives at St. Charles behind Chateauguay - Knows
Mador - K^s P^r since he sold the horse to Mador
K^s Simard since he came to claim horse -

Defence

Philip Dummer's Perry - K^s P^r for a year past - is Conductor
of stores in the Commissary Department at Coleau
du Lac - the P. was employed as a batteau man from
20 ~~May~~^{April} to 24 June, when he was dismissed - as such
he performed Voyages from C. de L. to Lachine, & to
Cornwall - The P. was employed the greater part of

the time I could not easily absent himself without
Mr. H. - always considered P. as a man of good ch^r -
That about 9th or 12th May the P. set out from C. du L.
to go to Lachine & W. went wth him - on their arrival
at Lachine the W. came to town, & next day the boat the
P. in town - the W. of P. 2 w^{ts}. & a day wth the W. & returned
to Lachine, the P. was not then there, but app^r. the same
evening - Believes that P. then wore a blue Jacket and
white trousers -

X

Will not be positive whether it was the 1st or 2nd Sunday of
May, but was one or other of them -

Alexis Riviere. Mr. P. since about a year when he had his w^{or}se from
the militia, when he went to work wth 2 of W's Sons - The
W. is a Conductor of boats - About end of April last the
W. was engaged in conducting boats on the communication
of Coteau du Lac to Lachine & to Cornwall - the P. was hired
at same time & always rem^d. in same boat wth W. Was
in the boat of Mr. Perry to Lachine, & thence they arrived
there on a Monday about the middle of May - on their
arrival then the P. went to town on Monday even^g. and
returned next day - That when P. was taken Mador was
present, and s^d. he that the P. was the person who sold him
the horse, but was not seen - That P. had not been
during

during his absence to have gone to Lacadie to take horse
to sell him to Madar, the time was too short - and
upon his return from Montreal the P. had no
money with him - Green P. a good character -

Joseph Riviere son of former W. was employed last spring in the
skips boats - the P. was in same boat w. W. and
came to Lachine w. him & Mr Perry - the P. went away
from Lachine to come to town to purchase shoes, and came
back next morn. about 7 a 8 o'clock w. the shoes -

J. B. D'Abot. About 14 May he came to Lachine w. P.
from time he was discharged in April he worked with
the children of Riviere at Col. du Lac. till he entered
the batteaux -

Alex. McDonnell. W. P. during the present summer - was employed
in a brigade of boats w. of the W. was concerned -

Gregoire Selin Biron. W. P. since Feby. last, & always found
him to conduct himself w. honesty & propriety -

Verdict - Guilty -

The King -
Ch. Laberge

on indictment for G. larceny -

The Defend^t. had been admitted to bail on a Hab. Corp. in
the vacation, and being now arraigned, pleaded not Guilty -
The att^r. G^t moved that he sh^d. stand committed - This was
opposed by the Counsel for the Defend^t. - on the ground that
no other evidence had been laid before the G^r. Jury to find the
bill than that upon g^t. the Judge had admitted him to
bail, therefore now claimed, the same indulgence from the
Court that Def^t. sh^d. go at large on his Recognizance -

The Court granted the motion -

see 1 Salk. 104 -

Corop. 333 -

2 Stra. 857 -

Monday 4th Sept^r. 1815.

The King.
" }
Jouss. Robidoux }

On trial of Indictment for Cr. Larceny

Jacques Robert. lives at St. Philippe, possesses a land there for 5 years past. That in March last the W. cut down cedar wood with planks & boards for building a house - consisting of 63 planks & 12 boards - & 17 cedar trees - he had the wood sawed on the land - In June last he perceived his wood was missing - He found a part of his wood on the land of Mr Bender, being the neighbouring land - there was no particular mark on the wood but he knew it to be his - He values boards at 1/3 and the planks at 1/8 each - & the cedar trees 1/3 each - two of the pieces of Cedar the W. found on Mr Bender's land, the other pieces had been laid along side of a house where P. lives on an emplacement on land of W. -

The P. lives for four years on land of W. that it is W. who has done the travaux metoyers on land for four years past. Has a title to the land, of - he now produces dated 6 March 1815 ^{about 4 y^s ago} It has not yet built any house on the land - The P. has built a house & stable on the emplacement of W. gave him - The land was not then cleared - That for 2 years past the P. has

has pretended to be proprietor of the land - That last term he was prosecuted by the farmer of Mr Bender to take away his wood w^{ch} had been carried upon his land - the W^{as} was condemned to take it away - That the W^{as} has also been prosecuted for carrying away wood w^{ch} had been cut-down on same land w^{ch} belongs to W^{as}.

Pierre Berthiaume - lives at S. Philippe - W^{as} P^{er} - That there were planks & boards cut & carried upon the land of J^{ac}. Robert - & also some cedar wood - saw Robert drawing out on his land - Saw the P^{er} about the end of May or begin^g of June draw ~~the~~ ^{the} planks & boards ^{from land of Robert of} upon the land of Mr Bender w^{ch} adjoins that of J^{ac}. Robert.

X.

That P^{er} lives on an emplacement on Robert's land for about five acres - That last year he saw P^{er} working at ditches on the land, -

Franc Prevost saw P^{er} on 5 June last cart a load of boards from the land of Robert - w^{ch} had been cut about an acre & a half from his house to the land of Mr Bender adjoining - Saw Robert repairing the road in front of that land - & considered him as the proprietor of the land -

X.

Saw P^{er} also work on the same road last Spring -

Jean B^{te} Sorel. He that Jac. Robert has possessed the land in question
for 5 or 6 years past - last Sum^r. he saw some pieces eben wth
planks & board on this land - Saw P^r take several loads
of these planks & boards about 5 Linn last, and lay them on the
land of Mr Bender adjoining - Wth ask^d P^r if that wood was
sale, he s^d. no, it was already sold -

x³

That the wood was lying on the desert about an acre
distant from the House of P^r - it was transported to the
distance of - about an acre & three q^{rs} - to land of Mr Bender -

Fran^{cois} Dubois - Saw P^r transporting planks or boards of^t lay on the
land of Robert to the land adjoining last Sum^r -

Has known P^r 18 yrs - ^F good chr -

Alexis Fautoux. Saw boards & plank of^t were lying out on land of
Robert - saw P^r convey them to land of Mr Bender - That
before the wood was so removed, the Wth asked of P^r if the
was for sale, he s^d. no, it belonged to Capt Robert -

Ignace Poi. lives at Latortue. saw P^r convey a load of plank &
boards from Robert's land to that of Mr Bender

Deferre -

Antoine Dubois. He. Land on qth P^r lives - that this year it was
him

him who did the work req^d of him as a nephew - That
2 years ago Capt Robert - 2 years ago did the work, & worked
on the road in front of the land -

x

Is farmer on Mr Barber's land - who is Prop^r: for 4 y^r. part -

Fran^{cois} Guignard. He. land upon q^r: P^r: lives - it is now the 4th year that P^r: lives
on it - It was P^r: who built upon it about 4 years ago. -
for 2 years he has - no other person ^{than P^r} who does the labor on the tract
land, such as ditches & roads & considers him as Prop^r: - He
that he carried a log to repair a bridge on road - In some years
the P^r: & Robert are in dispute in regard of ownership of the
land - P^r: forbid Robert to take away the wood q^r: was
then on the land q^r: had been cut & squared - there were also
plank & boards on the land -

x

Is in service of Mr Barber's farmer - He. that P^r: & Robert
are in difficulty in regard of the land since last winter - that P^r:
gave word to cut to clear the land q^r: Robert carries away -

Rossini Boissonneau lives w. Dubois, farmer on Barber's land
for 2 years past P^r: has done the travaux on the land in question

Here the evidence was closed on the part of the P^r

The Counsel for the Crown moved to adduce witnesses
to controvert facts set up by the evidence for P^r as being

new

new matter respects of the Prosecuta was not bound
to give evidence in support of the prosecution -

The Court repeats motion - Verdict Not Guilty -

The King }
Henry Leopard }

On trial of Indictment for Burglary -

M^r Gibbins Pell, lives in Montreal, keeps a smoke house
for curing hams - it is distant about 36 or 40 feet from the
dwelling house, but within the ^{yard of the} inclosure which joins the
dwelling house - it is locked generally with a padlock - on
the morn^g. of 2^d May, found the staple had been drawn
out & drove in again & 8 hams taken out of it - 4 belong
to Mr. Mathews, 3 to Mr. Agilvie & one to Lesperance - they
were worth £6 - On suspicion of P^r: he obt^d a search warrant
and found one of Mr. Mathews' hams in the P^r's house - On
Sunday 5th was informed that some women had found four
hams among some logs near the Citadel, went to their house
& on exam^s. hams found 3 ~~perhaps~~ to belong to Mr. Mathews
and one of them to Mr. Agilvie - On information went to
house of one Andrews in Montreal, where he found a ham
of which had been cut, but from mark on it, knew it to belong to
Lesperance - saw another in same house of which belonged to
Mr. Agilvie - On further information went to house of

one

our Wilson in the Quebec Sub. when he found another
of the hams of Mr. O'Brien —

John Carter — lived wth Mr. Pell last spring — the day after the robbery,
he met the P^r wth a ham in his hand, asked him if he had bot.
it, he said no, that he was carrying it to a woman — the W^m
knew the ham to be one of those he had bot. from Mathew's
some days before to be smoked — he told this to Pell, who thereupon
went in search of the hams of — had been stolen —

Frans. Nav. Lafleur — lived wth Mr. Pell last May was in the habit of locking
up Smoke house — that the night before the theft he locked it —
put the key on a table in the cellar where it was usually laid —
he opened the door of the Smoke house next morn^g — he observed
that the padlock had been turned upside down, soon entering
found. —

P.

That it was after sun-set when he locked up the Smoke house
and the hams were then in the house —

William Andrews — Tavernkeeper in Montreal — a man sold W^m about
2 months ago, but cannot swear it was the P^r nor can he
say that he saw P^r before — he bot. 3 hams to house of W^m &
Mr. Wilson bot. the 3^d ham. —

Robert Wilson — lives in Queb. Sub. — was present when a man sold

2 hams to last W^r - and W. bot. another, did not take -
particular notice of the man who sold them -

Jane Mathews - daughter of Wm. Mathews - ^{clean} 2 hams were sent to Mr
Pell to be smoked, she marked them - Mr P. some time after
came back w. one of them - she thinks is one of those she
so marked, altho' the mark is much defaced -

Mr Montgomery - is a bailiff - went w. Mr Pell & a search warrant to
house of P. to search for some hams of ^{g^t} had been stolen -
found one ham of ^{g^t} Pell recognized to be one of those stolen -
it had a mark J. M. upon it - they carried to house of John
Mathews, when a young girl recognized the mark & said
it belonged to Mr Mathews - Mr P. was present but said
nothing - upon being questioned when he got the ham he said
he had lost it - The ham was bot. to the Police, ^{the} by order
of the magistrates was returned to Mr Pell to be cured -

Defence.

Josette Rousseau - says nothing -

Verdict. Guilty of Petty Larceny
but not of break & entering -

The King }
Michel Sancier }

Our Indictment for Sheep Stealing —

Joseph Lavoye, lives at Blainfroid — In October last he
lost 3 of his sheep w^{ch}. were stolen from his field — valued at 20/6
each —

Fran^s. Garceau — lives at Ruisseau du Voyer — has seen P^r he came to
w^{ch}. one Simon Sancier & engaged M^s to go wth. them to
steal sheep — they went into the field of last w^{ch}. and they
caught three of — they killed, and carried away wth. them — this
was last fall — The two Sanciers, carried their 2 sheep to
P^r. Sancier's & put them in the garret —

Peter Cohoune was employed to search for sheep for w^{ch}. had been
stolen — went to house of P^r. Sancier & found mutton in his
garret —

Marianne Daunay, wife of Fr^s Garceau —
Defence

Marie L^oe Ledoux — character —

Jacob Marston — same —

Verdict. Not Guilty —

Tuesday 5th Sept^r 1815. —

The King. —
John Tyrie Wilson. }

On trial of Indictment for Shoplifting.

James Young, is partner of John Young who trade at Montreal as Auctioneers & Brokers under name of John & James Young — they have a Commission store in w^{ch} goods are rec^d and sold, — On 15 July last in morn^g. just saw P^r in the s^r Store — It was a public Sale day, & there were several other persons in the store — The P^r app^r to be in liquor, sat down on a chair & fell asleep — the W^r not wishing to put the P^r out doors, left him in the store & proceeded to the sale, but sent a young man to sit by the P^r in case of accident, — the young man fell asleep also — the W^r went to dinner, & on his return his brother called to him to say that sundry articles were missing out of the store where P^r was — The W^r found the P^r still on the chair & saw some silk gloves lying on the ground near where he was and suspecting P^r he charged him wth having stolen a parcel of silk & a parcel of Cambric gloves — q^d the P^r denied — the W^r proceeded to search him, & found in his p^{kt} 2 doz p^r blk silk gloves

gloves and six doz. Cambrie gloves, which had been sold about half an hour before at the public sale and put back into the store where P^r sat - the gloves were loose, but were marked - values Cambrie gloves at £1. 4 - the black silk gloves are worth 2 of a pair £2. 8. -

x^r. -

The conditions of the ^{Pub.} Sales say that Mr. M. is that from the moment an article is knocked down to a purchaser, it is at his risk, and if it be lost or destroyed by any accident afterwards, the purchaser must be the loser - These conditions are publicly notified prior to ~~through~~ public sale - & Mr. M. is sure those conditions were published the day the gloves in question were sold - The gloves were adjudged to one Alex^e Lamarre at Riviere du Chêne - ~~they were immediately handed over to Mr. Lamarre~~ who requested of the Mr. M. that they should be laid back into store till he sh^d. call for them - it is general usage when things are so left after a sale, that the purchaser is told they must be so left at his risk - Those gloves were not the property of M^r. de la Young, but sent to them for sale -

By the Court - The gloves are charg^d. to the act of Alex^e Lamarre but not p^d. for - there is an open act. between Lamarre & Mr. House & the event of this trial must decide the right -

Geo. Greatwood, of Montreal, was at store of Ino. & Jas. Young
in July last and saw P^r there in the store behind the
auction room - when in the outer room he heard a
noise in the inner store - went in saw Ino. & Jas. Young
then demands of P^r to deliver up the goods he had stolen
and saw them take out of his pockets 2 doz blk short
setts gloves, & 1 doz. col'd cambric gloves - these
gloves were del^d to the W^s who put his mark upon
them and carried them to the Police office - these
doz of gloves now produced are same - values them at
57 doz - The P^r when charged wth theft s^d he had
bot^t them at Cuvilliers sale.

x.

John Tarver. Ck in Police office. says, that he never was tried
or convicted of any felony or other crime in the State of
New York or any other State of America - The gloves
now produced were bro^t partly by Mr. Ino. Young, and
partly by last W^s - to the Police office -

Geo. Greatwood. bro^t up again, swears positively, that he alone
deliv^d the gloves in question to last W^s at Police office
& Ino. Young was not present -

The Court held that Ino. & Jas. Young
had

had a special property in the goods stolen & that in
this respect the Indictment was well laid — see
1 Statute Cr. P. p. 190. —

Verdict. Guilty —

The King }
Dedore Roi }

On trial of Indictment burglary —

Alexis Bouthillier, pere, lives at Longueuil, N.P. for 5 yrs
past — had lived at diff^t times in service of W. for 3 years, but
had left his service for a year — knew the W.'s house as well as
he did himself — about 11 or 12 May last, W. came to town about
11 o'clk at night, about 6 o'clk next morn^g. was told
his money had been stolen — among the money he lost, there
was a gold coin of 5 dollars — ~~an English Crown~~ — a dollar
in silver — 2 or 3 French Crowns — the money was in a small
trunk covered wth leather of w^{ch} was also stolen, the value of w^{ch}
was 3 or 4 shillings —

x²

The trunk in w^{ch} his money was generally was placed in a
cupboard, to w^{ch} the members of his family had access — that
he thinks he saw it in the cup^d 3 days before —

Alexis Bouthillier fils — N.P. for 6 or 7 years — lived 3 yrs at home of
W.'s father — about on 8th May he met the P. in Montreal
who asked W. if his father had any money, W. s^d you know

he

he has, ^{L^d} any well, you will find it will be stolen
some day as the Cup-board does not shut well, for the other
day I went there to take a cup and found it open —
On the 11th of same month the W. father came to town
& W. came wth again met w. P. & drank some beer
wth him, & parted wth him about 1/2 past 9 at night
the P. saying he was going to the S^t L. Sub. & the
same night the money was stolen — the W. was
informed that same nt. Mad. Barni had lost her
Carrot — when the W. met his fr. next morn^g. he
told W. he had been robbed, upon w^{ch} suspicion
arose in the mind of W. wth P. from the above
consideration — went to his house & not find^g him
went into the stable and in the loft found among
some cut hay a pair of Pantaloons lying on an
old blanket and under it a parcel of money, consists
of 32 doll^s and a hf eagle w^{ch} he took to be his
father's money except the hf eagle w^{ch} was the property
of W. & w^{ch} he gave to his father to keep for him
there was also a dollar of a particular kind have
a ribbon round it & a black spot under the hand
of a lady in the middle of it — thinks the
same now produced to belong to him —

x

His father's house is divided into two parts, one end of it is occupied by his father & his family the other part by a farmer - ~~the door~~ ^{there is a} communication by a door - the P. is prop^r. of a stable in St. Sub. but has no house the house adjoining belongs to one Roi Desjardins - Several people live in this house q^t. is distant about 30 paces from the stable, q^t. is open & people may go into it from the street -

Marie-anne Labonté, lives wth Alexis Bouthillier at Long^e in May last ^{in getting up} she found the cupboard open, & the trunk wth q^t. the money was missing - she thot that some person had hid it away, to make her look for it - but on going to the barn she found the small trunk lying near it broke open -

x

She was the last to go to bed the night preced^d robbery - Bouthillier went away to town late that night, & she was the person who shut the door when he went away - she was the first to get up in the morn^g & found house all shirk - except a pane of glass q^t. had been removed & the sash decollé -

Antoine Benoit - lives wth Alex. B. at Long^e - & sleeps in same room wth Bouthillier - when B. went to town the servant girl got up and shut the door - in the night the W² got ^{up} & found a window open & two panes glass taken out - he shut the window -

B^r has a grey & white horse - he was in stable that ev^g -
& next morn^g - was gone - the W. went in search
of the horse & found him returned alone from Longueuil
x².

Marie L'hivernois wife of Fran^s. Vary - Furyman - lives in town
on 11th May^g in the ev^g one of their Cause, was missing
found 10 or 12 days after near running in Montreal -

Etienne Fournier d' Prefontaine - lives at Longueuil - H^r. Alex^s B^c
B. - on 12th May in the morn^g between 3 & 4 o'clock
he met B^r horse about 15 acs, from his house -
returned homeward - he was very dirty - & had neither saddle
nor bundle - H^r. P^r -

Wm Schiller. lives at Boucherville - H^r. P^r in two yrs - H^r Alex^s B^c
horse - he is grey wth. blk spots - between 1 & 2 o'clock
of the morn^g of 12th May, the W. was coming to town
the P^r passed him on the road riding towards town very
fast - & as he passed the W^r - he almost run him down
when W^r turned a little to one side, & called out to P^r
Isidore, en va-tu - he did not stop, nor speak to W^r -

x².

That when he came to town he had a letter written that day
& this person told W^r since that time, that the letter
was dated on that day -

- Defence. -

Louis Blache - lives in St. L. Dub. Ks. P. he used to put his horse into the W. stable, q^d stands upon one of the back sheets of that Dub. the door is generally open, & any one may go into it - and any one may put effects there without his knowledge -

Laurent-Labonte - Ks. P. good ch^r -

Alexis Godin - do -

Michel Benoit - do -

Fran^{cois} Deshautels - It is seen ^{some} several pieces of the kind - ^{now shown -} has one of them in his possession q^d he kept out of curiosity -

Jos: Penault - It is seen several pieces of silver coin such as now shown -

Verdict - Guilty -

The King }
Geo: Cross }

On trial of Indictment for Burglary -

Thomas Bamborough. 2^d M^r. of 76th Regt. Ks. P. for 5 y^r. was a Sol^d. in 76th Regt. in Dec. last he was quest^d.

w^r

w^r Ref. at S^r Denis - the P^r was employ^d occasionally by
W^r & the adju^t. who lived in same house w^t w^r and
had access to every part of house - ^{in Dec^r last} W^r lived between 6 & 7⁰⁰
p^m in cash in a lock'd trunk in a small room where
he slept - the windows were ~~shut~~ fasten'd up for winter -
a pane of glass was broke & window opened during absence
of W^r at Chambly - he has lock'd the door of the room
& left the window fasten'd on the Evn^g of 8th Dec^r -
M^r understood the P^r had been at the house that
morn^g & had made particular enquiry when the
W^r was going away, & even ask'd w^r if he was
going that day - He also refus'd that morn^g to take
key of W^r room to carry to the adju^t. to keep till
his return, add'd as a reason that someth^g might be
missing during his absence, & he the P^r might be
blam'd for it - he in consequence sent the key by
another Soldier - this the W^r th^t particular as
M^r had before entrust'd P^r w^t the key of his room -
M^r ref^d on evn^g of 9th & was told the room had
been broken open, the M^r ^{found his} trunk taken out and
the contents stolen, consists of between 240. or 250
pounds - M^r thinks there were 32 doubloons

some

some guineas, ten hf eagles & eagles, 80 dollars in
Silver — Some time afterwards about beg. of March
suspicion attached on P^r from the money he was spending
and being charged wth the theft he acted in the presence
of Mr Rouff that he had in comp^y wth one Jackson
a soldier of P. Regt. broke open the window of Wth
room taken out the trunk, broken it open & divided the
contents wth P. Jackson — in going into the adjutant's
room the P. dropped a bag in w^{ch} was cont^d 8 doubloons

R.

In Dec. last there was a pioneer who came frequently
to Mr room to do little things for him — Mr used to breakfast
down wth Mr Rouff who lived at a dist. of about 150 y^d
Rouff & Mr. moved togth in same way in France & Spain, & Mr.
attended them tried to have access to their tents — That sometimes
the P^r sometimes the pioneer & sometimes the mistress of the
house w^{ch} he hired made up his bed & cleaned out his room.

In Bth Mayet. K^o P^r since last fall at St Denis — saw in his
pos^s. in Nov^r last about 30 doll^r & some gold coin,
beside of the theft, did not perceive the P^r had more money
after this than before —

P^r. Gueroute. H^o P^r was brot. before him as a magistrate
for examⁿ on a charge of felony — the examination
was free & voluntary — cont^d his confession of the
Crime. —

Defence

Will^m
Gessy Crakling. was a private in 76th Reg^t — was sent to
the Col. Knew P^r from the time he enlisted in Reg^t
The Col. lost his gold watch of^t was valued at
60 Guin. was found by P^r & ret^d to the Col —
P^r always bore a good character in Reg^t.

Verdict. Guilty — recommends
to mercy from former good conduct

Wednesday 6th Sept^r 1815

The King }
Fran^s Berlean } On Indictment for an assault and
wounding wth intent to murder —

Antoinette Bouquin, lives in Dub. Sub. is a widow
H^o P^r for about 7^{or 8} months, he was Cook of Gov^r. P^rmont
when she first knew him — he is a Frenchman —

In

On 24 July last as she was coming from the bakers,
M^{lle} St. Antoine asked her to come in & sit down, & she did
the P^{re} who lodges in the upper part of the house came in
s^o. to M^{re} and presenting her a watch chain s^o to her
there's your watch chain return me my book, the M^{re}
s^o. to him do you return me my ring - he ans^d. I have
broke it & thrown it away - the P^{re} went into an
adjoin^d. room & came out again immedi^{ly} said someths
to M^{re} & she did not comprehend & gave her a stab in
the breast wth a knife - she went toward the door & called
out arretez arretez, & she went to sit down but fainted
and knew nothing more that happened - That she is
not yet perfectly recovered of this blow -

xⁱ.

She lost her husband at Malta, & has since been
attached to the Waterville Regt. and has lived wth a
Capt. of that Regt since - That she was to have been
married wth the P^{re} about 4 mths ago - but priest refused
as there was not suff^t. proof of the death of her first husband
Where the stroke was given it was near the kitchen where
there are knives & other instruments -

Magdeleine St. Antoine femme de Poirier - lives in 2. Sub.
100. Ant. Bouguin - in July last the P^{re} lived at house of
M^{re} - one day Mad^e B. came in - at the time the P^{re}

was

in his room up stairs - he came down wth a watch chain in his hand, & said to B. there's your chain give me my book - she P^d - when you shall return me my ring I'll give you your book - upon this the P^d went to his trunk in a room adjoining & came out again, & the W^d had scarcely time to look round when she saw B. wth a knife in her body & the P^d gone - saw B. take the knife out of her body she lost much blood - she did not see B. fall but went out to call for aid -

x^d -

It was B. who proposed P^d for a tenant in her house & took the room for her - the P^d was then at Quebec - she app^d to be on friendly terms wth P^d and it app^d they were going to be married - understood that the above articles had been given between the parties in the view of marriage, & that as this could not take effect the P^d had demanded to get back wh^t he had so given -

Sophie Grestier lives at M^{rs} St. Antoine's - In July last M^r B. came into the house, the P^d lived there and came down from his room & ~~said to~~ ^{said to} M^r B. there's your chain give me my ring - M^r B. said
give

give me my ring and I'll return your book, the
P^r. said he had broken it - went into another room
opened his trunk came back and lifting his hand
upon M. B. - gave her a blow, but she saw no knife,
the P^r. went off - and W^r. being frightened, ran off also -
saw no blood till her return in the afternoon -

Louise Racine - lives in 2. Sub. in July last saw P^r. & M. B.
in Mrs H. Ant.'s house - the P^r. ask^d. B. to return him his
book of - she refused saying when he had returned her ring
she w^d. return his book - he went to his trunk & came back
lifted his hand upon B. & app^r. to give her a blow but
did not see a knife in his hand -

Henry Loedel, Surgeon, 10^o. M. B. was called to attend her on 24
July last, he exam^d. her wound & find that it was on the
breast bone towards the right side, it was about an inch
deep, and ran along the bone about an inch & a half, but
did not enter the cavity - wh. it wd. have rendered it
dangerous - from the state of the woman the wound was
then dangerous as she was at one time better but another
time worse - the wound was inflicted with a sharp
instrument -

In B^t. Herizault Surgeon. was called on the 24 July last to

to see M. B. - and found she had a wound on the right
side inflicted wth a sharp pointed instrument. about the
last rib, 3 inches deep - he w^{as} his treatment 3 weeks
the wound he considered as first as dangerous, & had the
instrument not been stopped by the cartilage & entered the
body it would have been so -

x^d

That he had attended M. B. some time before
the P^r seemed to give his attentions to M. B. & even
came for the W. to see her -

Louis Lafricain. He was the person who arrested the P^r
& found him in the hayloft of W. - the P. at times s^d
he knew he was guilty of a crime - that he had
concealed himself there - enq^d. how M. B. was - s^d.
that at night he had listened at the window and
understood that she was better -

x^d

It was the P^r who first called to the W. & seemed
disposed to surrender himself - the P. & M. B. app^d.
before this to have been in good intelligence -

Defence -

In M. Mondelet. some time ago he was req^d. to draw up

a

a marriage contract between the P: & M. B. - which
 he died - she was about undertaking a Journey to Kingston
 and drew up a power from her to P: to transact her business
 and also made her will by w^{ch} P: was appointed her universal
 legate - this was a considerable time before accident in
 question. - All these papers were afterwards annulled
 by mutual consent, on the morn^g. of the day in w^{ch} the
 above accident happ^d - Gives a good chr. to P:^r -

Verdict - Guilty. -

The King
 v^r
 John Quin }

Trial of Indictment for burglary

William Jones, tavernkeep^r. in Mont^{ly} St^{ry} P^{er} who lived
 wth W^m as a servant in July last under agreement for one year
 remained in his service about 3 weeks & some days & went off
 without leave in w^{ch} of 14 July - the W^m was generally last
 person w^ho had w^{ch} under his charge - When W^m
 got up about 4 o'clk in morn^g. found door & yard gate open
 there was taken out of the house 1 silver table spoon - 10/- four
 silver tea spoons - value 10/- two linen shirts - v. 20/- piece
 of dimity 20/- waistcoat 12/- rifle gun. 40/- one sugar tray 10/-
 1 pair wh. l. trousers ^{of his own effects} 10/- 1 silver soup ladle £3 - two silver
 table spoons £5 - property of R. Tinsyman - Next saw
 P^{er} in Cornwall Gaol in N^{or} Canada - the W^m

found one of the Shirts & the waistcoat on the P.^r
the other articles were del.^d to Mr. W. & Mr. J. person as have
come from the P.^r The P.^r was pres.^t when our Lamer
w^h. 2 pieces of dimity and 3 silver tea spoons - Mr
knew told P.^r it w^d. be better for him to confess the matter
so as who was concerned w^t him & bring the man to conviction
it would be better for him -

x.^o

The W. also keeps a board^g house - The day ^{before} P.^r went off
W. had some words wth P.^r & he asked for his discharge as
he w^d. not stay longer wth W. than W. refused. -
Cannot swear that the dimity now produced is the
same as that stolen, but a similar piece -

Robt. Tesseyman, Tavernkeeper in Montreal - the soup ladle, &
5 silver table spoons now shown are his prop^y & were
lent by him to Wm. Jones in July last - & are worth
sums ment^d in Indict. -

Moncreiff Blair, in the Commissariat Depart^{mt} - in July last
he boarded at house of Wm. Jones - When W. went to
the house the P.^r lived there as a Sut^{ant} - rem. that Jones
came into his room on morn^g of 15 July last & told him
that he had been robbed the preced^{ing} night - W. got
up - Went to bed the ev^{ng} before about 11 o'clock &

then

batteem, he turned away, saying je n'entends pas —
That M. Donald & son Perry bro^t her trunk to her about
four months ago with sundry little articles, in it which
belonged to her children. —

7.

When she went on board at Hampton all the articles were
in her chest — this was about 9 o'clock, ~~at~~ M. & she had
exam^d the contents of the chest about half an hour before —
That she does not speak a word of french — There were
2 men in batteem when she went to take her passage — she
spoke to Bernier who spoke English — The Conductor never
said anything about taking M^r on board — Cannot name
particularly all the articles she had, but a great part of
them — When she spoke to the people on board at Kanawagon
about taking up her chest to the Inn it was Bernier who
answered her —

1810
Philip D. Perry, conductor of Stores — does not kn. P^r — kn^s — last
M^r That M^r & son M^r Donald went to a house where he
understood P^r lived in search of a trunk of — last M^r — said
she had lost — found the woman of the house — M^d
Laberge — the master was not at home — asked for the
trunk of M^r Donnohue — ~~she~~ refused to give it up
till

the persons interested demanded it - they sent for
one Parisien, one of the men of the boat, who upon
a consideration given him, gave up the trunk to the
Mr. Parisien asked 4 doll^s - The trunk was in the
garret of the house - it was corded but not lock'd -
there were many articles of clothing in it - they bro't
it away and gave it to Martin Donnohue & his wife
last W^m -

Thomas Parisien, lives at Isle Perrot. Last year he was at Hampton
wt. a Batt^{ee} of our Geo. Gordon - that Jos. Voyer was
the Conductor of the batt^{ee} - when at Hampton, the
P^r told him & W^m that in their absence he had made
an agreement to take a Soldier's wife with her children
& a trunk to pointe maline for 4 doll^s - They went
off next day & believes that the soldier's wife, came
on board, but he did not then know her - Slept first
night at Gannanataci - all passengers went on shore
Mr. D. came to the batt^{ee} about an hour after for
some necessaries - he heard nothing said about the trunk
or that any one undertook to take charge of it - In
arriving at Isle Perrot the P^r and one Polevin
took the trunk out of the batt^{ee} in order to put
into the house of his the P^r's father - that he
never

never saw the trunk from that moment till Perry
McDonald came to ask for it at Leberg's - The
trunk then seemed in the same state -

X

The trunk was one night on board at K. - before they left
that place - while at K. the Battéau was pressed into the
Service to carry wounded men to Catunagalli - who had
free access to the battéau during all that time - That
the Conductor told the woman that she must sleep on board
as the battéau might go off in the course of the night -
Came from Gananakouie to Brockville where the battéau
was pressed a 2^d time to take soldiers to Lachine, on
the way they slept at Isle Perot - when the trunk was
taken out by the P^r & Potevin & put into the house of
the father of the W^r who orders to keep it till the owner
came for it and paid four dollars - Given a good ch.
to P^r - When McDonald asked for the trunk, he said
he had no orders to take the tea kettle & frying pan, and left
them -

Frank Dav. Bernier - was at Kingston last fall w^t pris^r
saw then the soldier's wife took her trunk on board w^t
soldiers for Lachine - Came to Gananakouie when they
slept - the woman went on shore, came back w^t 3 Sailors
to ask for some necessaries - the Conductor told her in french

that she must sleep in the batt'ean, this was not explained to her by W. nor any other person on board - they went off in the night wth the trunk and left the woman - the Court reproached Laberge with having taken the woman then trunk aboard - he ans^d that he w^d. take charge of the trunk and leave it at his house - When they came to Isle Perrot, the P^r and one Polevins took the trunk out and carried to Laberge's house -

Alex^r. M^c.donald, lives at Cot. du lac. 40. M^o. D. In June last he was told by her to go to house of one Laberge to look for a trunk some things she had lost - went there & asked for the trunk the woman of house s^d. it was up stairs - Parisien & some men went up stairs & got it down - it was tied wth a rope, but ~~was~~ locked -

x³

That when he got directions about the trunk he was told by Donnohue to open the trunk & pay for the transport of it, but did not give any key to open the trunk nor say how it was to be opened.

The Court did not put the P^r on his defence but ~~discharged~~ directed Jury to acquit him on g^t. they bro^t. in their verdict of Not Guilty

The King

vs
Marie Ch^{te} Pourrier

vs
D^e Deloges. —

} On trial of Indictment for stealing in a dwelling
house to amount of 40/-

Joseph Fortune lives at Rigaud in district of Montreal
the P^r lived wth W^r as a servant last winter — several articles
were stolen from his house last W^r — about 12 yds^o fancy chintz
were taken off different pieces — worth 20/- about 3 yds^o
Russia sheeting - 9/- a pound tea 5/- 2 yds^o Mus. Sugar 1/-
2 tea cups & saucers. 1/3 - 2 bars soap. 2/4. Six candles 1/- and
Cotton hkf. 3/- a part of the chintz was found in
the poss. of Jean Quenelle & his wife. at house of Quire
Upon the charge made at Quenelle he delivered up the
chintz now shown he deliv^d the same up —

x²

The W^r keeps a retail shop — found by an Inventory he
made that ~~contains~~ the above articles were missing — that
his wife might have sold the above articles without his W^r
he himself sold similar articles —

Peter Beers lives at Rigaud — says nothing

Peter Benedict — Inst. Peace — the P^r was bro^t before him on
a charge for stealing effects from Mr Fortune's shop & house
her examination was taken by W^r & committed to writing
Proves examⁿ: now shown — Says, that the P^r does
not

not speak English, nor does the W^r himself speak
French sufficiently to take down the above ex^r from
the P^r - but swore a young man to interpret for
him between the P^r & him - Fortune was then
present -

x^d

That the young man he swore as interpreter was a Mr
Yale who is still alive - gave a search warrant under
of the things now produced before him -

Josette Luenel . was not heard -

Verdict. Not Guilty -

Friday 8th Sept. 1815 -

The King -
Franc. Berkau }

On motion by Defend^t. for a new Trial

Stewart for D^{pt} - ^{my. for} New Trial ought to be favorably
heard -

1 On act. of mis-direction - Ch. J. told Jury
that D^{pt}. could not be considered Guilty of Common
assault, as it had been done with a knife, & must
be guilty of whole charge, or wholly innocent -

2 Haw. p. 16 -

2. That use of such instrument was proof of intention to murder - must be of so nat. by Jury, without taking into consideration the circumstances q^d might have alleviated the offence - 2 M. Wally - facts alleged in indictment must be tried by Jury

The atty. Gen^l contended that the application for defect was not founded upon a correct statement of facts in regard of charge -

The King }
Isidore Roi } One mo. in arrest of defect -

Smart for Prisoner - Contended - 1. That there was irregularity in the Indictment, being partly printed and partly written - 4 Bl. Com. p. 301 - must be written -

2. Name of P^r written on an erasure - not clear that indictment found against P^r - an erasure in it nullifies the whole - Indict. must be in a fair hand & legible. 4 How. p. 52.

3. No such coins known as those ment^d in the Indictment - the highest value 20/- there is no such coin - no such coins of value stated -

4. Because not ascertained that Offense was
com. within Jurisdiction of Court -

Cr Cr Comp. 111 -

4. Haw. 46 -

as to insufficiency of Case -

1 Galt. 309. 2 M. Nally. 578 -

The atty Genl

1. No law aft. printing Indictments -

2. Not suff^t -

3. If value ~~be~~ description of Goods be well laid
the value not necessary

1 Statute. 184.

1 Statute 187.

Saturday 9th Sept^r 1815

The King
Jean Raymond

On Conviction for Petty Larceny
Judge Whipt - & 6 months Imprist^t
in the House of Correction. -

The

The King. —
^{v^m}
André Satulippe }
}

On Conviction for petty larceny
Judgt. Whipt. — 12 m^o. Imp. H. Cor.

The King. —
^{v^m}
Louis Fortin }
}

On Conviction for Horse steal^s
Judgt. Death. Ex. 6 Oct.

The King.
^{v^m}
Henry Leopard }
}

On Conviction for Petty Larceny
Judgt. Whipt. 12 m^o. Imp. H. Corⁿ.

The King. —
^{v^m}
John Tyrie Wilson }
}

On Conviction for Shoplifting
Judgt. Death. Ex. 6. Oct.

The King. —
^{v^m}
Sidore^m Roi }
}

On Conviction for Burglary
Mo. in arrest of Judgt. over ruled
Judgt. — Death. — Ex. 6. Oct.

The King }
Geo: Cross }

On Conviction for Burglary
Judg^t - Death... Ex. 6 Oct.

The King }
Fran^s Berlean }

On Conviction for an assault with
intent to commit murder -

Judg^t - Fine £20.
2 y^s Impr^s. H. Corr.
Sec. for good beh. 3 years -

The King }
John Quin }

On Conviction for petty Larceny
Judg^t Whipt - 12^m Imp. H. Corr.

The King }
Jⁿ Bⁿ Robillard }

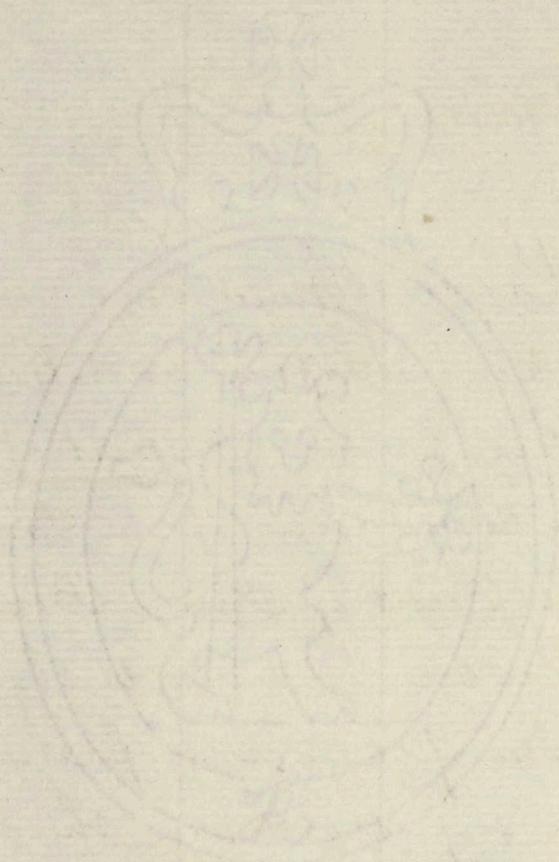
On Conviction for horse stealing
Judg^t - Death... Ex. 6 Oct.



27



Proceedings on a Special Commission
of Oyer + Terminer and General Gaol
Delivery for the District of Montreal, addressed
to the Ch. Justice of the Province and Justices
of the Court of Kings Bench for the District
of Quebec, and also to the Ch. Justice and
Justices of the Court of Kings Bench for the
District of Montreal, the said Ch. Justice,
or one of them being of the quorum. — The
said Commission having opened on Wednesday
the 20th day of March, and closed on
Monday the 8th day of April 1816, —



Court of Oyer & Terminer
and

General Gaol Delivery. Montreal

Wednesday 20th March 1846.

Present

Chs. Justice Monk

W. Justice Ogden

W. Justice Foucher

Mr J. Reid being absent on Circuit at
Three Rivers did not return till the 21st

The Commissions of Oyer & Terminer, and
General Gaol delivery were read & published.
The Precepts for summoning the Juries were
returned, and the Grand Jury called & sworn.

The

The charge was delivered to the Gr. Jury by
the Ch. Justice - whereupon the Jury retired -
The constables ~~was~~ were called - The Commiss^o
of Clerk to John Dilist, were read -

Court adjourned till 3 o'clk. P. M.

Wednesday 20th March 1816.
3 o'clk. P. M.

The Grand Jury came into Court and
returned several bills of Indictment which
had been found by them - The Prisoners
were sent for and arraigned, and several
trials fixed for to morrow -

The Court adjourned till to morrow at
8 o'clk A. M. -

Thursday 21st March 1816

The King
or
Joseph Dixon

On trial of Indictment for stealing
in a dwelling house to the amount of
Aof. — 12. An. ch. 7. 2 East. 629. —

Arthur Eisdale, arrived in Montreal on Dec. last
and lodged in the house of Th. Holmes. The P.^r then
lived at that house as a serv^t but did not attend parties
on W^{ch} as he had his own serv^t but would have had
access to his bed-room — on the 20th Dec. last he discov^d
that 6 American eagles of £2. 10 each, some other gold, one
Spanish piece of silver of value 4/2 of Coin of Joseph
Napoleon, had been stolen from his trunk in his bed
room — the trunk or portmanteau was always kept locked
he had seen the money two days before — was inf^d by
M^r Homes that P.^r had changed money with one Chelton
the eng^r of Chelton and he showed him 6 eagles & one piece
of Spanish coin of Jos. Napoleon of the value of 4/2.
to which he rec^d. on giving other monies for them. —

By Jury — Any person in the house could have access
to the bed-room — he found his portmanteau locked, but
it was so plicant that a person could force his hand into
it when locked —

James Cheater - keep of Cantine to Nov. St. Yencable.
his P^r since about 4 months - he came to W^r
on 28th Dec. last at his Cantine with 6 American
Eagles and a Silver piece of 1/2 to get ex changed
for dollars, and W^r gave him Silver for the whole
that the Silver piece of 1/2 of^h he rec^d from P^r he
gave to Mr Eisdale, resembles piece now shown -
when asked for wh^o the change was P^r it was
for his Master, Mr Homes -

Robert More of Montreal, waiter - W^r P^r for last 2 years - that
3 days after last Christmas he ~~saw P^r at the house~~
~~of W^r rec^d £15.~~ in Silver from his wife which
she said she had rec^d from the P^r, the same evening
the P^r came to house when he s^d that he had rec^d the
P^r money from Homes have settled wth him for his
ways; that next day he told Mr Homes of the money,
having heard that money had been stolen at the
house. -

Cynthia More. wife of last - W^r W^r P^r for upwards a year
that he bro^{gt} a parcel of money to her house some
days after last Christmas, wh^o he gave to W^r to
keep for him - That next evening the P^r came to house
when the money was counted, to amt^t of £15. - wh^o
P^r s^d was part of his ways wh^o he had rec^d from
Mrs Homes -

Thomas Homes keeps a board's house in M^d - the P^r had been his servant about two years - that when Mr Eisdale came to the house in Dec. last, there was very little money due to the P^r for wages, not exceed's 4 or 5 dollars, as he was in habit of take's up his wages when due - That he had never sent out the P^r with 6 Eagles to change - Does not know what the wages of P^r were -

Being asked by P^r as to Ch^r says, he was given to him by the person who bro't him up as an honest faithful sober man, and he always found him so, except's a little given to liquor, and when the circumstance happ'd of Mr Eisdale hav's. lost his money, the W^r could not believe he was the man, as the W^r had every confidence in him, and had access to most articles in the house

The P^r adduced no evidence -

The Court charg'd the Jury, that altho' P^r was a man of good ch^r he must shew it in regard of transaction in question - he hav's. a large sum of money in his possⁿ - under suspicious circumstances, and his having told a lie when account's how he came by it, were - circumstances to charge the P^r and must be considered by the Jury. -

Verdict.

Dominus Rex. —
Christophe Morrin }
v.

On trial of Indictment for horse
stealing - & other articles. —

1 Edw. 6. ch. 12. — 2 Stat. 614. —

Asael Gilbert, lives at Assumption - the P^r lives
in his service in Sany. last & two months preceding
The W^r came up to Montreal on 3^d Sany. last when
he staid 3 or 4 days - when he ~~left~~^{ret^d} home he found that
during his absence his horse had been stolen & several
other articles, the horse had then been bro^t back - the
horse was of a bay colour, belonged to W^r & was worth
£10 - the other articles stated in Indictment & of value
therein ment^d were deposited wth M. Mabbout a Magistrate.

John Gilbert. son of last W^r the P^r bro^d. a ser^vant wth
W^r father in Sany last - W^r came to town wth his father
when he ret^d he heard his horse had been stolen - he
went to Lavaltrie & then found the Horse, & the P^r about
a league on this side Berthier - on coming back with the
P^r from Berthier the W^r asked the P^r why he came to use his
father so ill as to take his horse, he said, he had taken
the horse - that the horse & sundry other articles stolen
were in the possⁿ of one Antoine Marie, who W^r
understood had bro^t the horse - at the house of one
Harnois

Harnois a decanter, two bags and a suringle also a
piece of homespun -

Antoine Marie, lives at Little Riv. Lavallée - on
the 3^d Jan^y. last the P^r came to house of W^r in company
wth brother of W^r had a red col^d horse wth him, w^{ch} he offered
to sell, he asked first 25 d^{ls} & afterwards agreed to take
£4. 3. 4. w^{ch} W^r agreed to give him, & gave six dollars on
acc^t - the P^r said that he had bred the horse from the
United States - That next morn^g. the P^r went away -
That about a day & half aft^r on John Gilbert came and
claimed the horse as having been stolen by P^r. & the W^r did
up to s^r Gilbert - they pursued the P^r and found him
in a tavern near Buthier -

Francois Harnois - on the 3^d Jan^y. last, he bot^d of the
P^r a decanter - a suringle - & 2 petticoats of homespun -
& countpoint, - these articles he deliv^d. to W^r John Gilbert.

Edouard Robichau. - he assisted s^r Gilbert to take
P^r on 5th Jan^y last near Buthier - was pres^t. when Ant.
Marie deliv^d. up the horse he bot^d. of P^r to s^r Gilbert - and
also when Harnois deliv^d. up the articles w^{ch} he had bot^d. of
P^r, who was also present -

Marie Thibaudiere - In Jan^y. last she was in the service
of Asael Gilbert as well as the P^r. That on the ev^g. of the

4th Jan^y. last the P^r went to the stable to feed the
Cattle as usual, and next morning the P^r was not
to be found, nor the horse either -

Verdict - Guilty. -

Dominus Rex
Johnⁿ Powell

On trial of two Indictments for Grand
Larceny. -

John Clarke of Montreal, Contractor for supplies
beef for the troops - the P^r was employed by W^r to help
to cut up the beef & to deliver it out - and from the
confidence W^r had in him he allow^d P^r to issue beef
from his store in his absence - In Jan^y. last he was
inform^d. by one Strothers an issuing Com^{dr}. that the P^r
was not doing right - went to the house of one Lewis
& found that he had bot^t. a quarter and about 3/4 of
another of beef from one M^r. Nicol, who was s^d. to have
got it from the P^r - That his contract price is 33/-
& Cwt -

x^p.
From the quantity of beef in his store, he is not
enabled to say, that the beef in question was stolen
from him, as 20 quarters might have been taken from
it without his knowledge -

Geo. M^r Nicol - groom to Cap^t. Barnes - R^s. P^r -

on

on the 5th Feby - the P^r told W^r that he had bot. a check
to get beef - there was a quarter of beef bro^t to the kitchen
of Capt. Barnes, q^{ty} ~~W^r~~ was claimed by P^r as his saying he
could sell it for 3^d and therefore W^r not let Mr Clarke have
it for 2¹/₂ - he asked W^r to sell it for him - which he did,
he sold it to our Cowie at 3^d of pound, & deliv^d the money
to P^r - amounts to five dollars & some change - & P^r gave
him a dollar - That at another time in the same month
there was another quarter of beef bro^t laid on a kitchen
table in Capt. Barnes's yard q^{ty} - was claim^d in the same manner
& q^{ty} he req^d the W^r to sell for him, which he also sold to said
Cowie at 3^d p^r - & rec^d six & 1/2 dollars for it q^{ty} he deliv^d
to P^r & rec^d from him 5/- for his trouble in selling it -
the P^r also s^d he had got a check for ^{his} beef also -

X.

That Soldiers & officers are in the habit of selling their
checks for beef & other articles. -

James Cowie, of Montreal cooper - that last W^r at
one time, in Jan^y. last sold him 115^{lb} beef at 3^d p^r - and
at another time about a month after he sold W^r 125^{lb} at same
price, stating that it was officers beef and he might have
as much of it every month as he chose -

John Chichester Hyde, Lt. M^r. Secy^t of Drivers, W^r

P^r

P.^r went wth In^r Clarke to house of Lewis in regard
of some beef g^t he had bot., and upon Cowie's admission
hoping to have bot. beef from M^r Nicoll. The W^r sent for
the 2^d M^r Serg^t Gillis of the artillery to get the P.^r
who had given the beef to M^r Nicoll - and when P.^r
was pres^t he agreed to make good the meat to M^r Clarke
seeming wth tears in his eyes

James Gillis 2^d M^r Serg^t of artillery - W^r P.^r is an
artillery man - was present when the P.^r is present
of In^r Clarke, Hyde & M^r Nicoll acknowledged that
he had given meat to M^r Nicoll to sell and offered to
make it good, that M^r Clarke seemed disposed to
accede to this, provided M^r Nicoll w^d have returned
the dollar he rec^d g^t he would not do -

x^r -

The Clarke told P.^r that he knew the meat was
not his, when P.^r s^d he w^d make it good - P.^r has
always enjoyed a good character -

Deferre

John Clarke does not recollect to have bot.
beef from soldiers & sold to other Contractors - that
the P.^r was never suspected by W^r of having stolen beef
as he always considered him as a man of good
character -

Verdict. Not Guilty -

The King. }
Marie Mercier. }

On trial of Indictment for burglary
in breaking out of the house -

Fran^{cois} Vinet of par. of L. P.^u on the 7th Jan^y. last the
P.^r came to his house desiring lodging for the night as it
was cold - she was all^y to remain - the W.^r his wife -
went out, and did not return till one o'clock, when he
shut the door and put a piece of wood over the latch to
keep it shut - the P.^r was then in the house lying behind
the stove - That about 3 o'clock the br. in law of W.^r
came to the house, when the W.^r got up, and perceiving that
the P.^r was gone he suspected something wrong - that
upon examⁿ, they found the different articles ment^d in
the Indict^t. to be missing (value the articles as stated in Indict^t)
That the same ev^s one Fran^{cois} Roussin came to the house
w^h the P.^r having all the said articles on her, and she
acknowledged to have taken all the said articles, - that
P.^r when she went out at night left her own cloaths at
house of W.^r

Fran^{cois} Roussin of Montreal - recollects having seen the
P.^r on 7 or 8. Jan^y. last clothed like a man - having
heard that a felony had been committed at house of Vinet
& being told that she was the thief, he stoppt her, & carried her
to the house of Vinet, where she acknowledged having
stolen the articles -

The King
Etienne Grouin

On trial of Indict. for stealing in
a dwelling & burglariously breaking out
of it. —

P^r Dorval — that on 4th Jan^y last he left his home about
4 o'clk in the afternoon & ret^d ~~about~~ ^{next day} ~~at~~ ~~home~~ ~~where~~ ~~he~~ ~~was~~
found his effects stolen — next ^{day} ~~morning~~ in Indictment.
the pris^r had slept at house of W^r dur^g his absence
where W^r left his children, one of whom came next morn^g
to house of W^r's brother when he was, told W^r of what
had happ^d upon this the W^r gave directions to look after
the thief while he went home — the P^r was bro^t to
the house of W^r by his brother, upon exam^s. what
had been stolen & charging the P^r therewith he —
acknowledged to have taken only the blue trousers
the shirt & table cloth — the other effects were found
at the house of P^r where he lived. —

Jos. Carplet. on 4 or 5 Jan^y last he was inform^d. by
last W^r that he had been robbed & among other things
56 dollars had been taken, he made pursuit, & came
up wth ~~the~~ P^r at his father's at Marka — he took him
P^r and carried him to the house of his brother, the
other W^r and on the way being in the same carriage
with the W^r he acknowledged having committed the
robbery in question — when he was at the house of
P^r

P^r Doreau he then again acknowledged hav^s taken
different articles from him & among other things 35 or 40
dollars —

x^d

The W^r advised P^r to acknow ledge his fault if it was
him & in that case nothing w^d be done to him, but if he
did not he w^d be hanged —

Etienne Beaupré in Jan^y. last the P^r came to
the house of the W^r in a carriage. — The W^r was one
of those who went to the garden of P^r where different articles
were found which had been stolen —

Denis Carpent, not heard — as to Confession —

Verdict, Not Guilty —

Friday 22^d March 1816

Dominus Rex
Joel^m Hall }
}

On trial of Indictment for stealing in
a dwelling house to the amount of 40/-

William Iveson of Montreal, Tavernkeeper, 120 P^r
since 23^d Oct. last, when the chimney of W^r house took
fire, the P^r assisted to ext. it — the W^r gave him a glass

of spirits in the bar room - has heard someth' fall
down the chimney of^r. was in fire the W. went out to
the next room & left the P^r in the bar room - while
in the adjoin^s room has heard the jingle of money
in the bar room, he suspected something wrong
& ret^d. back to the bar room - where he saw the P^r
with the till in his hands drawn entirely out from the
counter and in the act of resting it on the outside
the counter - when the W. went out of the bar room
there was no body in it but the P^r and the till was
in its usual place, and not on the counter where he
saw it in the hand of the P^r when he ret^d - That
W. saw 3 doll^s & some coppers of^s had fallen from
the till on the floor - there were 20 pieces of silver
coin in the till - 12 dollars & some other pieces -
The W. rents that part of the house in wh^{ch} he lives.
When W. came into the bar room & saw the situation
of the P^r he asked him what he was about, he app^r
much confused - & said he had been putting a copper
into the till for the glass of spirits - the W. observ^d. that
it was not in that way he sh^d. put money in the drawer
as he might have done so without tak^s out the drawer
& reminded to him the money scattered on the floor -

he

he called in the waiter who picked up the money

x^d -

When he went from the bar room into the kitchen there might have been some other person in it besides the P^r altho' he saw no other -

Will. Craig. liv^g. w^{as} last W^{ed} as bar-man in Oct. last recollects hav^g seen P^r in the house the day the chimney was on fire - after the fire ext^d. he saw P^r in the bar room - on hear^g a noise the W^{ed} and Mr. Jerson went out of the bar room into the kitchen & left the P^r in the room, thinks there was no other person in the bar room but P^r, at least he saw none - there were a great many persons coming & going & the bar room is open to every person - when W^{ed} went out from bar room he had just before shut the till & observed a number of dollars there in it from 16 to 20. the P^r was out side the bar, but could see the till distinctly when W^{ed} left bar room Mr. Jerson was there & W^{ed} left the key in the till - the W^{ed} had not been gone above 3 or 4 minutes when he h^or. Mr. Jerson call him back, he went in & saw the till out of its place, and Mr. Jerson talking to P^r about the till - when W^{ed} went in told W^{ed} that he had found the P^r w^{as} the till in his hand,

and

We saw some dollars & coppers scattered on the floor near the place where the till was kept, these the W^r pick^d up, & it is positive that these were not there when he went out of the bar room 2 or 3 minutes before - h^r Dr^r say, that he had pulled out the till in order to put some coppers into it

Jean B^t Lepine at Berard, on the 23 Oct last he saw the P^r in the bar room of Mr Ireson's house, he saw the P^r draw out the till from the counter far enough for a person to put their hand in it - he then went to a window looked out - at it came back to the drawer, & stooped down as if to pick up somethg. did not see the P^r take any money out of the till nor did he hear any money fall on the floor - the W^r was at the door between the kitchen and the bar-room - saw P^r after Mr Ireson this man come in, take out A cop. offer it for liquor wh^l he had rec^d

Jean B^t Louvion, was at the house of Ireson in October last when the chimney was in fire - Knows nothg. in regard of prisoners -

Louis

Louis Gauthier - knows nothing -

Deference

Joel Morice, W. P. since May last, and has always considered him to be an honest man -

Verdict - Guilty of petty larceny -

The King.

vs
Fran.^{co} Jean Pierre

Dupre. -

On trial of Indictment for Grand
Larceny. -

Ann Brydon, wife of Wm Brydon, keeps a shop in Montreal - recollects hav^g seen the P^r about 24th or 25th Jan^y last at her shop, the W^r was at time at dinner in a room behind the shop, & there is a glass door between the two rooms - the W^r at first observ^d a hand stretch^d out to a glass case, & take some ribbon out & saw this repeated a 2^d time - upon the W^r came into shop & saw P^r stooping behind the Counter to conceal herself - upon the W^r going into the shop the P^r got up & run out of the shop wth the ribbon in her hand - the W^r followed her 2 or 300 y^ds - and laid hold of the P^r who had the ribbon in her hands and dropped some of them - thinks there were

three

three pieces dropped by P^r - q^r a little boy picked up
they bro^t. back the P^r to the shop & wth the assistance
of one Stanley, 5 or 6 pieces more were taken from
her person - (speaks to the several pieces of ribbon
& prices as stated in Indictment)

Geo. Stanley, W^{ch} last W^{ch} & P^r saw P^r on
26 Jan^y. last, he then lived next door to Mr
Brydon - Mrs B - came & called him he went to
her & found P^r in her shop - Mrs B - informed Mr
that P^r had stolen ribbon from her that she had foll^d
P^r to market p^l. & taken 3 pieces from her, & also that
she must have taken a great deal more as there was
a great empty space in the Car & request^d Mr to
assist her to recover it - the W^{ch} charg^d P^r with the
theft asked her if she had any more than the 3
pieces q^r had been found - the P^r denied it, the W^{ch}
unbuttoned her great coat & found other 3 pieces under
it, upon this he carried her to the Police office, & on the
way the P^r told him that she had bot^t the ribbon
in a shop -

Frederick Goedick, clk in Police office, recollects
to have seen the last W^{ch} Stanley at the Police office
& rec^d. part of the ribbon now shewn from him

Verdict. Not Guilty.

The King }
Louis Lentreu }

On trial of Indictment for stealing
a Cow. -

Simon Fraser, lives at St. Anne bout de l'Isle
in Feby. last the 24th he lost between one & three o'clk
in the morn^g a red col^d Cow with white front & white
belly - he followed the traces of the Cow from his house
and upon enquiry was told that a man had been seen
with a Cow on the road to Lachine, & from thence to the
house of one Rolland at the Tannery, where found the
Cow, that Rolland said he had bot. the Cow of the P^r
who was also then present, and had p^d 25 dollars for her,
and upon his claiming the Cow, the P^r p^d back the
money to Rolland - The P^r lives near the house of P^r
and works as a day labourer -

Joseph Rolland lives at the Tannery, about 24 feby
last the P^r bot. a Cow to his house, red colour wth white face
g^l sold to W^r for 25 doll^s saying the Cow was his property
the Cow app^r fatigued from travel - the P^r s^d he lived at
St. Anne, & had bot. the Cow the last year of an American,
H^r last W^r came to house of W^r about 3 hours after he had
bot. the Cow and claimed her as his property - that W^r Fraser
charged the P^r wth hav^g stolen the Cow, and told him to
return the money w^{ch} he had rec^d from W^r which P^r did?

Jean B^{te} Lahaye - was present when Mr Fraser found his Cow at Rolland's - That he came up wth P^r at Lachine wood who was lead^s Cow towards town asked P^r if he w^d sell the Cow, he s^d he w^d and asked 35 dollars for her - it was the same Cow q^d Mr Fraser claimed as his. ~~was~~

Verdict. Guilty. - recommended
to mercy from ~~the~~

Saturday 23. March 1816. -

The King
Jerem. Malony }
" Malony }

On trial of Indictment for stealing
from a dwelling house to the amount
of 40^l. -

David Patterson of Montreal, Sadler, 100 P^r -
from has seen him in his shop frequently, in order
to see his son who is a journey man in the employ^t
of the W^r - That W^r about middle Feb. last forbid
the P^r coming to his shop, owing to the disturbance
he occasioned in it - but he came afterwrd & the W^r
had to put him out by force - That W^r discov^d that
several articles in his shop were missing, and as

W^r

6 plat. buckles
2 Tunits
2 p^r rings

W. could not find them, he that he w^d put a private mark on the articles in the shop in order to discover them in case they were disposed of without his knowledge. That some of the articles so marked were bro^t to him by one Mrs Vallée, as having been purchased by her from the P^r which articles he deliv^d to the Magistrate at the Police office - (articles now produced sworn to be same so marked by him, and of value charged) -

Fred^k Goedick, clk of Police office - rec^d sundry articles from one Rolland w^{ch} were put into a cupboard in the police office, the articles were put in a bag & a label pinned thereon by him in his hand writing - Rec^d another parcel of articles from Andre' Vincent, which he tied up & put in the same cupboard -

David Patterson - a turret found in the parcel deliv^d by ^{Rolland} ~~Andre' Vincent~~, was marked by W. also a small buckle -

x^d

The articles he marked were marked in his shop before they were stolen -

Susanne Derigo, wife of Lavallé, does not know P^r

Andre' Vincent, that on Shrove tuesday he bro^t of the P^r a doz. buckles of 1 1/2 inch wide - also 2 lagns, and a plated hook - these articles he deliv^d to the CLK of Police office

that he paid 8/9 for the s^r articles to the P^r

Joussaint Lenoir & Rolland - he purchased articles such as now shown from P^r - particularly a broken terret (marked by Patterson) 2 p^{rs} d^o (also marked) q^r he deliv^d to the Clk of the Police Office - also a small buckle (marked) - the wrapper round the parcel of articles he rec^d from the P^r

Thomas McCord, one of the police magistrates says, that he rec^d. some articles from Rolland q^r he handed over to Goebels the Clk to mark - That Patterson at time said he could identify one of s^r articles, showed the mark on it, a terret -

Deferrie

Stephen Bradford - was foreman to Patterson last winter - Patterson went out wth Maurice Malony to look for articles q^r had been stolen - he bro^{gt} back sundry articles, did not see them marked -

~~Thomas Kendall,~~

Maurice Malony, Journey man harness maker worked for himself at St Johns - the P^r who is his father applied to him assistance being in distress, & W^r gave him some terrets some time since New Years day, also some buckles - these articles the W^r had
purchased

purchased at Mr. Willard's store, also at the store of one
Mr. Council -

He purchased these articles last summer ^x

John Rankin, Mr. P^r for 7 or 8 years, has lived wth
W^r as a servant, & always found him an honest man
he was a soldier in 49. Reg^t. in the Grenade Company

Jos. Perrault - speaks to character of P^r

Ver dict. - Guilty of petty Larceny -

The King }
Maurice Malony }

On trial of Indictment for Grand
Larceny -

David Patterson, Mr. P^r who lived wth him about
3 months as a journeyman Saddler & left his employ about
25 Feby. last - his harness trimmings were exposed in
shop & P^r could have had access thereto - he perceived that
sundry articles had been stolen from him, & he marked
a number of them to discover them afterwards - specifies
6 bug buckles. value of 20 marks, also a pair of terrets, value
7/6, 2 p^{rs} of bridle spots - 2 p^{rs} rings - value of these he
rec^d from Mrs Vallie, & are similar to those he had
in his shop - he had also the links from Mrs Vallie

and deliv^d them to Mr. McCord at the Police Office
who handed them over to his clk to keep -

x

Do not mark the s^d articles after they were recovered

Susanne Perri go, wife of Jos. Vallée, Mr. P^r
from hav^g sold her harness furniture on 1 March
last, 9 prs circles for eyes of bridles - 2 prs ^{bridle} spots

Joseph Vallée, Mr. P^r ^{but never} bot. prs / o^r buckles from
him about 15 or 20 feby last - 3 prs of big buckles,
similar to those now shown - a doz. links

Deference

David Connell, keeps a store in Montreal in
q² there are saddle furniture - Mr P^r who in
July last worked at his trade in St Johns, &
bot. such articles as those now shown, particularly
2 pr. circles - other furniture - & his people in
the shop may have sold others to P^r in his absence

Charles Willard, clk to his brother who keeps a
hardware store in Montreal in q² there are a number
of articles of saddle furniture such as now shown
about 1 Feby. last the P^r bot. buckles & buckles
at the store similar to those now shown, bot

one

one or two doz. of different kinds & a quantity of
buckles -

Stephen Bradford - nothing -

Verdict. Not Guilty. -

The King }
In B^{ty} Marion }

On trial of Indictment for stealing
in a dwelling house to the amount
of \$100. -

Constant Cartier, on the 18 Nov. last the P^r came
into house of Fr. Boucher a tavernkeeper in Montreal
when the W^r there was, the P^r lodged & slept in same
room when W^r had his valise in of he had 30 Sp. dollars
20 Fr. Crowns, one marked, & two pieces of gold, being
half eagles of American Coin -

Jacques Belanger, says, he has P^r from has seen
him at his house on 21 Nov. last, he asked for 2 glasses
of rum of^t he gave him & rec^d from him a Spanish
dollar marked on the edge, he put it in the drawer
in of^t there was no other, & remained there till the
evening when the last W^r came & asked if the W^r
had rec^d a fr. Crown or Sp. dollar from the P^r
& upon shews the dollar Cartier pointed out the

mark

mark and said it was a dollar he had lost

Constant Cantin being recalled, says, that he knows last Mr Bellanger, that he got the dollar in question from him after having described it swears positively to the identity of the dollar, and from his having taken it from his waistcoat pocket and put it into his valise at Boucher's That P^r slept at Boucher's the Saturday & Sunday night went away on Monday morn, & Mr saw no other stranger who lodged in the house during that time but the P^r

Francoise Legris, wife of Jacques Bellanger In the month of Nov: the P^r came to house asked her to put a small valise in the house, of she did & he told Mr to deliver it to his brother in the evening he asked for 2 glasses of rum of she gave him & he gave her a dollar & she ret^d him the change she put the dollar in a drawer by itself; about 2 hours after Cantin came to the house with one of Boucher's Son, & upon shewn the dollar, & describing it, he claimed it as his, by being a little defect on the edge, of the dollar she put apart, and is the same now produced. —

x^o-

That she was the person who served the liquor & who received the money, and thinks her husband came in at the time she rec^d the dollar from the P^r

Defence

Fran^s Boudrie, W. P.: he made two trips in his vessel from Three Rivers to Montreal, he bot sundry articles from him about beginning of last November, - always considered P^r as an honest man

David Stansfield - P^r lived wth him as servant in 1813, he always considered him as a trusty man - has frequently seen defective dollars but not exactly resembling the one now shown -

Verdict. Not Guilty. -

The King
" }
Marianne Gurot }
Marie Elizabeth }

On trial of Indictment for
shop lifting -

M. De Lorimier was sworn as
Interpacer, the prisoners being
Indians of the Inguois nation. -

Eugene Trudeau, merchant in Montreal
in Feb^y. last the P^{rs} came to the Shop of the W^h
where he had several Martin Skin Caps, for Sale
did not see the P^{rs} come into the Shop, he happ^d. to
go into a back room & on going out observed ~~one~~
of the Caps by itself apart from the others - he
was about to put a piece of wood in the stove
when looking round he perceived thro^t. the window
that the Cap was gone, and looking round saw
the two p^{rs} going out of the Shop, & jumping over
his counter he pursued them - he saw one of
them M. A. Curot, give the Cap to the other, and
when he came up to them he found the cap
under the blanket of the other - That he knows
the caps, from having offered it for Sale to some habitans
a few minutes before it was stolen - he deliv^d. the
Cap to M. Mondelot at the police office. -

P

There were about a dozen more caps in the
Shop also for Sale - cannot swear to the exact
number there were in it at the time - the outer door
of the Shop was open, & persons could come in while
he was in the back room - Did not take notice of
what other persons there might be in the street besides

the P^o when he got into the street - There may be many caps of a similar form & make as the one in question

Frederick Goedick, clk of police office, says he rec^d. a cap from Mr Trudeau of he believes the same as now shown -

Defence

Genl. Ch. Delorimier, Superintendent of the Indians at the Sault - speaks to the character of W^o and to circumstance of one of them M. Elizabeth having found a gold cross belong to W^o of - she returned to him -

Bernard S. Germain - character -

Ignace Nicanou - same evidence -

Verdict. Not Guilty -

The King. - }
" }
Pierre Fournard. }

On trial of Indictment for stealing, from a dwelling house to the amount of 40^s shillings. -

William England, clk to Hugh & Shaw Armour
10^o. P^o who was employed about their store as a labourer
in

in Febr. last, that a number of Calf skins
had been given to the P.^r to clean the dirt & mud
from them - that 2 or 3 weeks after he heard from
a young man Russel that the P.^r had sold a Calf
skin to his father, upon exam^s. ^{Further it was found that} the skins, there
were seven wanting - that on 5th March last
being sent for to make enquiry respecting the
P.^r skins, he acknowl^d. in the presence of W.^r and
one Henn that he had stolen the said skin &
six other Calf skins at same time and also a pair
of shoes - of^t he then had on - that he had sold
the other Calf skins - thinks the skins worth
10/- each - & the shoes are worth 5/- cannot say
that he ever saw the skins in the poss. of H. O. S.
armour of^t were stolen, but P.^r acknowl^d. that
he had taken them from the Cellar - that the
skin of^t Russel had, he had taken in the Kitchen
and the shoes out of a hog's head in the Cellar -

X^o

Thinks the P.^r was told that he had better acknow-
ledge his offence - that it was a disgrace to be taken
before the Court for such matter, & that he w^d better
engage himself somewhere to get money to pay for what
he had stolen -

Isaac Russel, has seen the P^r, he came to house
of W^r about the end of Febr^y, last and offered a calf's
skin for sale, he bot. it & paid 8/9 for it

Alex^r Russel, says noth's -

Louis Sedoux, W^r p^r for 2 years past - has no know^r
that P^r stole any skins from H. & S. Armour, nor taken
any from them in any manner, except what the p^r
told him - It appear^s that the acknowledg^{mt}
of the P^r had been made by inducements made to
him by the W^r that it would be better for him,
the evidence was rejected and the P^r acquitted

Tuesday 26th March 1816. -

The King. -
Henry Laclou }

On trial of Indictment for stealing
an ox the property of Jos. Paiement.

Joseph Paiement d^r Lariviere of St^r Laurent, that
on the 2^d Sep. last, the ox was missing, and two days
before the W^r had seen him in the field - the ox was
of a red and white colour, & belong^d to him, esteems him

to be worth 55 dollars at that time - On looking
at the skin now shewn - says it does not appear
to be the skin of his ox, but thinks the horns to
be those of the ox he lost, from the marks on them
part of one of them being broken in attempting
to pierce it wth a gimlet - That when he first saw
the skin of the ox, ^{it was 40 days after he lost him, & at one Touss. Leduc's} the horns he now holds were on
it, but does not know that the s^d horns belong to
the skin now produced, thinks they do not as the
stump of the horn is too small - That the skin
wth the horns, q^d he knew to be the skin of his ox
was bro^{gt}. to the Police Office - but does not think
the skin now shewn to be the same, but knows
the horns to be the same -

2

Bot. the ox about 2 years ago of a habitant of
Cote St Paul - when he ask^d P^r where he got the
ox in question, he s^d. he had bro^{gt}. him from his father
in law, q^d he now points out in Court - when he
went to R. du Maine in search of his ap^d disint^d. him
as having a white streak down his back & the left
horn pierced wth a gimlet - That the right ear of his
ox was slit, & the skin now produced is same -

President

Prudent Deshauteles, 1st East W., 1st P. by sight,
last fall he bot. 2 ox hides from him - One was red & white
and the other black & white - the red & white col^d hide he
sold to Jouv. Ledue - observ^d the horns on s^d hide of
app^r. as if they had been sawed and had grown again so as to
leave but little marks of it - one of them was pierced wth a
pinlet, & the other he does not remember if it had any mark
that horns now produced are the same he saw on the
s^d hide - he sold the 2 hides to Ledue for 10³/₄ doll^r & thinks
the red & white col^d hide might be worth 5 doll^r - he p^d. at
the rate of 8 of C^o to P^r for the hides -

P

That he bot. the hides from the P^r in the new market place
the tail of the skin of the red & white ox was cut in shape
of a broom - and hide now produced is the same. -
That the horns he has now tried on the stumps, he
considers to belong to the s^d skin - & is sure to be the same
he bot. from P^r was present when heard p^r. say upon
being asked by Peimant where he got the ox, s^d he had it
from his father in law -

Benig re-ex^p. in chief - says, there was a mark on the
skin as if it had been singed, of^h he now shews -

Joussaint Ledue, Tanner, says, that he k^d. last

Prudent Deshautes, from whom he bot ^{two ox} ~~two ox~~ hides
about last S^r. Michel - one red & white & the other
all white - that he obs^d. the horns on red & white
skin, of^t. app^r. to have been sawed - & the end of one
of them app^r. to have been split - one same now
shown to him - That from the skin he has the
right ear slit & the tail cut in a broom shape
thinks skin also to be the same -

Joseph Brisbois, that about 2 years next
May he assisted Jos. Poirment to mark his cattle
that he sawed the horns of a red & white ox, & pierced
a hole wth. a gimlet, but in piercing it the horn
split - he also cut the right ear - thinks the
horns now shown to be same -

Deference -

Christie Messenberg, in June & July last
she lived behind the new market when cattle are
commonly sold - recollects hav^d. seen one Henry
Leyland another man come into her house wth. money
in a handk^{et} in order as she understood to pay for
some ap^{er} he had bot^d. of the other -

Henry Leyland, lives at River du Stine
No. P^r recollects hav^d. sold three ap^{er} to him

two about the middle of Sept last & the other about a week before - these oxen he bot. about 8 or 10 weeks before in the market place in Montreal - these oxen he grazed on his farm until Sept - when he sold them to P^r - The colour of ~~two~~ ^{two of them} was a red & white one, & the other a brindled one. - The person from qth he bot. the oxen, spoke English. That in the left horn, as far as he can recollect, there was a hole in the left horn of one of the red & white oxen - That in Sept. last he cut some of the hair of the tail of the ox and put it in a hole in the stable, & his son found it there last Friday - Believes the horns, ^{now shown} to have belonged to the ox he sold to P^r - & believes the skin also to be the skin of same ox - That it was 2 or 3 days before he sold the ox to P^r that he observ^d that one of his horns was marked as he was then look^g at ox to settle the value of him -

x^d

That it was after he had sold the ox to P^r that Paiement came to enquire about an ox he had lost, but as W^r did not understand French he cannot say what Paiement said that he understood that Paiement had described the ox, as having his two horns pierced, qth might or might not have been the case, as the W^r had not taken particular notice of the ox, & only now speaks from general recollection and never seen the hide now shown last Friday here -

George Graves, W. last W. who is a farmer
at Rivu du chine - rem. has seen some ox in
grass on his farm last sum. & fall of. he had
bot. one of them he observed had his ear slit -
thinks the skin now shown to be that of one of the
oxen he had so seen - was present when ~~last~~
deliv. the ox he sold to P^r

The P^r offered several other W. to show the
purchase of the ox and the identity of the skin
now produced, but was stopped by the Court
as it was considered the P^r had sufficiently
justified how he came by the ox in question
that it was unnecessary to adduce further
evidence on that head & therefore directed the
Jury to acquit the P^r which they did.



The King
M^r ~~Matthews~~
+ George Myers

On Trial of Indictment for Grand
Larceny, against one of P^r George
Myers -

Rod^l Storr's, merch. in Montreal, he
P^r but never was employed by W. to do any
business

business for him - That about the end of last Dec
he had a pipe of Spanish wine in his Cellar, of^h he
had sold to a Mr Flynn of Laxborough who had
bot. 2 pipes - one of of^h he had taken away, a bill of
panels of both had been deliv^d, & both had been gauged
and money p^d. on acct - it cost^d. about 107 gall: &
was sold for somewhat more than 20 p^d - The W^r
had also a pipe of Sicilian red wine in Mr Osterout's
Cellar - there were also ^{several} of^h Casks of same wine in same
Cellar - the Cadfish were in Store in Capital Street when
the Spanish wine was - The ^{1st} Sicilian red wine was
worth £20 - & the 2^d Cask £5 - That ten quintals
dried cod is worth £5. upwards - That being confined
to his room from indisposⁿ he was inform^d about
beg. of last Jan^y. that his Store in Capital Street
had been opened - and some days after he went there
himself to see that the door of the Store had been forced
and the pipe of Sp. wine & about 10 quintals of dried
fish want^d - That the Cellar door in Osterout's house
had no lock upon it, but it opened into the yard which
was generally shut up - That while he was sick a
pipe of Sicilian red wine & a of^h ^{of Sp. red wine} cask had been taken
out of this Cellar - That the W^r afterwards found
the of^h Cask of red Sp. wine in the house of p^r thinks
it

it to be his from the appearance of the Cask & the quality of the wine - it was a new Cask of Mr Gillis the Cooper had furnished -

x^o.

Mr Wm Myers, but never employed him as his clerk - employed him at times to do little jobs for him, but never entrusted him as his clerk - the late Cap^t. Landry told W^r that he employed S^r. Wm Myers as a Clerk - that last fall, he employ^d. send Myers to deliver two pipes wine from Ousterouts, Liller to a Mr Baker - That Cap^t. Landry had the keys of his vault in Cap^t. Street for some days while S^r was sick - When wine was found in house of P^r he produced a bill of parcels of the wine as have been purch^d. from Wm Myers - That at the time he understood that S^r. Wm Myers had left the Province. That W^r never p^d. S^r. Wm Myers any thing for the wine he had perform^d. for him, but he never had any authority from W^r to buy or sell any thing for him

James Gillis. Cooper, on the 23 Dec^r. last Wm Myers came to W^r & told him to go wth him to Mr Ousterouts Liller and turn out another pipe of wine of Mr. Shors's, q^t. he did - and left it in the yard - that the W^r had turned out three pipes before in

the

the same manner about a month before three
pipes of wine - That the s^r Myers got a trame & conveyed
the s^r last pipe to a house called the Old coffee house
wanted W^r to put it into a place where wood was
kept, q^r W^r refused to do - upon this the s^r William
Myers s^d he w^d convey the s^t pipe of wine to p^t aux Trambth
and sell it there - The W^r went away & left Myers there -
That afterwards on the 29 Dec^r he saw the same
pipe of wine in Mr Ritchot's cellar at p^t aux T^r -
w^h he knew from the marks the W^r had previously
put upon the pipe -

By Court - That W^r understood that Mr Myers was
the Clerk of Mr Storrs from his hav^g had liberty to
deliver two pipes of wine from his cellar & seeing
him going backwards & forwards to the Cellar - That
W^r had no directions from Mr Storrs respect^g the
delivery of the two pipes of wine w^h were so turned
out of the Cellar - after they had been so turned out
the W^r went to acquaint Mr Storrs of it, who approved
of it as hav^g been done by his order, & was for a Mr
Baker & another person - when the last pipe on 23^d
Dec^r was turned out, the W^r s^d nothing about it to
Mr Storrs -

John Bth Ritchote, lives at Pth aux J. and keeps a Tavern - Wth Pth for 5 or 6 years - he never bot a pipe of wine from Pth - That Pth brot his brother to his house saying he had wine to sell of different kinds - this was on the 25 Dec. last - and Wth agreed for a pipe of it at 2/6 of gallon - it was red wine of a weak quality - That on 26 the brother of Pth brot a pipe of wine of him for it - that this was the same pipe of Gillis claimed three or 4 days afterwards -

Frank Lawson, was employed last winter to empty a pipe of wine into gr. Casks - the Casks were new - might contain about 20 gals. each - it was red wine of was in the Distillery yard - the Casks he took at Gillis' shop the Cooper - on the search wat. Wth went wth Constable to house of Pth - and there found one of the gr. Casks of wine behind his bed - The Pth seemed angry and said he had bot the gr. cask of wine from his br. showed a piece of paper -

James Giffin, Wth that Mr Storr occupied a store in Capital Street last winter & that it had been broke open about 20 Dec last. - That at this time

Storr

Storrs was sick and the keys were in the possession of one Landy, who had property in the store - the keys at time were locked up in Landy's trunk who had died suddenly - and W. ^{soon} ~~seeing~~ the door of ^{store} Storrs broken open. That the day before he had seen one Wm Myers rolling a pipe of wine out of the cellar, but supposed he might have got the key from Mr Storrs -

George Barnard. W. P. who lived in Montreal in Dec. last when W. was charged with a search warrant he found a qt. Cask ^{of wine} in his bed room - This wine the P. O. he had purchased from his brother, & it was claimed by Mr Storrs as his property & had been stolen -

Defence.

Francis M. Canty, kn. late Cap. Landy & Wm Myers. That the s. Myers offered some wine for sale of Capt. Landy had purchased, saying it was on the part of Mr Storrs that Mr Landy had also offered wine to W. also for wine and upon talk about price S. Myers s. he had better

John Gerrard - Cap. Landy & Mr Storrs & also Wm Myers boarded at the house of W. some months before Landy died - the keys of the store in of Landy

had goods were hung up in the W. bar room
and the s^r. Wm. Myers & also the s^r. Storrs & Lundy
took them when they had occasion for them - and
he considered s^r. Myers as doing business for them.

Anna Howell - W. that during the winter, Wm.
Myers being in the house of W. M. Storrs came in &
told him to go and shut up the store, and went
away wth him - Myers came back so^o he had
shut up the store.

The Court considering that no part of
the charge had been made out ag^t. the P^r
and that the q^t-case of wine q^t had been found
in his poss. app^o to have been bot^t from Wm.
Myers who acted as the Clk and agent of the
s^r. Storrs directed the Jury to acquit the
P^r - which they did.

The King - }
Francis Morgan }

On trial of Indictment for
horse stealing.

Alexis Marcille of the parish of Longueuil,

Mr P^r who came to his house this day week, as the
Mr was preparing to come to town, he was w^t Carter
in another Cariole - they set off, & Mr follow^d - on the
road, the P^r asked to get into his Cariole as the other horse
did not go fast enough - slept at Widow Renaud's
in town - The P^r asked Mr after some conversation to
take him to one of his Cousin's in the suburbs, - they
went to a house in the Sub. where he talk'd some time
& left his band & buckle w^t him - came back to the widow
Renaud's w^t him - the P^r then went w^t Mr to the
Italian's - not find^g what he wanted he told P^r
not to go w^t him the P^r upon this s^d he w^d wait
for him - the Mr then went to get his business done
and on his coming back about an hour about, he
found his horse and Cariole gone, q^d he had left on
the bank near widow Renaud's - the people told
him that they had seen a Soldier take it away, &
sup^d he had sent for it - Mr then went in search
of the horse & cariole, and after much enquiry,
was told by a Carter that ^{his horse & cariole} he had been found and
was at Mr. McGee's, he went there & found them.
It is a black mare w^t a white spot in the front
and is worth £15. - and the cariole he values at

£6.5

26. 5-

Michel Charpentier - 1st last W^o since tues-
day last, has met him in search of his horse & Carriole
w^h he s^d had been carried off by a Soldier. - Same
day saw P^r who asked him to carry a load for him
& took him to one Seybold's in Suburb, where the W^o
saw a mare & Carriole, of P^r - proposed to W^o to
change wth him for his horse & Carriole, saying
that his officer had given him leave to do so - The
W^o has made a turn round the yard wth the
mare & Carriole, suspected it was the mare and
Carriole of last W^o & gave P^r to understand he would
send for his son who spoke English to finish bargain
went off & P^r foll^d wth mare & Carriole - he went
in search of W^o while the P^r put the mare & Car.
into Mr Hall's yard, while W^o went on to the
market place, where soon after the P^r foll^d with
another person in the Carriole - the W^o observ^d him
requested assistance to seize him wth the horse &
Carriole, & they did, and took him before Mr
McLoud the Police Magistrate - where Mercier
came and claimed the mare & Carriole as his property
in the presence of all the persons then assembled

x^d

The P.^r app.^r to be a little in liquor, and does not know if he was in earnest or not when he proposed to exchange the mare & Cariole with him -

Eustache Beneche, recollects hav^r seen the P.^r the 18th & 19th of this month near Mad. Renaud's in a Cariole with the M^r Marille - When they arrived then Marille left the mare & Cariole near the window - they went away together, & about 10 m. after the P.^r came back, looked into the house, went out & got into the Cariole & went away with it and the mare -

Jos. Beauchamps, recollects hav^r seen the P.^r last Tuesday in M^r Hall's yard, where he went wth Michel Charpentier - whom he aided to stop the mare & Cariole the P.^r s^d. that the owner of the horse had given in charge to take care of him - Marille came up & claimed the horse -

Jacob Maston, high Const. - on Tuesday last went to M^r Hall's wth a warrant - to search for a horse & cariole wh^{ch} had been stolen & there M^r Hall charged P.^r wth having stolen the mare & Cariole the P.^r said, that he had not stolen it but had taken care of it for the owner who had given him the same in charge.

Verdict. Not Guilty. -

Wednesday 27th March 1816.

The King.
v
Jac: Douions }

On trial of Indictment for a Rape

Maria Genevieve Devoyeau, wife of Frans
Fleurent of Belle Riviere, has been married 15
years and has 5 children the eldest 14 youngest
4 years - That she went to work at house of P^r
on a Monday last fall, & hav^s. done her days work
she was about preparing the supper when the P^r
shut in the door and window shutters, when her
daughter came & knocked at the door and called
for her mother, the P^r went & opened the door
and told the child that if she w^d. go and bring
her brothers and sisters to the house, they sh^d.
see their mother, otherwise they sh^d. not - the
W^r was alarmed & requested P^r to let her go, but
he got hold of her carried by force up stairs
stripp'd her of her cloaths and threw her on a
bed where he enjoyed her against her will
by penetrating her body wth his privy member
and using her as her husband used, and had
his will of her - she remained in the same
bed

bed with the P^r all night in a state of alarm
and against her will, the P^r threatening her, he
talked of having his gun loaded, and told W^s
if she endeavoured to stir he w^d do for her, which
made W^s alarmed for her life - Next morning
she got up & P^r wt. her; when he again forbid her
going out of the house, which she found shut up -
That about one o'clk being at a window up
stairs, & seeing some of her friends looking for
her, she endeav^d to open the window & throw herself
out of it, but P^r came up, and laying hold of her
shut her up in another room so that she could not
escape -

x^d

That her youngest child is commonly named Ouellet
and passes for the son of one Ouellet, her husband
being then in the militia - That about 9 months
before the birth of this child she entertained an opinion
that she had been taken by force, but never made
any complaint - and this was done with a view
to save her from any complaint of her husband
might have aft. her - that she also complained aft
P^r for the same reason - That she never was enticed
by

by any one to make her complaint of P^r
That Mad. Rochelan was the person who first
spoke to her to work for P^r the week before she
went - Mad. Rochelan worked in the house with
her till Saturday night, - That she never drank
any liquor in P^r's house w^t. P^r nor did she
ever kiss the P^r that day, nor did P^r kiss her
or use any familiarities w^t. her - Did not
tell Fro^r. Proudhon that she meant to return to
Dorion's to work on the Monday - That the
P^r enjoyed her four times during the night he
lay w^t. her - but always aft^r. her will - Did not
tell Edw^d. the P^r's son on the Tuesday morn^g, that
his father wanted him - Did not see Clement
on the Tuesday - That it was on the 2^d. coming
of her brother who attempted to get in at the
door, that she escaped by the window, but could
not effect her escape sooner. - That she went
immediately and made her complaint to the
Magistrate to gether w^t. the person who had
been wounded at P^r's door in endeavouring
to get in -

Marie Lalonde, of St. Eustache, w^t. P^r
on the last day of Oct^r last, she was near his
house

house about 1 o'clock afternoon, - W. last W. saw
her at that time at the window in Doron's house up
stairs - she opened the window got on a lambour
and called to W. to hold ladder for her to enable her
to get down, which she did - the woman was in
hurry begged W. not to say anything as there were loaded
muskets in the house -

Augustine Girard, That on Tuesday 31 Oct. about
10 o'clock a.m. seeing a crowd of people assembled
near the house of P^r - the W. drew near & heard one Lapointe
call out to Marie Devoyeau who was at a window up
stairs - throw yourself down we'll catch you -
upon this he saw P^r push back the w^o woman and
draw the window curtain - upon this they attempted
to get in at the door -

Fran^{cois} Audet & Lapointe, brother in law of Marie
Devoyeau - That last fall on Tuesday the 31 October
seeing M. D. at the window up stairs he called to her
to throw herself down & they w^o catch her, upon this
he heard a voice in the house call out Papa Papa
she is going off - upon this the P^r apparently in his
shut laid hold of her & forced her from the window and
drew the curtain - the people w^o W. then proceeded

to force open the door -

x.

That he blamed M. D. in regard of her conduct w^t one Ouellet, & had a child w^t accords to report is s^d. to belong to him - W^r was at P^r's house on Sunday & P^r's was at house of W^r. On Monday ev^s. went round the house of P^r's but heard nor saw any thing of M. D. - Never s^d. that she was a s. P^r - as she chose to remain there with her own consent - Never s^d. that he was to get money from this matter w^t P^r's -

Jean B^t. Clement, was in P^r's employ^t. about two years ago - was sent for by P^r's when he was in Gaol who request^d him to use his end favours w^t M. D. - to settle this business w^t her at whatever it might cost as he was tired of being in Gaol -

x.

Saw M. D. at P^r's on Monday 30 Oct. last - the P^r's son Ed. came for W^r on morn^g of 31 - he went to the house & saw M. D. there - the door was open & the shutter of the window next the door - she was then busy preparing breakf^t. alone - in the kitchen - while P^r's was in the salle w^t W^r and she app^r. to be perfectly at liberty - she passed by the W^r and went up

up stairs with a broom in her hand seemingly with
an intent to do the usual work of the house -

X^d. by atty Gen^l

Lafontaine had been there that morn^g. & the woman
came down stairs in tears and sat down behind the
stove, the P^r. told her not to be uneasy, that if any
one came there to molest her he would fire upon
them - upon this she s^d. if you do, I will go
away -

Marie L^{de} Vivien, was in the service of the P^r.
in November last - says nothing -

Defence -

Edm^d. Dorion, son of P^r. aged 12 years - that 4 or
5 days before Toussaint M. D came to work at his father's
house, it was on a Friday - La Rochelle was then also
in the house but left it on the Saturday & M. D remained
she was employed in washes, and went away on Saturday
evening - Observed that she went into the parlour wth
P^r. & staid sometime there - there was a sofa in that room
Saw P^r. kiss her in the salle, she did not appear to
oppose him - That after this the P^r. sent W^r. to cellar for
a bottle of wine w^{ch} he bro^{gt}. up, and he gave some of it

to Mr. D. - That she came back to P^r. house on
Sunday and staid there from 9 to 12 o'Clock. -
That he went to house of Lapointe on Sunday
even^g - when Mr. D. was to ask her to return to the
house that evening, 19^h she refused to do - That
Lapointe told W^r. if his father w^d. give him h^{is} a Joe
he w^d. find a woman for him - After this Lapointe
from Thibaut came up to P^r. where they drank together.
That W^r. carried several bottles of rum to Lapointe. -
Mr. D. came back on the Monday & was employed in
ironing linen - ~~she staid~~ ^{at night} that she went up stairs
wth. P^r. seemingly with her own consent & carrying
the candle wth. her to go to bed - W^r. slept on a
sofa below on a sofa, but near enough to hear
what passed in his father's room - but heard no
noise there that night - he understood that
P^r. slept that night wth. Mr. D. - That in the night
the P^r. got up and got some wine, saying that
Mr. D. had the stomach ache - he warmed the
wine & put sugar & spices in it 9^h he carried up
stairs - after this all was quiet in the house -
About 7 o'Clock next morn^g. Mr. D. was the first
up, and she told W^r. that his father wanted him
who was still in bed - he went up stairs &
found

found him in bed - he told us to go for our Clement
which he did - That M. D. prepared the breakfast
that morning - did not seem affected at any thing
that might have happened - That the doors of the house
were open on the Tuesday morn^g, before his father
got out of bed & she might have gone out if she wished
it -

X-

Has rec^d. no instructions from his father in regard of
the evidence to be given by him -

Louis Valiquet-, labourer, next of Lapointe who
lives at St. Eustache - was at his house on Sunday ev^g before
Tours^t, Ed. D. - but we came there to ask if M. D.,
w^d. return to his father on Monday to iron linen &
rem^d. wet - that Lapointe s^d. Y^r. father has only to give
me half a Joe & I'll get him a woman - That P. himself
came aftern^d. to the house & asked the s^d. M. D. if ever he
had made any improper proposal to her, she s^d. no, - That
Thibaut went home w^t. P. & Lapointe foll^d them, ^{and his wife & M. D.} and
Lapointe aftern^d. told us he had spent a part of the night
w^t. P. in drinking - That on Monday ev^g. Lapointe
came to us and asked him to go w^t. to P^r. house to break
open in the door in order to get at his sister in law, that

M^d

W. advised him to make complaint to a Magistrate
q^d he declined doing, s^d he w^d take her by force
that W. went wth two others to listen at P^r
if any noise could be heard in the house, but
heard nothing, and he saw M. D. up stairs
wth a candle in her hand draw^d the window
curtain, upon this Lapointe called out that
she was a saucy pertain as she was consenting
to remain wth Dorion - That on Tuesday wth
she came to house of W. after the firing of the
gun & some persons being hurt by P^r and
s^d. they were rightly served as they had no business
to break open the door without his consent, but
made no complaint at P^r if any ill-usage
she had rec^d from him - That he heard Lapointe
say, that he expected to have 3 or 400 doll^s. between
him & his sister in law for what had happened
at Dorion - That M. D. was a good neighbour
of W. and has heard her brother in law and others
say she was a common woman, & she has herself
said that her youngest child belonged to one
Ouellet -

Louis Guinet, lived at Thaumelot's last fall at
Riv. Du Chene - That on 31 Oct. last Lapointe came
to Thaumelot's, when he asked Lapointe, why do you
leave yr. sister in law always at Dorion's, if you know
what passed there you w^d. have nothing to say to her
or last w^s I was there I saw P^r. hugging & caressing
her & putt^d his hands into her breast - Lapointe said
she has always been a whore & will always be so -
It was Lapointe say that he expected 3 or 400 dollars
for what had happ^d. at Dorion's, 'in that case M. D.
said my reward ought to be much greater - That
M. D. is by report and by her discourse a woman of
bad character -

Antoine Segouin lives at St. Eustache - was
passing house of P^r. on Tuesday 31 Oct. last, when he saw
a number of people gathered together - he called Lapointe
away & went to the house wth. him where there were
many persons - Lap^t. then s^d. he w^d. certainly go and get
his sister in law out of Dorion's house, then we advised
him not to go and break the door as he proposed, - the
s^d. Lapointe then s^d. that his sister in law had always been
worthless & always w^d. remain so, that he could not
prevent

prevent her from doing what was wrong -
Heard him afterwards say, that he had risked
his life for her & she now refused to authorize
him to prosecute for her, & she was sorry for having
had any thing to do with the business -

Jacques Beauchamps - that on Monday
evg. Lapointe went wth. Valiquet & W. to P's house
to hear if there was any noise, they went but
heard nothing, when Lapointe said that his
sister Lewis might remain there if she was willing
to do so, she had always been worthless &
w^d. remain so -

Francoise Proudhon, lived last Oct
at one Lapointe's - rem. that on Sunday evg
Ed. Drouin came there to M. D. to go & work at his
father's on Monday - that on Monday evg. she
went with M. D's daughter to the house of Drouin
in the evg. the child knocked at door when P^r
opened the door & let her in, the W. staid some
time at door alone & went away without hearing
any noise - that M. D. is a com. woman
according to common report - has had a child
by one Ouellet, & has heard her say, that in case
she

she lost it she could very easily replace it - saw
her have a child's shift of the s^d she had gained
at Mr. Dorwin - heard Lapointe say, that he expects
to get money from P^r for what had happened

Joseph Tasse, weaver, heard M. D. say, that
had she not been solicited as she was particularly
by Lapointe her brother in law she w^d have made no
complaint at P^r - P^r said further that P^r had attempted
to force her but was not able to succeed - that he had
thrown her down & trampled on her hair of - hurt her
very much - her husband had then returned to her -

Verdict. Not Guilty

Thursday 28th March 1816

The King
or
Joseph Dufaut
Jean B^{te} Ferrier

On trial of Indictment for Grand
Larceny.

Elizer Hubbard, tavernkeeper in Montreal,
he rented the Circus of he used as a livery stable
and also as a store house for goods - In the course of
the

the winter it was twice broken open, the last time about the middle of the present month, he was called out of bed about $\frac{1}{2}$ past two of the morn^g to go and see the Circus of^r had been broken open at a place where it had been forced before, he saw in the guard-house a hind of beef of^r he thinks had been taken out of the Circus that night, part of a quantity of beef of^r belonged to one Dewey who had beef stored in it - saw also some bags of oats & peas at the guard-house, of^r he understood had been stolen from the Circus at same time - that he was informed by Jos. Dufant, one of Pⁿ that he was sorry for what had happened and w^d tell all about it, he then carried us to a house in the Quebec Sub. where he took from under a bed sundry articles (here he states sundry articles in Indent.)

x

Is not absolutely certain that it was the P^r Dufant who gave him the information respects the articles in the Quebec Sub, as he only saw him at night

Mary Marois, Wth the 1st Terrier since
the 14th instth - about 1 or 2 o'clk at night she observed
two persons coming from the Circus towards her - she
hid herself behind a ^{unfurnished} new house near - when one of
them came to the house and went in, the other remained
it was Terrier who went into the house - both men
had a load on their shoulder - heard the one outside
say to the other, we must go back and get blankets to
cover them up - they then went off to get them towards
the Circus and came back about $\frac{1}{4}$ h^r after carrying
a quarter of beef - They put down the q^r of beef
in this new house - Saw some man afterwards
at Guardhouse same night, & knew him from his dress
appearance and tone of voice - Went from the house
to the Sentry who was at the Magazine, told him
that a robbery had been committed & asked him when
the Sergeant of the Guard - went to the Centinel at
the barrack yard where she spoke to the Sergeant
and carried him to the place where the articles had been
deposited - there was found a q^r of beef - 4 bags out &
beare mixed, some horse rugs in a bag, & a deer skin
That she waited there afterwards for $\frac{3}{4}$ h^r when
4 men came, & the 1st P^r Terrier came into the
new

new house, and was sloops. to lay hold of the
but, when one of the guard seized him - K^r
P^r from hav^g. seen him at time - the guard
pursued an Old man wth. a sleep they heard
but then caught him, the other 3 men escaped
they went to the guard house wth. the articles they
found & the P^r who requested to be allowed
to go, and he would give up every thing safe
an American was there who laid claim to the
articles and s^d. he was very willing to do so if
he got his things, but as to letting him go, it
lay with the Sergeant of the guard. -

X²

was charged at Quebec wth. bad behaviour, but
was never convicted of any crime -

Charles Webber, Soldier in Nov. Ser. Fen. 66
40. last W^{ch}. about 2 O'Clock in the morn^g. of the
14th. of this month she came to him while he was
Sentry at the powder Magazine & told him
that two Canadians had been at a new
unfinished build^g. near the Circus wth. two
loads of stolen goods as she thot & that she
had been awakened by one of the boys fall^g
on

on her - She asked who the Sgt. of the guard was, he informed her and she went away to find him - the W^r was relieved about 5 m. after, & went to guard-house, when Sgt. took W^r & two other men & went to this house, where they seized one of the P^{rs}, Jos. Dufault - he was about stoop'd down to lay hold of a qt. of beef when one of the guard seized him they found 1 qt. beef, four bags out, some empty bags, & some horse cloaths - they also found an old man with a slush whom they took to the guard house. - That same P^r went w^t. them to a house in the Recollets suburbs, where the W^r Hubbard went w^t. them - says now it was in the Quebec suburbs they went, where Dufault produced several articles of - were claimed some by one M^r Allen. -

William Connor Soldier in N. S. Regt - That between 12 & 1 o'clock in the morn. about 2 weeks ago he was called upon by Sgt. M^r Kirley to go along w^t. him to find some stolen goods - they went to a new unfinished build'g w^t. a girl, Mary Traver, where they seized the P^r Dufault, who came into the house to take away the quarter of beef - they carried him to the
guard

guard house w^t the articles they found, the P^r-
then s^d. he w^d. go w^t. them and show where all
the things were q^t. had been taken - that on
the way to the guard-house the W^r told P^r. Dufont
that if he w^d. tell where the things were he would
be forgiven - this he s^d. without know^d.

Danl. McKinlay S^{uj}^t in N. J. Reg^t was
S^{uj}^t on Rec. Guard on 14 ins^t - when Mary Foster
came to give informⁿ respect^s goods being stolen
& being found in a new house near Circus - he
took 2 men wth her to the place & found
in this house a hind q^t. beef and 2 bags oats, also
a bag w^t. some horn cloath in it - some of the
men who went w. W^r took Dufont P^r in the
build^s as he was inform^d. That same P^r. gave
informⁿ. about other articles q^t. had been stolen
saying, if they w^d. say no more about it he w^d.
go with them & show where they were, - the W^r.
upon this went to a house w^t. P^r. in the Quebec
Sub. where several articles were produced by P^r.
some of q^t. were claimed by one M'Allem -

Royal Burt, Corp^t in Canadian Fencibles,
was called up about 3 o'clk in the morn^g. some time
this month, upon an inform^t. that some of them men
had been confined for committ^s a Robbery & found
that one of them Dufant, was then in the Guard
house - went & asked Mr Hubbard - who came to the
guard house - heard him say to Dufant, if he w^d. tell
where the other things were he w^d. try to get him off -
went in to a house in the Quebec Sub. where several
things were produced from under a bed, some of
which were claimed by M^r Allen - That P^r Ferrin
was in bed when W^r went to bed, & was there when
he was called up about 3 o'clk in the morn^g -

Helen Bisson, wife of Chas. Lepine - W^r. the
P^rs Jos. Dufant and the other P^r under the name
of J^r B^r Lavolette - That in the night between 13^t
14^t about 4 o'clk, the P^rs came to her house and
bro^t. w^t. there a basket a small tub, a bag w^t.
someth^g in it - one John Fitchelle was w^t. them -
Fitchelle & Lavolette lodg^d at house of W^r - There
things they put near the place where Fitchelle's bed
was - The same night towards morn^g. M^r Callum
came w^t. the guard, where Dufant deliv^d up the things

to him -

Jeanne Cantara - 10^o P^m in the mt. about
4 o'clk in morn, the P^m brot some leather
harness & some leather to the house where she lives
in the Quebec Sub. there was a small tub and
bucket - they put them aside some on the bed
& some under it - about 5 o'clk the guard came
& some men who claimed the things - Dufont
was then present & deliv^d up the things to them.

John M. Allison, he put up at the Cicery
about the middle of this month - left his sleigh
and harness there - the same night he
understood that the stable had been broken and
something stolen - there was a couple of long
reins, a side of leather and two horn nags -
missing - he went wth some Soldier of the P^m
Dufont to a house in Quebec Sub. where he
found a side of up^r leather of^h he carried and to
be his - the bridle & reins ~~were~~^{are} his property, &
are worth 20/- they were in a tub under the
bed - there were other things in the house of^r
were claimed by other persons -

Charles Lavigne, 10^o P^m saw them at
his house about 3 o'clk in the morn, about

15 days ago - they had a Cuvette, two bundles & some horse bridles - a side of leather & two small bags wth biscuit - That it was Fitchelle who requested wth to go wth him & the two p^{rs} to fetch some things they had found - the wth took a hand sleigh and went with them to a new build^g on the ramparts, when Fitchelle told him turn back, Dufaut is taken - the wth turned round to return, but had not gone far when he was also taken - Terrien & Fitchelle made their escape -

John Fitchelle is a soldier in Can. Regt - 10th p^{rs}, who are also soldiers in same Regt - in the night about the middle of this month, saw p^{rs} wth an axe open 3 boards of the Circus, went in & bro^{gt}. out some bridles some oats and a side of leather - at same time they bro^{gt}. out a head of beef, a tub, a bucket - & they put into a small house adjoining - the tub, bucket, and bridles they bro^{gt}. wth them to Lavigne's house in the Quebec suburbs - and when there the wth told Lavigne to come along with ^{the} as they had some things to fetch home, and to bring a hand sleigh with him - They returned to the house where they had left the beef and other things, Dufaut went in to get them, but was
made

made Pⁿ and upon this the Wⁿ and Terrien
made their escape -

X^o

It has been accused of horse stealing, before Regt
Court Martial, was convicted of unsoldier like
behaviour & punished - was also punished for
being absent without leave -

Jacob Marston. H. C. rec^d. the articles now
produced on the 14th March inst. at the Guard
house of the Recollets barracks - there were
other articles of ¹/₂ were deliv^d to the owners -

Defence -

Benjamin Delish, Lieut^t in the Lunenburg
Regt^t ser. Pⁿ who belong to same Regt^t for
about 2 months, never heard any thing of
them till the present time - Sgt. John
Fitchelle who is a drummer in S^o Regt^t -
he was tried for taking the 2^o. Mⁿ. horse &
punished - he has a bad character in the
Regt^t - know Jearny Cantare - she
belonged to same Regt^t was married to a Sgt^t.

in it, and is a woman of bad character -

John Cameron - was a Sgt. in Can. Regt.
for several years - Mr. John Fitchell who belonged
to same Regt. he was tried for desertion & convicted
and as such he does not think him worthy of credit
on oath - he was a bad character - was in the habit
of pilfering from his Comrades -

Verdict. Guilty of Petty Larceny

The King
David Maurice
J^r. B^t. Fournier
Royal Burt } In trial of Indictment for
Grand Larceny. -

Elizer Hubbard, keeps a board's house in Montreal
uses Circus as a stable when horses and goods are
kept - That about the middle of Feby last the
Circus was broken open, that the night before there
had been a number of sleds with pack unloaded there
particularly the Sleigh of Hubbard Barlow. -

Hubbard Barlow, comes from State of Vermont was in Montreal in Feb^y last and put up at house of last W^r, he had a Sleigh w^t 3' harness in it, q^d was put into the large building called the Circus w^t the harness - That next morning about sunrise he found that a hog & five chesses had been stolen - the hog weigh^d 227^{lb} q^d was worth 20 dolls the chesses were worth 1A^d

x^d

There were 7 or 8 Sleighs in same build^d w^t articles of same kind as those upon his Sleigh the pigs were one half the property of W^r one half the property of his father - the chesses were all the property of his father -

Here it was objected that the Indictment was insufficient as the same could not be considered a special property in the last W^r -

John Fitchelle, W^r P^o who are soldiers as well as W^r in the Can. Reg^t Has a H^e that the Circus was broken open in the presence of W^r in Feb^y last by the P^o Fournier and D. Maurice - did not see the

P^r. Burt then - It was between 10. & 11. at night.
That two boards were taken out into Maurice^{2. W.} went
in, Fournier staid outside - They brot. out 5 cheeses
and two hogs 9^h - they put in a privy close by, and
2 haversacks wth some provisions - they took an empty
sled put the ^{hogs & chee} things into it and carried them to a
new unfinished build^g not far off - That next day
Burt came & told him that he would assist in selling
the hog & wth assisted to carry the hog & cheese to one
Ogden's where they sold them - the day after -
Fournier came & carried the other hog to Ogden's also
and left it there saying he w^o have noth^g. to say to
any share in it -

Defence -

Benj^r. Delisle. Lieut. in Can. Regt - R. Burt Jr^r
is a Corporal in 8th corps - about Dec. 1861 the 8th Burt
made a report to W. that Cicus had been broken open
by one Fitchelle & in cons^q of orders from W. - the
8th Fitchelle was arrested - The 8th Burt is a trust worthy
man, and of good character - That P. Maurice
is also a man of good character & shou^d wth W. for a
month as a Serjt - That the ^{P^r. Fournier} ~~W. Fitchelle~~
has always been considered an honest man, and a

good Soldier - That Fitchelle was a notorious
offender in the Regt- and thinks that neither
his word nor his oath w^d. be believed in the
Regt- & W. w^d. believe neither -

John Cameron, Sergt. for 5 Years in the
Can. Regt- & knew the W. Fitchelle then in
that Regt- was a man of bad character, and
not deserving credit - & W. w^d. not believe his
oath so as to affect the life or character of
another person - Knew P. R. Burt, he was
a good character & a confidential man in
the Regt- That Fournier also bore a good
character in the Regt-

Antoine Piquet, one of the Jury, says
that he heard of a robbery being committed
at the Circus last Feby. that about the
8th Feby. he was employed as a musician
at a dance where P. Fournier was employed
as a Lifer - he staid there all night till 5 or 6
in the morn^g, & next morn^g. W. heard that Circus
had been robbed the night before -

Wm. Mathewson is a non-com. Off^r. in
Can. Regt- has known W. Fitchelle in that Regt
for ten years, always considered him as a
man

man of bad character, and not worthy of credit —

Verdict. Not Guilty —

The King —

Andre Rockbrune }
Olivier Rockbrune }

On trial of Indictment for
Highway Robbery. —

Augustin Lemaire — says he is called also by
name of Justine Lemaire — lives at Argentueil,
N. Fr. he came up w. them some days before last Christmas
on the highway near the Riviere Rouse in the parish
of Argentueil — he spoke to them, & they seemed to answer
in a friendly manner, Ol. R. came into the W. sleigh
& went on till they came to a bye road when P. A. R.
took that road, but W. refused & turned his horse into
the old road by q^h means his sled was before that of P^{rs}
upon this A. R. called out to W. to go on fast, q^h he
did, till his horse was fatigued, Olive R. gave P. a
blow, & other P. called out to beat W. q^h he cont^d to
do, and W. was so afraid that he cried out murder, &
at last he was obliged to run away from his sleigh together
with his wife, and left in it his hat & two blankets
he went into a house opposite to where the sled was,
& staid there till the P^{rs} were gone q^h was upwards of

a quarter of an hour, he went for assistance & followed the P^{rs} and came up wth them on the road the same evening and found the two blankets in their sled -

x² -

Was born in the Island of Montreal & baptized by the name of August Lemaie - 1st P^{rs} for 15 years some of them Olivier, has always been his friend when P^{rs} were with him he never was afraid of being robbed nor did the P^{rs} ever make any demand of his property -

Marie Lemaie, wife of Capt 1st Lt. 1st P^{rs} in Dec. last she was in same train wth her husband on the road in the parish of Argenteuil when they came up wth P^{rs} in another train - (same evidence as above -)

Pauline Brischois, was in the house when the dispute happ^d between P^{rs} and Lemaie - heard P^r Andre R. say to the other - Olivier "a-tu bien tout" - he ans^d "oui j'ai les deux Couvertes" -

The Court directed Jury to acquit the P^{rs} without putting them on their defence

Friday 29th March 1816. —

The King —
v
Fran^s. Denard
Edw^d. Lewis —
Joseph Goodsell }

On trial of Indictment for
rescuing smuggled goods from the
Custom House Officer. —

Wm McCae, Comptroller of Custom house at
St Johns, on 22^d & 23^d Nov^r last he seized a quantity
of Tobacco & Medicines near St. Johns, & he found
in barns, houses & part in the woods — he bro^t ^{the articles} to
Laprairie, & hired one John Ryan or E. Deor to
bring them to Montreal, who told W. he had engaged
9 men & two boats for this purpose — one boat was
loaded very expeditiously, it cont^d 77 barrels tobacco
in it — That there were some obstructions in loading
the 2^d. after it was loaded, the men seemed to amuse
themselves much, and he observ^d — one of Deor's Goodsell
and one ^{Boudreau} ~~Boudreau~~ making signs to the men to draw
them off. — That S. Goodsell called off two of the men
who went away — and 5 others followed them —
That was informed by Ryan at time the tobacco was
bro^t. to Laprairie that there was an app^r of their being
a rescue of the tobacco, and W. w^d do well to get a

guard

guard for it - The W. embarked in one
boat and Jo' Drenan in the other - Drenan's
boat got aground on some Islands & retarded
them some time and the sun was then down.
They proceeded for some time when Drenan's
boat got ahead until he lost sight of it, she
never saw it again - The boat in q^t W. was
got aground near the Nun's Island, where
they remained all that night and all the
next day - Same night of 2^d Dec. while he was
aground he perceived a batteau w^t a number
of men in it pass at the distance of 3 or 4 batteau
lengths from the boat in q^t W. then was - This
boat came down towards Montreal, and in
about an hour & 1/2 after ret^d I spaw'd him again
w^t seeming a greater number of men & w^t
apprehended he was to be attacked, but they
passed quietly - Next day about 10^o AM saw
a boat coming from Laprairie in q^t was Lewis
one of Dep^ts but upon being called to assist
w^t he refused, saying the boat did not belong
to him - Same boat return^d in the afternoon
& Lewis told them, if they w^d all leave the boat
in q^t they were he w^d take them to Montreal -

The

The W² was obliged to throw 18 kegs over board but did not get off till the evening when he got assistance and got off his boat & carried it to Montreal -

x² -

The reason why he seized the tobacco was because it had passed the Custom House without entry it was in the afternoon when he embarked at Laprairie and if his men had not been enticed away from him he w^d have reached Montreal before it was dark -

James Drenan, Custom House officer at St Johns since 1 Oct. last - On the 2^d Dec. last he was directed by Mr. McCrae the last W² to assist him in bringing some tobacco from St Johns to Montreal - he took charge of one of the batteaux at Laprairie with two Canadian boys to bring it to Montreal - he observ^d two Duff's Goodsell & Benard at Laps. while they were loading the boats - Left Laps. after sun down - his boat run aground several times between that & Min's Island, between the up^r part of Island, run so far aground that they could not get off - this was a little after nine o'clock in the ev^g - About an hour after another boat passed him about ten yards off - in it there were 12 or 13 people - as he could judge from appear-

but could not distinguish any man so as to tell
who he was - this boat rowed round the boat of
W^r and went on again in their former course towards
Montreal - He hailed them and asked if they
were going to Montreal, some person in the boat
ans^d. they did not think they w^d. go that far -
He said also some one in the same boat say, never
mind him he's safe enough, let us follow
McGee - observ^d that the boat had a white
streak on the side of it - it was a kind of
light batteau - does not recollect to have seen it
before. - There were two boys in the boat w^t. W^r
Bouchard & Dalpe^e - they heard some conversⁿ
w^t. the men the other boat - & after it was row
one of them told W^r that the s^d. boat w^d. come
back and take the tobacco from W^r & w^d. fight
w^t. him & perhaps throw them in the river, and
if they did not hurt them then, as these people
lived at Laps. & knew them they w^d. injure them
afterw^d. - they obs^d. w^t. W^r about 1/2 hour when they
quit the W^r left him alone in the boat - That
he rem^d. alone in Batteau till about 1/2 past one
o'clk in morn^g. when the same boat ret^d. to where
he was, & rowed up close to him so as to touch his
boat

boat w^t an oar - they passed round him as before, only some of them stood up to look into his battum - they allowed their boat to drift ashore and called out "boat ahoy" - the W. did not answer this was called a 2^d time - the W. asked what they wanted, they said they did not want the boat of W. but the property that was in it - The W. ans^d he w^d. not give up the property, as it belonged to the King. they were then distant about 30 yds from him - upon this they rowed to about 5 yds of W. boat & again demanded the property, & W. made them same answer they then came close up to his battum & laid hold of it and all got up in a posture of defence - there might have been about 13 of them - they then pulled up their boat along side his bat - told W. to leave his battum, or they w^d. take his life - W. had no arms w^t him - but saw there were arms in the other boat - the man who spoke to W. had a sword on the scabbard the butt-end of a pistol in his breast - he observ^d w^t the others something like boarding pikes & one gun - the W. tho^t it was useless to resist w^t. so many - the man who spoke to W. had a Canadian Capot on w^t. the Capuchon drawn over his head, and a comforter round his neck w^t. came close up to his face - while in his own

boat

about he took no notice of any other, he was right
opposite to W. & about 2 feet distant from him,
at the time he was convinced he knew the man
and knew him was Froul. Denau - he has still
the same belief and never altered his opinion -
has often before heard S. Denau speak & seen
him, and has conversed with him himself,
& knew his person & countenance well - from his
voice also considered it was his - he speaks broken
English - thinks there is something particular
in his tone of voice - The W. upon recd. the
order to quit his boat, did so, and went into the
boat of S. persons, about the center of it - when
there he conceived he observed another person he
had seen before, namely Dep^t Goodsell and
Lewis - he saw more of G's face than he had
seen of Jerome's, he saw his ^{chutes} eyes and nose -
they were dressed like voyageurs in caps of
was much about their face & the cap which drawn
over their head - had before this time conversed
wth S. Goodsell - they were distant from W.
about 4 feet - had seen Lewis before also and
conversed wth him - knew no others in the batteau
as they all app^r to be masked. - The same person

who

who first spoke to W^r asked him when he w^d. be
just ashore, he s^d. on Nevis Island, and the said
boat rowed then being distant about 50 yds., when
the same person told W^r he w^d. find a house there to
warm himself - The w^r. saw them return to his
boat wh^{ch} was aground, took out some of the kegs of
tobacco out of it till it floated, and they went out
of sight with both boats - The W^r had upwards
of 70 kegs of tobacco in his boat - He rem^d. at the
mummy till next morn^g and then came to Montreal
where he arrived at Montreal about 8 o'clk and saw
the Dep^t. Lewis on the beach, who spoke to W^r and
told him that he had seen a few kegs of tobacco floats
in the river and also the bows of battens that had been
wrecked had passed down the River - thence he asked
Lewis if he had seen Mr. McGee in town - That he
thinks he saw some boat wh^{ch} had come to him the night
before lying that morn^g on the beach near the barracks

x².

By Denau's Alth^s - Left Ireland in 1805 - was w^t
Mr. McGee when he seized the tobacco - has transacted
business w^t. Mr. Denau before - in the course of last Sum^r -
It com^s. for many persons at Laps. & S^t. Johns to speak
broken English - will not take upon himself to say positively
that Dep^t. Fr. Denau was the person who spoke to him

in

in the other batteau, but that he was the man
from the best of his knowledge and belief -

Jos. Bouchard, Sr. Inkeeper of La Prairie, by whom
he was engaged last fall to come to Montreal with
a load of tobacco - he came in the boat with Dalpé
he was averse to come as the other men had left the
batteau and would not go after the boat was loaded.
That last week was in same batteau with Mr. & Dalpé
there were about 77 kegs tobacco in the batteau - it
was about dusk when they left La Prairie. That the
Batteau ran aground about middle of Muns Island
and was very heavily loaded - While there another
batteau passed near them about 15 feet dist. from
them, but they spoke together and the people in that
batteau said they had lost their way as they were
going to town - That it was one Rouillard
of La Prairie, who is in the habit of going in the
batteaus - one Simon Jérémie - & Frans. Filion -
Bordeau & Filion - That Rouillard is generally
employed by Jérémie - as well as Filion - to work
in his batteaus - he saw the faces of them there &
knew them well - there were more people in the
said batteau, but he knew none of them - he knew
the batteau, it belonged to Polite Denau the son
of Frans. Denau - They endeavored to follow the
batteau

battéau, but got only a short way when they ran aground upon a shoal where they stuck without being able to get off - and as he was very cold, he could not pass the night in the battéau, but went ashore on the main Island - It was not fear but cold of the Indians induced him to do so, - nor did he tell Doreman that he would be attacked in the course of the night - That about half past 8 next morn^g. he came to Montreal, when he found his battéau near on Decanau

f.

Toussaint-Prevost - M^r. Fran^z. Denau - In Dec. last when the same ev^t. that M^r. Ryan went away with two battéau's - saw Denau at water side, who was calling out to several persons, let us embark - it was on a Saturday night, there was a board - That the persons the said Jeremie spoke to, were P^r. Rouillard, Filion, Bourdeau & Simon Jeremie -

Andre' L^o. Dupuis - was one of the men employed by Ryan last fall to load battéaus - but refused to go wth. it as it was too heavy laden - That a man of the name of Louis Dupuis told him if he w^d. not go in the battéau he w^d. give him a dollar - & told him to tell the other persons the same thing - The other men s^d. if the battéau was lightened they w^d. go wth. it, but not otherwise saw the two boats go off wth. the Custom-House officers

^{Dft}
Mr. Goodell of Lapr. who keeps a tavern there
was at that Tavern wth Roulland Bourdeau &
Louis Dupuis some w^{ks} afterwards - That it
was Le Dupuis & Roulland who ask^d him to
go in and who p^d for what was drank. - That
same evens. Deft Denau ask^d him to assist in
push^g a batteau in the water, & offerd him 20/ to
go to town wth him - the usual price in the day
time then was 10/- It was a batteau painted
diff^t colour - it belonged to Polite Denau -
He told Mr. W^{ts} was to pursue the batteaus of^r
had gone off to see where they went - and
afterwards told Mr. W^{ts} if you come with us you
must disguise yourself and take arms wth
them - Roulland & Filion even present - it was
about 7 o'clk - the W^{ts} did not go - he met wth
Polite Denau, ~~who told them they had better~~
go home, af^r he did, as did also Beauchamps
& the W^{ts} of brother -

x

Cannot say wh. this was in Nov. or Dec. - but it
was on a Saturday nt^l - saw Mr. McCree there that
ev^g - & has often seen him there, being a man who deals
in tobacco. -

J. Bth Beauchamps, labourer at Lap. W. a man
of the name of Rouillard, was employed wth him to load
2 batt^s last fall wth Tobacco - it was one Ryan who
employed him - saw M. McGee then - saw the batteaux
leave Lap. about sundown - was on the beach at time -
saw Jos. Bouchard of In Bth Dalpe in one of those batteaux.
That ~~was~~ one Rouillard off^d the men then these 4 doll^s - to
leave the batteaux, and gave 10¢ to wth on act. of the 4.
Denau was there at time about 30 feet from Wth
It was about sun down when the batteaux left Lapth - The
Wth & the others went to the tavern - on coming out the went
to the water side, when the Dth ^{Denau} came to them and asked
them if they w^d go to town wth him in his batteaux in
pursuit of the Kings Batteaux of - had gone off that evening
and he w^d give each of them 2 doll that they must
dis^guise themselves wth arms & be ready to go off by day
That Polite Denau came up and told them to go home it
w^d be better for them as they w^d get noth^g good by
going there - That Polite Denau also told Dth Denau
that he had better leave these batteaux & have noth^g to do
wth them as for his part he w^d not - did not hear what
Dth Denau said -

x³

That M Ryan was often employed last fall in sending
off tobacco to Montreal -

In Bth Dalpee, of Lapor. - Last fall he was employ^d
by Mr Ryan to conduct a batteau to Montreal, he
was in the same boat wth Bouchard of Drenan -
saw Mr McGrae go off wth the other batteau - That
they got aground near the Nun's Island, when another
batteau came past them, in q^{ty} was D^r Bourdeau &
Simon Jeremie & several others whom he did
not know - They s^d they had lost their way and were
going to Town - the batteau belong^g to Simon Jeremie.
That he left the batteau there on cut. of Lots, but
not from any apprehension of being attacked

Did not see Lewis next morn^g -

Defence of Denard -

Solis Barbecer, lives at Lapor - rec^l. has
heard of some tobacco hav^g been robbed on the River
about 2^d Dec. last - It was on a Sat^y. ev^g. D^r Denard
came to house of Mr between 9 & 10 o'clk, est^d. about
10 m^o - when he ret^d. home -

^{Ames}
~~Lapor~~ Brooks lives at Lapor & lived there last
Autumn - recollects hav^g seen a parcel of tobacco bro^t
there last fall late by Mr McGrae & Drenan - Saw
the boats set off wth the tobacco - After their boats
went away he saw D^r come into the house of one
Allan when Mr lodg^s - it might be about 9 o'clk
the est^d. about 20 minutes - he had a lantern in
his

his S. hand & S. he had been reciev^d some effects into his
store - Jos. Lestin & Polite Denard were wth him -

George Forsythe - lives in Montreal - was at Laps.
on the eve of 2^d Dec. last, he was that eve^{ng} at Goodsell's
and Allan's - saw Dept. at Allan's about 9 o'clk -
thinks of! at^d them about 1/2 h^r -

Hypolite Denard, lives at Laps - lets batteaux -
recollects hav^g heard that some tobacco had been taken on
the River on a Saturday the 2^d Dec. last - Saw Dept. at
M. Allan's that night about 9 o'clk after they had
come from Goodsell's, staid about 1/2 an hour at Allan's
wth Dept. & from thence they both went to house of Dept.

Catherine Roi, lives at Laps - last fall wth Dept.
recollects hav^g heard of tobacco hav^g been taken on the
River on a Sunday last fall - rem. that the Dept.
the night before returned to his house about 10 or 11
o'clk at night, Polite was with him, the last W^{ch} and
Polite went away the Dept. undressed himself & went
to bed - the W^{ch} remained up till about 12 o'clk that
night & could not have come out of his bed room without
his knowledge - Saw him next morn^g, about 10 o'clk to
get the key of the Shop, & Dept. was still a bed -

Susanne Barbeau, she lived last fall & beg. of winter
lived at Dept. That she heard talk of some tobacco hav^g
been taken on the river on a Saturday night 2^d Dec. - That

That she recall, that Dept. came to his house that ev^g
about 10 or 11 CLK. the last W. Call. Poi was present
and Polite Denau was wth him - That about $\frac{1}{2}$ hr. after
Dept. went to his bed room - & W. rem^d up until near
1^o CLK, near his bed room, so that he could not have
gone out of his room wth seeing him - she even had
occasion to make him get up some time after he went
to bed on acc^t. of a dog's bark^d about the side - he looked
out and went to bed again - Saw Dept. next morn^g
about 5 CLK dress^d himself -

Defence of Ed^d. Lewis & Jos. Goodsell

John Eisenhart, W. P^{er} for us, 2 y^{rs} - That
last aut. L^d of some tob. g^o had been taken from Mr
McCrae, on a Saturday n^g about 2^d Dec^r was
at Dep^t. that night - Saw L^d several times that
even^g - at Allan's between 7 & 8 CLK & at Goodsell's
about nine O'CLK - and he was still there at 10 $\frac{1}{2}$
when we went to bed - there were several persons
there at time, Smith, Forsyth & others - Saw Lewis
come into the bed room where W. slept, the W. was
then awake, but had slept for some time - Forsyth
was in his bed, upon this he went into an adjoin^d. bed
room - Saw him next morn^g, between 5 & 6 O'CLK
in his bed - Saw him set off next morn^g in a
boat to go to Montreal -

That

That Dep^t. Goodsell lives at his father's house at
Lafayette - about 10 AM he called at his room his wife
told him he had 'gone to bed - indisposed - he went into his
bedroom saw him in bed, and staid about 20 minutes
wth him -

Jos. Mulligan - Drove the stage last fall for
Mr Emmert from Laf. to St Johns - was at Laf
on 2^d Dec. last - saw the Dep^t. Lewis there about 4 AM
at Mr Goodsell's tavern - and st^{aid} wth him till about
midnight - Emmert - Forsyth, Rufus Page were there at
same time & played at cards wth them - saw him next
morn^g about 5 AM. & he app^{rs} to have then got up -

Maria Howan lived at Mr. Eph^m. Goodsell's at
Laf. last fall - recollects having heard that some tobacco had
been taken from Mr. M^r. Crae on a Sunday, the first
Sunday of the month - The Dep^t. Lewis had before that
time boarded at Goodsell's saw him there about 11 AM night

Rufus Page, boarded at Goodsell's house last
fall - heard on a Sunday that tob. had been taken
from Mr. M^r. Crae the night before, it was the 2^d Dec^r.
Saw Dep^t. Lewis that even^g at house of J^r. Goodsell
from 4 AM in the even^g till about 12 or 1 AM
went off to Montreal in the morning -

Eph^m. Goodsell, saw the Dep^t. Lewis, was at
home

house of W- on 2^d Dec. last - he came to Montreal
with him next day in a butchery ~~to Montreal~~ and
then heard of the taking of the tobacco there -
He saw the D^{pt}. Goodsell at house of W-
who was indisposed - he s^d he wished to go home
9th. he did wth. his wife about 8 o'clock - and
about 10 o'clock the W- went to the house of - s^d
D^{pt}. and found him lying on his bed complain^g -
W- advised him to send for the D^r. to get some
assistance - he saw the D^{pt}. next morning
about Sun rise - who s^d. he had been very
unwell all night -

Elvira Luff, w^{ife}. D^{pt}. Goodsell - who occupies
a room in the house of his brother M^r. Goodsell
W- boarded there in Dec. last - Was then the
2^d Dec. last - did not hear of any tobacco
hav^g been taken - recollects that sometime
after 2^d Dec. that s^d D^{pt}. was apprehended
on a suspicion of hav^g been concerned in tak^g
o^f tobacco - she recollects hav^g been called upon
to make an affidavit on the subject - the
D^{pt}. came from his father's house between
9 & 10 o'clock in the evening - & he had to go thro'
the W-'s room to go to his own - the W- did
not go to bed before one o'clock in the
morning

mom³ - had occasion in the course of the evening
to go several times into the bed-room of ^{o^d} Deffe
and saw him and his wife there -

Verdict. Not Guilty. -

Saturday 30th March 1816. -

The King }
v }
Robert Hamilton } On trial of Indictment for
horse stealing. -

Samuel Smith, lives on the Grand River
Mr P^r saw him^{at} Cockburn's about last Christmas
where he put up - Mr had purch^d a horse from
one Gellis, of^r was deliv^d to him & had been in his
possession 4 or 5 nights - he was a bay gelding,
& he gave £25. - and was in a Stable at Cockburn,
that Mr alone was the owner of that horse, and
had alone p^d for him - the P^r then boarded at
Coburn's - Mr missed the horse about 3 o'Clock
in the afternoon and a few minutes after saw
P^r riding him thro' the streets - the W did not
then think that P^r had stolen the horse, but was
taking him to water, as he believes he had been
in

in the habit of doing sometimes before - the
Mr told P^a when he had watered horse to take
him back to stable - but he did not do so
and in consequence he went in search of him
same night & found him at one Williamson's
but as they refused to deliver the horse that night
but deliv^d. him next morn^g. upon applying
for him - That some evenings before one Isaac
Foot was looking at the horse at Colburn's &
wished to swap him, and w^e understood he
was the person who had bot^t. the horse after
P^a and left him at Williamson's -

X^d

W. never went out wth. P^a to Isaac Foot's to
purchase a horse - P^a went once wth. W. to
Gillis's when he examin^d. the horse before he
purch^d. him - he gave a watch in part pay^t. of
the horse - a watch he rec^d. from the P^a
That P^a agreed wth. Jas. Bray to swap the horse
and to give him 50 doll^s to boot - That after
the horse had been taken from Colburn's
he went wth. s^r. Foot in a sleigh which was
drove by Foot, who then had the said
horse

horse in his possessⁿ - That he prosecut^d a Civil
action ag^t Isaac Foot to recover back the horse from
him, and the W^r paid the Costs of that suit, wh^{ch}
he preferred doing in order to get back his horse
without going to Court about it -

On question by the Court, says, That he p^d the
P^r fifteen dollars for the watch, in dollars and
½ dollars -

Isaac Foot - says, that he lives near Montreal,
that P^r came last fall wth Smith, the last W^s, to
purchase a horse from him, the said P^r at time
told W^r that he was going wth Smith to his farm
there to be concerned wth him in the lumbering
business - they looked at the horse, but did not agree
about the purchase - That some days after he met
the P^r who s^d to W^s "we have bot^t a horse for 120 d^s
and given the watch in part pay^t" - and W^r afterwards
saw the P^r riding about the Streets on a horse, wh^{ch} he
understood was the horse in question, and q^d P^r
then s^d he wanted to sell as he had altered his mind
about going up the Grand River - P^r then asked 120 d^s
for the horse - The W^r tackled the horse to his Sleigh and
run him a short distance to try him, dur^g q^d time
they came up wth Smith, who got into the Sleigh
and

and went part of the way w^t them - That the W^t
afterwards agreed w^t P^r for the purchase of the horse
at 100 d^r and gave 15 d^r on acc^t when P^r deliv^d the
horse to W^t - That W^t always considered the P^r and
Smith to be joint owners of the horse, and this from
hav^g seen them together at the house of W^t enquir^g
about W^t horse and want^s to buy him, but not
from anything q^d Smith s^d on that occasion - That
W^t never propos^d to Smith to exchange horses with
him - That after W^t purchas^d the horse from the
P^r he sent him to the Stables of one Williams, where
Smith came the same night and claimed him as
his property - and having made enquiry of Gillis
and found that Smith was the person who had
purchas^d the horse from him & p^d for him, the W^t
return^d the horse to Smith upon his promise to
repay to the W^t the 15 d^r w^h he had given the P^r
on acc^t of his purchase - but W^t has never yet
rec^d any part of this money from Smith -

xⁱ

It is a very common practice among Americans
to exchange horses w^t each other - Heard the P^r
say in Smith's presence - "we have got a good
horse" - after the above horse had been purchas^d
from Gillis - Saw P^r buy a bridle w^h he
said

said was for that horse, and a few days afterwards saw the same bridle on the horse - Saw the watch of G^l Gillis s^d he had rec^d from Smith in part pay^t. of the horse, w^h app^r. to be the same as the P^r had offered to W^r when he came wth Smith to purchase his, the W^r's horse -

Defence -

Thomas C. Colburn, lives in Montreal - That P^r and Smith boarded at his house last fall, and Smith p^d. for them both - W^r understood that Smith had bot. a watch from the P^r and in part pay^t. of g^l. had undertaken to pay for P^r's board to W^r - thinks that if P^r had at any time rec^d. 15 d^s from Smith, the W^r must have known of it - That it was Smith who brot. the horse to the W^r's Stables, and who charged the P^r to take care of him. -

Grizzel Case - 1st P^r & Smith - Saw the horse in question offered for sale to Fook by P^r - Saw the s^d. horse hauled to Fook's Sleigh to try him, & while they were doing so, saw Smith join the party and ride along wth them - That P^r afterwards sold horse to Fook -

Verdict, Not Guilty. -

The

The Grand Jury hav^s come into Court and being called over, made the follow^s Presentment.

District of }
Montreal }

To The Hon. His Majesty's Court of
Oyer & Terminer, and Gen. Gave Delivery
begun and holden at the Court House
in the City of Montreal in the District of
Montreal on Wednesday the 20th day
of March 1816. —

The Grand Jury of the said Court now assembled present to The Hon^{ble} Court, that an Indictment for a libel on His Royal Highness George Prince of Wales, Regent of the United Kingdom of Great Britain & Ireland and other High and Illustrious Persons as therein set forth, was on the 28th ins^t laid before the Grand Jury by His Majesty's attorney General. —

That exercising their legal & Constitutional rights, they notified certain witnesses to attend and appear before them, among whom, was one James Lane, a printer, who with several
others

others came up for the purpose of giving the testimony required by the said Grand Jury on the said Indictment.

That while the said Grand Jury were occupied in the examination of witnesses, James Stuart, Esq. one of the Attornies of this Court, did in the presence of several persons, as he has publicly avowed before this Hon^{ble} Court, advise and direct several of the witnesses to retire from the Court, and in the presence of the foreman of the Grand Jury, when in the act of calling on the said James Lane to give his evidence, did recommend and advise the said James Lane not to attend - whereupon the said witness withdrew from the Court, has since secreted or absented himself, and the said Grand Jury have thereby been deprived of his evidence -

Under these Circumstances the Grand Jury conceive it to be their duty to present to the Court that by the act of the said James Stuart, they have been improperly interfered with while in the execution of their public duty, whereby as far as on him depended, the course of justice has been impeded and frustrated, which they consider a contempt of the said Grand Jury, and of this Honorable Court.

The

The Grand Jury in discharge of their public duty feel themselves obligated to present this offence to the Court, that Justice may be done in the premises, and they humbly hope, that the Honble Court will in its wisdom adopt measures to prevent the recurrence of similar practices, otherwise the laws will become a nullity and culprits of every description will escape unpunished.

Montreal 30. Mars. 1816.

S. Gerard. foreman	Fra ^s . Rolland
Robert Armour	James Woolrich
L ^s . Barbeau -	G. Moffat
R. Griffin	Norbert Envo
Et ^c . J. Dizier	J. Leslie
John Gray	J. Ph. Lepichon
J. V. Malhiot	A. Webster.
J. Porteous	P. Noyelle de Fleurimont
Ch. D. Descelles	Wm Hunter
Jb. A. Turner -	Fran ^s . Desrivieux -

The above presentment having been read
Mr Stuart, who was present in Court, stood
up to make some observations thereon, and

to

to exculpate himself from the charge made against him by stating, that he was not guilty of the charge w^o. in the presentment of the Grand Jury, that he had only acted in a professional character by giving his opinion when called upon, to witnesses who had been bro^t. prisoners before the Grand Jury to give their evidence before them -

The Court directed the presentment to be communicated to the Attorney General to take such course thereon as he should judge proper - The Attorney G^e having perused the same, stood up and observed to the Court, that he did not think he had any thing to do with the said presentment, that as the same regarded an Officer of this Court, it remained with the Court to proceed thereon as they should see fit - The Court then told him that it was his duty to proceed on the said Presentment - The Att. Gen^l. afterwards moved for a Rule on the said James Stuart to shew Cause on Monday next why an attachment should not issue against him for a contempt &c - which was granted.

Monday 1st April 1816. —

This day the Prisoners having been brought up, Judgments were pronounced on the following Convictions —

The King }
Jos: Dixon

On Conviction for Grand Larceny
Judgt^r Imprist^t in Gaol for 6 months
and to be burnt in the hand on last
day of next Criminal Term of K.B.
in Sept. next —

The King }
Joaⁿ Hall

On Conviction for Petty Larceny
Judgt^r Six months Imprist^t —

The King }
Jeremy Malony

On Conviction for Petty Larceny
Judgt^r Three months Imprist^t —

The King }
Joseph Dufault }
J^r 3rd Terrien

On Conviction for Petty Larceny
Judgt^r Whipt on 5^t ins^t — and
imprisoned for Six months. —

The

The King }
v }
Louis Lentier }

On conviction for steal^g a Cow.

The prisoner having been asked if he had anything to say why Judgment of death should not be pronounced against him on the above

Conviction, stated by his Counsel, that, in consequence of the sitting of the Court of Kings Bench for this District, which had commenced this day, the powers of the Court of Oyer and Terminer were superseded and suspended by law - That in England the Court of K. B. during its sitting suspends the operation of all Courts of Oyer and Terminer and General Gaol Delivery from its superior authority & Jurisdiction and the same principle must apply in this Country - That the present Court of Oyer and Terminer not having adjourned to day on which it could legally sit, must be considered as determined, and cannot now proceed to give any Judgment against the prisoner. -

The Court were of opinion that as the sittings of the Court of K. B. were limited to the decision of civil matters, it could in nowise interfere with

not suspend the operations of this Court of
Oyer & Terminer -

Whereupon Sentence of death was
pronounced upon the Pr^{ts} to be carried into
execution the 10th May next. -

The King.
vs
Christophe Morin

On Conviction for horse Steal^s

The same objection was made to
pronouncing sentence at the Pr^{ts}
in this Case as in the preceding, and was
in like manner over-ruled -

Judgt. Death. Ex^{ec}. 10th May next

The King.
vs
Spencer
Miles McDonald
Mich^l. McDonald

Mr Stuart on behalf of the Defend^{ts}
moved that the Court would be
pleased to direct that diligence should
be done by the Attorney Gen^l for
bringing on the trial of the Defendants now
at large, and who had given bail to appear
before the Court of N. B. the first March
last

last, to answer the accusation brought ag^t. them by certain individuals of the N. West C^y for offences committed in the Indian territory - That the delay in bringing forward any charges ag^t. the said Defendants had already been prejudicial to them, and would be still more so if further delayed.

The att^y. Gen^l ans^d. that he did not consider that the Court of Oyer & Terminer had jurisdiction over the offences charged to have been committed by the Defendants in the Indian Territory, and therefore had declined proceeding thereon before this Court -

Mr Stuart in reply referred to the Stat. of the King which authorises all Courts holding Criminal Jurisdiction within the Province of Lower Canada to proceed to the trial of all offences committed within the Indian Territory -

The Court declined giving any opinion leaving it to the Attorney Gen^l to conduct the prosecutions against the Defendants in such manner as he might think most advisable -

The King.
vs
James Stuart

On rule to shew Cause why an attacht
should not issue against the Defendant
for a contempt of this Court in preventing
one James Lane from attending as a witness
before the Grand Jury. —

The atty. Gen^l offered in support of the
rule the presentment of the Grand Jury on the
subject, which being upon oath was sufficient
to compel the Defendant to answer thereto —
That the Grand Jury have a right to send for
every person necessary to establish any complaint
before them — That a witness may appear
voluntarily before the Gr. Jury, and if he
should refuse, compulsory process may be used
for this purpose — refers to 1 Hawk. P. C. 149 — where
it is laid down that the refusing to give evidence to
a Grand Jury is, a great Contempt — That
the presentment being against an officer of
this Court, it had a discretionary power in
regard of the offence complained of, and could
exercise it according to the circumstances of the
Case — cites — 3 Hawk. 279. Tit. Attach^t — 4. 136. Com
126 — 1 Hawk. 148 — 1 Str. 642. — That a rescue
even

even where the process was irregular, is punishable
6 T. R. 701. - 5 T. R. 62 - and Case of L. Thonet and
Ferguson - where giving professional advice by the
Counsel did not excuse him, but he was held in
contempt -

Mr Stuart - The Grand Jury by this presentment
have struck at the professional character of the
Defend^t and of all professional men, and have
invaded the rights of every individual in the
Community - That their proceedings had been
irregular and illegal in proceeding to arrest and
take into Custody such Individuals, who they
conceived could give evidence before them - such
power is not vested in the Grand Jury - and the
opinion given by the Defend^t. to one of those
persons so in duress that he could not be -
compelled to give attendance under such constraint
before the Gr. Jury unless he chose so to do,
ought not to have excited so much of the indignation
of the Gr. Jury as the Defend^t for doing an
act which by his profession he was entitled to
do, which tended to preserve the rights and
liberties

liberties of His Majesty's Subjects, thus unwarrantably invaded, may it tend to preserve the rights of that very Gr Jury who had thus complained against him -

In answering to the Rule, he proposed to consider the follow^g points. -

1. As to the Competence of this Court to grant the present rule. -
2. The insufficiency of the grounds stated in the Rule
- 3^d. The total want of foundation for any such Rule
- 4 The want of a Subpoena to bring the witness before the Grand Jury -

1st. The Constitutional rights of the trial by Jury ought to be adhered to in all cases charging an offence against an individual - and if by immem^l Custom it has been allowed to certain Courts to proceed in cases of Contempt by a different course, such proceedings ought to be strictly limited, and not extended to other Courts or to other offences - This power belongs only to the Kings Superior Courts, which are understood to be the four Courts of Westminster Hall, but not to Courts of Oyer & Terminer, but more especially in this Country, where that Court has been created
for

for a temporary purpose, to try all crimes & Criminal offences according to the legal and Constitutional mode of proceeding by trial by Jury - If such power could be said to belong to any Court in this Country, it would be only to the Court of N. B., whose superintending authority may be said to extend to an offence such as charged - This Court can take notice only of direct Contempts done in the face of the Court, but where the Contempt is indirect, or done out of its presence, there is no means of ascertaining that fact, but by the verdict of a petty Jury - And should this Court assume the power here contended for, the Court of 2^d Sessions of the Peace will have a right to do it also -

3. H. P. C. 272.

A. B. C. 283.

2. The reasons stated on the face of this rule, are that I prevented James Lane from attending the Grand Jury - this is insufficient - because this might have been done without any kind of culpability - this Lane might have been the serv^t. of Dep^t. and might have been employed by him in such manner as to prevent his attendance on the Grand Jury, and this would have been perfectly justifiable, if it was not done knowingly and with the intention to prevent such servant from giving his evidence before that Gr. Jury - now nothing is alleged in the Rule

that

that charges the Def^t with a knowledge that the Gr. Jury had required this Lane to give evidence before them —

3. But there existed no legal ground upon which such Rule could be granted — and an injustice has been done to the Defend^t by the same law^s been granted without having been maturely considered by the Court — There were no affidavits laid before the Court to justify the proceeding — such affidavits were essentially necessary —

4. The witness Lane not having been brought before the Gr. Jury by a Subpoena, or other legal process, he committed no offence by withdrawing from that Jury and therefore the Def^t could commit none by telling him to go away — The only mode known by which a man be legally brought before a Court or Jury to give evidence is by Subpoena, which must issue from that Court where the Plea is to be tried — The names of the witnesses ought to be indorsed on the bill of Indictment, and Subp^o to have issued to bring them before the Court — but without that writ the Gr. Jury have no power to send for any man to give evidence before them — they may
request

4. Bl. C. 286.

3. Haw. T. C. 272

Hands Prac. on
attach^t.

2. Hale. 282

4 Hawk. 448.

3 Bl. C. 368

3 Woodson —

1 Burn's Just. 75A

Bl. Rep. 36. Bowles.

v. Johnson —

request the attendance of a witness but cannot compel it - But Lane could not be considered as a witness until he had received a Subpoena - and the preventing a man to attend before the Gr. Jury who was not bound to attend, can be no offence; To ground any proceeding agt. Lane for not attending the subpoena duly served upon him must have been produced - and had he lived out of town, which may be the case, as the contrary does not appear, his expenses must have been tendered to him

A Presentment of the Gr. Jury made without any oath before them, is not sufficient to ground a warrant agt. a party charged by such presentment. (Here the foreman of the Gr. Jury observed that witness on oath had been heard before them) - It is a thing which may be made from their own knowledge and observation without the oath of any person - upon this presentment an Indictment should have been found, to do which witnesses must have been examined before them - and this is the legal course of proceeding.

(Reads the Presentment - & remarks thereon - 1st Part) It was unnecessary for the Grand Jury if actuated by correct sentiments in regard to him to have had reference to the particular case of a libel agt. the Prince Regent, as the subject before them, at the time of the
interference

4 Bl. C. 301
2 Inst. 738.
2 Hale. 152.

interference complained of - as if he wished to implicate him in a knowledge of this libel, a thing he absolutely denies. That altho' he had in another capacity complained that injustice had been done to that branch of the Legislature to which he belongs, by their complaints not having been listened to, and altho' he was satisfied that those complaints were well founded, yet he would never degrade himself so far as to use such low means as a libel to gain his purpose.

2^d. The pres^t. states that Gr. Jury. had a right to send for witnesses and bring them before them - a thing the Def^t. denies, unless they used the Kings writ of Subpoena to do so -

3^d "That they had notified the Witness to attend" such notification in the shape of a request to a witness to attend before them, is very proper, but it is not compulsory on a witness to attend, but the notification given in this instance was the taking the witness into custody by a tipstaff and bringing him neck & heels before this Grand Jury -

4 That Defend^t. did advise and direct several witnesses to retire, particularly James Lane - whereby the Gr. Jury complain, that they have been improperly interfered with ~~the~~ - It is certainly true that he gave his advice to Mr Lane that he might withdraw, but he never directed him so to do - he told S. Lane that the proceedings of the Grand Jury in regard of him were illegal and irregular, and that they could not hold him in durance - if the Grand Jury call this an improper interference - it was such an interference as he was warranted in making - for no man can be tried or imprisoned but by the Judgment of his peers or the law of the Land, it is contrary to magna Carta - That the Grand Jury under the impression of great inquisitorial powers had by the same forcible means dragged all the Printers in Montreal before them - had even ransacked the houses of some of them and taken possession of their papers - a power unknown to belong to a Gr. Jury, and never assumed until the present occasion - These facts, as well as the manner in which those witnesses were held and detained at the time they required the advice of the Defend^t - and the manner and circumstances under

under which that advice was given will appear by the affidavits he now produces -

1st Charles B. Pasten, Printer - states, that on the 28th inst^t in going from the Court room to the Jury room, he met Paul Thouin, Louis Marcoux, Judger Duvernay and Joseph Sabatté, his Journey men and apprentices, and having asked them what they were doing there, they told him, that they had been bro^t. there prisoners and were now detained there as such, and understood that it was in order to compel them to give evidence before the Grand Jury that they had been thus deprived of their liberty; That soon after when Depout was returning from the Jury room, he saw his said Journey men and apprentices still in the same place, and being desirous to ascertain whether they had been legally deprived of their liberty, he applied to James Stuart Esq. of Montreal advocate, and asked his opinion on the Subject - That the said James Stuart asked the said Journey men and apprentices if they had received a subpoena to give evidence before the Grand Jury, and they having answered, that they had
been

been arrested and bro^t. there with any writ or summons whatever having been served on them, the said James Stuart told them that they had been wrongfully deprived of their liberty, and that not having been legally summoned to appear before the Grand Jury they were at liberty to go, if they chose it, adding, that as soon as a Subpoena should be served on them, it would be their duty to comply therewith and to give their evidence accordingly.

2. Paul Thouin, garçon imprimeur chez Charles B. Pasteur de cette ville, depose et dit, que le 28 Mars dernier etant dans l'Imprimerie du dit Charles B. Pasteur, Louis St. Gauvin, un des Huissiers de la Cour du Banc du Roi seroit entré dans ladicte imprimerie suivi de deux Connetables, qui avoient chacun son baton de Connetable à la main, et que le dit Gauvin la et alors auroit pris le deposant, et Louis Marcoux, Ludgeur Duvernay et Joseph Sabatte, Prisonniers au nom du Roi, et aidez des dits deux Connetables, les auroit conduit, à la Cour de Justice; Ledit Gauvin avec lesdits deux Connetables auroient mis ce Deposant et les personnes sus mentionnées sous la garde de Connetables dans la passage qui est entre la chambre du
Grand

Grand Juré, et la Salle d'Audience - Que led. Gauvin
auroit mis un Connetable au haut de l'escalier qui
est dans ledit passage, afin d'empêcher de descendre
ledit deposant et les autres personnes sus mentionnées.
Que Joseph Sabatté auroit demandé au D. Connetable
de lui permettre de sortir pour des besoins naturels,
et que ledit Connetable n'auroit pas voulu le lui
permettre. - Et le deposant depose de plus qu'étant
ainsi sous la garde des Connetables dans le passage
susdit, ledit Charles B. Pasteur son maître seroit
passé dans le dit passage pour aller dans la chambre
des Jurés, et qu'alors led. Pasteur auroit demandé au
depos^t. ce qu'il faisoit là - le Depos^t. & les autres auroient
repondû qu'ils étoient prisonniers. - Qu'ensuite ledit
Charles B. Pasteur seroit sorti de lad. chambre des
Jurés, et qu'ayant rencontré James Stuart, Et dans
ledit passage, il se seroit plaint à lui de ce que le
deposant et les personnes sus mentionnées, ses apprentis
et Compagnon auroient été pris prisonniers dans
son imprimerie, et conduits à la Cour comme susdit
et lui auroit demandé son avis pour savoir si c'étoit
une maniere legale de conduire les temoins devant
un Grand Juré - Que ledit James Stuart auroit
alors demandé au depos^t. et aux autres personnes

sus mentionnées, s'ils avoient reçu des Subpona, ou autres ordres par écrit, pour paroître devant le Grand Jury - Que sur la reponse negative du deposant, et des autres personnes sus mentionnées, ledit James Stuart auroit dit au dit Charles B. Pastur, que cette maniere de conduire les temoins devant un Grand Jury, n'etoit point legale, et au deposant et aux autres personnes sus mentionnées, qu'ils n'etoient pas tenus de rester la et qu'ils pouvoient s'en aller s'ils le vouloient; mais que s'ils recevoient un Subpona, ou ordre par écrit, pour paroître devant le Grand Jury, dans ce cas ils seroient tenus de se conformer au dit ordre - Et le Deposant dit de plus, qu'il n'a eu aucune conversation avec ledit James Stuart touchant les faits ci-dessus, soit avant ou apres le 28 de Mars dernier -

3. Judger Duvernay - same deposition
4. Louis Marcoux - same deposition
5. Joseph Sabatté - same deposition
6. Jacques Viger, says - que Jeudi le 28 Mars dernier il etoit présent à la chambre d'audience de cette ville et a connoissance que James Stuart Ecuyer, avocat, auroit été sollicité de donner son avis

avis sur la légalité de la détention de plusieurs
apprentis imprimeurs de Charles B. Pasteur, lesquels
alleguoient avoir été traduits à ladite Cour ou
chambre d'audience pour Louis Henry Gauvin
et deux Connitables sans ordre ni Subpona, mais
seulement sur la voie du dit L^h Henry Gauvin,
qui les avoit commandés au nom du Roi - Et
que ledit S^r James Stuart donna son avis aux dits
Apprentis, leur disant, que puis qu'ils n'étoient
point assignés par ordre ou Subpona, ils n'étoient
point obligés de rester, mais que lorsqu'ils seroient
assignés à comparoitre par la signification d'un
ordre ou Subpona ils seroient obligés de comparoitre
et d'obeir au dit ordre et Subpona - Que le meme
Jour et peu de tems apres, le nommé James Lane
imprimeur de lad^e cité de Montreal, se seroit aussi
adressé au dit James Stuart dans le passage
separant la Salle d'audience de la Chambre ou se
tiennent les petits Jurés, et lui auroit dit qu'il avoit
un avis à lui demander, sur quoi les dits James
Stuart et James Lane seroient tous deux entrés
dans lad^e chambre de petits Jurés. -

7 Nahum Mower - of Montreal, printer,
says, that on the 28th day of March last, Louis
Gauvin

Gauvin, one of the bailiffs of the Court of R. B. came with three Constables, or persons having with them each a Constables staff, whose names are to this Deponent unknown, to his printing office where he was then attending to his business w. one Amos Farley, his Journeyman printer and Thomas Edge, George Spatt, Charles Gilbert and Joseph Saubert, his apprentices - It was then about ten o'clk in the morn^g. - The s^d Gauvin addressing himself to the said Mower, told him that he was to take him the said Mower and others above named up to the Court House - that he was very sorry to be under the necessity of doing so, but that they must all go with him the s^d Gauvin & Constables - That s^d Mower then requested time to go to his dwelling house and apprise his family of it, or be allowed to send one of his apprentices for that purpose - the s^d Gauvin ans^d that he would not allow him either to go or to send to his dwelling house, but that he & the s^d persons must go immediately w. him the said Gauvin & the Constables to the Court House - That Mower then told Gauvin, that he should be at the Court House as soon as him the s^d Gauvin, but he insisted that he sh^d go with him the s^d Mower & Constables - That s^d Mower then shut up his printing office and was bro^t up to the Court House together with the said Journeyman and apprentices in custody of the said Louis Gauvin and the s^d Constables.

That

That when in the Court House, the said Mower was with the other persons above named brought up to the passage that separates the room where the Court is held, from the Grand Jury room - That the said Mower and persons above named were there detained by the said Constables and the said Louis Gauvin for about three hours - That about an hour after their being bro^t to the S^d passage, the S^r. Mower perceiving that he had left his watch at his Office, and apprehensive that it might be lost, told one of his apprentices to go for it - that the said apprentice was about going for the said watch when he was stopped by one of the S^r. Constables, who would not allow him to absent himself from the place - That S^r. Mower obtained permission to go into the Court room until he should be called for by the S^r. Gauvin - That he then remonstrated with the said Gauvin in regard of his watch, when he permitted one of the apprentices to go for it - That while the S^r. Mower and the above named persons were so in the said passage, there were several other persons apprentices and Journeymen to the printing business detained there also by the said Gauvin and the said Constables - That the manner in which they were brought up to the Court House

and

and in which they were detained in the said passage became the subject of conversation amongst them and some of them determined to take the advice of James Stewart, Esq. as to the right of the said Gawwin or any other person to take them by force to the said Court House and to compel them to remain there - That the said James Stewart was then in the Court room in front of the bench, sitting where the Lawyers take their Seats, and was called out by some of the said persons, one of whom was James Lane, for the purpose of consulting him the said James Stewart on the subject - That the said James Stewart came - accordingly to the passage where the said persons were and upon being informed of the manner in which the said persons were brought up to the Court House and in which they were so detained in the said passage, gave it as his opinion that they had been illegally brought there, were illegally detained there, and that it was at their option either to stay or to go. -

8. Ariel Bowman, book binder, saith, that on the 28 March last, Louis Gawwin, one of the bailiffs of the Court of N. B. came to the house of the said Bowman, accompanied by two Constables or persons having

having each a constables Staff - That the said
Gawwin then and there told the s^d Bowman, that
he the said Bowman and every person in his
house must immediately go with him the said
Gawwin and Constables to wait upon the Grand
Jury then assembled in the Court House, and
that he the said Gawwin had been sent by the s^d
Grand Jury to bring him the said Bowman, &
the other persons in his employment before the
said Grand Jury - and that he the said Bowman
must give him the said Gawwin the names of
the several persons so in the employ of him the
s^d Bowman - That thereupon the s^d Bowman
asked the s^d Gawwin to shew his authority for
so compelling the said Bowman & the other
persons of his house to attend before the said
Grand Jury, and whether he the s^d Gawwin had
a Subpoena or Subpoenas to serve upon him
or the persons in his employ, when the s^d Gawwin
called in the two Constables who had gone out
side the door, and pointing to the Staves of the
said Constables, said, "That is sufficient authority" -

That the said Bowman with the only person
of his house who was then at home, excepting

a small boy, went with the said bailiff & Constables
to the Court House - That in going to the Court House
the said Bowman and the person with him were
in the Custody of the said Bailiff and Constables
and when brot. up to the Court House they were
conducted by the said Bailiff & Constables to the passage
that separates the Court room from the Grand Jury
room, where he the said Bowman was detained about
a quarter of an hour during which time he conceived
himself to be always in the Custody of the s^d Constables,
who stood with their Staves at the Stairs leading to the
said passage, for the purpose as this deponent verily
believes, of preventing him from leaving the s^d passage:
That there were in the said passage at the time several
persons, Apprentices, Journeymen and Masters to and
of the printing business, some of whom stated that they
had been there for two or three hours, that they had
been brought there in the same manner as he the said
Bowman had been, that is, by a bailiff & Constable.
That the manner in which they had so been
brought up to the Court House and in which they
were so detained (the Constables being still there to
prevent their departure,) became the subject of
conversation amongst them, and it was suggested
by

by some amongst them that it would be proper
to consult Mr Stuart, respecting the right of the
said bailiff and Constables to take them from
their homes and keep them in the s^d passay:
That thereupon James Lane of Montreal
printer, went to the door of the Court room and
called out the said Jas Stuart, who with the
said James Lane went into the Petty Jury
room: That the said Bowman being
determined to rid himself of the unpleasant
situation in which he found himself, by
going before the Grand Jury as soon as he
could, did not go into the said Petty Jury
room with the said Lane, but verily believes
that the said James Lane so requested the
said James Stuart to come out of the Court
room for the purpose of consulting him as
a professional gentleman as aforesaid - The
said Bowman further recollects, that the said
Gauwin in taking him up to the Court house
told him that he must not be afraid, for
that he the said Gauwin had already taken up
all the Printers in Montreal in the same manner.

9th Jasper Hoisington, apprentice to Ariel Bowman, says, that on the 28th March last about eleven o'clock in the forenoon, L^d H. Gauvin, one of the bailiffs of the Court of S. B. together with two Constables - came to the house of the said Bowman who was not then at home - That the s^d Gauvin mentioned to the said Hoisington that he had come to take the said Ariel Bowman and the persons in his house up to the Court House - That upon his inform^g the said Gauvin, that he the said Hoisington was the only person in the house then in Mr Bowman's employ, the said Gauvin said he must search the house to see whether or no that was the case and that he the said Hoisington must go with him and shew him the rooms - That he observed that being the only person left there to take care of his master's shop, he could not leave it to go with the s^d Gauvin - That thereupon the s^d Gauvin told him that he the s^d Hoisington was obliged to go and must go with him - That the said Hoisington then left the Shop and accompanied up stairs with one of the said Constables, the
other

other remaining below - That he went wth S^r Gawwin
and Constable up to the third story or garret of the
said house, which garret they searched - he then
came down with them to the second floor, and left
them there and returned to the Shop - That
S^r Hoisington saw them exam^e the rooms of the
second story, where they remained for about ten
minutes after he had left them - That about
12 o'clock of same day M^r Bowman came home
when the S^r Gawwin told him, that he the S^r
Bowman & the persons in his house must go before
the Grand Jury, and that he the S^r Gawwin was
sent by the S^r Gr. Jury to bring them there - the
S^r Gawwin also told S^r Bowman to give the names
of the persons in his house - That thereupon the
S^r Bowman asked the S^r Gawwin to show a
Subpoena, or his authority, if any he had to
compel him and his people to go before the
Grand Jury, in answer to which the said
Gawwin called in the two Constables who were
then outside, and pointing to their Staves
said, "That is my authority" That the said

Gawwin

Gawwin then told the s^r Bowman and one James Lane then there that they must come up to the Court House - The said Bowman and Lane then went out accompanied by the said Gawwin and Constables - That the said Gawwin - wanted the said Hoisington to go also, but upon the representation of the said Bowman that the said Hoisington was the only person to take care of the Shop the said Gawwin permitted him to remain. -

The Defendant now concluded by observing that the affidavits he had just read gave a true state of the circumstances under which he had been called upon to give his opinion, that such opinion had been given consistent with his professional duty and without inducement to the parties asking it, to ^{adroit} any line of conduct thereon - and therefore that the present Rule had been improperly obtained, and ought to be discharged. -

The Court adjourned till to morrow to hear the Counsel in reply. -

Tuesday.

Tuesday 2. April 1816. -

The King
Stuart.

Mr Ross, Kings Counsel, in reply to Mr Stuart on the Cause shewn yesterday - Observed, that the right of Courts to punish for any thing done in contempt of their authority was coeval with their establishment, & necessary for their existence - and more especially for any thing done by any of their own Officers under colour of their office - 2 Hawk. ch. 22. sec. 12. Tit. Attachment - 1 Com. Dig. Tit. Contempt. p. 628. - 1 Hawk. ch. 21. sec. 15 - To dissuade or attempt to dissuade a man from giving his evidence, and all attempts to stifle the truth, come within this rule -

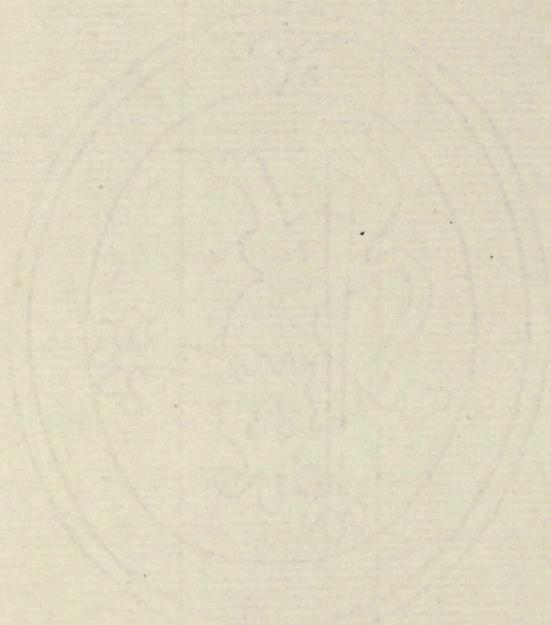
4. 136. Com. 126. - 131 - 132

1 Hale. 606. ch. 53. - Rescue -

5. Vin. Ab. 446. Tit. Contempt. even when Process
irregular

1 Stra. 642. King. v. - on Rescue

The Defend^t has assumed an untenable position that he had a right to interfere between the Grand Jury and the Wit. by giving his opinion that he was not bound to give attendance, on that Grand Jury, now let us Consider what has been the effect of that opinion - it has operated as an inducement to the Wit to withdraw from his duty





duty and attendance upon the Grand Jury, and it therefore essentially the duty of that Grand Jury to present the case to the Court, as the withdrawing of the witness upon the Counsel of the Defend^t led them rightly to suppose a wrong conduct in the party—

The Defend^t has taken four Objections to the rule which has been sued out, none of which can be maintained

1. This Court not Competent—

He however must admit from the authorities cited, that this Court, is a Court of record, deriving its authority from the same source as in England, and intended for the same purpose, and the same principles of law must apply in regard of the question before us whether in England, this Court or any Court of Record possess such power in cases of Contempt— The question will not admit of an argument.—

2. The Rule, contains no sufficient grounds—

The Rule refers to the Presentment of the Grand Jury as founded thereon, and therefore sufficient—

3. No affidavits before the Court to justify Rule

It would have been superfluous for the Court to have required affidavits to support a fact charged by the Presentment of a Gr. Jury, which is upon oath, and of greater weight than any number of Affidavits

whatever

whatever, and it was an insult to the Court to say that the rule had been granted without deliberation, for there could have been little deliberation upon a question so clear, had the attachment been moved for in the first instance -

4. No Subpoena to compel attend^e of Wit^s.

The want of a Subp. to a witness will not warrant the interference of a third person, to divert the attend^e of that wit^s and if the Wit^s has given his attend^e under the authority communicated to him he is liable to a contempt if he depart without leave. The Defend^t had no right to interfere or even to advise, his course ought to have been, to apply to this Court on behalf of the witness, if he was improperly bro^t up to give his evidence, or ^{was} wrongfully detained, the interference therefore was improper, and under colour of Office, which is punishable as a contempt. Refers to Case of L^d. Thant, and Mr Ferguson the Advocate, where the latter was severely punished by the Court for improperly advising his Client to depart the Court without leave

2. Haw. Ch. 22. s. 12

1 East. 408. -

The affidavits produced by Defend^t are inconsistent and contradictory, inasmuch as they state that the witnesses Lane & the others, were bro^t up and detained in the charge and custody of Constables, yet they

need

had no sooner received the opinion and advice of the Defend^t than they all withdrew from the charge of those Constables and from the Court, a thing not likely to have been allowed had they been in custody - But supposing they had been in custody, was the Defend^t justifiable to take them out of that Custody? Can he justify his conduct in depriving the Grand Jury of a witness, because a Constable from ignorance or otherwise brot those witnesses irregularly before them? But the material affidavit here, that of Lane, is wanting - to shew what was the nature of the Communication he had with the Defend^t to induce him to depart the Court - the other Depositions do not speak to this, the Communication having been in a private room, but given to the other printers in the open passage and the presence of several witnesses - The Defend^t has not even ventured to offer his own affidavit on this subject - and therefore the Rule must be made absolute against him, that he may be compelled, if innocent even, to clear himself in the most unequivocal manner of a heavy charge made against him, and if he cannot do so, to receive suitable punishment -

Mr Stewart was admitted to answer to some of the authorities cited by the King's Council -

The Court being about to proceed to give its opinion on the Case, was interrupted by one of the Grand Jury offering them a paper, and Mr Stuart upon this suggesting that the Grand Jury were not unanimous, and did not mean to accuse him criminally, but merely to obtain the opinion of the Court whether he had a right professionally under the particular circumstances to give his opinion to the witness, that he was led to this from knowing many of the Grand Jury being in the habits of friendship and intimacy with some of them, and therefore if the matters of their presentment had not been rightly understood by them, they ought to have an opportunity of expressing their sentiments to that effect — The Court observed, that when the Gr. Jury had a duty to perform, favor & friendship must be put aside, and whatever might be their opinion of the Defend^t in their intimacies with him, his conduct on this occasion had been represented as Criminal, and had it not been so, the Court could not have sat to hear speculative questions of right as to the duties of an advocate in his professional capacity — That the Attorney
Genl

Genl was the person charged to conduct this prosecution and might if he chose, withdraw the rule he had obtained of the Defndt to show Cause, the Court would not interfere - As to the presentment of the Grand Jury the Court received it as made, and if they wished to alter the sentiments therein expressed they might do so, through the same channel by which that presentment was made, their foreman, but the Court could receive no papers expressing the feelings or opinions of any individuals composing that Gr. Jury, not coming thro' the regular channel. - Upon this the Grand Jury retired, and having returned into Court in a few minutes afterwards and being called over and asked if they had any thing to present - they answered No. From this it was understood that they adhered to the presentment they had made -

The Court now gave Judgt^r declaring the Rule absolute - Whereupon the Defd^t offered bail for his appearance to answer to Interrogatories - The Att^y. Genl accept the personal security of the Defd^t who entered into Recognizance for £1000 - to appear and answer when required -

The Court adjourned till to morrow,

Wednesday 3^d Ap. 1816.

The King
Stuart

The atty Gen^l exhibited Interrogatories
to be answered by the Defendant, who
required another day for that purpose -
whereupon the Court adjourned till
to morrow at One O'clock in the afternoon

Thursday 4th April 1816.

Mr Ross, on behalf of the atty Gen^l absent
at William Henry, moved that Mr Stuart should
file his answers to the Interrogatories exhibited
against him - Mr Stuart produced his answers
which, having been sworn to, were filed -

Mr Ross moved for a day to examine the said
answers, and to communicate with the Attorney
General thereon - whereupon the Court adjourned
to the 8th inst - at One o'clock in the afternoon -

Province of Lower Canada
District of Montreal - }

Court of Oyer & Terminer and
General Gaol Delivery for the District of Montreal
begun and holden at Montreal on Wednesday the
twentieth day of March 1816 -

Dominus Rex }
Jamesⁿ Stuart }

Interrogatories to be exhibited against
James Stuart, Esquire, for a contempt
supposed to be by him committed against
this Hon. Court, by preventing on the 28th day of
March 1816, James Lane a witness attending upon
the Grand Jury, going before the said Grand
Jury and giving his evidence upon a Bill of
Indictment then before them. -

First. Do you, or do you not know, that Samuel
Gerrard of the City of Montreal, Esquire, was
foreman of the Grand Jury assembled under the
said Court of Oyer & Terminer & Gener^l G^l Delivery?

Second. Do you, or do you not know, that the said
James Lane was on the said 28th day of March, in
the

the avenue leading to the Grand Jury Room in the Court House at Montreal, in attendance upon the said Jury, for the purpose of giving evidence to the said Grand Jury? —

Third. — Do you, or do you not know that the said Samuel Gerrard, acting as foreman of the said Grand Jury, came out of the said Grand Jury room and in the said avenue, requested the said James Lane to come into the said Grand Jury Room, and give his evidence. —

Fourth. — Did you, or did you not then and there, and in the presence of the said Samuel Gerrard, foreman as aforesaid, advise the said James Lane not to go into the said Grand Jury room, but to retire. —

Fifth. — Do you, or do you not know, that the said James Lane did thereupon immediately retire, without going into the said Grand Jury Room.

Sixth. — Do you, or do you not know, that several other persons were then there in attendance upon the said Grand Jury for the purpose of giving their evidence before the said Grand Jury. —

Seventh. — Did you, or did you not tell the s^d. persons that

that they had no occasion to wait there, but that they
might retire? —

Eighth. Do you, or do you not know, that the said
persons did retire. —

Norm F. Gerald Amick
Attor Genl
3^d. April 1816

Answers of James Stewart to certain Interrogatories
exhibited against him in the said Court for a contempt
supposed to have been committed by him against the
said Court —

To the first Interrogatory this Examinant answers
and saith, that he doth know, that Samuel Gerard in
this Interrogatory named was foreman of the Grand
Jury assembled at the said Court of Oyer & Terminer
and General Gaol Delivery —

To the second Interrogatory this Examinant
saith, that for the purpose of answering this Interrogatory
it is necessary to state what Circumstances gave
occasion to his being present in Court and having any
knowledge whatever of the person designated in this
Interrogatory

Interrogatory, by the name of James Lane, at the time therein mentioned — This Exam^t from motives of humanity had undertaken the defence of one Royal Burt, charged with a felony, whose trial he had endeavoured to get postponed beyond the 28th day of March last, being the day on which the election of Members for the County of Montreal, was to take place, at which this Exam^t was under the necessity of attending as a Candidate — His attempt to procure the postponement of the trial not being successful, he requested a professional friend, James Grant Esq^r, to supply his place at the trial if it should come on before his return from the parish of St. Lawrence at which the election was to be held, and this good office, Mr Grant readily undertook for him — The Exam^t having by the unanimous suffrages of the electors present been re-elected a member of the Provincial Assembly, was enabled to return to town at an earlier hour than he had expected, and immediately went to the Court for the purpose of discharging his professional duty to the Prisoner whose defence he had undertaken. This Exam^t believes it was near or about one o'clock afternoon when he went to the Court as aforesaid and he was fortunate enough to arrive in time
to

to assist at the trial, and become instrumental in obtaining the acquittal of his client. — When this Examt entered the Court-room the Court was engaged in a trial which preceded that of his client and which was not yet concluded — This Examt for some time stood among the Audience under the Judges Bench and afterwards took his Seat at the place usually occupied by him at the bar — While so seated, a person standing in the crowd at one of the doors in front of him, and whom he had never seen before, signified by his hand a desire to speak to this Examinant — And as it is not unusual for this — Examinant to be called from his Seat at the bar, to give professional advice, he conceived at the time that it was the desire of the person in question to consult him, and this Examt. went out at the other door for the purpose of meeting him. — The said person came up to this Examt. in the passage between the Jury Rooms and the room in which the Court ~~was~~^{is} held, and by which access is obtained to the latter at one extremity thereof, and went with this Examt. into a vacant room in which Petty Juries are kept. — Upon this Examt. desiring to know what the said person had to say to him, he mentioned that he wished to have this Examinant's opinion as to the legality of the manner in which he had been brought up and was then

detained

detained there; and he stated, that he had been taken from his abode and brought to the Court-House against his will by a Constable or tipstaff, for the purpose, as he was told of giving evidence before the Grand Jury, and had since been kept and was then in Custody - This Examt. enquired of the person by whom he was so consulted, whether the Sheriff's writ of Subpoena, or other Process had been served on him, and being answered in the negative, this Examt. did not hesitate, as he never will, when so evident a violation of the laws has been committed under colour of authority, to declare to the person consulting him as aforesaid, that he had been illegally deprived of his liberty, and that he had a right to free himself from the restraint which contrary to law had been put upon it, by going away if he thought proper. - The said person told this Examt. that the point just mentioned was the only one, on which he desired his opinion and without saying any thing further to this Examt. was in the act of going out of the said last-ment^d room (this Examinant being behind him and going out also) when he was met by the said Samuel Gerrard, who addressing himself to the said person said in a tone of levity, with a smile on his countenance, "Mr Lane, Mr Lane, I want to

to speak to you", and at the same time turned round to go in the same direction in which the said person was going, who followed after him, and when opposite to the head of the Stairs, turned towards this Examt^t as if for the purpose of saying something further to him, when this Examt^t observed to the said person, "You have received my opinion" (meaning the opinion of this Examt^t given as above mentioned) or used words to that effect, and returned into the Court-room. That this Examinant, till the said Samuel Gerard addressed the said person by the name of Mr Lane, did not know what his name was, never having seen him before. — That this Examt^t has no other knowledge of the said James Lane having been at the time, — mentioned in this Interrogatory, in what is therein called, "the avenue leading to the Grand Jury Room" by which he presumes is meant, the space, or part of the space above designated as a passage, than what he has just mentioned, and he has no other knowledge of the occasion or person for which the said James Lane then was in the said passage, than what he learnt from the mouth of the said James Lane as aforesaid; and according to his statement he could not in the opinion of this Examinant, be said

said to be in attendance on the Grand Jury, as he was brought into, and detained in the said passage by duress, without legal authority, and contrary to his will. —

To the Third Interrogatory, this Examt. saith that he doth not know whether the said Samuel Gerrard at the time last above mentioned came out of the Grand Jury room, or not, nor whence the said Samuel Gerrard came, this Examt. not having seen him till he was opposite, or nearly opposite to the door of the Petty Jury Room when the said James Lane was going out of it as afores^d, nor doth this Examt. know whether the said Samuel Gerrard was then acting as a foreman of the Grand Jury, or not, as he the said Sam^l Gerrard neither said nor did any thing that ascertained that he was acting in that capacity, and the levity of his manner in addressing the said James Lane did not correspond with the intention to exercise authority real or supposed as foreman of the Grand Jury in that situation. — This Examt further saith, that the said Sam^l Gerrard did not in the presence or hearing of this Examt request the s^d James Lane to come into the said
Jury

Jury room to give evidence, but in the tone & manner above mentioned merely said - "Mr Lane, "Mr Lane "I wish to speak to you" - which words this Examint^r believes were uttered by him more than once -

To the Fourth Interrogatory, this Examt. answers and saith, that he did not at the time and place last mentioned, or at any other time in the presence of the said Samuel Girard, or otherwise, advise the said James Lane not to go into the said Grand Jury Room, but to retire - nor did he advise him not to go into the said Jury room, or to retire, this Examt. not having used any other language to the said James Lane than that above mentioned, by which he only expressed professionally his opinion as to what might be lawfully done by the said James Lane, without urging him to any course of Conduct -

To the Fifth Interrogatory - This Examinant cannot say from personal knowledge whether the said James Lane did thereupon immediately retire or not without going into the Grand Jury room, he this Examt. having upon using the words above mentioned, "You have received my opinion" - immediately returned into the Court room; and this
he

he did, because he considered that having given his opinion, he had done all that his duty req^d of him. -

To the Sixth Interrogatory, this Examt. saith, that he was requested the same morning in which the above ment^d circumstances occurred, to give his opinion professionally to certain persons who were represented to him as being in the employment of Charles B. Pastur, printer, as to the legality of the imprisonment in which they were kept. They stated to this Examt that they had been taken into custody at the house of their master and brought as prisoners to the Court House by Constables, and were there detained in Custody contrary to their will, for the purpose as they were told, of giving evidence before the Grand Jury - This Examt enquired of the said persons whether any process of law had been served on them, and being answered in the negative, he told them, as he did the said James Lane, in discharge of his professional duty, that they had been wrongfully deprived of their liberty, and that they were under no obligation to attend before the Grand Jury to give evidence, unless the Kings writ of Subpoena commanding their

attendance

attendance were previously served on them — This Examt. also told them, that they might regain and assert their liberty by going away if they thought fit. This Examt. further saith that he never saw the said persons who applied to him for his opinion as aforesaid, either before or since, and has no other knowledge of the occasion or purpose for which they were at the time aforesaid in the passage, than what he learnt from them, and according to their statement they could not in the opinion of this Examinant, be said to be in attendance on the Grand Jury, as they had been brought into, and were detained in the said passage by duress, without legal authority and contrary to their will — This Examt. further saith, that besides the persons above mentioned, Nahum Mower of Montreal, printer of the Newspaper called the Canadian Courant, also represented to this Examinant — that he had been taken into custody and was detained in the same manner as the said persons were, with circumstances of peculiar aggravation in his case, and this Examt. expressed the same opinion to him that he did to the 5 persons.

To the Seventh Interrogatory this Examinant answered and saith, that he used no other language to the said persons than what is mentioned in
his

his answer to the preceding Interrogatory, and neither told them to wait, or retire, but considering them as free agents and under the protection of the Laws of their Country, he instructed them to the best of his knowledge and Judgment as to what their legal rights were on that head, leaving it to themselves to avail themselves of those rights or not as they might think fit. —

To the eighth Interrogatory this Examinant answereth & saith, that he hath no personal knowledge that the said persons, or any of them, did retire, having returned into Court as soon as he had answered the questions which were proposed to him — This Examt. further saith, that he came to the Court as above mentioned without any knowledge that any indictment upon which the evidence of the said persons was required before the Grand Jury, or that there was any intention to send for, or examine them, and without knowing anything of the Subjects on which the said Grand Jury were employed, and he had no communication whatever with the said persons other than the professional communication above mentioned. And this Examinant further saith, that in what
he

he said to the persons above mentioned as aforesaid
he was governed by a sense of professional duty,
and was under the influence of concern for the
authority of the laws and the rights & liberties
of his fellow subjects which it appeared to him
had been in an extraordinary manner violated -

J. Stuart

Sworn in Open Court
this 4th April 1816

J^r Delisle Clerk O. & L.

Monday 8th April 1816

The King }
J. Stuart }

The parties appearing, the Att^r Gen^l
apologised to the Court for his absence
and stated, that he had examined
the answers to the Interrogatories, and under the
practice in such Cases in England said, that he
could have nothing to say on the Subject, as the
said answers necessarily closed the proceedings which
he now submitted to the Court for a Judgment
thereon -

M^r

Mr Stuart pressed the att^y Gen^l for an explicit declaration, that the answers fully met every part of the charge contained in the Interrogatories - This the Attorney Gen^l declined - when the Ch. Justice delivered the opinion of the Court on the Case from a written paper, which had been agreed to by the Judges at Chambers -

By the Court - The presentment states that an Indictment for a libel on His Royal Highness George Prince of Wales, Regent of the United Kingdom &c was laid before the Grand Jury by His Majesty's Attorney Gen^l That the said Grand Jury exercising their legal and Constitutional rights, notified certain witnesses to attend and appear before them, among whom was one James Lane, a printer, who with several others came up for the purpose of giving the testimony required on the said Indictment.

That while the Grand Jury were occupied in the examination of witnesses, James Stuart one of the Attornies of this Court, did in the presence of several persons advise and direct several witnesses to retire from the Court, and in the presence
of

of the foreman of the Gr. Jury, and when in the act of calling on the said James Lane to give his evidence, the said James Stuart did recommend and advise the s^d Lane not to attend, whereupon the s^d Lane withdrew from the Court, hath since secreted himself or absconded whereby the Grand Jury have been deprived of his evidence - and on this ground the Gr. Jury complain of an interference between them and the witness, of impeding and frustrating the administration of Justice, of a Contempt of the said Grand Jury, and of this Court - and praying for such proceedings as may prevent similar practices in future &c -

Upon this Presentment, when brought into Court and referred to the Att^y Gen^l, he at first hesitated, and observed, "that he did not know that he had any thing to do with it" - he however soon after moved for a Rule upon Mr Stuart to shew Cause, why an attachment should not issue, which was granted - and on Monday the 1st day of April inst^t the Defend^t shewed Cause why the Rule should be discharged, and assigned as Causes -

1st That the witnesses referred to by the presentment were not legally before the Grand Jury and not bound there to attend. -

2. That no such course of proceeding as a Rule to shew Cause for a Contempt could be had before this Court, but same ought to have been by trial before a Petty Jury on an Indictment. —

3. That if a rule nisi could be had, it had no regular ground, by affidavit to support it. —

4. That if the witnesses had been regularly before that Grand Jury, and the Rule nisi also regular, yet he was not answerable, inasmuch as any conduct in him was in the exercise of his professional functions as Counsel giving his law opinion to the persons of such witnesses. —

With the argument upon these grounds were filed nine affidavits tending to prove the nature and Circumstances of the alleged interference and Contempt —

The att^y Gen^l and Mr Ross as Kings Counsel having been heard in answer, the Rule was made absolute to hold the Defend^t to answer — upon Interrogatories — The att^y Gen^l exhibited his Interrogatories to which answers were filed and the proceedings here were closed —

It

It is not from any difficulty that arises out of the question brought under the consideration of the Court, but from the great importance of the Subject in the administration of Justice, that the Law, the powers of His Majesty's Courts, the several duties of the — Correspondent parts of those Courts, and that of His Majesty's Subjects, called to an obedience of those Courts, should be understood, some previous observations on the Subject are requisite, before giving Judgment thereon —

The power of granting Attachment to make answerable and of the Court to enquire, and to punish for Contempt according to the due course of proceedings in such Court, is incident to all Courts of Record —

A. B. L. 286.

Hands Prac.
c. 10. 60.

"It results from the first principle of Judicial establishments, and is an inseparable attendant upon such tribunals." — It is not limited or confined to the four Courts of Westminster Hall, it arises from and pertains necessarily to the execution of the Kings Commissions that authorize Judicial proceedings in every Court of Record, and especially when high Crimes and misdemeanors are to be adjudged —

In respect to the Course of proceedings upon such complaints, it is the established known Law, or rules pertinent
to

2. Ven. Ab. Supp. 244
A Bl. Com. 287. 8.
1 Com. Dig. 590. -
11 St. Tr. 332. -

5 Bro. Part. Ca. 84.
2 Ven. Ab. Supp. 283.

to each Court in respect to this offence that must determine the course to be followed. - The Common law Courts and Courts of Equity, as the Chancery or High Court of Admiralty, have modes of proceeding to establish facts, peculiar to each, and that course must be observed which is peculiar to the Court before which the complaint is made - whether in the High Court of Parliament or the House of Peers sitting on Judicial proceedings, whether in any of the 4 Courts of Westminster Hall or else where that a Com. of Oyer & Terminer may be held. -

C^o of H. Privy Council
C^o of Appeals in Canada -

3. Co. Inst. 147
2 Ven. Ab. Supp. 225
1 St. Tr. 384. -

The argument held that a trial by Jury was necessary to a Conviction for Contempt, would be to say, that no Court could proceed for a Contempt that had not such a mode of trial as a legal course of proceeding - But such opinions are not grounded on the Laws of England - By those laws the Crimes of Contempt are enquired into in the manner above stated - They are punishable by fine, imprisonment, and that extended even to the unlimited period of the Kings pleasure - By the public exhibition of an Offender, to make atonement for his offence - as making public acknowledgment in the face of the several Courts of Westminster Hall - Or by pillory - as in the case of two putting in bail under feigned names, where

where the parties and the attorney were for that offence
set on the pillory -

Brays Crossby
11 St. Tr. 338.

L. Ch. Just. De Grey in giving Judgment in the C. B.
in the Case of the L^d Mayor of London, upon argument
held somewhat similar to those in the present Case, and
observed, "that some may think it very hard to stand
in the pillory for a Contempt adjudged upon without
a trial by Jury, but that such a power was necessary -
and that a man not long before had been so adjudged
and punished by that Court for a Contempt" - Nor will
misconceived opinions excuse any man for a Criminal
Conduct, which the laws have determined to be such. -

It may also by some be thought hard, that so
severe a punishment and by such a mode of trial -
A B. 286. - 8 should not be subject to appeal from every Court - But
such is the law of the land, and as frequently observed
Gill. H. Com. P. by law writers, it is confirmed by Magna Carta -
Ch. 3 -

It is with as little reason argued that the Court of
Oyer & Terminer and Gen. Goal Delivery cannot proceed in
a Case of Contempt according to the course of Judicial
proceedings in the Co. of K. B. - and that this Court sh^d.
not be held to be one of the Kings Superior Courts - It
is true that the Court of K. B. has a Superior Jurisdiction
and Controvl - but it is equally true, that the Oyer and
Terminer and G. G. Delivery Courts, try and determine
conclusively

conclusively upon the greatest part of all, and the highest degree of Crimes committed in the Kingdom — It will be difficult to say, what are the powers of superior Jurisdiction, if not possessed by Courts of Record — If there were any such defect or limitation to those powers, as argued, they would be found in the works of some law writer, but such I cannot discover applicable to a Case like the present, nor has this Court a doubt from any of the objections offered — The Kings Com. authorise this Court to proceed by all such ways and means as the laws of England authorise, to hear and determine upon all Crimes and offences whether Treason, Felony, Trespass misdemeanor or Contempt — Such course has been followed here on the present charge, and must be constantly followed until altered by an act of the Legislature —

An objection has been taken against the Rule inasmuch as it has not been preceded by an Affidavit — It will not be argued that an Affidavit is requisite to grant an attachment in all cases — The sound and legal discretion of the Court must govern its Judges according to the circumstances of each case — In the present instance the facts alleged of the contempt are presented by the Grand Jury, who are under

oath

3 Hawk. 278. c. 32.

notes. —

Jacob. Dec. v. attach^t

2 Vin. Abr. Supl^t

230. 4th

Barnes' Notes. 197.

2. Hale. P. C.
152.

oath. - This presentment is the notice by the Gr. Jury upon their own knowledge of an offence committed within the doors of the Court House, the obstructing the administration of public Justice and by an officer of the Court - Could a doubt be entertained in granting a Rule nisi? would Mr. Att^y not have been warranted to have moved for an attachment in the first instance?

4 B.C. Com. 286.

1 St. 185.

Barnes. Vol. 4, p. 97.

Powers & Duty of
Gr. Jury - Prof.
p. 1 -

The powers of the Grand Jury in the question before the Court is of the highest importance in the administration of Justice - That Jury forms a Constituent part of this Court, holding cognizance of Crimes & Offences - It is the Constitutional bulwark and protection of the life and liberty of the Subject, known only in the Law of England, It is the greatest security and protection to the effective execution of the laws and the Government - It is that power which is justly considered in England as next to the legislative - The extensive duties of that Jury are settled by a solemn oath administered to them upon entering upon their office - "well and truly and with diligence to present all things as they come to their knowledge without envy, hatred, or malice, and without leaving any man unpresented for fear, favor, or the hope of reward" - And the duties of this Court are, to afford protection to the legal proceedings of that Jury, and to bring into Judgment

Judgment crimes and offences presented by their Inquest.

"In Westminster Hall it is said - That the whole stream
of Justice, either runs freely, or is stopped & disturbed,
as the Grand Inquest do their duties either faithfully
or prudently, or neglect or omit them - They
ought principally to enquire of one another mutually
what knowledge each of them hath of any matter
in question before them - If the parties and the
facts be known to the Jurors or any of them,
their knowledge will supply the room of many
witnesses" - "Next they ought to enquire by all
such witnesses as the prosecutor will produce against the
accused - If the Jury be then doubtful, they
ought to receive all such further testimony as
shall be offered to them - and to send for such as
any of them do think able to give testimony in
the case depending -

No man is exempted from giving testimony to
the Grand Jury - They have a right to send their
Officer, the Constable, to require their attendance -
Hitherto no presumption has been taken that
any loyal Subject will refuse that obedience which
the Judicial powers of the law will compel - Wherever
resistance has been made to such due examination,

punishment

Powers & duties of
Gr. Jurors -
vid. 30

punishment has attended the Offender, if his flight has not been beyond the reach of attachment -

Unifurville's
Lex Cor.
2. Vol. 303.

A Coroner holding an Inquest is armed with the power of enforcing obedience by process, when his demand of attendance has been disrespected, or if attending, shall not give or perfect his evidence; the Coroner's warrant of Commitment for Contempt will follow. -

And can the law be supposed defective in respect to a Grand Jury obtaining such evidence? -

In this Colony that Jury has the aid and assistance of a high and responsible character, the Attorney General - he must know the course to be observed and the means to be used for bringing before that Inquest all the witnesses it may require especially upon a Case under his immediate - prosecution by a Bill of Indictment officially delivered to that Jury - why the powers of this Court were not sought for, to prevent what the Grand Jury has presented as defeating the administration of public Justice, and thereby to silence those cries of oppression and illegal restraint of the liberty of the subject, used as arguments by the

Deput.

Defend^t, were considerations which lay with the
Att^y. Gen^l in the discharge of his office, upon the
prosecution he had submitted by Indictment to the
inquiry of the Grand Jury -

The adjudged Cases upon principles of law
applicable to the Subject under the consideration of
the Court, will shew -

That every person who may refuse to give evidence
to a Grand Jury is liable to an attachment for Contempt

So will refusing obedience to process to give evidence
on an intended Criminal Prosecution -

And tho' process be irregularly served, it may be
a contempt to disobey it -

Nor will the testimony given by a witness
irregularly bro^t up, be affected thereby -

That all those who dissuade, or but endeavour
to dissuade a witness from giving evidence ag^t
a person indicted. - Or for persuading Jurors
or witnesses not to appear upon trial, are liable to
an attachment for Contempt

If a person has neglected to attend the Court
after an Order so to do, he shall be immediately Com=
mitted, and answer Interrogatories in vinculis. -

The Case before the Court is not of the
witness

1 Salk. 278. -
L. Preston's Case.
8 J. R. 585 -
Com. Dig. 307. § 19.

5. Vin. Ab. 445

1 Lead. Cc. 184
Doda's Case

1 Haw. 148.
Ch. 21. §. 75. -

A. Bl. Com. 126

Jac. Du. Attach^t

1 Lill. 121. -

3 Hawk. 278
on notes -

2. Bur. 219. -

Witnesses who may have refused attendance - or have absented themselves after attending, and might fall under a very different principle of decision in respect to them than that of the Case before the Court - Of a Counsel who had given his opinion upon the duties of those attending Witnesses, - leaving them freely to exercise their Judgment & conduct upon that opinion as they might think proper -

1 Hawk. 1A8.
Ch. 21. S. 1A.

In respect to the Officers of the Kings Courts or those persons whose duties in those Courts claim and receive their privilege and protection in respect to such Offices and the due exercise thereof, they are under the controul of, and amenable to those Courts, for any complaint against their official or professional duties -

They cannot excuse, or justify an act unwarrantable in itself, as resisting disobeying or - frustrating the legal powers of Courts, under the color of professional opinion - An advocate might be of opinion that this Court had no legal right to sit and give Judgment against a convicted Felon at this bar - but if he were to desire, persuade

See. Shebbear's
Case -
2. Bm. 749.

or assist such Convict to depart the Court - his answer that he had acted only professionally in giving his opinion, would not screen him from punishment for such an unjustifiable conduct -

The charge on the face of the presentment of the Grand Jury carries the presumption of a high misdemeanor, which, according to the above principles of law, if proven, would deserve - exemplary punishment -

The legal course of Judicial proceedings upon this charge - the mode of establishing the facts that require and direct the Judge of law has been pursued - and whatever testimony may have been before the Grand Jury to ground the presentment prepared, this Court is limited to the usual course in Courts of Superior Criminal Jurisdiction, to inquire into those facts which would establish the offence charged or a justification of conduct. -

From the facts before the Court, as we are bound to receive them, it does not appear that the Defend^t. had directed or persuaded the
the

the witnesses before the Grand Jury to retire or withdraw, and not to attend and give their evidence - In that lies the criminality of the act with respect to the Defendant -

No professional Gentlemⁿ under the colour of right to offer counsel, can step beyond the legal exercise of his protected functions. - This Court has too long witnessed the high obligations due to the upright conduct of Grand Juries in this district, to suppose a deviation in this instance in respect to the Defendant - They are sworn to act according to the best of their Skill and understanding, and with faithfulness to discharge the duties of their office -

In respect to the charge before the Court, the law has in a large degree left the exculpation of the imputed offence to the Conscience of the party accused - But I must add, that his answers appear to be corroborated by others, who however they might have been implicated, are at present admissible to depose touching the facts in question -

Upon the evidence before the Court, it
appears

appears that the Defendants conduct was
restrained to a professional opinion as Counsel
and in so far is entitled to the protection of
the law, and a discharge from his Recognizance
to answer the Interrogatories and the —
attachment which preceded them — and
such is the Judgment of this Court. —

1831

1816.
he meant by meddling w. the property he had seized
Duncan d^r. there was no matter in rolling it towards
the door - and upon this the other Depend^ts & persons
present began to roll the other kegs toward the door
of the stable next the River - Did not see Eisenhart
touch the property - the W^r called upon Putman to
assist the W^r. but he assisted the others - the W^r
asked Eisenhart for assistance, when he said to W^r
Damn you if you say another word I'll throw
you in the River - Duncan Dewar & B^r took upon
this laid hold of the W^r and threw him down & kept
him down till the others rolled all the property out
of the door when they went out and shut the door
when they kept the W^r until Ch^r. Grogan came with
the Cart. - when he got out he did not see the
articles of: he had so seized - says he acts under
authority of the Collector as Land waiter -

X^d

Was in the embodied militia before he became a
Custom House Officer - was appointed by Commission
from W^r Lindsay the Collector ~~Dated~~ in Feb^r 1816
under of: he acted in this occasion -

Here

Here the Counsel for the Defend^t objected to the sufficiency of the appointment of the W^o as a Land writer in as much as the authority vested in the ~~Customs~~ Collector of the Customs at St Johns is derived from a law which ceased with the last Session of Parliament, having been given to him by an Order of Council made under the temporary law of 1815. -

The Court held that the Port of St. Johns is recognized by St. 9-1774 the Collector had sufficient power before the Order in Council of 1816 to substitute any person to act under him -

W^o said that he has no kn. that his appointment has been publicly announced to the world but he has acted publicly as such officer - has made 4 or 5 seizures - He had a warrant to search q^r is in Mr. McCree's hands - The building in q^r he made the seizure was a stable belonged to Mr. Eschhart -

Chas

Charles Grejean - W. sent W. who is a Customhouse officer
at St Johns - he went w. him in Aug. last to assist
him having been specially authorized for this purpose
by Mr W. Loae who is a Justice of Peace - they went
to the stable of Mr Eisenhart & found there three boxes
w. something in them - upon this Eisenhart came in
Gray found afterwards 7 kegs of tobacco, upon this
told W. to go for a Cart to carry away the property
he went away for the Cart when he came back
he saw Mr Gray coming out of the stable shaking
himself who told W. he had no occasion for the
Cart as three gentlemen pointed to Eisenhart and
Putman - & he saw Jones at the end of the stable
fixing his Cart -

x

The stable doors were open when they went there -
Did not know what was in the boxes - will not swear
that there was tobacco in the boxes -

Saw Putman and Thos. Jones come into the stable while
he was there -

Deferre -

Alex. Patterson - was at St. Johns in August last and
boarded

occurred at Eisenhart - One day about four or 5
o'clock heard a noise in the stable, he went there
the W. Gray & about a dozen other people - Did
not see Gray seen nor Eisenhart - saw Putman
then, and Eisenhart came about a minute after -
When he went in the property was taken up and
the floor put down again - saw no violence offered
to Gray - Putman came in looked round as if he
wanted some one but finds him went off again -
Eisenhart harnessed a horse & went out immediately
after Putman - Saw Dewar Clerk Gray - Saw
Brooks lay his hand on Gray but it app^d. to be to
defend himself as he stumbled back upon him -
Thinks he saw one Miller there - who asked what
was the matter, Eisenhart told the boy to mind his
own business its nothing to us - Did not appear
to him that either Jones, Eisenhart or Putman
had any thing to do with the taking away the
property in question - That Brooks held Gray
& Dewar carried off the property - It app^d. to him
that Eisenhart was occupied about his own
business & gave no assistance to those persons -

Daniel

Daniel Austin lived at Campbell & Eisenhart on the 5th Aug. last - he had just crossed the River & came in thro' the stable, when he saw a number of people in Dewar, Patterson & others - Eisenhart came in and was bustling to get his stage ready to set out for Laprairie - When we asked what was the matter, Eisenhart told him, attend to your business, it does not concern us - When the property was carried away, Putman seemed to have arrived from Laprairie & had a whip in his hand - he seemed to look for some one who was not there & went off immediately - and at the time the property was carried off neither of the Depts was present - had no seeming connexion with the persons who carried it off - Brooks was the first who gave a kick to one of the Depts & Dewar supported Brooks in what he did -

John Miller - came in when about 1/2 of the property had been taken up from under the floor - when he saw afterwards Eisenhart coming in the We asked what the people in the stable were about, he told us to mind his own business as it did not regard them - went to

harness a horse - Saw Putman look in & go away again
It was ~~Brooks~~ & Dewar who showed one of the Keys wth
his foot - saw Dewar climb Gray & throw him down
and Brooks carried off the property - Did not see
any of ~~De~~ there at the time -

Augustus Baron De Diemar - heard Gray say, that none of
Defend^{ts} were concerned in taking away the property
afterwards however heard Gray say that Putman
assisted in rolling away the barrels -

The Jury returned a Verdict of
Not Guilty. -

The King
Thomas McCord
& Jn. Marie Mordlet

On certiorari from the conviction
of the Justices of
and on St. 36. Geo.
3. ch. 10. -

Order for the persons convicted - objects
4 Bl. 282. 3. - Salk. 181 - no summons to parties to
appear before the Justices - su. 3. requires a
warrant

warrant to bring parties before them - Rex. v. Little
Boscawen on Conviction, p. 8 -

2. No information or complaint made by any
person to warrant the Conviction - Key. p. 510 -
M^{rs} Just. 557. -

3. No proof to authorize Justice to issue a warrant
nor to found Conviction - the papers annexed make
no part of the Conviction nor are they referred to in
the Conviction - 1 Bac. Ab.

4. No natural copy of the agreement produced
to the Justice, - 11

4. Neither time nor place mentioned in the
Conviction when the Conviction offence was
committed - Justice have no Juris dictⁿ if the
offence was committed in the Hudson's Bay Territory
the evidence different from the agreement produced.

5. Does not appear that the parties were present
when the evidence was given - Bos. on Conviction
M^{rs} Justice -

6. The Indian Country not ment^d in the Stat.
book and is Indian Territory - The Confession of
the Dep^t does not go to admit that they deserted.

but -

but only the agreement they had entered into.
But a confession of the offence did not give
Jurisdiction to the Magistrate -

Stuart for Justice - Not requisite by the
St. that a Sum^o sh^d. be given to the party - only a
warrant - must^d. But it is stated that they were
bro^t. before the Magistrate charged & -

a summons will be presumed unless the
contrary appears -

Ray 1405
Bur. Inst. tit
conviction -

There was a compl^t. the Court, mentioning that the
parties were charged - do & so -

The agreement - may^d. to be passed only before
one Notary or 2 Just^s. - then the agreement is
before 2 Notaries. - The form of signature
not necessary -

Time & place sufficiently stated, as it appears
that the desertion was after the Voyage began.
The Magistrate has Jurisdiction over the whole Contract
till its completion -

Affidavit was necessary to show that the evidence
was ^{not} taken in the presence of the parties. -

Not

Not necessary that evidence should have been given
as the plea of *D. quod.* warranted the Conviction -

Tuesday 10th Sept 1816 -

The King }
v. }
M^r. Cord }
Mondelot }

On Certiorari -

The Court quashed the Conviction from
the evidence not having been set forth on
the Conviction -

The King }
v. }
Jean Rousseau }
Louis Lavigne }

On trial of Indictment for stealing in
a dwelling house to the amount of 40
shillings -

Lewis Charles, lives at the mountain near
Montreal - On the 12th June last sundry articles
were stolen out of his house - a fowling piece worth
£3 - a great coat £5 - 3 Silver 10/- Silver pencil
case 5/- a silver watch £2 - Steel watch chain
2/6 - That he perceived these articles in his house
about 12 o'clock - about an hour after he returned

to his house and found the articles had been stolen his writing desk was broken open & all his papers scattered about - Was directed to go to Mr Durome, when he was informed that he had bot 3 silver tea spoons wh^{ch} upon examⁿ: the W^r swears to belong to him - & were taken from his house on the 12th June last - He also got a silver pencil case from Durome, of wh^{ch} he s^o. he had bot - He went to one Berthelot, a baker in the S^t L^z Sub. and there after some difficulty he found his great Coat - Berthelot told him that he had advanced 8 doll^s on the Great Coat to the people who sold it to him, as he was in the habits of dealing wth them -

X

The house he then used to sleep in is situated on a lane in the S^t. Antoine suburbs - when he went out he did not lock the door but fastened the outer door with a piece of wood -

Benjamin Berthelot - W^r. P^r Laviqne for 10 or 12 years the S^t. P^r left a great coat in pledge wth W^r about 15 July last - he advanced 8 dollars on acc^t of it - W^r. coat now produced to be same he

rec^d.

red from the P^r who told him at the time that
the Great Coat belonged to the person for whom he
was borrowing the 8 dolls -

Fran^s. Xavier Derome - 16^o P^m He bought 3 silver tea
spoons and a silver pencil case from the P^r
Rousseau - the tea spoons and pencil case now
produced are those he bot - thinks he paid about
7/6 for them - he asked the P^r if these articles -
belonged to him, he said they did, that he had
bot. them from Spain with him - they were
afterwards claimed as having been stolen, and they
were carried by him to the Police Office -

Thomas M Cordy 14. last yr. and red. the silver tea spoons
and pencil case now produced from him - the
Great Coat he got from the Mr Berthel - all
which articles, have been in his poss. ever since -

Deference

James Burr Prime, a taylor, lives in Montreal, &
has made several box great-coats such as now
produced - both as to make & color - does not

think

thinks that any man could swear to its being his property from the colour & fashion unless he had worn it longer than the coat now shown -

Jacques Viger - was Capt^t in the Voltigeur Corps - knew Mr P^r Lavoigne who was in his Company - he always had a good character & never rec^d any punishment to his knowledge

Joseph Poitras, is a Cooper, lives in St L. Sub - he knows P^r Lavoigne - he has worked for Mr always considered him as an honest man - he conducted his shop in his abode -

Verdict. Guilty of petty Larceny

The King -
Samuel Sherwood

On mo. of the Att^r Gen^l for Process on a Bill of Indictment found before the Court of Oyer & Terminer -

Mr Stuart of Counsel for the Defend^t objected

March Term 1817. —

All the Judges present.

Saturday 1st March 1817

The King }
Sherwood }

On objection to the process issued at
Defend^t — last Term — contended that it
was irregular. —

The Att^y Gen^l moved that certain witnesses
subponed to appear at the trial in this cause may
be called. —

The Defend^t objected that W^s had not been
regularly summoned, as there could be no trial,
there being no issue joined. —

Monday 3^d March 1817. —

The King
Sherwood }
2

The Court were of opinion that the
Subpoenas had issued regularly —

The King
Wm Hamilton }
2

On trial of Indictment for a
Burglary — 21 Oct. 1816 —

Theodore Davis, lives at Argentville in this
district, on the night of 21 Oct. last his ^{Dwelling} house at
that place was broken open — The W^r. keeps a
store in the house in of an goods for sale — That
a pane of glass in one of the windows in the
shop was broken and by means of a hand being
put through it, the window was forced open — He
went into the shop before sun rise next morn
perceived it had been broken open — the shop door
was locked — the W^r. missed a piece of blue broad
cloth worth £5 — a piece of black broad cloth
11 yards worth £2 — a piece of 20 yds white
flannel worth £2 — a piece of Cotton check
worth 10/- belonging to W^r. — That the shop

must

must have been broken open between 10 o'clock at night
at sun rise next day - these articles were in the shop
the evening preceding & the W^r. missed them next
morn^g. - They were found under some planks
of an old house about 15 yards off - the W^r.
was told the things were there by one William
Johnson who then lived in the employ^t. of W^r. &
had lived with him about a year ~~before~~ I had
always believed him self faithfully & honestly -
I knew the articles from the marks on them -

x²

Johnson was apprehended and bound, (as being a
party concerned) in order to be sent to Montreal, he
told W^r if he would enter him he w^d. show him where the
goods were - wh^{ch} he did -

Daniel De Hertel - In Oct. last he lived as a clerk wth
last W^r was not in the house on the night of 21st
but next day saw the window broken - Johnson &
P^r. were arrested on suspicion, & after being confined
3 days Johnson agreed to tell where the goods were - he
went wth W^r to an old house & under some boards the
articles were found, the W^r. knew them from the
marks -

marks on two pieces of cloth in the hands
wents of W^r - Johnson was a Soldier in the
Volunteer Corps in same company w^t. W^r and
always bore a good character -

James Brown. Was at Argentville in Oct last, and
saw there the P^r recollects that the store of Th^r
Davis was broken open in that month, the event
before between 10 & 11 of Clock at night & perhaps
between 11 & 12, the W^r going from his mill
homeward saw two men on the road having
a lantern with him he saw it was the P^r &
one Johnson - That next morn^g has heard
that Davis's store had been broken open he suspected
these men from has saw them at so late an hour
on the public highway - Th^r Johnson had
employed him as a labourer, always considered
him an honest man -

William Johnson - is a labourer - was a Soldier in
the Volunteers, & since his discharge has lived
at Argentville - Th^r P^r since last summer who
also lived near Argentville - Recollects that
the store of Th^r Davis was broken open in the
night

night of 21 Oct. last - That P^r took out a pane
of glass from the window - the pane was broken
before, & the P^r took out the rest of it, showed up the
window and took out the goods - the W^r was
about 2 or 3 yards distance from P^r at time - he
reached in his arms at the window took out a
2 pieces of cloth, a piece of flannel & a piece of
check - the P^r & W^r carried them to an old house
belonging to Capt. Lee and hid them there under
some boards - That W^r afterwards gave information
to Mr Davis where the things were - The W^r was
arrested on suspicion, was tied, and W^r upon
being told nothing w^d be done to him gave what
information he knew respects the business -

x^o

was induced to give the information of the matter
to Davis in hopes of clearing himself

The case left to the Jury on the credibility
of the testimony of Johnson -

Verdict. Guilty of stealing, but
not of the breaking -

The Sting
" }
Wm Handlow }

On trial of Indictment for Shop
lifting -

Martin Cheney, watchman at a in Montreal
and keeps a shop in g^t - watches snuff boxes ^{& Jewellery} are
exposed for sale + on the 14th Nov. last several
articles were stolen from the shop - 3 weeks preceding
the P^r worked in the shop as a Journeyman - and
lodged in house with W^r there was a door which
communicated with the shop & the room where the
P^r lodged - On the Monday morn. the ~~W^r~~ P^r was
absent, and on W^r going into the shop he missed
a gold watch & some ear rings, - did not at time
miss the silver watches - until the P^r was taken
abrought back - He sent M. Chure & Winters in
search of P^r - who returned with him on Tuesday
ev^s. and deliv^d to W^r the follows articles which they
said they had found on him - among w^{ch} the
articles ment^d in the Indictm^t - The P^r acknowledged
the crime & begged the W^r to forgive him - this was
done without promise or threat on the part of
W^r -

Samuel M. Chure - He P^r from his has been in the
employ^t of last W^r at same time wth W^r last

Autumn

Autumn - he absconded from his employ^t. and
W^r & on Th^r Winters went after him, as he was
suspected of having stolen several articles from Mr
Cheney's Shop - he found P^r at St John - he
wished to conceal himself on seeing the W^r by
going under a bed where W^r found him - The
W^r told P^r he must go along with him, when he
acknowledged he had been guilty of a great crime -
the W^r took him to the house where he lodged, and
found on his person the different articles mentioned
in the Indictment - which have been in the
pos^s. of W^r ever since -

Thomas Winters - saw the snuff box now produced
taken from the person of P^r

Verdict - Guilty -

The King
v
Pre Lemoine

On trial of Indictment for stealing
in a dwelling house above the value
of 40/-

Will^l Bradbury - is a merch^t trader in Montreal
In Dec. last he had a quantity of broad
cloth in the house of Alex^r Allison & Thos
A. Turner of Montreal, some of which was
black - Was in the store of said Allison &
Turner in Dec. last when one Dubé bro^t in
2 pieces of black cloth there wth the P^r of the
P^r a young man had given him 1/3 to carry
the said cloth - the pieces were N^o 104 & N^o 107
q^{ts} had been taken out of the bale - were worth
Ten pounds St^r each -

In P^r Dubé - con. le P^r pour lui avoir o^{té} les marchandises
dans la rue - deux pieces de drap enveloppés dans
une toile - Il a vu sortir de la route de chez
Mr Turner & Allison avec les deux pieces de drap
enveloppe dans une toile - il a suivi le P^r &
les a o^{té} des mains & les a livré à Mr Turner - et
en même temps le P^r a été arrêté - lorsque le
bonjour

Tom. a arrêté le P^r il lui dit qu'il avait volé
le drap - le P^r lui dit qu'un jeune hom. lui avait
donné 15 Sols pour partie de drap -

Thos A. Turner - cou. Wm Bradbury - in Dec. Dec. et
av. du dr. dans son mag. en balles - sait que
le P^r a été em. dans son mag. pour avoir volé du
drap dans la route - qui est des ave. même men
avec la maison de demeure -

Charles McHinnon, clerk to Mess^{rs} Allison & Turner
he rec^d. the 2 pieces of cloth from the hands of Mr
Turner of - he carried to the police Office - and
the cloth now exhibited is the same - That
the yard door of the house is always open -

J. M. Mondellet - Police Magistrate - the piece of cloth
now exhibited same as deliv^d. into police office by
last W^o -

The P^r o^r that a young man gave him the
cloth in charge to carry to the new market place
& when charged wth. stealing it he pointed out the
person who gave it -

Verdict. Not Guilty -

The King
vs
Jos. Lacoste
alias Jos:
Langudoc

On Rule by Defend^t. to show Cause
why Bill of Indictment should not
be quashed in as much as Jos. Vigneau
the Prosecutor sat upon the Grand
Jury when it was found -

The Att^y Gen^l admitted the principle
as a ground to quash the bill but denied
the fact -

Quere for Def^t - The name of Jos. Vigneau
appears to be one of the Grand Jury returned
& sworn - & the presumption therefore is that
he sat upon the case - This is the presumption
the fact cannot be better ascertained, as no
affidavit can be obtained from any Grand
Jurymen of the part -

The Att^y Gen^l agreed to the Defend^t
having till to morrow to substantiate the fact.

Verdict

Tuesday 1st March 1817.

The King
Sherwood }
 }

On rule

Att^y Gen^l 1. The practice in Canada has been always to issue a Capias since the establishment of a Court of K. B. - The venire facias used in England only when an outlawry is contemplated.

4 Black. 319 -

2. Process not tested in name of Ch. Justice of the Court - ought to have been so - but does not vitiate the writ, as application for it was made in open Court -

3. Process not signed or sealed till 20th March not material

4. John Dehile was deputed Ch. of review -

5. Geo. 3. stating himself Sov. L. of Geo. 3. - not so stated -

Mr Ross on same side -

admits that Process ought to have been tested in the name of Ch. Justice -

The Defend. in reply -

1. A Venue ought to have been the first process.
The practice in England - & must be so here -
There can be no prescription to the contrary -
25 Ed. 3. ch. 14 - only in Treason & felony that a
Capias is allowed

Hawk. ch. 27. §. 9. preference given to Hawk
over Hale, where they differ -

Hale ch. 26. p 194 - agrees wth Hawkins -
Comyns dig. tit. Indictment. letter (9). -

4 J.R. 506 - Indict. per Dep^{te} - on question -

The authority of Blackstone applies only
to cases where process sued out in vacation

2. Want of return fatal

Hawk. ch. 27. §. 8 -

3. Issued & sealed 10 days after rising of the
Court -

4. Process signed by Mr. Delich Dep^{ty} of the C^l
Deputy cannot sign his own name -

Law. Dec. v^l Deputy -

Com. Dig.

5. Want, non sum.

Att^y Gen^l Defect^d conformed the authorities
in case of proceedings to outlawry - w^{ch} proceedings
are capias -

The King }
Pr^o Lapointe }

On trial of Indictment for
stealing in a dwelling house to
the amount of 40/-

Robert-Donnelly, lives at Argentville, knew
Pr^o first in Dec^r when he was hired by W^m -
he lived wth him about 3 weeks when he went
away - W^m missed a Silver watch, values it
10/- a Surtout coat 6/3 an old coat 2/- a grey
waistcoat 2/- a ^{boots 20/-} faddon daisy 1/- Heard the
articles had been sold by Pr^o to one St Denis - ~~went~~
~~to house of St Denis~~ Found s^o articles except the
Surtout-coat in poss. of St Denis - He found
the Surtout on the Pr^o

Samuel Forbes, lives at Argentville - went by direction
of R. Donnelly in search of some articles which had
been stolen - went to house of one Snider and
there found the Pr^o with a Surtout coat on of
ans^d the descriptive of that stolen - He arrested
the

the P^r and upon enquiry of P^r when he
got the surcoat - the P^r said he took it - means
as we understood, that he had stolen it - P^r
he works of the watch - said he had left
the other articles at a place called River de grains
that St Denis deliv^d up the other articles which
he had purchased from the P^r - this was at the
house of one Gauthier the P^r was present -
the P^r was accused by Donnelly w^o having
taken these articles, he acknowledged in beads
and said he was sorry for it. -

x

That they all advised the P^r when at the
Magistrates to say where the goods were & to
deliver them up as it would be better for him

Peter Benedict - Magistrate for District - the P^r
was bro^t before him charged w^o stealing articles
belonging to one Donnelly - was examined by W^o
he confessed it - the Confession was taken
down by W^o in writing & signed - this
Confession was made without threats & promises -

The Confession was read.

Verdict. Not Guilty -

The King }
John Stevens }

On trial of Indictment for
Grand Larceny. —

Alex. Lemery - mess-man of the 104th Regt
P: a private in 5th Regt - In Sept. last the
W. had a parcel of money ^{9th by letter} belonging to Sergt
Milberry of 5th Regt - viz: 177 dollars Sp.
2 Fr. Crowns - 2 half dollars - 1 English shillings
& 6 coppers - was inform^d. by Milberry that
the same wth. the trunk in w^{ch}. it was had been
stolen - this was on morn^g 4th Sept. There was
one of the dollars with a particular mark on
it w^{ch}. the wit^{ness} remarked on count^s the money
before he gave it to Milberry - That the P^r
was charged with hav^g taking the money, and
having been arrested he afters w^{as} produced
a parcel of money as belows: to W. with
the above dollar among it - Milberry went
with P^r & when they came back Milberry
produced the money in the presence of P^r

George Millberry - 10th P^r in Sept. last he had
a quantity of money belonging to Lemery

in keeping, as ment^d by millberry - It
was tied in a silk hkf & put in a trunk &
deposited in the room where W^r sleeps in the
barracks. P^r belongs to same room - On
the morn^g of 4 Sept. Serjt. Bilsgrove brot
in the trunk in wh^{ch} the money had been put, to
the W^r - a board in the bottom was forced, & the
money taken away - The money was after^d
deliv^d to W^r on 10 Sept^r by P^r - except two
dollars, and was taken by him from among
a parcel of loose stones on the bank of the River
the P^r was then in charge of a guard - the
same parcel of money W^r rec^d from P^r he
carried to the parade and deliv^d to Lemery -
he took out a dollar wth a mark in it wh^{ch} he
said he could swear to -

x^o

The P^r was tried by C^t Martial for being
absent at improper hours from his barracks
and for hav^g money in his poss. for wh^{ch} he
could not give an account - & sentenced to
300 lashes - when taken out to receive the
punishment

promised Col. Moodie advised the P^r to tell
where the money was - the P^r at first denied
knows anything of it, when Col. Moodie ordered
the P^r to be tied up to receive his promise, and
as P^r was taking off his clothes, he turned round
and said he would tell where the money was, and
upon this the W^r was sent w. the P^r under a
guard to the place he has ment^d when he took
out the money wh^{ch} was in a stock^s wrapped up in
a kid^d & deliv^d it to W^r who bro^{gt} it back to the
parade - that the P^r did not receive any part
of his promise - in consequence of his hav^g told
where money was as W^r supposed -

James Hillsproe Sgt^t in 10th - That on the morn^g
of 3^d or 4th Sept. Scriven & Travers two soldiers in
5th Regt. came to W^r who was then on guard hold
when they had found a trunk broken open in the
cook's house, W^r went to see it, and supposed
it belonged to Sgt. Mulberry from a pair of papers
he found in it - the bottom was broken & money
taken away - The P^r was soon afterwards
arrested

on suspicion of having taken the money -

James Travers - Soldier in 104th Regt - W. P. On the
morn^g of 4th Sept^r last he saw P. at the Cook
house door about 4 a 5 O'clock in the morn^g
it was not yet quite clean - W. ask^d him what
he was doing there so early - P. s^d he was
looking after bad women - W. asked P. to
show him where they were, - & after searching
about they could find none - That in
turning round he found the P. had left him
and he perceived a trunk, upon q^r he went
immediately and acquainted Holt's group with
it, who came & exam^d the trunk & found it
belonged to Supt. Milberry - That when he
came close to the P. at the door of the Cook room
the W. perceived something in the P.'s breast
under his coat q^r raised it up as if it were
a bundle -

Louis Schryver was Cook w. last W. on 3rd Sept^r
last - Saw P. just at day break in the Cook's old
guard room - q^r communicates w. Cook-room & perceived
a bundle or bundle he had in his breast - aft^r

P.

Pⁿ was gone the Wth piece in the Cook
room a small trunk of $\frac{1}{2}$ was deliv^d to Supt^r
Hildgrove -

The Pⁿ called no witnesses -

The C^t. charged the Jury to consider facts
arising out of Confession of Pⁿ but not to connect
them wth. that confession to convict Pⁿ

Verdict. Guilty. -

The King
v
Pⁿ Tetreau

On trial of Indictment for
stealing four heifers & one Steer

Nathaniel Newell, lives in State of Vermont
in Dec. last was in Montreal wth. a drove of 50
cattle - he lost five from a yard in Montreal,
four heifers & one Steer - He afterwards found
~~them~~ 15 or 16 miles from Montreal about $\frac{1}{2}$ a league
beyond bout de l'Isle at house of one ^{200.} Payet
sr. St. Amour, 3 heifers and the Steer - the other
heifer was bro^t. to him by another person - the
cattle he found wth. Payet are worth £200 -

W^r first saw P.^r at Chambly at one Dewey's
saw him afterwards when he was crossing the
Cattle to Montreal near the Cross on Monday
on Thursday night the Cattle were stolen - on
Monday n^t the Cattle were lodged in a ^{field} ~~yard~~
near the brick house - next day bro^t them up to
town and lodged them in a yard. & on Friday
morn^g when he perceived that five were missing -
When P.^r was taken up W^r had little conversⁿ
wth him, he denied as W^r understood, having
taken the Cattle -

x^d

The Cattle he bro^t into the Province he bro^t in
the States partly & reared them in part - four of
the Cattle he lost he purchased from a Mr
Robinson - & had been in his poss. about a fortnight -
they were of a dark red colour wth a mark on
the left ear - did not remark those marks
on the Cattle before he lost them - knew the
cattle well. -

Jos. Payet de St. Amour lives in parish of Repentigny

or

on the River L'assomption - On 5th Dec
last he saw P^r wth some cattle at that place
for sale, and W^r bought four heifers & a steer
being all the cattle P^r had - W^r p^d 59 dollars
for the whole - P^r told him that in his Country
cattle were then very cheap - That on 10th Dec
5 days after he had bot. them, the best W^r Newell
claimed the cattle as his property, as having been
stolen from him -

x^o

That it was on a Thursday the 5th Dec^r about
10^o o'clock that he purchased the Cattle from
P^r

Joseph Juneau - on River L'assomption lives next
to last W^r - was present when Payet bot. the
cattle from P^r last Dec^r he said they came from
the States -

x^o

Has seen similar cattle pass that way for sale
thinks that Payet paid the full value for them -

Verdict. Not Guilty.

The King
Philip Liebat }

On trial of Indictment for
Grand Larceny. —

James Brown, demeur à Argentville
dans le mois de Sep. ou com. d' Oct. dern. le
P^r étoit au service du T. — un jour il l'a vu
sortir de la maison avec un redingote, il a couru
après et l'a arrêté — il s'est ensuite sauvé, &
lorsqu'il a été rattrapé il avoit sur ses pieds
une paire de souliers appartenants au nommé
Simpson — estime la redingote à 10/ —

Robert Simpson — dem. à Argentville — Deux vers la
fin de Sep. ou com. d' Octobre dernier — il a
perdu une paire de souliers, & les a trouvés sur
les pieds de P^r — estime les souliers à 5/ —

Not
Verdict — Guilty. —

Wednesday 5^h Mar. 1817

The King
in
Sherwood

Mr Justice Trenchard retired from
the Bench.

The King
in
Sivewright

On mo. for Hab. Corp.

Granted by consent of Atty Genl

The King
in
Barnard Fletcher

On Indictment for Burglary

William Waters - keeps a public house in
Montreal near the Quebec Barracks - No P^o.
on the 1st Dec last, had upwards of 80 doll^s some
half-doll^s - 3 silver spoons - the money was in a bag
in the back room in a trunk in a small room off the
parlour, the spoons were in a bureau - the house
was broken open that night - disco^od this about
8 o'clk that night - it was about dusk when he
observed the ^{back} window shut - a pane of glass in
this window had been removed; the bolts drawn
the chest where the money was he disco^od to

be broken and the money taken away - the
money was his - he rents the house - The P.^r
had been in the habit of coming about the house,
Between 4 & 8 o'clock he saw P.^r three times at the
house that day - he appeared to have no particular
business - ~~Saw~~ ^{one} about ~~Redford~~ ^{Rothbone} lodged at that
time in house - saw P.^r do nothing about house
but seemed to be drinking - Next morn^g. when
W.^r went into the barrack room he saw P.^r then -
he ask^d P.^r if he knew any thing of the burglary
he s^d he did not - That about mid^d of Dec^r
Suj^t. Major Hynds acquainted W.^r that he had
been informed by one Watkins a soldier in the
104th that the Silver Spoons had been found
under the fish stalls in the new Market -
Went there and found them -
That Rothbone is an American, & W.^r has not seen
him for a month past -

x
That there is always a great many soldiers
in his house drinking - That Suj^t. M^r. Donald
of 104th. deserted soon after this robbery - he
was under arrest at time of robbery - That

some

some money was also found in Sgt. McDonald's
drawer after he deserted -

James Cummins, Soldier in 104th Regt - W. P. -
W. also Water, but W. - Has seen the P. in
house of Water - on the evening of 4th Dec. last
saw him at the back of the house in yard; he
was sitting on a log of wood, and had a round
hat between his legs - the W. was passing between
the log and the house to go in the back way, and
taking the P. for a soldier who had been working
for Water, he asked him if it was Denis Mahan
the P. then got up and went towards a pile of
wood in the same yard, but said nothing - when
he got up the W. then knew it was not Mahan
but the P. from his appearance - when he took
up the hat, he put it under his arm & the W.
heard the jingle of money in it - W. went into
the house - Next morn^g heard the house had
been broken open - That about 1/4 before eight
o'clock of same evening of 4th Dec. as W. was
going towards the market place he observed two
men walking together - one of them halloo'd to

W.

Mr. g^l he ans^d and on going up to them
he knew one of them to be Serjt^l McDonald &
the other the P^a. he went on & on turning
round again he observed the same two persons
going down the bank of the River -

Joseph Hailes - Serjt. Major of 104th Regt - No. P^a and
one Water - heard that his house was broken
open on the 4th Dec. last - found a parcel
of money in a table drawer below to Serjt^l
McDonald on the morning of 5th Dec. - That
in consequence of information he got from one
Watkins the W^o found out the Silver spoons
under the fish Market Stall -

David Baird - Issui at barracks Department - No
that house of water was broken open in Dec last -

Joseph Duperre - Soldier in 104th - heard that house
of water was broken open on 4th Dec. last, has
seen the P^a about the barracks before that time -
on the night of the 4th Dec. last between 9 & 10
of Clock

ObW - saw P^r in a passage in the barracks he had two or three piles of dollars on the ledge of the window, about 30 or 40 in all - That next day the W^r saw P. in Mr. Waters' house, where they were talking about the robbery, the P^r turned to the W^r and told him to say nothing about what he had seen - meaning as W^r conceived, his having the money in the barracks - adv. let Waters find it out.

Timothy Waters - W. P^r saw him in the barracks some even^g Waters' house was broken open, - about 8 o'clock when tattoo was beat - saw him about an hour before in house of Waters - saw him in the passage of the barracks counting money in the window there were ^{2 piles of them} about 20 dollars in each pile - it was a clear moon light night - That day M^r Donald came to the P^r and after talking together, the P^r put the money in his hat and went up stairs with Sij^t M^r Donald

The Evidence for the Crown was closed

Thomas Dodge - W. P^r for about 3 years - kn^o
that

that he was Eld to the Control Office in the
State of New York, wh. is a place of great trust
and he must have been considered a man of very
good character to be employed in it, as there
are considerable sums of money passing thro'
that Office -

Jos. Mountain Fletcher - knows P^r at Waterfleet about
2 years ago when he was employed in the arsenal
considered an office of trust - knows the P^m's wife
and her family who are respectable people -

Rich^d. McGenis - says nothing -

Verdict. Not Guilty

The King - }
Sam^r Sherwood }

Rule discharged -

The King }
John Sievwright }

On Hab. Corp.

Order for Def^d. moved for his discharge as it does not appear that the offence is within the cognizance of Court, as before law giving authority to Court to hold cognizance of such crimes - refers to affidavit of J^r B^t. Brunear produces also affidavits of good character -

Att^y Gen^l It does not follow that altho' Court has no jurisdiction, they will not discharge the Pr^o, as he must be answerable somewhere for so heinous an offence as that of murder. -

Stewart of Council ^{vs} Att^y Gen^l - The application made upon an admission of the fact, and under the law of 1803, the offence is cognizable - as it embraces the past as well as future offences - The preamble of the St. mentions offences committed & to be committed & for the remedy whereof the law

Kings. v. Platt.

Leach Case

was made — But if doubtful, the Court cannot now decide the point, but put the party to plead to it — Refers to affidavits charging the offence — the admission of P^r to the W^r

Ogden vs P^r the charge is founded on mere rumour — the law gives no jurisdiction

Thursday 5th March 1817

The King

v

Marie Deschamps

on trial of Indictment for an assault with intent to commit murder —

Andre' Labour, lives at Naudrecuil, that on 21st Dec. last he asked P^r to come & take care of his child as he wished to go to midnight mass wth his wife — the P^r came & the W^r left her in charge of the child — ~~the present~~ wth his wife to church about 8 o'clock in the evening — while there a person came to say to him that the P^r had killed his child

child - he ret^d immediately and found the child
at the next neighbours much burnt from the
shoulders down wards - That next day they ask^d
P^r how she came to burn the child so, she ans^d it
was a great deal its own fault - she was -
afterwards carried before the Magistrate, where she
acknowledged that she had burnt the child for
revenge, because the W^r had said it was him who
had destroyed one of her fathers horses -

x^r -

The child is now well - there was a little girl ^{Gen. Lacombe}
of about 9 years of age in the house at time she
left P^r to go to Mass -

Genevieve Lacombe, lives at Naudreuil with her brother
and the P^r has a knowledge that the P^r burnt
the child - that the child was a bed w^r W^r when
W^r called to her to get up and make a fire to warm
the child - a fire was made when she told W^r see
how I'll warm the child, she then put the child
at the stove, and afterwards forced him under it -
the child was naked, and after he was burnt
the P^r put on his cloaths - It was a tin stove
and

was red hot - did not hear the child cry,
it appeared to be so struck as not to be able to cry -
That the P^r told W. not to tell, as she w^d. prepare
a knife or an axe & kill her the first time she
met her. The W. went to the other side of the
house and told a woman then to come & see how
the child was burnt - she told W. to go & take
care of child - upon this the W. took up the
child & carried it to the woman & showed her
how it had been burnt - That when the
child was taken out of the Cradle by P^r it was
a little cold in the house -

x

It was little after Labour went away that
the child was burnt -

Euphrosine Pilon - lives at Nauderail - W. Latour &
his wife & the P^r that one night about end
of Dec. last, the P^r came to wake the W.
and to see the child of Latour - she got up
esp. the child & found it terribly burnt on
the back and reins - it might have happened
by

by accident - the P^r wished to leave child wth M^r
and return home - it was then 9 o'clock at
night or rather late -

x^o

Does not think that the child could be burnt
in the way wth its cloaths on - when it was
brot. to M^r to ex. it had its cloaths on -
That P^r passes for quiet good girl & kind to
children -

Josette Latour, fem.^e d' Andre Latour & mere de Jos
Latour - a quitté sa maison vers 8 ou 9 heures de
soir - a quitté son enfant pas couché sous le soin
de la P^r - sur son retour elle a trouvé son enfant
chez la 3^e voisine - le lendemain en examinant
elle a trouvé de la peau de l'Enfant dessous le
poil - la P^r a dit que si l'enfant s'étoit
brulé c'étoit un peu de sa faute - elle ne
pensoit point dans le temps que l'on l'avoit
fait exprès - Que les hardes de l'Enfant n'étoient
pas brûlés - Que le lendemain lorsqu'elle
étoit arrivée devant le Magistrat la P^r a cru
qu'elle

qu'elle soit coupable du fait - Qu'elle
aurait déjà confié son enfant à la P^e & elle
l'a bien soignée -

In B^e - Toutecloff - con. le parties - the child was
much burnt in its back arms & down to its reins -
It might have been done by bringing the child
near to the stove without burning its cloaths,
provided the cloaths do not touch -

André Dom. Pambrun - magistrat - on the 27 & 28
Dec. last André Lataun made a deposition
before him that the child had been burnt &
he suspected maliciously by the P^e - -

The Court charged the Jury to consider
if there was a malicious intention in the
P^e in committing the act -

The King
Etc. Maria }

On trial of Indictment for Stealing
from a Dwelling house to the
amount of 40/-

Angelique Denis - W. P. lived at two differ-
ent times at house of W. the last time in Jan'y. last he
staid 3 days - on the Thursday being the 3^d day
while the P. was still in the house, she missed her
watch - she caused a search to be made for it.
but did not find it - it was a silver watch and
worth £3. - it ^{had} a small miniature on the
face of it representing a female wth a small dog -
upon asking the P. about the watch he s^d. he had
got a watch from a habitant to sell for him -

Seraphim Leroy, w. la der. Tem. con. sa montre
it had a small miniature on the dial plate.
Saw the watch in hands of the P. for sale
some time in Jan'y. last - knew it to belong to
Mad^e. Denis - said the watch was not his
but he had got it from a young man to sell
he afterw^{ard} and told W. that he had bot. it cheap &
wanted to sell it - this was after the W. had seen
the watch -

Defence

Frank Miron - W. P. & his family who are very respectable people - has W. P. - since the age of 10 years & always considered him as an honest man -

Chas. Gabriou of Soulanges - W. P. - his family gives a good character to J^r.

Verdict. Not Guilty

The King

~~John~~
H^r Hambleton
H^r Barnham

On trial of Indictment
for Grand Larceny -

James Bailey, lives at Chatham
in Oct. last he had a potash kettle near
his door - value £6.5 - About the 4th of
the month it was taken away by the P^{rs}
who came there and claimed it as the property
of W. P. Hambleton -

X^d

H^c

He purchased the Kettle from Chas Perkins
who had the Kettle upon a loan he had
let to P. Humblton - sent his cart to Pr
to take away Kettle -

William Welsh - was present when the Kettle was
taken from the house of Bailey about 9
o'clock in the morning - Bailey purchased
it of our Perkins -

The Prisoners were not put upon
their defence, but the Jury charged to
acquit them. -

Verdict. Not Guilty,

Friday 7th March 1814.

The King
John McCallum }

On trial of Indictment ^{for stealing} from
the dwelling house to amount of
40/-

Richard Dillon, is concerned in business wth John
Dillon as m^{an}gr the P^r lived wth them as a clerk
& from the recommendations he produced he had
every confidence in him - he collected monies for
W^m - but was not entrusted with the key of the strong
box - On the 8th Jan^y as John Dillon was looking
over his money in the money chest he called out to
W^m to look at a roll of Coppers wrapped up
in brown paper and £12.10- in the prisoners hand
writing indorsed on it - The P^r at that time
was preparing to leave the employ^{mt} of W^m as
he had been complaining in some time before that he
did not like his situation - He went out that
morning and came back at 4 o'clock in the afternoon
he was then asked about the said parcel, if he
knew any thing about, he s^d he did not, being then
asked from whom he got the parcel, he s^d he did
not know - The W^m then charged him with hav^g
taken

taken the money out of the box and substituted
coppers in the place of it, as the figures on the paper
were in his handwriting, he denied it, and seemed
surprised that he should be charged with taking
the money - The W^r and his brother used their
utmost endeavours to induce the witness to
acknowledge this having taken the money and
what he had done with it - and that if he would
tell where the money was they would send him
about this business - they then sent for some of his
friends to speak to him, and among others Mr Woodrick
who used same arguments wth P^r but to no purpose
he called next day, and ment^d that Charbonneau
another Clk in the employ^t of W^r had a curious key,
and after W^r had made enquiry about this key, the
P^r went to a black coat of Charbonneau had on the
day before and took from it a key, which upon being
applied to the drawer where the key of the money chest
was kept it was found to open it - this key app^d to
have been filed - upon this Charbonneau denied
having ever seen such a key, & accused the P^r having
put it in his pocket - the P^r then said - Mr Dillon
you see Innocence will always prove itself - It app^d
that P^r was the opinion of W^r that this was doing
of

of the P^r and charged him therewith - this he denied -
considers Charbonneau as an honest man, altho' a
little wild. - Then charged P^r with having stolen the
watch and clock - this however he denied - the W^r
afterwards charged W^r with having made the key & that
his conduct was by far more infamous by wishing
to throw the blame on another - he denied this, but
upon W^r insisting that he must have made the key
and that it was better for him to acknowledge it
as he did not wish to prosecute him the P^r - but
to get his money back - he s^d well if you say I
did make the key, I did make it - the W^r then
enq^d where he made it - he said he had made it
at Gosselin's, but this he found was not the case
W^r then accused him of having made the key in the
shop - the P^r said if you say so, it must be so,
which was all the acknowledgment the W^r ever got
from the P^r - That the house belongs to Rich^d
Dillon the elder; -

X^d -

That when P^r collected money he used to account
to Charbonneau, who accounted to brother of W^r
for same -

John

John Dillon - br. of last W^r the P^r came into their
service about Sept. last - was employed in collecting
monies for W^r who gave him a key of a desk to
put the money in as collected - he accounted for it
to the other clerk, Charbonneau, who paid it over
to the W^r who put it in the strong box. - That
Charbonneau is still in employ. of W^r & has
always considered him an honest & very correct
young man - That since Nov. last he usually
made up the parcels of money and indorsed them
himself, the coppers were made up in shilling parcels
and indorsed by the person who made them up - which
was done sometimes by P^r & sometimes by Charbonneau
that when parcels came from any reputable house
with their initials on them, he did not examine them
nor put any new mark upon them - That he
rem. a parcel of £12.10 & another of £7.10. which
counts the money, if he usually did one a day, he
put together to make £20. - that there could not be
a parcel of £12.10 in the chest without his mark
that having missed money often before he was then
more particular in remarking the parcels - On the
8th Inst. in the morn^g - in looking over his money

he

observed a small parcel ^{marked} of £12. 10, of wh^{ch} tho^t too small for half dollars, and mark^d in a diff^t hand writing from his own - In look^{ing} at it he tho^t he had been robbed, and that Mr Callum the P^r had done it, from the mark being in his hand writing - None of the Copper parcels in the Chest were marked - There were 60 parcels of copper of 5/- each ~~was~~ in the Chest since July last - The parcel so marked £12. 10 upon being exam^d was found to contain copper - believes mark to be the handwriting of P^r - He kept the key of the Chest in drawer of the desk near the Chest, and the key of the drawer he carried about wth him - None of Clerk's men had any access to this Chest without Mr^s ~~knowledge~~ consent, never gave the key of the Chest to any person - in two or 3 instances he has forgotten the key of the desk in it, in wh^{ch} was the key of the Chest -

While the W^r was exam^{ing} the Chest stalk^d to his bt^y about this parcel the P^r came in with a bundle of his cloaths as he was there about leave^d the employ^t of the W^r - the W^r made the other Clerk retire while he spoke to him - & then taking up the parcel ask^d when he got it, he s^d he had no kn^{ow}l^{edge} of hav^{ing} rec^{ived} it - the W^r said it
was

was his hand writ^g - the P^r o^r he did not know
the W^r then accused the P^r w^r having taken the money
out and put coppers in the place of it, this he also
denied - That next day the P^r said it was hard to
be suspected of having taken the money & o^r to W^r - that
he tho^t it was proper to mention that Charbonneau had
showed him a curious kind of key - that his clothes
ought to be search^d - upon speak^g to Charbonneau of
this he seemed surprised, & s^d he knew noth^g about any
such key - and upon P^r's ask^g when the coat was
wh^{ch} Charbonneau had on the day before, it was pointed
out under some shelves - and the P^r going up to it,
put his hand into the pocket & drew out the key now
produced - some words upon this took place between
Charbonneau & P^r - Charbonneau accus^d P^r w^r had
put the key in his pocket - upon trying this key it
opened the drawer when the money key was kept -
the money was the property of Rich^d & John Dillon

x^o

Verly believes that the figures 12.16 were the
hand writ^g of P^r

Chas. Charbonneau, is a Clerk to Rich^d & John Dillon
That on the 9th Jan^y. last the key now produced
was taken out of pocket of W^r by the P^r both
Dillons were present - never saw the key before -
nor had the P^r ever before then any conversation
wth him respects this key - that afterwards the P^r
said he had seen the W^r put the key in his pocket
which was not true -

X

Is 21 years of age - is married - gets £66 p^r
an. fr his wages from Dillon - lives at his fathers -
pays £3 p^r m. fr his board - used to amuse
himself before marriage - to hire a carriage -
to ride about -

Francis McCarty - lives in Montreal, but fell when
he first knew P^r the W^r kept a public house - about
8 or 9 weeks ago the P^r bro^t. 28 dollars to the
house of W^r in diff^r kinds of money - he deliv^d. it
to W^r to keep fr him - the W^r afterwards gave
p^r an order to get back the money - at a subsequent
period the P^r bro^t. 25 doll^s in h^{lf} doll^s p^r. also
deliv^d. to W^r to keep fr him - that he had rec^d. it
from his friends to purchase a barrel of Salmon -

Mary Howard keeps a board house - has known
P^r since last fall -

Jos. Webb. That about two days before he heard of
the P^r being accused of having stolen the money
from Mr. Dillon - he saw P^r deliver a parcel
of money in a paper at Mr. Howard's house, the
paper was broken, & we saw it consisted of half
dollars but cannot say how many there were
of them -

J. M. Mondelot - one of police magistrates - rec^d. the
rouleau of coppers & they now shown from the
Mr. John Dillon, ^{on 20 Jan^y last} they have been in his possⁿ
ever since -

Defence

William Bowron. K^o P^r for 7 or 8 years - & also his
family - settled in the Country near 20 years
Remem. has seen P^r at Mr. Dillon's after he
was charged wth felony - Dillon was very violent
at him - W^r wished to prevent a prosecution
wth g^l Dillon threatened him. -

John Teasdale - K^r. P^r - his family since 1814
they are respectable people - gives a good
character to P^r

Robert McNabb has known the P^r his
family then 20 years, always considered
P^r a young man of good character -
his family respectable people - Had
he seen the P^r with 20 or 30 dollars it
w^d excite no surprise in the mind of the
P^r

Verdict - Not Guilty -

The King
Joss^r Frereau }
Jos. Peladeau }

On trial of Indictment for
horse stealing. -

Augustin Forget & Deputy a

comms

connu le P^r Frereau depuis le 2 Fev: La' il
etait à Terrebonne & avait attaché sa Lument
couleur rouge à la porte-chez Jos. Beausoleil
Lui en sortant il s'est aperçu que sa Lument
manquait - et il en a fait la poursuite jusqu'
chez Jos. Defaty - ou il l'a trouvée - sa Lument
valait 45 piastres -

X^o

Deux femmes lui ont dit que c'était pour
lui pour un bon que l'on ait amené la Lument
Que les P^{rs} lui ont offert 50 ecus pour les
laisser aller & de ne point parler de l'affaire

Gabriel Tailleur con. Aug^r. Forget depuis le 5
Fevrier - a vu les P^{rs} passer à sa porte
avec la Lument avec une travaille vers les trois
heures & demi - quelques tems apres Forget est
venu en recherche de sa Lument & le Tem. a
fait poursuite apres les p^{rs} - les quels en voyant
venir le Tem. se sont sauvés dans le champs
ils ont été arrêtés & amenés chez M. Larvis
Sup à Paris -

Jos. Hubert Lavoisier - Juge à Paris - procure son décalation
surant lui -

The examinations were read

~~Defence~~
Defence

The Defence consisted in evidence to the
good character of the P^m.

Verdict - Not Guilty -

The King }
Pat^l: Cochrane }

On application for Hab: Corp.

On the ground that the charge is
founded only on an act of Trespass, and therefore
that the Defend^t ought to be discharged
The Affidavit of Pinkman, an individual
not acquainted with the Circumstances. -

In Crown. King v Judd

King v Horne

Obj^t. to auth^r. of Judd's car. that defect in
warrant may be supplied by the affidavit, but not in

Saturday 8th March. 1814.

The King }
" } On trial of Indictment for
Jos: Vredon } Horse Stealing. —

John Potts Hogg - does not kn. P^r In the
beg. of Dec. last about the 5th or 6th - he had left
his ^{minn coloured bay} horse & sleigh or train in the gateway of this
building. the horse & train were missed by W^r about
8 O'clock in the even^g, till 12 O'clock next day
when he found his horse in the pos. of one Joseph
Larche^r at the Court House - the horse is worth
five pounds - Does not know who took the
horse -

Jos. Larcheveque, dem. au Sault aux Recollets -
cannot recognize P^r - it was too dark when he
saw the man, that he cannot say whether it was
P^r - That on 6th Dec. last about midnight or one
O'clock, he found a man at his milk house with
a horse and sleigh - the W^r asked man what he was
doing

doing there as that was not a proper place for him
to stop at. The man s^d. you may come & see if I
have done you any injury - the W^r went back into
house to put on his cloaths & when he came out
again the man & sleigh had disapp^d - and on examin^g
his milk house he found that a quarter of beef he
had there had been stolen - he then set out after the
man and after going some distance he came back
and found the horse and sleigh at the door of one
Poirien - he then seized them - and the horse he
deliv^d. to John Potts Hogg, the last W^r next day
at the Court House -

Fran^s Corbeille lives near Montreal - he P^r since about
two years - that one Friday evening about 13 weeks
ago he saw the P^r going toward the St^e L. sub. wth
a horse & s^laine - the W^r ask^d P^r to allow him to
get into the train - P^r he could not, but went
on, he slept at door of one Andre' Ledain, when
W^r came up wth him - that the W^r then embarked
in the train & went wth him to Sault au Reuillet
to Poirien - from Poirien they went to house

of Larchevêque, where we left P^r that it might
then be twelve o'clock at night more or less -
That soon after Larchevêque came up on the road
where W. & another man were, & asked him about
a man & a train, saying he had been robbed.

That it was not very ^x dark - but too dark to
distinguish the colour of a horse at 30 feet distance

Nicolas Poirrier - Thinks he saw P^r saw him on the
6th or 7th Dec. last at his house at Sault au Renoué
about 8 o'clk. in ev' or 9 - wth two other men - The
W^r is a taverkeeper - they asked for rum & something
to eat of - W^r gave them - they had a horse & train
the two men remained in the house while P^r went
away & took horse & train with him - he returned
some time after, while the other two men were still in
the house - as P^r had not p^r for what he had got
on St. Louis went after him & took off his cap & bro^t it
into the house - is same now shown -

Thinks he is ^x P^r to be the man who had the horse &
train at his house from his looks & appearance -

The horse the P^r had app^d. to be black -

Louis Filiatree - does not know P^r - took the cap from
a man who was running away from Poirier's
but does not know the man -

Fran^s Bouchard - that on ev^g of 6 Dec 13th Alexandre
& Corbille came to house of Poirier when they
had something to drink - does not remember
having seen the P^r -

Defence. -

Thomas French - the P^r worked for W^r some years ago
he was not too well pleased with him - but he
knew nothing of his character -

Verdict. Not Guilty

The King
vs
Patt^r Cochran

The Court were opinion that P^r
sh^d. be admitted to bail -

The King }
Wentworth Handlin } On trial of Indict. in Gr. Larceny.

Jacob Hall lives in Montreal - about beg. of Feby. last Mr David Stuart was at the house of W^r when he played at cards that evening thinks he had four markers of gold being seven shillings price each - there were about 20 people at house of W^r that evening - That next evening Mr Stuart called & enq^d: if any one had seen the four pieces of he had left on the table, and on making enquiry of the servants of the P^r they all denied it - The P^r was one of the waiters that evening - That three or four days afterwards the P^r acknowledged to W^r that he had taken the markers from the Card table in the room where the company had been - That having had information that P^r had sold a similar piece at a public house the W^r went there & found it was the case. he then accused the P^r with having stolen the markers, which he acknowledged. - He told W^r that there was one of them under the stair carpet,

and

and went and found it - he also took out one
from his pocket and gave both to Mr. the 4th
the Mr. found the P^r had disposed to a boy of the
name of Vaillant -

X

The acknowledgment of P^r was made without any
threats or promises used to induce them thereto -
the P^r has been in the employ^t of Mr. as an
apprentice for there 7 or 8 years - he took him
a poor boy from the streets -

David Stuart - was at house of Mr Jacob Hall
in Montreal - that one evening he was then playing
at cards about the begin^g of Feby. last when
he left his markers of - consisted of 4 seven
shill^g pieces of English gold coin - he left them
on the Card table, and next day acquainted Mr.
Hall wth the Circumstance -

*

Frans Toupiere First time he saw the P^r he was
with young Faignant - that Faignant ^{sent} came
to Mr. a small piece of gold for 36 sols - next
day

day the P^r came to W^r and asked him for the price
of gold of Faignant had sold him, as it belonged to
him the P^r - that he afterwards gave up the price at
the police office -

Guilty of Petty Larceny
recommended by Jury -

The King
v
David Holland }

On trial of Indictment
for Sheep Stealing &c..

Philibert Siccard, habitant of Riv. des Prairies
about That after last St Michel, he happened to get
up about 1 or 2 o'clock in the morn to go to his stable
and in turning round he observed a man come out
with a ^{line} sheep ~~and~~ his arm - on seeing him the W^r
called out Thief, when man let the sheep fall
the W^r laid hold of the man & now recognizes him
as the man - he brot him towards his house, & called
out au voleur, his servant man got up & coming
out the P^r threw W^r down & escaped - knows P^r
to be a man employed in rapturing, he went to Capt
to give information of what had happened -

Capt

Capt^t accompanied W. on board a raft in the
river and in a cabin erected thereon he found the
P^r and in the cabin a bag full of fowls - the
P^r was arrested - It was clear moon light
and W. saw the face of P^r at time he held
him now recognizes him - That it was ~~female~~
~~shop~~ since the P^r had stolen swas worth about
20j. -

X^d

The P^r had a grey gilet on, & W. s^d he would
recognize P^r by it, as well as by his figure and
app^{er} - there were 3 or 4 huts on the raft -
and several men on it - That Capt. Monarque
proposed to the Capt^t of the raft to ~~arrange~~ the
business with him, but the Capt^t of the raft s^d there
was no arrangement to be made, but to take
away the men -

Jean B^{to} Monarque - 10 Ph. Siccard last W² - He
also the P^r from hav^s seen him the evening before
the theft, and the day he was taken - That on
the 19th Oct. last in the night 18 of his fowls
were stolen, and having understood that a man
had

had been found coming out of the stables of one
Siccard with a sheep, the suspicion fell upon
the people of the raft which lay at some acres
below - they in consequence went on board the
raft and in a cabin said to belong to the P^r a
bag was found with 18 fowls in it of W. knew
to be his - and upon asking Siccard if he knew
the man he had found in his stables he pointed
out P^r - That W. told Capt. of raft if he would
pay the damage done he would not carry away
the P^r - the Capt. of the raft refused any amount
and told W. to take the P^r along with him -

x² -

It was in the Cabin of the P^r the bag of fowls
was found -

Pierre Rose - W. P^r by having seen him on a raft,
belonging to one Capt. M. Donald - That W.
had some fowls stolen from him in the night
and he accompanied Capt. Monarque on board
a raft to search for them for some also what
Monarque also had lost - they found a bag
with fowls in it in a cabin of the Capt. said
belonged

belonged to the P^r and among 9^h the W^s
recognized 8 belonging to him -

Defence

Alex. Ogilvie, W^r P^r was in his service last harvest
and also worked for W^r two years ago - told W^r
when he left him he was going to the Upper
Country to get some money which was due to him -
always found P^r a faithful servant and
an honest man - had confided in him - had
access to place where his money was - from what
he knows of him does not think he could be
guilty of sheep stealing or any such crime, &
was surprised when he heard of it. -

George Owen Radford - The P^r has been in custody
since the 19th October last - There was a good
deal of irregular conduct among the Prisoners
in the room where the P^r was, but the P^r had no
part in it - always behaved like a quiet and
peaceable man -

Ls

Louis Garwin - swears to state of moon on
19 Octo - the new moon being on the 20th
of that month -

Verdict. Not Guilty

The King
v. }
James Lee }

On trial of Indictment for
Grand Larceny -

Nathan Allen - 10 P^m That last
Octo last Jewett Allen the Master of the Schooner
Prudence from the West Indies, lost about 8^y
Yards bolted Canvas and an Umbrella - values
the Canvas at 18 or 20 dolls & the umbrella
at 10/- The s^r Jewett s^r he suspected the P^r
and they questioned the Cabin boy about it, and
upon getting a writing to ~~swear~~ him he would
tell all about it - he then s^r it was the P^r who
took the Canvas & Umbrella - the Capt then
charged the P^r wth fact till he is at same time
if he would produce the Canvas he would

say no more about it - Upon this the P^r acknowledged he had taken the Canvas & wd tell where he had put it - Upon this he went along wth P^r and the boy to a place behind a shed, but found nothing - They then searched in an adjoining house and found the umbrella in the Cellar - he knew the umbrella & took it - The umbrella belongs to Mr. Allen & was left in the possⁿ of Jewett Allen on board the vessel. -

Stephen Foster - was on ways on board the Schooner - saw P^r wth a bundle ^{in his} ~~under his~~ arms about 15 rods from the vessel - did not see him take it from the vessel, and never saw any Canvas on board - next day heard P^r say the Canvas was in a hay loft about 1/2 mile off - the P^r Mr. Allen & Mr. Allen went in search of Canvas but did not find it - the P^r then said that some other person must have taken it

Rich^d. Peckley, K^o P^o since last fall - was a
sailor on board Schooner commanded by Jewett
Allen - Saw a bolt of Canvas on board s^d
vessel - some time in Oct^r last he saw the
Canvas one evening on board & put out the head
of his bolt, went on shore to get a glass of proof
and next morn^g it was missed - the P^o was
on board when the vessel left the vessel in the
even^g. but was gone before he returned - The
next morn^g. the P^o was sent for and was
in custody of P^o and Capt^t. then told P^o
that if w^d tell him where the Canvas was &
produce it he w^d. say no more about it, but
if he did not find it he would put him in
goal - P^o s^d he had taken & put it in Mr
Dunlop's Shed - they all went there but did
not find it - they found the umbrella, but
not the Canvas -

Samuel Park. knows house of Hartley & Robinson
and thinks name of Robinson is James -

Verdict. - Not Guilty -

Monday 10th March. 1817

The King }
Wm Hamilton }

Judgt - that P^r be imprisoned 6th month
and burnt in the hand in open Court &
then discharged -

The King }
John Stevens }

Same Judgt -

The King }
Marie Deschamps }

Judgt. - Imprisonment for 4 months -

The King - }
Mendworth Handlow }

Judgt. Imprisonment for 3 months -

The King }
Wm Handlow }

Judgt - Death - ex^o on. 18th April.

The King }
J. Pierwright }

P^r admitted to bail. -

The King
Sherwood }

On mo. of Att^y. Gen^l that Defend^t sh^d
be held to bail, as the bail by him given
now expires -

The Defend^t contended that he cannot be held
to give such bail - That Hon. Ch. Just. of this
Court cannot sit in the Case - City London. v. Wood
12. Mod.

That the law question not at issue - therefore
it would be prejudging the case -

Black. Indictments removed only by certiorari

Hawke. - Just. out of Com. cannot certify
an indictment without a writ of Certiorari -

Every indictment must show that it was
found by 12 men - only name of a foreman
signed on back of it - etc. Mankworth - D.
Hale -

Claims privilege of a mem. of House of
~~Com. Pleas~~ - refers to case of Wilkes in Com. Pleas.
refers to message of King -

Refers to the opinion of L^d. Coke in Hatfield
Judges do not hold their Com. as in England

claims it as the Com. Law of England

In 1783 - *Wilder* got proceedings against him expunged -

Att^r Gen^l - Denies analogy being complete between
House of Com. in the Colonies - refers to *Fenn's* opinion
in *Chalmers's* Cases -

Ross - Dep^r. was not a Mem. when fell fornic
Gave bail in Vacation to answer -

1 *Wils.* 24. *King. v. Throckburn* -