

March Term 1818.

Monday 2. March 1818.

Present

The Ch. Just. & Mr Justice Reid

Joseph Waller was appointed clerk of the
Crown - and John McKay was sworn
as Interpreter. -

The King. -
Bernardin Panet }
Panet }

On trial of Indictment for
maliciously shooting at one
John Byrne on 20th Oct. 1817
at the parish of Montreal -

John Byrne, a hunter, saw P^r on 20 Oct. 1816
at the house of P^r about 2 or 3 miles from
Montreal between 8 & 10 o'clock at night - the
W^r went from town - and not wishing to
return that night, he saw left in a house
and

and went to it and asked for lodgings in back
parish - this was at the window, about 3 yards
from it - he does not recollect whether he knocked
at the door or window - he was much in liquor
when he left town, and by the time he got near
the above he had recovered a little - he saw the
P^r through the window; in a light dress, thinking
the window was open in some respect - upon
his asking for lodgings, he saw P^r put up his
hand towards the ceiling of the room, take down
a gun which he presented ^{at point} at the W^r and
at the time the W^r having his left hand lifted
up at his head, the charge of the musket was
lodged in his wrist, and some grains of shot
were lodged in his neck - cannot say whether
the shot would have struck his head, had not
his arm stopped it - Did not hear any answer
from the P^r - before or after the firing of the
gun - The window was low enough for the W^r
to have entered the house thereby had he been disposed
to do so - That in consequence of this shot the
W^r was so severely wounded that his arm has
been cut off. -

It has been in this country since 1805 - came from the States & has gained his livelihood at working at business of a hatter - worked with Mr Hall and Mr Drwitt, hatters in Montreal, but cannot tell exactly the time - wrote down in a book the work he did and the money he rec^d - but nothing else - wrote down on a piece of paper what happ^d. to him at house of P^r on 26th Oct. last, but cannot say how long after, it might be 6 or 8 weeks after - thinks that 20 Oct, 1816 was a Sunday - was bro^t. up a Roman Catholic, but does not follow that religion - his object in going out of town that night was to get a lodging any where, as he did not mean to go to the house where he usually lodged - thinks he ~~was~~ drunk to remember the house at wh^{ch} he left town - he sat down near the house, & got a little sober, knows a man of the name of Tiffin who keeps a tavern near the large brick store - but does not recollect having stopped there on his way down - that P^r's house is a little back from the road wth a balustrade, but does not think the gate of the balustrade was shut - does not recollect having

met any days on going up to the house - when
he ret^d back to the brick store, the Const^{ble} told
him it was 11 o'clock - Thinks that if any
person had spoken to him at the window of P^r's
house he would have collected it - Thinks he
saw the P^r a woman & a child through the window
it was the first time he saw the P^r he then had
a light night-gown on - on going from house
of P^r - he went to the house of one Macconochie
below that of P^r - Did not tell D^r Arnoldi
that it was Mr Forsyth's gardener who had
shot him - does not recollect that he told D^r
A^r that he had been turned out of a tavern
near the brick house, on his way downwards -
nor that he was drunk & deserved what he got -
nor that the people in the house had spoken
to him before he was shot - he had taken a
gill of bitter next morn^g before he went to the
doctor - nor that, if he had answered the question
put to him by the persons in the house, he would
not have received the shot -

John Tiffin keeps a tavern about a mile out of town.

That P^r lives about 1/2 a league below house of
W^r. That on a Sunday night about 12 o'clock
in Oct 1816, the last W^r came to his room and
knocked at door, the W^r got up & let him in
he was wounded in the left ^{wrist} hand, he thinks it
was the right wrist - s^r he had been shot at a
Canadian house, and that his hat lay at the
place - he did not know who had shot him

x^r

Byrne s^r that he thinks that it was at
the red fence where he had been shot, & that his
no other red fence than that at Mr. Forsyth's
house about 1/2 a mile from town & on this
side of the house of W^r.

Alex^r. Ogilvie - saw B. after he was wounded
that some days after the matter happened he was
passing the P^r's house, when the P^r told him
he had shot B. and ask^d W^r if he w^d not
have done the same - that B. had come to his
house at night, and said that as there was
a great deal of throwing going on, and as the
man was at his house wishing to get in
he

he had shot him, asked W. if he would
not have done same, the W. said he did
not think he would —

F

At that time he was a neighbour of the
P. that P. did not enter into particulars
of the matter — That at the same time a great
many robberies had been committed in the
neighbourhood — & the W. had himself lost
some of his year — —

Jacob Hall lives in Montreal, Mr. P. & Mr. B.
was present at house of P. when some
conversation took place between B. & the P.
some time after B. had his arm amputated
the W. told P. that he had brot the poor fellow
whom he had shot, the P. said he was sorry
for it — but did not avow that he had
shot him — asked them to go in, if they did
when P. avowd that he was sorry that a
similar accident had happened — produced
a hat of B. & had been found in his yard
last B. if that was his hat who shot it
was — the W. told P. that he had
brot

Mr. B. to make some settlement with him
as he had been rendered unable to gain his
livelihood - The P. s. if he would let the matter
rest for a year, he would do something for him -
The M. told P. that B. had been advised by counsel
to look for redress, upon this the P. took away
the hat from B. & s. that he was a lawyer
himself, & he would defend his cause -

Was first informed by Mr. Mondelot that
B. had been shot by P. as he understood him
but did not advise B. as to his recourse nor
did he offer money to prosecute P. That
B. has been in his employment about 11 or
12 years - and has worked for him at least
ten years - is given to liquor, but of a
pacificable disposition at all times - B
told M. had the accident happened some where
about the cross -

Daniel Arnoldi, surgeon, vs. Mr. B. who came
to him for assistance on 21 Oct. 1816, for an
wound he had recd. in the left wrist - it appd
to be a gun shot wound very close, as there
was some of the wadding on the wound & the
skin

skin covered wth gunpowder, - he amputated
the arm, as the only means to save his life -
F.

That the M. B. app^r. to be in liquor, is in a
very stupid state - B. told us that he had
gone down below the cross, had slept at a tavern
there, and on his return towards town near
Mr. Ferry's garden he had slept at a
house had knocked at the door, & hearing some
noise in the house, & then went towards the
window to show himself, - that he had heard
the persons in the house speak, but he made
no answer - and in speaking of a prosecution
ap^r. P. he said, he was not much disposed
to prosecute - that he was very drunk, and
did not know what he had done - that
there were a great many robberies committed
about the time of the accident -

Defence

M^r. Marie Mondelot - Does not recollect how
ever had any conversation with the W^{ts}
McHall in regard of the P. having
shot

shot the W. B. - That W. B. came several times to the police office to give in his declaration before he would ascertain where he had been shot -

Mary Archangel Waters - was at home of P. in Oct. 1816, when she went frequently as a friend of Mrs. Paut, it was on a Sunday evening the 20 Oct. - the family consists of P. his wife and three children - the family went to bed about 8 o'clock - the W. sat up with the servant girl - about 10 or 11 o'clock she heard the noise of some one who made a noise with his ^{or their foot} hands at the door - the servant girl was very much alarmed - the W. called out in English, who's there, no one answered - the person then went to the window and scratched, knocked & whistled the W. thought he was calling some associate and that it was thieves - she called the P. who seemed asleep - he got up, & W. told him that she was glad to see him as there were thieves at the door & the window - the noise still continued - the P. asked if the day had

had made a noise, tho' they had not, the P. then, they have gained over my dogs and told W. to with draw, as the thieves might fire upon them - the P. asked several times, if there was any one there, but no one answered - That it was from apprehension only that the P. fired his gun, and not with any malicious intention, as app. to the W. - That the family had been alarmed for some time previous with robberies in the neighbourhood - That it app. that the person at the door wished to enter the house by force. -

Frans. Lexille'. In Oct. 1816 he lived as a servant with P. - Knows that on a Sunday evening a gun had been fired at the house - it was about half past 10 o'clock at night - the W. slept in the kitchen - the W. had the next night shut the door of the railing in front of the house - the W. heard some one whistle at the door, and heard some one knock very loud at the door, as if they would force it

it - the last W. then called out to the
girl to go and wake up the P^r as there was
some one at the door who wanted to force
it - The P^r came and called out to the person
who was outside, "who was there", several times
in french and english - but no answer was
made - heard whistling, as if to quiet the
dogs - was much alarmed -

Fr: Greece - W. P^r who lives near W. In
Oct. 1816, there was a general alarm from
robberies committed in the neighbourhood
From character of P^r is convinced that he
did no fire upon the W. B. - from any
malicious motive -

Marie Ann Wood - lived in house of P^r in Oct
1816, was water was in the house one night
in Oct last when she & Miss waters were
sitting up together after the family had gone
to bed - heard a noise at door like a knock
by some person with their hands & feet, as if
they

they would force the door, the W. was much alarmed, & does not kn. whether Men W. called out - who was then - she told W. to wake up Mr. Pant, & she did, who was then asleep - she called out to him 2 or 3 times to get up as there were people who wanted to knock down the house - the P. started up in a hurry - heard the persons outside whistle - heard noise also at the window - and the impression was that there were several persons outside the door - after P. got up she heard knocking & shaking the door - and it app. to her that the P. himself was alarmed - That before this time the P. had been in the habit of sleeping on the floor on a mat. after frequent robberies of. had happened before this - Mrs. Pant & all the family were much alarmed - the candle in the room was removed before the gun was fired - and it was then too dark for any person outside to see anyone inside -

Andrew Stuart - gives P. character of a quail
and

and peaceable man, and of a good family

Louis Leveque - same witness -

O'Sullivan of Council for P^r - refers to case
of King v. Davis - case of Gaston -
4. Bl. 184 -

The Court charged the Jury to acquit
the prisoner -
Verdict. Not Guilty.

Tuesday 3^d March 1818.

The King }
John Valle } on trial of Indictment for
stealing in a dwelling house
to the amount of 25/-

W. Marshall, the Sol^r: Gen^l opened the
case on the part of the Crown -

Andrew Porteous, merchant in Montreal,

That about the 13th November last having
occasion to send a parcel of goods to sale at
auction at Mr Hennys, he was told there were
2 doz. Stock P. wants - he charged the P. with
having lost them on the road - as he had carried
the goods - after some search the P. brought
a doz. of them stockings as he had found
them in the bottom of the Cart - the W. was
induced to overlook the other dozen - About
a month after his store was broken open, &
effects stolen - he got a search warrant. I searched
house where P. lived - and found in his
trunk a doz. of stockings, which corresponded
exactly with the stockings which had been
missing at time the goods were sent to sale
The next day the W. procured a warrant
and had P. arrested, - that W. & Mr Moffat
went to P.'s house & found in his trunk
10 pairs of stockings of which W. recognized to
be his from the quality of them, & from the
quantity of them - there was no mark upon
them - The W. carried the stockings home
with

with him, when he returned home the
J^r was at his house & in the presence of
Geo. Moffat and John Porter he told P^r
if he would acquaint him who had been
concerned in breaking his store, he would
overlook his offence -

x

The P^r lived in the service of W^r for two
or three months - That it was not the
W^r who deliv^d the goods to the P^r to carry to
Mr Henry's - & was his clerk, Mr Porter -
That when he found the stockings in the
J^r's trunk, he did recollect the circumstances
of having lost any stockings, nor did he
consider them as his property - but it having
been remarked as an extraordinary circumst^{ce}
that so many stockings should be found in
the possession of the J^r - it was thereupon
thought proper to examine further into it,
and Mr. Porter, the W^r clerk having recognized
the stockings from the quantity & quality to
belong to W^r. he returned next day to the
house

house of the p^r the stockings were found
in the same place in his trunk - that W^r
does not recognize the stockings to be his
from any mark, but merely from the
quality and quantity of them -

John Porter - clerk to last W^r - In Nov. last, about
17th of that month a parcel of stockings,
of about a doz. was missing from the store
of Mr. Porteous - the P^r told W^r he had
found one parcel behind the stair case, which
he produced to W^r - That goods had been
sent to Mr. Henry's store for sale - & W^r rec^d.
information from Mr. H. that two parcels of
stockings were missing - this the W^r mentioned
to the P^r who had carried the goods, & after some
search he produced the one parcel of stockings
above mentioned - the other parcel was overlooked
for some time - until a robbery happened in the
store of Mr. P^r - when some suspicious falling
on the P^r a search warrant was obt^d. His
house searched - a parcel of stockings was
found, which corresponded with the parcel
which

which had been lost at the time the goods
were sent to Mr Henry's for sale - the marks
of the manufacturer on the stockings were
the same - believes them to be the same -
stockings -

It was W^d who deliv^d the goods to Pⁿ to carry
to Mr Henry's - saw Pⁿ load the cart - cannot
say exactly the quantity of stockings or parcels
he sent to Mr Henry's store - the stockings were
marked on bottom - Virginia, & much same as
angola, consisting of cotton and worsted -

John Bower, constable - was charged with a search
warrant to search house of Pⁿ on 20th Dec. last.
& found in his trunk a parcel of stockings, of
a doz. pairs, two of wh^{ch} had been worn - the stockings
were left wth Pⁿ -

Nicholas Rosseter, clk in the police office - in Dec. last
24th he rec^d 11 p^{rs} of stockings from And^w. Porteous
wh^{ch} were sealed up, & has kept since, & same now
produced -

And^w Porteous - again produced to prove identity of
the

the stockings, says, these stockings were found
in the possession of the P^r and the same of
~~the~~ belonged to the W^r, from the quantity and
quality of the stockings - they are marked
Vigonia -

Jean Marie Mondélet - one of the police Magistrates.
tried up to prove confession of P^r - but it
appearing that the confession made by the
P^r to Andrew Porteous was previous to his
having been carried to the Police office, and
that the said confession had been made under
impressions of favor, the Court would not
admit evidence of the confession before the
Police Magistrate -

Defense -

Ju. P^r. Leprohon, was a merch^t in Montreal, and
has had Angola Stockings for sale, but they
are different from those now shewn - having
a kind of down on them -

Frederick Mathew - was a Captⁿ in the Regt. of Menon

1st. P^r who was 18 months or two years a soldier in his company - as far as he recollects, the P^r was never punished for any act of theft or dishonesty during seven years he served in that regiment - the P^r was servant to the Pay Sergeant of the Reg^t - and it is usual to make choice of most confidential men to serve in this capacity, from the monies of: sometimes pass through their hands - has purchased Angola horse, but they were of a different kind & texture from those now produced, &c

Protie D Gorsonens - was capt. in Meuron Reg^t - 1st P^r who was a soldier in that Reg^t - that had the P^r been accused of any crime before a Reg^t Court martial, he thinks he would have remembered it, as he was Reg^t - Ind^y Advocate - proves the discharge from the Reg^t - signed by Col. de Meuron -

Verdict - Not Guilty

The King }
n- }
Jos. Vincelet }
~~Had~~ }
Proust Vincelet }

On trial of Indictment for a Riot. -

Augustin Gravel, W. Jos. Vincelet,
Proust Vincelet - Amable Mezard - Joseph
Hilari - Jos. Haddu - the Defend^r - that
last winter about 8 o'clk in ev^g on 18th Febr^y
1817 these defend^rs came into the house of the
W^{ill} father at Chambly - there were 15 to 20
persons assembled in the house for the purpose
of amusing themselves - Simon Renaud &
Barthelemy Roberge came in first wish^g to be allowed
to join the party - this was refused, they went
away - they returned a second time ^{wth ~~H^{ad}~~}
~~Derouche~~ Jos. Vincelet - Proust Vincelet, ^{H^{ad} Derouche} Jos. Hilari
~~de Lallemand~~ - the Defend^rs, and entered the house
in a violent & forcible manner - the outer door was
shut & hooked - the father of W^{ill} - was at the outer
door, and they shoved him from it & got into the
house - saying they would go into the house
whether he would or not, that they had a right
to do so - they then got in, abused the whole
party with bad language, forbid any of them
to sing or to amuse themselves, - they remained

Amable Mezard
Jos. Haddu
Jos. Hilari
B^e. Derouche

in the house for an hour, during which time
the company was broken, no one daring to put them
out - the host^r father only forbidding them to come
telling them it was contrary to his will & ordering
them out - but they laughed at him, told him they
had a right to come in & would stay there as long
as they pleased -

x-

Saw several defend^rs above named, in the house
and also at the door -

Augustin Gravel, juror, knows Defend^rs before the
Court, saw them on the evening of the 18th Feby
1814 - that evening he had a number of his
friends & family assembled at his house in order
to amuse themselves, when about 7 o'clock Simon
Renaud & Barthe Robuge came to the door, and
asked permission to join the party, of the W^r
declined - whereupon they went away - that the
witness suspecting these people might return
shut in the outer door and told the persons of
the house when they went out to shut in the
outer door - that about 3/4 of an hour after

a

a number of persons came to the door, and
the Writ. young son having gone outside and
crying out, the W. was uneasy as to his safety
and w. one hand opened the outer door holding
it by the hook upon this the persons outside
had hold of the outer door & forced it open, saying
they would go into the house whether W.
would or not, making a great noise and
abusing the W. and all the persons in the
house - the W. continued to resist these persons
and to prevent them from entering, till at
last unable to hold out any longer, he was
constrained to let them in, saying - You
may come in, but I tell you, it is against
my will and I charge you all to retire,
as I am master here and do not wish you
to remain - They answered that they were
masters and would remain there, - That
the Defendants now before the Court were
of the party - they staid in the house
for nearly an hour - they made a noise
there, disturbed the company, turned them
into

into ridicule, began to sing and dance
softly making much disturbance, they went
away -

Judith Gravel - says nothing - rec^d. a blow

Charles DeRousseau - was at house of Aug^r. Gravel
on 18th Febr^y. 1817, when a number of persons
came in, the Defend^rs were of the number
except 3 - that a woman who came in wth. Jos.
Venulet, made a blow at a woman of the house
but missing her struck the last W^r. Judith
Gravel - then persons remained in the house
for some time at the will of Gravel, then
mustered & made a noise in the house -

Defence

Jos. Peltier - was at dance at Gravel's on the 18th
Febr^y. 1817 -

Bazile Robert - W^r. Jos. Venulet, P. Venulet - both
Defend^rs present - was at dance at Gravel's
on 18th Febr^y. 1817 - when W^r. arrived, he saw
Defend^rs at door of Gravel's house - saw
also

also several other persons outside who did not belong to the party - That W. heard some one at the door say, come in my friends but make no noise - upon this they all entered and the W. after them - that one of Gravelle's sons came out and told all the other persons who still remained outside, saying come in, come in, as we must shut the outer door, they all went in, & the outer door was shut - that the people when in side made no disturbance, and upon going away, they wished Gravelle good night, and thanked him for his civility - after they were gone the party began to dance -

Michel Grisé - W. Desjardis he met them at Gravelle's on evens of 18 febr 1817 - they were at Gravelle's before W. at the door - heard ^{Mademoiselle} ~~some one~~ in the house say, come in, I am no more invited than you - heard also another voice, saying come in - they all went in but were not allowed to dance, or sing, and at nine o'clock they went away -

Jr

Sean Bapt. Brezner, was at the dance at
Graville's on 18 July '17, the depend^{ts} came
there and asked leave to join the party, Graville
s^d he could not, as his party was full - they
still solicited, Graville said, if you come in
you will make a noise, they said no, the
first one who makes a noise shall be put
out, upon this Graville, said come in then,
that thereupon they came in & remained for
half an hour, were very quiet, and when
they went away bid Graville & his wife good
night - and thanked them for their civility -
That after they were in the house some of them
proposed to dance, but this was objected to by
Graville's wife, who observed that persons who
came there without leave had no right to dance
they then observed that they were not there without
leave as Graville had allowed them to come in,
and addressing themselves to Graville, asked
if it was not so - Graville answered - I let you
in because I would resist no longer - I
thought it was better to let you come in than
to create disturbance -

Verdict. Guilty -

Wednesday 4th March 1818 -

The King }
Antⁿ: Delaunay } On trial of Indictment for

Antoine Dubardieu, lives at parvise of St
Sament, cole de Vertu - on the 9th Dec. last he
lost 5 sheep - which were in his stable - they were
taken in the night, as next morn. they found
the sheep gone & stable door forced - the sheep
had a hole in each ear - there were three white
black and two white - That he went in search
of the sheep - and on the 13th he found them at
the house of one Whitman a butcher in Montreal
the son of W^r knew the sheep, and upon pointing
them out to W^r he also recognized them - the
marks on the ears had been in some measure
effaced, and other marks put upon them -
they were worth 15^s each -

There were 12 sheep ^x in the stable on the night
of the 9th Dec. which were his property - That
when he saw the sheep at Redman's he recognized
them, but could not have sworn to them without
examining

examining the marks -

Amable Hubardeau - son of the last W^r - on the 9th Dec. last, there were 5 Sheep stolen from the stable of his father - there were 13 sheep in the stable at time - he went with his father to one Rittman's on 13th in quest of the sheep - and recognized them in his possession immediately on seeing them - there were 3 black & 2 white the marks in the ears had been somewhat defaced, but were still distinguishable - the W^r was the person who marked the sheep. They were worth 15/- each -

Jacob Rittman - butcher, lives in the Quebec suburbs - on the 10th Dec. last the P^r came to his house & ask^d him if he wanted any sheep told^d W^r that he had some sheep for sale at yard of one Frederic W^r went there & bought 3 black and two white sheep - for wh^{ch} the W^r paid 15 dollars - he sent his boy to fetch the sheep - the next day he saw the sheep in his yard, & observ^d the ears bloody, & blamed his boy for having cut their ears, wh^{ch} the boy denied,

There were other sheep in the yard of W. among
of these sheep were put - They were claimed
by Hubbard and taken away by him as having
been stolen from him - Did not ask of P. when
he got the sheep, as he was accustomed to
bring sheep to market. -

x

That the place where he purchased the sheep
was a place of general resort for the Country
people who come to market, and when he
had purchased sheep and Calfs before - the
marks on the ears had been defaced by them
being cut, so that he could not distinguish
what the mark had been - Has known
the p^r for several years, and always considered
him as an honest man -

Augustin Romain, his as Servant with last W^s
on 10th Dec. last, Mr Pittman bo. 3 black &
2 white sheep at Fredericks a taverndeeper
in the Quebec Suburbs wth W. went there for
and carried to Mr Pittman's - There were 52
other sheep at Pittman at time - Soon after
2 Habitans came to claim the sheep with on
Picard

Piccard - on coming into the yard, they recognized the sheep - they held hold of the sheep and examined their ears & found some marks on them - the ears of the sheep were bloody and appeared to have been fresh cut when they went for them to Frederic's. —

P

Thus known P^r in some years, - is a butcher has known P^r to have sold sheep to Redman before -

Deferre.

Tobias Burke - 140 P^r in about 10 years - he is a butcher, and is in the habit of buying and selling cattle - was with the P^r about 15 days before Christmas when he purchased 2 cows and a male sheep from a man who appeared to be a habitant - he paid 8 dollars and 1/4 for them - in presence of W^r - it was early in the morning - Thinks that there were 2 black and three white, but does not recollect well -

John Clarke, is a butcher for 20 years in Montreal

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P^r since he was a boy, and lived in his service - has always known him to be an honest man - he has carried on business as a butcher for himself & has bot & sold Sheep & Cattle -

Frans Despres. is butcher, Sr. P^r since he was a child - he had a stall on market some years ago - In a year past he has been in the habit of buying and selling sheep, and has been employed by the W^r for this purpose - has always considered him to be an honest man - The general custom among the Lubicans is to mark their sheep in the ear by boring or cutting it, and he has frequently purchased sheep so marked

William Seers, butcher in Montreal, Sr. P^r In 22 or 23 years, he lives for some time past in the country - he is in the habit of buying & selling sheep - considers him to be an honest man - Has often employed him to buy sheep for him has trusted him wth money, and with the care of his stall in the market, and he always rendered

rendered him a faithful aid. It is often difficult to tell the persons from whom one buys cattle & sheep - particularly those who make a trade of it - the Country people generally mark their sheep in the ear, in different ways

Louis Carrossant, is a butcher - and in the habit of buying sheep daily - has often purchased sheep marked with a hole in the ear - it is the most common mark of any -

The Court charged the Jury under the circumstances of the Case - that as the P^r had sold the sheep stolen, he was bound to give an account how he came by them - That here the P^r had accounted by the evidence of Burke, on which they were to judge. -

Verdict, Not Guilty.

Mr Stuart, moved to be permitted to lay before the Court certain documents to show the connection between cases of one McLellan charged with murder from the Upper Country, & several other cases in 9th. I had

declined

The King
Anti-Defamation } On trial of Indictment for
Sheep Stealing. -

declined to sit. owing to the connexion between
me & Mr. M^r. G., one of the Partners in the N. W. Co
and he was induced to do so, as the parties had
been led to believe that as a Special court had
been appointed to try all those Cases from the
incompetence of the bench last Term, in of
Special Court the Sheriff had returned Jurors
who were not connected with any of the two
Companies of H. B. & N. W. Co for the trial of
those Cases, an embarrassment which would
occur if the Case were tried in this Court, where
the Sheriff had returned Jurors, some of whom
were partners of the N. W. Co -

The King
Antiⁿ Delaunay }

On trial of Indictment
for Sheep Stealing -

Fran^s. Lefevre, lives at the river St Pierre, parish
of Montreal - in the night between the 11th &
12th. Dec. last five sheep were stolen from
him, 4 ewes and a ram - on the 13th he came
to the new market on the stall of one Monarque
the head of a sheep marked with his mark -
and being told by the butcher that he had purchased
5 sheep, they would enquire into it - upon the
skins of the other four being shown he recognized
them from the mark to belong to him, three were
four of them white, and one black - were worth
15^l. each - there were 4 Ewes & a ram -
L².

The ram belonged to his neighbour, but had
been borrowed - he considered the skins to
belong to him from the mark - that there are
other sheep which have the same mark - but
thinks there were marks even those of his sheep

Louis
~~Arnault~~ Millet - lives in Duke Sub. On 12 Dec
last ten a Friday morn^g. he purchased five
sheep

from the P^r there were 4 white & one black
sheep - one black and others white - two were
lambs, the rest grown up - the skins were
claimed by last writs - he bought the sheep
at the yard of one Segris, - for 14 dollars -

^x
He was in the habit of buying sheep
every day - Segris keeps a tavern - where
country people generally put up - there were
no other sheep there at time - but it was a
stunning day -

Joseph Segris - tavernkeeper in Montreal - The
P^r came to house of W. on 12th Dec. left about
5 o'clock in the morning wth 5 sheep - the door
was just shut - he called up people after the hour
asked to be allowed to put up his sheep there
if^r was done - he had 5 sheep with him - he
said he had come from Lacheneys & had not
slept that night, & had not sheep from
Pointe aux Trembles -

^x
People are in the habit of stopping at
his

his house when they come to market

Charles Piccard. He went on Friday morn^g. 12^h
Dec. last to Legris' house to look at sheep in
question, having been requested so to do, in
consequence of some question having arisen about
some sheep - that after having seen them he
advised Millet not to buy them, as he thought them
too dear, and was apprehensive of their having
been stolen, as he had heard at the time of some
sheep having been stolen from one Hubardeau.
That next day Lafore appeared & claimed the
sheep, and described the marks they had, this
was after the sheep had been killed and the
hides were at the stall of Millet & Monarque.
That the habitants often mark their sheep
with some mark - that M. but some sheep
of a man at Lussomption sent them to St
Laurent, when some of them were claimed by one
Jarry, as his, because they had the same mark

Defense

Tobias Burke - W. P. who lives at Lachenaup
he came to Montreal in Dec. last about 15
days

days before Christmas - was with him at
the New market one morn^g about 5 o'clock
in the morning, when P^r purchased from
a habitant five sheep - it was a stormy
morning - thinks there were some of the sheep
black - the p^r paid 8 dollars $\frac{1}{4}$ for them -
he put into the yard of one Legris - they sheep
consisted of a ram and 4 ewe sheep -

FRAN^{cois}. Despres - see P^r since his infancy - he is a
butcher - lives at Lachenaye - and makes a
business of buying & selling sheep - that the
habitants often mark their sheep by a mark
on the ear - The P^r has always borne the character
of an honest man - has often entrusted him wth
money to purchase sheep and calves with, and
he always rendered a faithful account to him
That he has himself purchased sheep which
has been afterwards claimed as having been
stolen, without his being able to ascertain the
person from w^h he purchased

William Seers - see P^r who has been in the habit
of

of buying sheep for W. he lives now at
Lachenay - and comes sometimes to market
with sheep for sale - has often purchased
sheep with the years marked, it is a
common thing among the country people
to mark their sheep in that way - That
P. has always been considered as an honest
man - and it often happens that the butchers
are exposed to have sheep claimed as having
been stolen, which they have bought without
being able to ascertain the person from
whom the purchase was made, & this has
happened to W.

Anthony Paxton - is a butcher - W. P. who was
apprentice to W. and he always found him
an honest faithful servant, and he has
entrusted him with money and property, very
often - he purchased cattle for W. has since
seen the P. buy and sell sheep - W. that
sheep are very frequently marked on the ear
and with the same kind of mark. - That
butcher,

butchers are not always able to ascertain
the persons from whom they purchase cattle
& sheep - and it has happened to W. that 2 oxen
he bought ^{from one Bequidy} were claimed as having been stolen
as the W. lost them -

Isaac Sears - is a butcher, W. P. who is also a
butcher. & buys & sells sheep - lives at Lachenaup
where W. has bot. sheep from him - It is
customary for the habitants when they come to
market to put up their cattle at the Taverns
particularly when they come from a distance.

Same charge to the Jury as in the
former case -

Verdict. Not Guilty -

The King. - }
Anthony Bellow }
Charles Webber }

On trial of Indictment for privately
stealing in a Shop. to the amount
of 40/-

Alexander Hart, merchant in Montreal
and

and in the month of September last had
store open with goods for sale in it - About 6
O'Clock in the morn^g he saw the spades in
question being a bundle of a dozen - he commonly
put his hand upon them in the morning when he
went to open his shop - About 7 O'Clock the
same morn^g, he heard the shop door open &
shut again, he thereupon went down & looked
into the street but saw no one, and returned back
again - Upon his going down a second time
he missed the spades - were worth 38/ St.
He heard from the Constable of the police office
that some spades had been stopped at Sybolls,
he went there and found 11 spades - one of those
spades had the private mark w^h the W^h had
put upon it, they were all worn - that spade
was worth 3/2 St. he had never sold any of
those spades singly nor by the dozen -

X

Keeps a whole sale store - but not a retail store.
The ^{spades} goods were in the passage of the store, being
there exposed for sale -

Henry Pierre - Some time in September last he
met the p^{er} in St. L. Sub. w^h some spades, the W^h

asked

asked ^{W^m} what they asked for the spades, they said 2/9. he asked them when they got them they did answer - he agreed to buy the spades, and then told the ^{P^m} that he must tell him when they got them before he would pay them - they offered to show him the house went along wth him about a dozen houses further up the street, and then s^d they would go no further, that if W^m would not pay for the spades they would take them away - That he carried the ^{P^m} to the police office where they were slept -

x^d

when he came to the police office he left the spades at Seybolds -

Pierre Godert. 10^o P^m since the time he saw them with the spades last fall at Seybolds in the St. Louis suburbs - the tall P^m asked w^h if he would buy any spades, the W^m asked him how much he asked for them. the P^m s^d 2/6 each - the W^m did want any of them, when W^m went to last W^m s^d told him there were spades selling by P^m very cheap, if he wanted to buy any -

Louis

Louis Marteau, constable at Police Office - In Sept
last he rec^d the spades now shown from Mr
Pinn and carried them to the Police Office,
where he marked them - he found the spades
at Mr Seybolds in St. Paul -

Peter Rosseter - Clerk in Police Office - rec^d the
spades now shown from last W^r at the Police
Office where they have rec^d were seized

Frederick Seybold - knows nothing. -

The Prisoners made ^{no} defence -

Verdict Not Guilty

Thursday 5th March 1818

The King. —

Laur^t. Bourquignon
+ 13 enjⁿ. Malo —
Louis Marion

} On trial of Indictment
for Grand Larceny —

Andrew Porteous, merchant in Montreal
and has a store there — between the 20th & 22nd of
Dec. last he lost 2 ^{cases} ^{46 & 46 pieces} of Cambrie 9th were in
the desk in the Court's House — cannot say
at what time the Cambrie was taken, whether
by night or by day — the back door was broken
open — the strong box was broken open & the money
and cambrie stolen — Saw the Cambrie on the
Saturday ev^g the 20. Dec. and on the Monday
morning it was amissing — It cost from 45/
to 89/ — All the pieces — all the pieces were marked
with the private mark of W^r on the wrappers
all of w^{ch} were of blue paper except one of w^{ch} was of
a kind of blotting paper — Recognizes three pieces
as having been taken from his store, from the
marks upon them of w^{ch} were put by Mr. Crinan's
brother — one w^{ch} with the other two w^{ch} red pencil
That 2 of the pieces were of a size & quality as
not

not to be saleable, and are those now shown -
all the other pieces are of the same description
as those he lost -

No person lived in the Store - the Cambrie was
in two Cases - they were bro^t from the store above the
Country's house - in 5 days before the robbery - the
Cases were open - were examined at diff^t times by a
person who wished to purchase them - Has dealt
in wholesale line for some time past - That there are
other merchants who deal in much the same kind
of articles - and who import Cambrie, but he does
not think of the same quality - Did not see the
marks put on the 3 pieces of Cambrie of he claims
as being his, but knows the mark to be in the hand
writing of Mr. Curran's brother - That similar marks
may be put by other merchants as private marks
similar to those on the above 3 pieces - -

William Anderson - lives at Three Riv. saw P^r on
26 Dec. last about 10 or 11 O'clk morn^g - when he
first saw them they were in Mr. Kimbert's Store -
the P^r B. being asked, from whence he came, he s^d
he was from Prescott in Up Canada, that he was
a smuggler - but w^d not answer further - they went
away, and it was settled by the persons then present

that

that they were suspicious persons sought
to be slopt - This was done according ly, and
they were carried before the Magistrate & examined
after their examⁿ, the W^{ch} asked Manion if they
had any goods wth them, he s^d they had two
bags filled wth goods besides trunks - They went
to the Tavern where the P^{rs} lodged, and the P^r
having opened his trunk, they found the Cambria
where the P^r B. claimed it as his property, - lett^g 3
W^{ch} he should pay dearly if he slopt him -

x^d

That the pieces of Cambria now shewn are
the same as were found in the possession of
the P^{rs}, they were packed up and sealed wth
seal of W^{ch} which has been broken in presence of
the Court - The W^{ch} exam^d. & counted the articles
found, & Mr^r Loarer made the Inventory -

Hugh Fraser the P^r saw them at Three Riv. on
26 Dec. last - upon some suspicious attacks
on the P^{rs} he took a Constable wth him to the lodging
of P^{rs} and after taking them into custody, they
were carried before Mr^r Wagoner, who directed
a search into the effects of P^{rs} held in their possession
when

when upon search the effects now produced
were found and were claimed by the P^r B—
as his property — these goods were packed up
and put under seal of — was broken in presence
of the Court — does not think that the goods
could have been changed since they were so
packed — have been in his possⁿ ever since. —
~~2~~

John Portugais - constable at Three Rivers - saw P^m at
Three Riv. on 25 or 26 Dec. last, about 10-11 AM
in the morn^g - was called upon by Mr Fraser to
go to one Bonnetiere where he found the P^m
and at request of Mr Fraser took P^m and carried
them to the Office of the C^lk of Peace - then went for
Mr Waggner, the Justice Peace, who directed Mr to go
for the baggage the P^m had, he returned to Bonnetiere
and got the baggage of - he also carried to the office
the goods in the trunks and bags were claimed by
P^r B— thinks he s^d he had purchased the Cambie
then produced, at Albany -

xⁱ

The P^r Marion said the effects found belonged
to P^r B— & that he the Marion was going with
him to Quebec to sell them - B. was not present
at time —

Michel Bonnetiere, Lumberman at Three Rivers -
10. P^m - they came to his house on 26 Dec
last about 9 1/2 (1/2) noon - they had two valises
& 2 packages, three umbrellas - these he deliv^d. to
the Constable Portugais & assisted in carrying
them to the Office -

Thomas Crinan, was a partner of Mr And^r Perteus
just Mr - the mark on the piece of Cambrie
made wt. ink is in the handwrit^g of brother of
Mr, thinks that the pencil marks on the
two other pieces are also his brothers, but has
been made wt. a flat pencil, & cannot be con-
firmed - the brother of Mr was clk to Mr P,
that he sent up 46 pieces of Cambrie to the store
of Mr P. and opened one for his own use, but
finding it too warm he wrapped it up again,
& this he made^d. to Mr Wager before he saw
the Cambrie at Three Rivers - that it is impossible
to wrap up the piece so neatly again after it
has been opened - it is french Cambrie, and
wrapped ^{up} in a particular manner in that country
is worth from 45 to 90/-

That he imported the Cambrie from England

as French, he got a draw bank upon it -
Cambria may be made up the same in England
as in France, if they used the ^{same} means - but
thinks it is French Cambria -

Frans. Boiceau, Carter, 16. P^{ns} - carried them to Three
Rivers in Dec. last

Dejeune

Adelaide Blo - lived at one Couvrette in the
month Dec. last in Montreal - the P^r. B. - lived
there at the time - The P^r. slept there on the
nights of 20. 21. & 22^d Dec. last - & she saw
him the next morning at Couvettes -

Clement Pelletier - lived at one Couvettes in Dec
last, the P^r. B. lived there at same time - W^r
slept in same bed with him on Saturday 20
Dec. last & the 2 nights follow^g. - Knows
that last fall when C^r. arrived from Upper
Country, he brot. home money & effects with
him -

Slept wth. P^r. several nights preceding the

Nov 20th Dec. last

Verdict.

The King
vs
Michael Munro }

On trial of Indictment
for stealing in a dwelling
house to the amount of 40/-
and also
of an indictment for another
offence of same nature. —

Pierre Aril, lives at Laprairie, on the 28 Dec
last, he had a watch hung up in his house
at 6^h o'clock he had the watch, and soon
after ⁴ young men came in and staid about
a quarter of an hour, the 1st was one of them —
immediately after they were gone, he missed
the watch — he made pursuit, arrested two of
them, they escaped — they were afterwards taken
and the watch was found — is worth 35/-

Keeps a tavern — no person came in after
the

the p^r. & his comrades before he missed the watch - The P^r. had on a Surtout when he came into the house of the W^r. but had left it on the ice in running from the officer - The P^r. was in liquor -

Daniel Schwoorfege, lives at Laprairie, is a tavernkeeper - On the 27th Dec. last he lost his watch of. was hung up in his bed room - it was a silver watch - same night after he had gone to bed, some person came to tell him that his watch had been found by last W^r. The watch is worth £6 - He went to Justice Kidd's where he saw the watch -

Michel Bouthillier lives at Laprairie, No^r. P^r. he came to his house on 27 Dec. last, after he had been there some time the Constable came in one night in search of him, and on searching found him hid under the bed - he came out and being asked where his Surtout was, he sd he had left it on the ice, as he had undressed himself there - on searching however they
found

The surlant concealed under the bedding
and taking it out the W^r examined the pockets
and found 2 watches in it, of^h W^r carried to
Mr Shedd's Justice of peace -

Lawrence Shedd - Justice Peace at Laprairie. - On
the 28 Dec. the last W^r and Arcl brought
two watches to his house which they said
had been stolen - These watches he put into
the Police Office, & on some now produced
next morning the P^r was brought before him
and his examination taken touching the
felony in question -

Then the examination of the P^r was offered
to be given in evidence - This was objected
to on the principle that offer of forgiveness had
been made him before going before the Magistrate
and offered evidence of first W^r - whereupon

Peace Arcl being called, says, that before going into
the Magistrate with the P^r he told him if
he would acknowledge the offence & give up
the

The watch, he would forgive him -

Lawrence Kidd - says, he believes that the watches
he gave into the police office are the same as
those he rec^d. and as are now produced

Nicolas Rosseter - on 5. Febr^y. last he rec^d. the
parcel now produced in q^t - he was told there were
2 watches. q^t he has carefully kept ever since

J^r M. Mondetit - says he rec^d. the watches from
Mr Kidd, & deliv^d. them over to Mr Rosseter
to keep -

Defence

Jacques Parent, was with the p^r on the 28th
Dec. last at Schwab's place at La Prairie - it
was after grand messe, they staid there the most
of the day - the P^r remained wth W^r all that
day - there was a great many people in the
house - the P^r went out to write in the
yard, and took off his surcoat q^t he put
upon

upon a pile of wood in the yard - when
he returned into the house he left the Surtout
lying there - the w^r was w^t. J^r all the time,
and P^r could not have gone into another room
and take the watch in question without the
w^r having perceived it, as P^r play^d fiddle while there.
Given P^r good character -

Alexis Brochu - saw P^r at Aul's at Laprairie
in Dec. last to ^{look} ~~take~~ a glass w^h him there
W^r staid at Aul's all time J^r was there -
Has not kn. that P^r took any watch out of
the room while he was there - there was
several people in the house at the time &
thinks it would have been difficult for P^r
to have taken the watch without some one
seeing him - went w^t P^r to Daniel's, when
P^r played the fiddle - was a little in liquor -
Has known P^r for 5 Years, always considered
him to be an honest man -

Mr Babin - kn. P^r for several years - is from
same parish w^t W^r, the parish of St Jean

de Portjolie below Quebec, always considered
him to be an honest man - he lived with our
gr^d uncles, and always bore a good character

Verdict, Guilty - on both
Indictments -

Friday 6th March. 1818.

The King
Jury^v Sell
Jury^{alias} Sancartier

On trial of Indictment for
Sheepstealing -

Jos. Sabourin, lives at St. Philippe, W. P^a on
the 11 Oct. last the P^a came to house of B^t. Parent
and asked if he w^d buy two sheep - Parent s^d he
had not money to buy sheep - the P^a said, if you
will give me \$45 w^d pay in money & a Capcan
I will get two sheep for you - the W. upon this
went into the field on Guerdin where they killed
two sheep, and brought them to Parents, when
they were dressed - they cut off the heads in the
field - the P^a and W. were arrested the same
even

evening - Guertin came there and claimed the sheep
as his property -

x^d

That when he got into the field, he perceived
that the sheep did not belong to the P^r,

Mr^s Parent, lives at St. Philippe - in Oct. last the
P^r came to his house & offered to sell him two
sheep for 45 \$ & his capot - 9^l. Mr. bought &
gave one of the sheep to last Mr. - the Mr. his son
in law and P^r were arrested for having stolen the
sheep -

Mr^s Brousseau, lives at St. Philippe, that in Oct
last the Mr. Jos. Sabourin showed him the heads
of two sheep in the field of one Guertin, they
carried the heads to Guertin who recognized the
sheep to belong one of them to him & the other to his
son, by the marks on the heads, but without
saying what the marks were -

Joseph Solivet, lives at St. Philippe - between 15 & 20 Oct
last he went to house of Mr^s Parent - there found
two sheep - the P^r was there - both the sheep were
skinned, and they were dividing one them - when Mr

went

went in, they stopt - upon some conversation
Parent said he had bought the sheep and paid
for them - and upon Palin's observing that there
were the rogues who did damage in the parish, the
P^r. observed, that he ought to be careful what he sd
as he could not prove that they had stolen the sheep
Palin sd he could prove it, as he saw P^r. bring
them into the house of Parent -

In Bth. Groux, lives at St Philippe, in Oct last, one
Palin came to request of him to go wth him to house of
Bth. Parent, where they came to the door they heard the
cutting of meat - went in, found P^r. there who
was smoking his pipe - saw carcasses of 2 sheep

In Bth. Guertin, lives at St Philippe - about 20 Oct
last, had sundry sheep in his fold - that 2
heads were bro^t. to his house, he knew them by
the marks on the ears to be his - That on examⁿ
he found that two ewe sheep were missing from
his fold - were worth 12/6 each - That one
of the ewes belonged to W^r. the other to his son -
In Bth. apth -

In Bth. Guertin fils - lives in the parish of St Philippe
with

with his father, and had five sheep among those
of his father -

Verdict Not Guilty

The King }
Cath: Cobb }

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

John Caldwell, lives in Montreal, 120 P^r
who lived about 14 days in his house as a servant
there were a number of articles missing in the
house, 9th was discover^d about a week after the
P^r left the house - suspicion having fallen
on the P^r he procured a search warrant, and
went to the house of one Sancier, where P^r lived
and there found in her trunk, a silk gown 20/-
some combs, worth 5/- a silk net-capp 2/6 - a cotton
capp 1/- 2 pair blk silk gloves 5/- of the W^r knew
to belong to him - the P^r was then at the time &
said also that the above articles belonged to W^r but
that she had bought them - the articles were taken
and lodged in the Police office - the above articles were
taken from the dwelling house of W^r

x^d

Keeps a shop - the J^r: used to go there to sweep
it - The P^r: had 157. wags from W^r - has seen her
wear clothing above her situation - understood
from Mr Forbes that she had lived some time with
him -

Louis Loucis, lives at North. Sub. W^r. P^r: for 8 or 9 months
past - That last W^r came to his house making
enquiry for stolen goods, when W^r showed him the
P^r: trunk - At that time the Constable was present
and also the P^r: -

x^d

That P^r: has lived at his house about a couple
of months, and always considered her to be an
honest woman - Never saw Caldwell at his house
before - The P^r: made no objection to show her trunk
it was always open - Saw the P^r: wear the gown
on a Sunday some days before Caldwell came
to the house - She went that day to a D^r: Rice's

Archange Savallée, wife of last W^r since last Spring
was present at the search made by Mr Caldwell
at her house, when the J^r: was present - There was
found in it a silk gown, and a silk cap which
Mr. Caldwell claimed as his property -

x^d

x

No 10th since last spring - always considered her as an honest girl - The P^m trunk did not lock - and was in the same apartment wth M^r so that she could examine it when she chose - The P^m gets considerable wages - I see she since P^m has seen her dressed in good cloaths.

Jacob Marston - is chief Constable - 140. Just. W. Caldwell went with him to house of Sance's w. & search warrant, found P^m there, searched her trunk & they found spec - she took out every article one after another, & asked Caldwell if they were his saying that what he claimed he might take but that the things were hers -

Peter Nicolas Rossiter, clk in the police office removed effects now shown to have been brot by J. Marston to police office -

The Court charged the Jury that they considered that the best evidence to prove the identity of the articles had not been brot forward which might have been done, as
the

the wife of the first witness, appeared to be a
person residing in Montreal, who could have
been had and who could better speak to articles
which belonged to her - , but if they are
satisfied that the evidence is sufficient, they might
still support a verdict, ~~they may~~ draw a conclusion
of guilt as to her, but not to the extent of the
20/- charged in the Indict -

Verdict. Not Guilty. —

The King's

Etienne S^m Jacques }

On trial of Indictment for
grand larceny —

William Hoyle, is clerk to Mr Hedge - saw P^r
in Mr Hedge's store on 2^d Dec. last, came in
then sat down for some time by the store & appeared
to be drunk - he sat some time, and laid hold
of the dressing bag, went out of the store with it
he pursued the P^r into the street, who looking
round seeing M^r after him, set off running, the
M^r came up wth him gave him a blow on the back
when

when the box fell from him - he pursued the
P^r and seized him - values box at 15/- & is the
property of Samuel Hedge & Franklin Hedge

x

Never saw the P^r before the day he came into
Mr Hedge's store -

George Greatwood, lives in Montreal - about 10th
in the morning he saw P^r and another person
w. him in the street, the last W^r saw Mr Hoyle
pursue P^r & give him a blow, the P^r fell, and
a small red morocco work box fell out of his
capot, is same box now shown - the W^r assisted
to seize the P^r when he was seized he called
out "comme j'ai pris le boete lachez moi, et je
le payerai" - combien est ce que c'est ? - they
bro't him to the police office

x

It was the W^r who put the mark on the
box at the police office, and Mr Hoyle put
the other mark -

Samuel Hedge, has a store in this town & is in
partnership with his son - has such boxes

as that now shewn in his shop for sale
and first Mr. St. Hylle is their clerk —

Deference

Pierre Huet, hab.^t of Longueuil, 10^e P. for last
50 years — has always considered him as a
perfect honest man — is given to liquor — &
must have been so, if he is guilty of the fact
now charged upon him. —

Jean B^t Poirier — hab.^t of Longueuil — 12^e P.
for 5 years — always knew & considered
him as an honest man —

Verdict. — Not-guilty of stealing
from the dwelling house, but-guilty of
petty Larceny — Recommended on acct.
of his former good behaviour & his being
of a good family —

The King
Stephen Perry }
m

On trial of Indictment for
horse stealing. —

Louis Scofield, saw P^r at St. Armand in Dec
last. — The W^r lost his mare at that place some
time last fall, she was taken from the door of a
store — values her at 35 or 40 dollars — Saw the
mare next day at his father's house at St. Armand

Eliza Scofield, lives at St. Armand, 1st P^r who came
to the house of W^r's father in the fore part of the
evening — W^r that just W^r had gone out with
the mare that evening — The P^r came to the
door of the house & asked to borrow a saddle
the W^r knowing the mare to belong to her brother
the first W^r she challenged the mare belonging
to him, started P^r — when he got the horse
he s^d a person had given him at the millage
to go and look after a horse, that he was
in too great haste had not time to procure
a saddle — the W^r not believing this story
s^d the P^r must stop wth the mare until
she got further information — he accordingly
put

put the man in the stable, & came into
the house - after sitting a little, he went
away, and was absent about 20 minutes
when upon search made after him from St
Armand, he was brought back to house of
W. - In hav. stolen the mare -

John Scofield, lives at St. Armand - some time in
Dec. last the P.^r came to his house & wanted to
borrow a saddle, he had a bay mare with
him - W. refused to lend a saddle, Sobrows the
mare asked P.^r when ^{the man was his} he got her, he said she was
a his partners, - & upon the W. avows that
the man belonged to his house, the P.^r got off the
mare, & the P.^r came into the house & set down
the W. put the mare in the stable - and rode to
the village to enquire about the business, as his
son had taken the mare to the village that morn
on the way he met some people who were looking
after the mare, who told W. she had been
stolen a little before - the W. informed ^{them} that
the man was safe at his house - and the
circumstances

circumstances under q^r he had found her.
Verdict — Not Guilty. —

On Indictment for robbery

The King
Pr Pambrun
Hal

On motion on part of the Dep^ds
for a rule to show Cause, why the
Indictment should not be quashed
by reason of some of the grand Jury who found
the bill being proprietors of the goods referred
to in the Indictment.

over till to morrow — as none of
the Dep^ds had come in & appeared to
the Indictment. —

The King
William Stevenson

On trial of Indictment
for Grand Larceny. —

Mathew Boyd, lives at Longuepointe
in Sept. last he lived in Montreal — M^r

the P^r for about 6 years, and a man of whom
he always had a good opinion - lived in the
same house with him for about a month,
left him to go to the Country - when he went
away he left two trunks with money and cloths
in them - the money was in three bags in one
of the smallest trunks - when he last counted
the money there was about £340 - and when
he returned from the Country he added to it - when
he last saw the money it was in a trunk in a
room - that on the 17th Sept. he told the P^r he
was going to take away the money - that the P^r
did not go that even'g for the money as it rained
and about 9 or 10 next day he went to house of P^r
for the money - he found a boy in the Shop, and
not finding the P^r at the house, the W^r passed
on and examined the trunk when the money
was, he found that two bags of it was gone,
the trunk was locked as it was when W^r
left it - the bag of - remained had a ticket
on it marked £80 - but on examⁿ it he
found there was 26 doll^s want^s, & the ticket

fastened

fastened in the same way as he had tied it
himself - he made enquiry for P.^r and found him
at house of one Declain - told P.^r what loss he had
met with, the P.^r appeared very easy - & on the road
to his house wth W. the P.^r ment^d to him, You must
be mistaken, if you must have laid your money
some where else - went into the room together
exam^d. the trunks, and P.^r said he knew nothing
at all about the matter - The W. had a W. of
P.^r's brother if there had been any strangers in
the house the night before, he s^d. then had
not - The P.^r asked no account whatever in
what manner the matter happened - The P.^r
having understood that W. was going to get
a warrant upon him, he request^d of W. not to be
in a hurry, and he would collect the family
together and see if they knew any thing of it - and
went in search of his ~~brother~~^{father}, and staid away
for upwards of 2 hours - when he came back
he s^d. his father had ~~been at~~^{went to} the cross to buy boards.
Next day the W. procured a search warrant.
about 3 o'clock in the afternoon, & went wth the
officer John Power and two other men - does
not

not remember whether the P^r was there when he
went in - searched every where, but found
nothing - found no money, except a dollar or
2 in some of their trunks - In about 10 or 12
days after the W^r got a second warrant - Was
asked by Mr John Boston if he had any pieces
of 25 cop^s - as P^r had lately p^d him a small sum
in that coin - the W^r ans^d he had, this was the
cause of proving the 2^d warrant - he found in
a table, y^t opens by being turned round, he found
one of his bags with a part of the money - he
knew the ~~money~~ bag to be one of those y^t had
been taken out of his trunk and was the largest
of the three, and there was upw^d of £150 - in it
when it was left by him in the trunk - when
it was found in the table, there was £12 or £13
in it - he kn^w the bag by the quality of cloth,
the small holes in the top of it, knew it well -
he found a ^{French} crown piece and ^{new} a half guinea
^{three} ~~rather plain~~ shilling piece in the bag - he
knew the crown piece by a small piece broken
out of the side of it, y^t he observed when he

rec^d. it - this piece he had put into the above
large bag in the trunk, but a short time
before - The 1/2 guinea was marked wth a
pencil by the W^r and put also in the largest
bag - There was nothing on the three shilling
piece uncommon, he w^d not have known it
from any other only remembers having put such
a piece into the same bag - The bag now
produced is the same in w^{ch} these pieces were
found, and it was this bag w^{ch} he had most
occasion to use, as the other bags were full - The
piece now shown is the Crown piece he has
spoken to - The 1/2 guinea now shown is the
same he had, from the pencil mark on the
envelope of paper over it description of the value
of it - only a little of the mark now visible
but when it was found in the drawer the
figures on the paper were clear & he would swear
to them being his - The money was carried to
Mr Mondell with the bag - The table in w^{ch} the
money was found, ^{was discovered} ~~was~~ by accident the constable
had given over the search, but on turning round the
table ~~the~~ part of it opened - The P^r said his

two brothers were present - but s^d nothing.
The W^o observed to the P^r after the money was
found, that it was a strange business this -
The P^r ans^d that it was - but nothing further.
That before the theft, the W^o had occasion to
take P^r w^o him to try to open his trunk, as he the
W^o could not do it - The P^r could not open it
neither, & he was obliged to force open the lock
the lock was taken off by P^r as he was a
Carpenter, and another lock was put on of
the P^r provided until the other sh^d be mended.
after the key of the other lock was mended the
W^o gave it to the P^r in the afternoon in order
to fix it on the trunk, but it was not done that
day so that the lock st^d rem^d in the possⁿ
of the P^r till next day - when the P^r put
on the lock and removed the small lock
that the money was then in the bags in the
trunk, and the P^r had occasion to see the bags
in the trunk - In one of the bags of - were taken
away, there were several guineas, upwards of ten
than he saw in the bag about 3 weeks before
the money was taken - the small lock was
put

put on about ten days before the money was lost, and the small lock had not been above 24 hours on - had occasion almost every day to see the money in the trunk after the lock was mended and put on down to the day before he missed it - There were several American half eagles - a great many dollars - crown pieces - the money bags were worth 1/ each - There are several people lived in the house when the P.^r lived - the P.^r occupied the lower part of the house, the P.^r's father & family occupied the upper part of the house -

L^r

The P.^r asked M^r to go and board wth him - M^r had about £300 when he went to board there this he acquired in the course of his business as a saddler & also what he bro^{ught} wth him to the Country, cannot say how much of it was in Silver coin was in the habit of putting in & taking away money out of the bag of g^{old} - he kept an cut on the paper tied to it -

When he left the house of P.^r to go to the Country is certain there was £300 in his trunk - did not count the money the day he went to the Country, but judges from the appearance of

M^r

the bag the money was there - When he returned he had occasion to look into his trunk & every thing appeared right - It was about 5 weeks after he returned from the Country before he missed the money - The P^r father is a Carpenter as well as P^r - Thinks it was on the 19th Sept. he got the warrant, & it was the day after he missed his money - He rec^d. this crown piece of money from a Mr Campbell who lives opposite the Quebec barracks - does not know when he got the ~~last~~ guinea - Can find cloth of same quality as bag now shown in many places -

John Bower. W. last Mr Mr P^r is a Constable went wth first W^r to search house of P^r on first search found nothing - on 2^d search nothing was still found - on 3^d Search they had looked every where on looking round, ~~found~~ a drawer in a small table, of the P^r's father said had no drawers - as W^r understood from Villeneuve the other W^r - The bodereau now shown was made out by W^r signed by him -

Found the money in a table - Is a Swiss -

The first W^r gave him a warrant to search
the house of P^r

J^r Marie Mondelot K^d the two pieces W^r re?
the money now shown, ^{g^t} was deliv^d to him
by the Constable power, g^t money has been
in his poss. ever since -

Defence

James Stevenson - is p^r father & lives in same house
with him - He W^r Boyd who boarded some
time at house of W^r has seen him frequently
drunk - Was pres^t when Boyd bro^t the Constable
w^t a search warrant to the house - the table
when the money was found was a common
card table - there was nothing concealed by
putting the money - The P^r has been a grocer
and it was nothing extraordinary for P^r to have
£12. in his house & he would have had more without
its being thought extraordinary - I heard Boyd
say he had lost money, but did not say how
much - That W^r send sometimes to employ
people about his house, but never has seen the

Dr

P^r employ - That Boyd before going to the
Country never said that he had money in his
trunk. -

Benjⁿ Spillsberry - That about the beginning
of Sept^r last the W^r purchased groceries for
P^r and p^d him in Silver, but is not certain
whether there were French Crowns among the
money he p^d P^r - Not uncommon to see
pieces of money wth small marks on them
or pieces taken out of them -

Robert Stevenson - was in the Shop of P^r last fall
as a Clerk - W^r that in the beginning of Sept^r
last a man of the name of M^r Vey who was
going to Scotland p^d a sum of about £3 - to
the P^r - mostly in 30 Sols - remembers no pieces
of French Crowns being paid - The P^r was
in the habit of receiving monies for goods he
sold -

John
~~William~~ Smith, a native of Scotland - proves his
writing of Abercrombie Gordon, minister of
Banff in Scotland to the Certificate of the
Character

character of the P^r —

Charles Forrest, W^o P^r when W. knew he considered him an honest, industrious respectable man

Robert Wisely — is last from Banff in North Britain, knows Minister there Mr Abercrombie Gordon knows ^{his} handwriting to the certificate now produced — the character of the P^r was always fair since he has known him in Canada. —

Alex. Skadell, that the certificates given by the Clergyman of a parish in Scotland to any of his parishioners leaving the Country, is a common practice, but they are not granted lightly, but upon sufficient grounds — He knows P^r since he came to this Country ~~and~~ he has always supported a fair & honest character —

The Jury without withdraws
from the box gave verdict. Not Guilty

Saturday 7th March 1818. u

The King
Law^r. Bourguignon }

On trial of Indictment
for burglary. u

John Jones of Montreal, Merchant in St. Paul street - has two partners, Colin Russell & John Gordon McKewie, the house is the property of W^r & there is a shop where things are exposed to sale - the W^r & his family lodge and live in the house - the shop occupies one quarter of the ground floor besides a large passage from the street to the yard. - there is a door g^h leads from the shop into the passage - directly behind the store there is a dining room & kitchen - the W^r occupies the upper part of the whole house -

The partnership allow^{x^d} a rent to the W^r for the shop on his private acc^t, no person sleeps in the shop - nor used for any other purpose than a shop

John Gordon McKewie, W^r last W^r who is his Partner the shop is in St. Pauls street No. 116 - on a Tuesday morn^g 18 Nov^r last, he found the shop broken open when he came to the shop door in the morn^g, he found the door had been opened - the hook had been forced so that the door shut very loose - and they were

under

under the necessity were ~~under the necessity of~~ using a cord to fasten them tight - on examination they found that several articles had been stolen out of the shop - from 20 to 30 p^{c} hdk. 30 c . each 2 or 3 doz. Guernsey frocks $\frac{1}{6}$ ea. 5 or 6 umbrellas 20 c . to 30 c - ea. 1 or 2 doz. gloves - some worsted stockings 1 doz p^{c} also some lined beaver gloves ^{1 or 2 doz} 30 c $\frac{1}{2}$ doz - there were also some common beaver gloves - Cashmere Scarfs -

P^r Council objected to any proof being adduced as to facts which took place at Three Rivers as touching a separate offence in q^t. the P^r may be amenable - The Court over-ruled the objection

On the 28th Dec. he went down to Three Rivers to look at the goods which had been found there, he recognized some of the articles at the police office, the bandana hdk., the umbrellas, the Shawls Scarfs, and Guernsey frocks - only the umbrellas were particularly marked - one of them marked D. O. the other Y. C. q^t. was done by M^r at Montreal - these umbrellas have been two years ~~and a half~~ in the shop - particularly one of them, as it was a little stained & the quality inferior

inferior - had occasion to see it frequently & is
positive to say, that he saw it within a week
before it was stolen. - There were eleven pieces of
band^{ns} shewn him - they looked much like
those the W^s lost - such were generally exposed in
the shop for sale - There were two pieces of toilet
vesting^s of ~~wool~~ ^{wool} been in the shop since 1816, some
now shewn - and whole lot of goods, except some
silk hks & some other things, belong^d to the W^s -
That one of the rivets ^{of the door} of the lower hook, had been
loosened - That it was Mr Traver who shewed
him the goods at Three Rivers -

x².

For any thing he knows these goods might
have been taken in the evening before or that very
morning, he found the door of shop open - There
are 2 other persons who sell in shop as well as
W^s - only one door communicates wth shop on the inside
cannot say, that this door might not have been
left open for several evenings before - That the
bandanas, red shawl and scarf were in the
shop the evening before the robbery, he having
observed them -

That articles of same description as those he lost
may

may be found in other stores in Montreal swears that the letters I O on one of the umbrellas are of his hand writing, ~~that~~ does not think it would be easy to counterfeit them without his being able to know it - that it is easier to make 2 letters to resemble two other letters, than a greater number - This & another umbrella are the only articles upon which there were any marks of his recognized, believes the other articles shown to be his property - That from the time the goods were stolen until the time he saw them at Three Rivers, they might have passed through several hands, and the finding them in the poss. of any man would not be considered by him as any proof of their having been stolen -

Geo. McKenzie, is brother of last Mr and Clerk in the house of McKenzie &c remembers that the shop was broken open on the 18 Nov^r. - he observed the door about 8 o'Clock in the morning to be open in the manner it is usually, and one of the rivets of the lower hooks was forced out

out so that the hook was looser than formerly
he shut the door the evening before about
six o'clock, by hooking it inside, the lower
hook as usual was stiff & he had some difficulty
in fastening it - did not return to the shop
after hooking in the door - Knows umbrella
now shown to belong to M^r Gensie & Co from the
private J. C. upon it, & is the handwork of last W^r
That the other umbrella now shown is also theirs
from the holes in it, also from the private marks
of C upon the end of the handle - these umbrellas
were in the shop the night before - they were in
the window & he could not shut in the shutter
without removing them - The vesting pieces
silk hker, he considers to belong to Jones Russell &
M^r Gensie, from having observed them for a considerable
time past in the store - that there is one glove
left in the store, the fellow of & was stolen on
18th. & on comparing the glove now shown
with the one in the store, they exactly match
The red scarfs & shawls belong to ~~Jones & Co~~ ^{M^r Gensie & Co} also
they were missed out of the shop by W^r on the
morning after 18th -

W^r & were sent
to the Hon^{ble} J. C.
Jones & Co for
selection (J. C. & Co)

Is a clerk in the store of Jones & Co then are besides 2 partners who sell in the shop - he generally shuts the shop at night & opens it in the morning - It was about dusk when he shut in the shop this night of 17th - but the features of a mans face might then have been easily distinguished - It was after day light next morn^g, before he went to the shop - - That the ~~knives~~ & ~~knives~~ & ~~knives~~ are the property of Mr Brooks - but was in store of Jones & Co for sale on Commission He has never seen such an umbrella as now shown w^{ch} fastening with a strong wire at top - but does not mean to say but there may ^{not} be similar umbrellas in other Shops - cannot say when the letters J. O. were put upon the umbrella to which he has spoken - to know the handwriting of a person, he must see more than two letters of a person - That if the traces of the marks on the other umbrella were entirely defaced, it would know it to belong to Jones & Co from having been mended by a new rib, being put into it - sees no difference between this

orb

nit and the others - but it was more contracted
by this mending - that there are similar
goods w. than now shown in other shops in town.
that before 18 Nov. last he sold gloves similar
to that now shown - that the glove now shown
was not one of them -

Colin Russel, is one of the Partners of Jones & Co.
their shop was broken open on night of 17th -
Nov. last - the W. slept that night in the house
and saw the house shut up, the shop was
shut about 0 o'clk - it was part of when he
went to bed - he did not go into the shop that
night after it was shut - passed the ^{outer} door of the
shop after it was shut - about 2 hours before
he went to bed he passed the door & observed it was
shut - If this door had been opened between 0 &
8 he thinks he w^d have observed it - About day
light ^{in a little after} he observed the door of the shop open. has
been informed of it by Mrs. Jones, the wife of the
first W. before the W. was up - the W. sleeps over
the store, it was just day - she had not been
long awake - he upon this got up - went down
to

to the store - could not hear any noise in the shop
from his bed room. If it were not very loud - the
w. found the outer & inner front-doors open -
the ~~lower~~ ^{both} hooks of the door were loosened - the
rust-~~off~~- fastens the hooks to the door was forced
off and the hook hung to the door by one end of the
rust - it must have req^d. a good deal of force
to effect this, - it would not have been done by the
wind - no injury was done to the inner door
it was only open, but had been shut the evening
before - That on examining he found the iron
chest was gone - it was chained to the floor
but the chain was broken - it must have required
considerable force and time to have effected this -
He ~~did not~~ immediately examined the shop, and
missed handanna k^{ts} - Shawls and scarfs
several umbrellas, lined beaver gloves - He wd
know almost the whole of those articles again -
Shows the private mark on an umbrella now
shown - the mark is J. O. and is in the hand writing
of Mr. M^r. his partner - there is no particular
mark on this umbrella now shown, further than
its having been once mended, this is also the

trans

trace of a private mark Y. C. on the end of
the umbrella - values the first at 5 or 6 dolls
and the other at 6 or 7 - Saw these umbrellas
in the shop the evening before as he thinks they
were both in the window - They belong to Jones
Russell & McKenzie, as well as the other articles -
The house where the shop is, belongs to John Jones
The keys appear to be the same they lost. -

x²

Is in the habit of selling in the shop as well
as his clerk, & sometimes Mr. McKenzie - he was
present but did not assist in shutting the door
it was shut at the usual hour, it was not
dark - did not examine the door after ~~it~~ was
shut to examine whether it was so or not - It
was day light when he got up - before he got up
Mrs Jones told him the store was broken open
does not believe that she would have been
guilty of having broken open the door - It was
about 6 o'clock when he went down stairs, ^{about 1/2 hour} he
sent for his clerk & partner Mr. who came in
course of ^{ten minutes} ~~6 1/4 hours~~ - both doors were then open.
He first looked to the iron chest - he next
observed

observed that goods were missing - he did not particularly examine the goods in the shop the day before - he observed bandanna hker, shawls, umbrellas - there were marks on the Guernsey frocks & some other of the articles, attached to them by a string, but when he saw the goods again the marks had been taken off - he believes the letters J. B on the umbrella to be his partner's handwriting - was in the habit of selling umbrellas before the 18th Nov. last, but does not believe that either of the two now shown were sold by him before that day - That on the evening of 17 Nov. there were umbrellas in his shop like those now shown

Mary Jones - wife of Mr John Jones - remembers that in the night between the 17 & 18 Nov. the store in the house was broken open - she was informed of this about 6 o'clock in the morning it was just day - the servant woman^x came to tell her of it, - she found the door open & ^{down} ~~and~~ put back wth a bit of board - she went

ⁱⁿ

⁺ who lives at Mr Woodcock's

in to the shop by the outer door and
advancing a few steps she found the door
burned upside down on the counter - she went
out and informed her Mr who got up
and went down to the shop -

x^o

It was just light when she got the information
about 6 o'clock in the morn^g -

Joseph Porlier - lives wth Mr Woolrich as a Clerk in
his shop - lives at distance of two houses from
Miss W. Jones - It was on morn^g of 18 Nov
he saw the doors of Mr Woolrich's shop open
it was between 5 & 6 o'clock - it was still dark
he heard a noise before he opened the window
he went out into the street and saw Mr Jones's
door open - he saw some person going along
wth a lanthorn & opposite Mr Torrance's house
does not know whether that person saw or
heard the Mr - He went within 3 or 4 yards
of Mr Jones's door and saw both the outer and
inner door open - The w^{ch} knocked at the
dwelling house door & acquainted Mr Jones &
a servant woman that the shop was open

x^d.

The noise he heard was like the knocking on an iron door - only the noise stronger - That the noise he heard might have proceeded from the side of the market ^{or the} opposite side - When he knock^d at Jones's door it was clear enough to see the face of a man - He never remarked the state of the door the evening before. When he first saw Mr Woolrich's shop door it was ~~light~~ enough to distinguish a man's face, at a very short distance -

Arcange Poi, in the month of Nov. last, she saw the door of Mr Jones's shop open, it was clear enough to see people - there was a bit of wood ^{of} kept the inner door open -

Charles Brooke - Mr. John Jones, Russel & McKim, in October last, they had some shawls, ^{23 yards} from him to sell on Commission - such as those now shown - there were marks upon them when they were sent, but sees now on those now shown -

x^d

Then

These are not a common article in town
there are other persons who have such articles
cannot swear that those now shown are his -

Hugh Fraser - Is Clerk Peace at 3 Riv. saw P. at
3 Riv. 26 Dec. last - he had heard of some
~~robberies~~ committed at Montreal, and from
circumstances he suspected the P. - he asked
P. who he was, & what his business - after
some time he s^d he was a Smuggler, refusing
to tell his name, he put him under charge of
the Constable who carried him to the office -
he was then examined by the Magistrate, and
it having been discovered that the P. had
a quantity of goods in his possession, they
were sent for, and the different articles now
shown were found in the bags, the W^m
took an account of them and they were
sealed up in presence of W^m - the seals
were taken off twice, but put on again in
the presence of W^m - the goods were brought
by W^m to Montreal and deliv^d to Mr Gauvin
the umbrellas were not sealed up, but
were

were kept by the W. and the H. - then by
the marks he put upon them - all
these articles were claimed by the P. - as his
property -

x^r

The first suspicion he had of P. - arose from
what Mr Humbert told him - & he was
advised by the Kings Council to arrest the
P. - He put the goods in the bags, and
when the W. - set out from Three Rivers
he bailed up the two bags together & sealed
them up - When the P. - was before the
Magistrate, he gave in his name as being
Benjamin Mals - the P. -'s money was
taken from him, as it was not safe to
allow him to have so much money in jail
When the goods were emptied out before
the Magistrate, he claimed them as his
Wagner took ex. of the P. - in writing -

It being proved
that

P. - Portezais - is Constable at Three Rivers
saw P. - there on 26 Dec. last - he was
sent for by Mr Traver to go w. him to on
Bonnettes

Bonneterre's de charge of P^r - which
he did, and carried him to the Office,
he then went for Mr Wayne the Magistrate
There was also some baggage then w^h he also
carried to the Office - That when the P^r
was at Bonneterre, he came to the door w^h
W^r and asked of him if he w^d let him
take away the effects he had there he
would give him some money, at same
time showing him some pieces of money
this the W^r refused to do - after the
P^r was at the office the W^r returned to
Bonneterre for the goods which were there
and carried them also to the Office - when there
and in the presence of the Magistrate the
P^r acknowledged that all the goods so
produced were his -

McNally 293

This was objected to on acct. of an
examination having been taken by the Magistrate
of the P^r in writing, and

When he went to Bonneterru for the goods the P.^r was at the office, that it was Bonneterru who gave him the goods, as being those of the P.^r This was after the P.^r had offered him money to let him have his effects - a circumstance of the W.^r did mention when exam.^d on the former trial - at the time the W.^r did not know what articles or goods the P.^r alluded to, he did not know that the effects given him by Bonneterru to carry to the office, were those of the P.^r

William Anderson, lives at Three Rivers, saw P.^r there on 26 Dec. last. was led to observe him from circumstances of suspicion against him which were stated to him by Mr Kimbert the P.^r having left a h^o loc in Mr Kimbert's store, they sent for him & there put some questions to him, and his answers not being satisfactory, they determined to have him arrested - in consequence the P.^r one Marion and the Carter who drove them were arrested
by

by Portugais at the instance of Mr Fraser and
carried to the office, and it being found that
there were goods with the P^{rs} they were sent for
to Bonnetiers and bro^t. up to the Office - a
1 chitty 87 trunk was first opened by the P^r or he gave a key
by which it was opened - in this trunk there was -
wearing apparel & except a remnant of silk - there
were two bags also bro^t. in & opened by Portugais &
Bonnetiers, they were opened & contained dry goods
such as shawls scarfs h^{ks} gloves, & other things
wth three umbrellas - an Inventory was made of
them and they were put under seal -

Michel Bonnetierre - lives at Three Rivers, keeps
a tavern there - saw the P^r at his house on the
26 Dec. last about 9¹/₂ morn^g with two other men
in a Sleigh - they had 2 trunks two bags & three
umbrellas - they asked to put up their horse - the
baggage remained in the Sleigh for nearly an hour
they ordered breakfast - and the trunks & bags
were bro^t. into the kitchen - from the kitchen
they were bro^t. into the room, when Mr Fraser
came and told us to take care of these effects -

That

The P.^r ing^r of W. if he could find him a
good cart, he s^d he would, and carried him to
one Bourguignon's they agreed together & the P.^r
old cart to be ready by the time he had eat
something - The P.^r went into Mr Kimbent's shop
and asked him to change 2 h^f does - Kimbent
wou^{ld} them & one wanted 4^y grains the P.^r pulled
out another q^t. Mr K. weigh^d 9^l he believes he
took - They returned to house of W. - Kimbent sent
for P.^r saying that he wanted to see him - the
P.^r returned & s^d see what it is, with honest
people one never loses anything - I had left a
h^f do on the Counter & he has returned it to me.
That Portugais came into the house. asked for a
glass of liquor, when the Carter observ^d. to the
P.^r & the other person w^h him, it looks as if we
were in custody here - That soon after Mr
Fram came in, and after some conversation wth
the P.^r & the others, he gave them in charge to the
Constable Portugais - That Portugais returned
for the 2 trunks & two bags, and the W. assisted
to carry a part of it up to the Office - The
baggage was in same state when he can^d it to off
as when it was bot. to the house

His tavern is much frequented - is unable to recognize all the people who come to his house will not undertake to swear positively to the person of the P^r - did not see the baggage taken out of the Sloop - but saw similar articles in the kitchen afterwards - they were afterward carried into an open room - & while there Mr. Fares came then requiring them to take charge of it - that while he was not in the house the baggage might have been changed - does not to whom the baggage belonged, either the bags, or umbrellas.

Franc. Boiceau - w. P^m whom he carried down to Three Rivers with another man - he set out from Montreal 2 or 3 days before Christmas - they had 2 ^{or 3} ~~valises~~ ^{moutoirs} - & when they came to Berthier they put sundry articles into 2 bags - ~~The first valise was taken~~ - it seemed to him that the baggage belonged to P^r - there were also three umbrellas - the P^r said so himself - when they came to Three Rivers the baggage was carried into the house - 2 trunks & two bags -

The Portugais the Comtable - saw him come

in to Bonnetiere -

x².

Did not know the contents of the trunks, nor what was in the keps - nor does he kn. what was put into the bags - so that the things in the bags might have been obtained at Berthier - when they arrived at Three Rivers the baggage was for some time in the yard of Bonnetiere, might have been changed there - he went to look for a Carter to take P. to Dubouard while he was gone he cannot say what might have been done with the baggage - The P^r told M^r that the keps & trunk was his - Did not remark the umbrellas they might have been changed on the road

So. H. Gauvain - The articles now produced were put into his possⁿ on the 5. inst. upon the former trial of P^r he packed them up & carried them to the Police office & put them in a cupboard in that office. & gave key to Mr. Moudelot - The M^r took them this morn^g from the same

place

place in the police office shot them here
into Court -

In Marie Mondelit - 10^o last W^c was present
in Court on the 5^o when the effects before
the Court when packed up by Gauvain
carried to the police office, & put in a cupboard
was present also when these effects were taken
out shot back into Court to day - the key
of the cupboard was kept in the meantime by
Mr W^c

De France

Louis Barry Vary - 10^o P^m - In some time past
10^o. that he purchased different articles last
Fall,

x^o
It was in a battéau at the New Market
he bot them - that he is a ferryman - he bot
them of a Frenchman - there were vest patterns -

D. J. & Co. Council

No proof of burglary -

all evidence as to facts at Three
Rivers ought to be put out of case

East. P. C.

McNally 503 -

Verdict Not Guilty of burglary
but guilty of Grand
Larceny. -

Monday 9th March 1818. —

The King }
Stevenson }

On Defendants motion for restitution
of money found in his possession under
the search warrant. —

The Atty Gen^l contended that from the evidence
adduced it appeared that the money found in the
bag was the property of the W^r Boyd. —

Mo. granted. —

The King }
Chas. de Reinhart }
Arch^d. Mc Lellan }
Cuthbert Grant }
Joseph Cadotte }

On mo. of Prisoners, charged on
Indictment for murder, & in Gaol
to be admitted to bail —

325
Mr Sherwood for P^{rs} the application made
to the discretion of the Court found on the cir-
cumstances of case. 3 How. 325. L. C. L. 112. Russ
Com. Org. Bail. F. — 1 Bac. Ab. 222. — 3 How. —
Court will bail when no trial within 4 Terms —
bail for H. Treason — The Crown here has not
presented

prosecuted within 12 months since he found
no intention of doing so - & the discretion of the
Court must apply - the depositions must be
looked at -

The Indictment found, is not valid - the Crime
committed in the Indian Territory - the party not
within the Jurisdiction of the Court when Indictment
found - refers to St. 32 H. 8 - & 33 H. 8. ^{ch. 23} - In felony
done out of the King's dem., - case of Gov: Waal's
Case - refers to words of part, Stat. 43 Geo. when
persons brot. down, may then be indicted -
Supposing the Indictment regular - does not
appear that there ever existed such a person as
Owen Keveny - 2 H. H. 290. nor that the man
is killed. - The Confession of the P^r - Rheinhart
taken in Upp. Canada - is of no validity
of a Crime committed in Indian Territory - that
the provisions of Stat. of P^r. & M. - as to confessions
of P^r are not introduced by St. 43 Geo. 3.
Murder charged in the Indictment to have been
committed at a place called River Minnipeg -
St. Pl. 293. - Tr. Pl. C. 271 if in the Province
of Up. Canada, no Jurisdiction in this Court -

Ripps

Refers to division of the Province, - when boundaries cannot be ascertained but by reference to the Kings Government - it is a further reason why bail should be granted -

The Att^y Gen^l - After bill of Indictment the discretion of the Court will rest upon principles as laid down in England - the 4 terms must apply when the party is within the power of the Court -
as to the Indictment, the Jurisdiction of the Court must be considered to extend under St. 43. Geo. to the Indian Territory whether the party indicted be there or in this District - St. 547. -

Sherwood in reply - The Att^y. Gen^l having consented that the Crown will proceed ex. P^m in another District is an abandonment of Indictment -

The Indictment is ex. P^m as accessories before the fact - non favorable -

The Indictment 6 counts, ex. P^m as principal & the other three as accessories before fact - 2nd. as to Captivity.

The King
Jos. Vredon }

On trial of Indictment for horse steal^s -

Toussaint Bantrou d. Meys, lives at St
Laurent - 10. Pⁿ since his infancy - has a black
horse - about end of Sept. 1815 the s^d horse was
taken away from his stable - was worth £30 -
M^r. J^m B^r Ritchotte, tavernkeeper at Pth aux
Trembles, told him of the loss of the horse & gave
him a description of him - and requested of him
to stop the horse if he found him in any persons hands
The next day he came into town and was told
by Ritchotte that his horse was then in the St
L^{re} Suburbs - and went with him to the house of
one Smith when he found the horse -

L.

Is positive as to his horse being same as found
his eye, the marks on him, his appear^{ce}, and
from having reared the horse -

Jean B^r Ritchotte - 10. Pⁿ since 28 or 29 Sept. 1815
10. last W^c since same time, when he came to
Pth aux T^h - looks for a horse ^{g^t} had been stolen
from him - he gave W^c description of him, and
requested

requested of him if he met with the horse
to stop him - The next day the P^r passed on the
horse - the W^r asked him where he bot. the horse
he s^d he had bot. it the day before at St. Laurent
and paid 80 dollars for him - The W^r laid hold
of the horse - told him s^d he must go wth him to
St. Laurent to find out the person from whom he
purchased him - the P^r then dismounted, and
went into the house - the W^r sent for the Captain
of Militia and upon his advice he arrested the
P^r and brot. him into town - on their way
near Longue P^r the P^r escaped, when the son of
W^r run after him and caught him about P^r up
to town and deliv^d him up at the police Office
with the horse - that at the request of the police
Magistrate the W^r took charge of the horse and put
him up at the house of Mr Smith a tavern keeper
in the St. Lau. Sub - The last W^r came in soon
after and claimed the horse, and upon seeing him
recognised him immediately -

X-

P^r s^d he was going to look for his watch when
he escaped

Frans. Beantson-, nephew of frans W- Lewis of St Martin
About 2 years last - a mule the horse of 1^r W- was
missing out of his stable - the W- then lived with
Beantson and had fed the horse the evening preceding -
cannot swear that he had shut the stable door
the evening before - next morn^g. the door was
open and the horse gone - W. P. by having
seen him after he was arrested -

x^d

That the horse could not have untied the
halter w. of^t he was tied, he might have taken
it off -

Ambroise Morin, Cap^t. Militia at P^te aux Trembles
1^r P^r saw him about the 29 Sept last at that
place - Ritchotte sent for W- to him, if he could
arrest the P^r he went there to house of Ritchotte
and he was arrested - the P^r o^d he had bought
the horse and p^d. 80 dolls for him at the beef
market - at Longue P^r the P^r endeavoured to
escape, but was retaken and bro^t. to the Police
Office - When Major came to place where horse
was put up, he claimed him, & gave the marks
before

before seeing him - the horse was delivered up to
Major -

Defence -

In ^{the} Alexandre - W. P. for 10 yrs - had occasion to
live w. P. - two years ago, that on the nights
of the 28 & 29th of Sept 1815 he slept w. P. - at
his father's house in St. L. Sub. - does not think
that P. could have absented himself without the
knowledge of W.

Is in goal on a charge of suspicion of having
broken open the church of St. Laurent -

Joseph Belrose - W. P. for last six years - tells that
about St. Michel 2 years ago the P. purchased
a horse in the hay market in Montreal about
2 o'clock in the afternoon, of a habitant - it was
in a yard upon the hay market - he pd. 80
dollars - the horse was black, with a white spot
on the forefoot

Is in prison for some days ^{on a charge} for having
broken open the church of St. Laurent -

Verdict - Guilty -

The King
The Rt. Hon. the
Earl Selkirk

on mo. of atty Genl. that Defend. shd
renew his Recognizance to appear at the
Western District -

Stuart for Defd. The Recognizance taken before
Mr Coltmann irregular -

The Recogniz^{ce} taken in the Indian Territories
as a Just. Peace for the Western District in Up.
Canada. The office com. at Fort Wn. in U. C.
whereas the Recogn. taken at Red River - all
public authority ceases when without the limits
fr of the person was appointed - As a Just.
Peace for Indian Territories, Mr Coltmann had
no right over any offence committed in Upper
Canada - The ~~bond~~^{Recogn} in form is a nullity -
being in form of a Common bond -

There is no indictable offence charged
at Defend - the charge is too indefinite,
not specified in the Recogn -

The exorbitant bail ~~condition~~ -

This Court not competent to order any
renewal of the Recogn^{ce} as it has no power

over

over offences committed in Np. Canada.
unless a criminal had escaped from Upper

The Att^y Gen^l There is no form for a Recogⁿ so
necessary as to render any other invalid - It is
not necessary that the Recog. should state
the nature of the Crime - but sufficient was
in this respect is stated, had it been a warrant
to arrest the Def^t - The only question is as
to the power of the Magistrate to take the
Recogⁿ is any at all -

3 Hawk. 68. recog. def^t. taken before a Magistrate
in any place is good - that Mr. Colman
holding the double Com. had a right to back
his own warrant -

That if there were no Recogⁿ - still the affidavits
produced are a sufficient ground to compel
the Def^t to renew his Recogⁿ -

The Sol. Gen^l The depositions under of the Magistrate
will justify his proceedings - Whenever a
charge is regularly made before this Court of
a complaint over of - it has no cognizance

yet this Court will not allow the party to
escape from public Justice - The Magistrate
acting in a double capacity, was tantamount
to backing his warrant

Mr. Andrew Stuart on same side - If the Court refuses
its assistance, the Defend: here will avoid
all trial -

It is too late to object to the Recog. after the
Def: has app^d. The recog. taken is complied
with -

The Jurisdiction of Trial, and the Summons
in pt the party may be compelled to answer -

The warrant issued by Mr. Colbman in
his double capacity was of greater authority than
if he had back'd the warrant of another Magistrate.

Mr. Colbman states the proceedings had by him -

Mr. Stuart in reply - The Defend: has always shew'd
a disposition to meet the charges made at him

Refers to 4 Bl. as to form of a Recognizance -

2 H. H. 50; as to power of Magistrate out of his
County -

This Court cannot look at affidavits taken
before

before a magistrate in Upper Canada -

The authority of arresting a pris^r: out of the Jurisdiction where he is to be tried, extends only to cases of felony -

Affidavits ought to be taken before some magistrate here, and a warrant issued thereon -

The King }
m- Daniel Sullivan } On trial of Indictment for
Gr: Larceny

John Wilson, Chugyman at Kingston in Up. Canada. In Autumn 1816 he carried up 2 cases conts. books, a writ³, desk, tea caddy & other articles, - arrived about the latter end of October when then, these articles were put on board the Ship Vessel Charlotte for Niagara - that he had used most of the books for many years - the desk is worth 20/- there were 12 silver tea spoons marked w^t. the old english character, value 40/- a silver tea spoon worked w^t. gold 5/- a pair of silver sugar

sugar towp 5). & 2 cases of books £20
all these articles belonged to W^m identifies the
articles now shown, as being his - These
articles were missing from October 1816 to about
last fall - he put in advertisement in papers at
Niagara, & sent another down to his attorney
here, when he was informed they were in the possⁿ
of one David Sullivan, who is the P^r -
identifies several books now produced -

£^d

He directed Mr Grant to proceed at law as
the Defend^t and understood that this had been
done, & understood that P^r had been arrested
cannot say what the proceedings were which
were had of P^r but had no other dealings
w. P^r in regard of any suit could have been
brought but in regard of the property now produced,
the P^r was in Kingston in U. C. in Autumn
1816, when W^m lost those books -

James Grant lives in Rivollit sub. in Montreal
W^m P^r came 24 May last - he boarded w. W^m
one French occupied the house before the W^m
came

came to it, - when W. went to it there were two cases of books - in the house, of. had been left there by Mr French, & asked W. if he w^d. give them house room, to of. W. consented - On the 24 May last the P^r came to house of W. as a boarder - the P^r rec^d. the 2 Cases of books from W. by orders of Mr French, who said they belonged to the P^r and the P^r also claimed them as his property - he helped the P^r to unpack them - there was a writing desk in the largest Case - a tea Caddy - then were both locked and the P^r took them out as he w^d. to get a key from the blacks with to open them - after they were opened he brot them to W. requested they might be put in his room as the P^r w^d. he did not consider them safe in the Garret - the W. took charge of the articles in the desk & Caddy consisting of several articles of plate - they remained in the poss. of the W. till 25 July last, when the P^r demanded the desk and tea-caddy & their contents of. W. delivered to him, & they were put in his trunk - the P^r sent a man for the trunk but W. refused to deliver it without an order from the P^r - It remained in the poss. of W. till some time last winter

written when the constable Marston came to the house with a search warrant & took away the trunk, - the W- saw it afterwards opened at the Police Office - The W- saw the P- carry away books from the house at several times and has seen him also bring books back to the house -

John Sanford Esq. P- for several years - sold books for him at public auction - title now shown is one of the books he rec^d from J^r: Sgt. M. for himself - The P- called on W- & told him in July last that he had a quantity of books for sale, that they belonged to a Mr Wilson who was engaged in the lumber trade at the lines the books were accordingly advertised, but when the day of sale came the W- did not set them up as he found the terms too high - of this he acquainted the P- who came back some time after and said that Mr Wilson had concluded that the books must be sold, as he wanted money - also that this Mr. Wilson had come

to

to Chambly from the lines, but was afraid
to come to town as there was a Capias out
ag^t him - the books were accordingly sold
and the money paid to the P^r amounts to
£61. 11. 11 - The list now exhibited is the
list furnished by the P^r -

Alex^r Skattel - purchased the book now shown, a
Greek Testament at Mr Sanford's Sale for
the P^r. of - purchased also at same Sale a copy
of Cicero's works 10 Vols 4^{to}. for 13/6 of Vol.

Jacob Marston - is ch. Constable - Mr P^r went
to house of Jas. Grant in Dec. last with a
search warrant - he found a trunk, a desk
& - he deliv^d into the Police Office -

James Grant, Attorney at law being opposed
as a W^t - he was objected to by P^r. as he had
been the Attorney of the Prosecutor, cited
McNally 239 - The Court over-ruled objection
says, that Mr John Marston was his client
some

Sometime in Sept. last he had a request
communicated to him that a certain quantity
of books had been lost & that they had been
sold at public sale of Sampford - from the
communication he rec^d respects the P^r he advised
a Capias at ^{P^r} ~~Sampford~~ as in action of Trover
upon q^t the P^r was arrested - Mr. Mitchell
the person who gave the instructions to W^r
returned to Mr. Carver - The W^r called upon
Mr. Sampford for an aut. sale of books
He afterwards had some conversation with the
P^r respects the books, when the P^r told him he
had rec^d them from 2 men, but does not
recollect the names - being interrogated as
to the Desk and tea Caddy q^t was in the
trunk of books and the silver spoons in the
Caddy, the P^r denied ever having seen such
articles, and had them not in his possession.
The trunk was opened in the Police Office
and the things now produced were found
in it -

R. Heber

~~72~~

Rheuben French, Mr. P^r and Mr. G. Grant first
exp^d - when Mr. left the house he left two cases
with said Grant - that the cases came to his
house when he was absent - but he understood
from the P^r who boarded for some time with
the ~~P^r~~ Mr. that the trunks cont^d books, but
that he had only the charge of them, from
people who owed him money -

Peter N. Rossiter - the articles produced
here to day of - were rec^d by Mr. from
the Com^{dr} Mearston on 15th Dec last
having been put up and remained under
seal since that time -

Geo. Pinckney, Capt. in 99th Regt - saw the P^r
on board the Charlotte from Kingston to Fort
Gore on board the Kings Vessel Charlotte
The Mr. embarked at Kingston on 18th and
disembarked at Magare on 21 Oct. 1816

he

He saw on the deck a case addressed to
The Rev. Mr Wilson. —

The evidence for the Crown was
closed —

Mr Sherwood for P.^r contended that if any
felony has been committed it must have
been in Upper Canada — and the count
was, in case the P.^r had been charged wth
it he ought to have been sent to Upper Canada
under St. 36 Geo. Ch. 12

The Court charged the Jury that the
intention of the P.^r must be considered, that
the felonious intention ~~can~~ be considered in
~~operating~~ operating on the property in this district
it was sufficient to warrant a verdict
at P.^r —

Guilty of Petty Larceny —

Tuesday 10th March 1818

The King. —

The R^{ts} Hon Thomas
Earl of Selkirk & al }

The Court considering the authorities vested in The Hon. Mr Coltman by the Prince Regent's Proclamation, and the Capacity in which he acted at the time of taking the Recognizances in question granted the Attorney Gen^l motion for the renewal of the Recognizances to appear in the western District in Upper Canada to answer to the charges and allegations made of the parties in that district, after having examined and considered the depositions before Mr Coltman at the time he required the parties to enter into the said Recognizances at the Red River

Whereupon the Earl of Selkirk renewed the securities required of him — The other Defendants having refused to grant the said securities, the Att^y Gen^l moved that they should stand committed, which motion

motion having been granted, they then
gave the security required -

The Kings
vs
Vaundry }

On Indictment - as accessory to
a robbery -

M^r. A. Stuart on behalf of the
Pris^r. moved that he should be admitted
to bail - cited.

2 Hawk. P. C. ch. 15 -

2 H. H. ch. 15. p. 135

4 Bl. Com. p. 298. w

The Atty Gen^r contended that after an
Indictment found the accessory was not
entitled to bail - refers to quere of Hawk
in place cited -

A. Stuart - The p^r is entitled to bail in
this until he shall have been attainted
or convicted -

The Court granted the motion,

The King
Daniel Sullivan

} One Conviction for petty Larceny

The prisoner having been called to the bar to receive his sentence on the above conviction, Mr. J. Sherwood, his counsel, moved that a new trial might be granted to him on the principle of a misdirection of the Judge to the Jury - and contended, that as it appeared that the goods had been lost in Upper Canada there could be no felony committed in regard of them in Lower Canada - That Up. Canada could not be considered as ~~materially~~ ^{materially} with regard to Lower Canada, as two adjoining Counties in the same Province, inasmuch as U. C. was a distinct and separate Province and Government, and the offence here is much the same as if the P^r had been prosecuted ^{here} for goods which had been stolen in England - That if the Goods were stolen in Upper Canada, the P^r ought to have been conveyed to Upper Canada and there tried under St. 36. Geo. Ch. 12 - as otherwise he will be still liable to be tried there for the same offence
and

and by this means be deprived of his piece of
autre fois acquitté, or autrefois atteint - It on the
other hand there was no felonious taking in Upper
Canada, where the goods were lost, there could be
no felony in Lower Canada, nor any crime whatever
committed in regard to those goods by the Pris^r
Before St. 13. Geo. 3. ch. 31, a felon steals goods in England
and carrying them into Scotland, or stealing them in Scotland
and carrying them into England, could not be apprehended
nor tried unless found in the Kingdom where the felony
was committed, his having the goods in his possession
was there considered as no crime, nor can it be so considered
here - The Case referred to which lately happened in
this Court of The King. v. Bourguignon, was
different from the present - there the p^r stole goods
in Montreal and carried them into an adjoining
district - there he was arrested with the goods & and
it is unquestionable he might have been tried either
in the district where he was found or in the district
where the goods were stolen - this case therefore
does not apply - That this case is of moment,
as it affects the rights of His Majesty's Subjects
not merely within this district & Province, but
within all His Majesty's dominions, if any person

coming here with goods, or having goods here in his possession can be convicted of felony, by reason of their having been stolen in other parts of His Majesty's Dominions —

The Att^y. Gen^t. contended that there can be no new trial in Cases of felony, that the only remedy the J^o has if wrongfully convicted was a recommendation for a pardon — That in this Case the Conviction was right, the offence charged and proved was within the jurisdiction of this Court, and it was wholly unnecessary to look to the place where the property had been, or from whence it came, when the theft was proved to have been committed in Montreal

1 Ch. 65A
8 cases referred
to in note —

The Court over-ruled the motion, being of opinion that no new trial can be had in Cases of felony — as to the direction of the Court to the Jury, it was held right, the only question before them being whether the felony had been committed within the Jurisdiction of this Court namely within the parish of Montreal, — that there was no proof before the Jury of any taking

taking of the goods in Upper Canada, or that they had in any manner come to the possession of the P^r in that Province - the goods were found in the possession of the P^r at Montreal and the felonious act was there committed, and it was the duty of the P^r to have shewn that he had come to the possession of the goods in another Province or in a place where no act of felony could attach thereto -

The Counsel now moved, ~~in~~ ^{for} arrest of Judgment, that inasmuch as there two Counts in the Indictment, in one of which the goods were charged as being the property of John Wilson, and in the other they were charged as belonging to persons unknown, and the verdict being a verdict of guilty generally, which applied to both Counts, this was inconsistent and contradictory, and no judgment could be rendered thereon -

But the Court also over-ruled this motion holding that if any of the Counts could support the Verdict it was sufficient - 1 Cb. 639. 640.

Judge^t

Judgment was then given that the Pris^r
should be confined and kept to hard labor in the
house of correction for one year. —

The King
v.
Prudent Vincelot
& al. —

On Conviction for a Riot
Judg^t that each of Defendants
pay a fine of £5- to the King and
give security for their good behaviour
for One Year —

The King . —
v.
Etienne St Jacques

On Conviction for Petty Larceny
Judg^t That Pris^r be confined
and kept to hard labor in the House
of Correction for Six months. —

The King
v.
Michael Munro

On conviction for Steal^s from a
Dwell^r's House, above 40^s —
Judg^t Death. —

The King
St Bourguignon }

On Conviction for Grand Larceny
The Pr^r having prayed his clergy
the same was granted to him, and
he was thereupon sentenced to be confined in the
House of Correction and there kept to hard labor
for two Years -

The King
St Bourguignon }

On Conviction for Gr. Larceny
The Pris^r having again pleaded his
clergy, the Att^y Gen^l replied that
the same could not be granted to him, this being
the second offence of Gr. Larceny of which he had
been convicted, and having already had the benefit
of his clergy -

Mr Stuart, on behalf of the Pr^r observed, that
the Att^y. General ought to be ready with his proof
immediately to shew this, otherwise the Prisoner's
plea ought to be admitted - that when Att^y Gen^l
moves for Judg^t upon a Conviction, the presumption
is that he is ready to rebut any matter of objection
raised

raised by a Pris^r that here it is very evident
that the atty. Gen^l is not ready to rebut the plea
of the P^r as the record of his former Conviction is
not yet made up, and it is necessary that a
copy of this record should be produced before the
Court to exclude the P^r from the benefit of his
clergy, as often as he may claim the same -

The atty Gen^l contended that he ought to be
allowed time to prepare the copy of the record, if
he should see necessary to produce it - And
this was granted, by allowing till next Term
for this purpose - see Can. King v. Dean & Leach Ca

470 -

The King
v
Joseph Vredon }

On Conviction for horse stealing
Judg^t Death -



The King
M^r. Munn }
M^r. Munn }

Our Indictment for steal³ from a dwell³ house
to amt of 40/-

vous av. été acc. du vol. dans une mais. hab: jus qu' au
montant de 40/- St. - de de cette accusation vous avez été
convaincu, et il reste maintenant à prononcer la Sentence
de la loi - qui est un Jug^t. de mort. —

Il par. que les 2 vols. dont vous avez été tr. Coup. ont été
commis dans le même tems - vous av. profité du moment
que les gens de la mais. étoient occupés - pour commettre
ces vols - & la facilité que vous av. trouvée dans la première
cristance, vous a engagé de commettre un second vol de la
même espèce - sur une recherche qui a été faite peu de
tems après il paroit que les montres ont été trouvées en
votre possession: sans que vous ayez pu en rendre compte

Il paroit que vous êtes un hom. d'un autre district
connu ici depuis 3 ou 4 ans,, & les gens qui vous ont
connu ~~vous ont dit~~ ont dit qu'avant ce tems la vous
aviez joui d'un bon caractère - depuis ce tems vos
occupations, vos moyens de vivre ^{ne} sont connus à la Cour
vous paraissez cependant un hom. en état de gagner
votre vie par ^{votre} honnête travail, sans être obligé de
avoir recours a des moyens si peu honnêtes, comme
ceux que vous avez pratiqué - mais ~~ne parait~~
que

que vous êtes un de ces gens débauchés, dont nous voyons tant dans ce district, qui ne savent vivre d'un honnête travail - qui pour supporter leurs dissipation ont pillé leur maison sur la propriété de leur prochain sans la moindre honte ou réflexion - et la conséquence en est, comme il vous est arrivé à présent, que l'on finit toujours mal sa carrière - Comment - pour un vil gain - pour un objet valant une 20^e de piastres, vous exposez, votre réputation & votre vie vous avez cru peut être que pour si peu de chose on courrait pas tant de risque - mais vous connaissez maintenant que la loi protège la prop. de tout hom. dans sa maison - et l'on suppose que celui qui oserait voler dans une maison habitée, est un hom. dangereux dans la société, & déjà familier dans le crime -

Les Jurés vous ont recommandés à la miséricorde & dans le cas que cette recom. soit écoutée - j'espère que vous mettrez à profit l'occasion que cela vous donnera de rentrer dans la bonne opinion des honnêtes gens par une conduite réglée & exemplaire - Si au contraire, cette recom. n'est pas écoutée il faut vous préparer pour subir cette punition que la loi prononce sur votre crime - qui est -

The King }
St Jacques }

On Indictment for Petty Larceny

Vous avez été accusé d'avoir volé un boîte orné dans un magasin en cette Ville, et sur la poursuite qui a été faite, votre offense étoit si évidente, que vous avez été trouvée coupable. —

C'est avec peine que la Cour voit devant elle un hom. que l'on dit être d'une bonne famille — qui a joui jusqu'à présent d'un bon caractère — qui est lui-même peu de famille, exposé à une telle poursuite — a quoi doit on attribuer une telle fatalité, que pour un objet de 3 piastres, vous ayez mis, non seulement votre réputation mais votre vie en danger? parce que si ce boîte eût été enlevé sans ^{la connaissance} que vous en étiez dans le magasin, j'aurais été obligé peut être aujourd'hui de prononcer la sentence de mort contre vous, au lieu de celle qui vous attend — La défense que vous avez faite, étoit, que vous étiez pris de boisson dans le tems — Mais cette défense au lieu d'excuser, doit augmenter votre offense. Mais si vous étiez pris de boisson dans le tems, quelles ont été vos réflexions depuis — un hom. comme vous, libre, ou autrement, auroit dû avoir des fortes raisons pour éviter cette offense — on auroit cru que des parens respectables — des connoissances nombreuses, et vos liaisons dans la société, auroient été des garans pour une conduite plus honnête — Avec quel
dil

precaution
ou

oil serez vous maintenant regardé par tous
ceux qui vous connoissoient auparavant - avec
quelles sensations rentrerez vous maintenant dans
votre famille apres avoir commis un crime si

si vilain, &
si méprisable
avec l'espoir de
tout ce que l'on
respecte dans
la Société

vil - si bas - Ce n'est que par une conduite
exemplaire, à l'avenir que vous pourrez jamais
espérer à rétablir votre caractère, & de jouir de
cette bonne réputation, que vous avez maintenant
debruite - Que votre malheur aujourd'hui
vous serve de leçon - qu'il vous décide d'abandonner
à toujours la boisson comme la chose la plus dangereuse
& la plus execrable - parceque celui qui se livre
à cette habitude de boire n'est plus maître de lui-
même, et ne peut jamais compter sur sa propre
conduite -

The King
m
Bourguignon }

On conviction for Gr. Larceny - Cambri -

Vous avez été amené devant cette Cour sur une accusation portée contre vous pour avoir volé deux caiss cont. de la batiste - app. a M. A. P. et apres un mur examen de cette accusation, vous en avez été trouvé coupable -

La situation ou étoit cette batiste, & les circonstances du vol donnent lieu à croire que ce n'étoit point un vol ordinaire, & que celui qui l'a commis a fait voir une hardiesse, et une expérience dans le crime - Le magasin ou étoit cette batiste a été defoncé - le coffre fort brisé - et l'argent emporté - Il est vrai qu'il n'y a point de plainte devant cette Cour pour cette partie, mais on doit les remarquer comme circonstances qui ont accompagné le vol en question - Sur une soupçon bien légère vous avez été arrêté aux Fr. Rivières et les effets volés ayant été trouvés sur votre personne, cela a donné lieu à cette poursuite, & à votre conviction -

La Cour, en vous voyant devant elle, trouve encore une occasion à remarquer, combien il est fréquent de voir de jeunes gens traduits devant elle, accusés de toutes sortes de crimes - leur mauvaise conduite n'est que trop fréquente dans toutes les situations - Se arrive souvent, qu'un jeune homme debauché commence par voler son bourgeois - et quant il est mis à la porte pour sa mauvaise conduite,

cela,

cela, au lieu de lui faire la moindre impression
ou de corriger son erreur, semble plutôt lui faciliter
les moyens de ses débauches - n'étant plus gêné par d'ord
d'un maître, il s'associe avec des gens dissipés &
vagabonds - il devient vagabond comme eux, et pour
supporter leurs extravagances, les moyens honnêtes
sont méprisés, parce qu'ils ne suffisent point
c'est alors qu'il font les complots de vol, de
pillage, & de toute sorte de brigandage, jusqu'à
ce que ils soient arrêtés, soit par la prison, ou
par la potence - Le chemin que vous
avez tracé, P^{re} mène à ce but - quoique bien
jeune encore, voyez cependant le progrès que
vous avez déjà fait dans le vice - considérez à
quoi vous exposez, & si les avis de cette Cour ne peuvent
influer sur votre conduite, & vous engage à un changement
réfléchissez au moins à la punition qui doit nécessairement
suivre une telle conduite - Au moins de dois espérer
que votre punition et votre malheur puissent servir
d'exemple à vos Complices dans ce vol, si vous en avez,
afin qu'ils rentrent dans leur devoir, & fassent oublier
par leur conduite future toute soupçon du passé -

The King
or
Bourguignon }

ou L. Couviction fa Gr. Larceny. ne

accusation de Burglary - Verdict - Vol. bun

Je dois remarquer sur cette accusation que quoique le Juré ne vous ait point trouvé coupable de la fraction de nuit, mais seulement du Vol des effets, il y a cependant raison à croire que la fraction de la maison a été faite par celui qui a volé les effets - Voilà maintenant le second Gr. Larcin dont vous venez d'être trouvé coupable, et le Jugt. qui doit être prononcé contre vous pour cette offense est un Jugt. de mort - Je ne ferois plus de réflexions sur ~~la~~ ^{votre} conduite passée, mais je crois devoi vous prévenir que les vols fréquens dans cette ville & les environs peuvent être cause, que ce Jugt. seroit mis à exécution - un exemple est nécessaire pour arrêter ces brigandages - devenus si fréquens, et votre sort seroit peut être de servir d'exemple - Les Jurés, il est vrai, vous ont recommandé à la miséricorde de la Couronne - la Cour ne manquera pas d'envoyer cette recommandation - mais il est incertain, même douteux, si cette recom. aura l'effet que vous desirerez et il est de mon devoir par conséquent de vous solliciter de vous préparer à la mort - La miséricorde des hommes pourra vous être refusée, mais vous avez l'assurance que la miséricorde de Dieu vous sera toujours accordée en la méritant par un repentir sincère de vos péchés - réfléchissez sur votre conduite passée, considérez bien

si

si vous n'avez pas à vous reprocher d'autres Crimes,
peut-être aussi énormes, que ceux ~~que~~^{dont} vous venez d'être
trouver coupable - faites approcher de vous les ministres
de votre religion, qui vous feront sentir la nécessité d'un
repentir sincère de vos péchés, et vous procureront ces
consolations spirituelles qui sont nécessaires pour ceux
qui approchent de la mort

The King -
Jos: Vredon. }

On conviection for horse stealing -

Nature du Crime - Conviction - preuve claire -

a voulu établir par votre défense - l'achat du cheval
Les Jures en ont pas ajouté foi aux tem^s - considérés
comme complices dans votre crime - ou du moins pas
croyables -

J'ai eu occasion, à la der. séance de cette Cour de vous
adresser quelques paroles observations au sujet de votre
conduite ^{les de la denture prononcée} ~~sur son caractère~~ ~~à son~~ ~~partir~~ contre vous pour
un autre crime - Je cesse de reiterer ces observations -

Offense actuelle - vol de cheval - un offense capitale -
Offense si frequent - qu'il n'y a pas de semaine de cette
de cette Cour sans que ces offenses parviennent -

Exemple nécessaire - ne sait si il ne sera votre sort

Rien dans sa conduite - pour recommander -

Vos crimes - raison pour l'exemple - danger à la Société

Thurs }
D. Sullivan }

Charged wth crime of Gr. Larceny -
Larceny - conviction Petty Larceny -

Jury shown as much lenity as poss - could not acquit
Circumstances - ext^r nature -

if any charge on board. Vessel - double crime
if in any other way. They came to his poss. as
unprotected propls of a Traveller - bound to
procure it - to find out

To pillage this prop^s - to convert it to your use -
hope of concealment - no claim - no discovery -

Bare villainy - dis graceful -

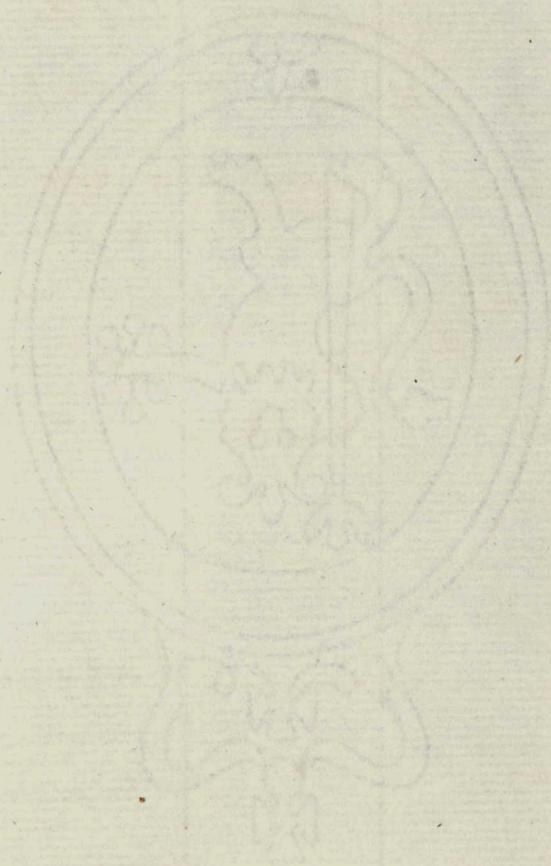
Regret to see a man ^{time of life} who holds himself out as a
a man of character - to whom such a crime
ed? so strongly attach -

Indemnification to Individual -

Civil Remedy - no up care

Verdict - irregular - 2 counts -

1 chit, 639





Friday 8th May 1818 -

The King
or
Chas. Variour }

On trial of Indictment for Grand
Larceny. -

Pierre Regimbal - lives at St. Theres, - saw
P^r then in Sept. last at house of W^r - he demanded
to be conveyed to North River in Carillon - That
W^r carried him to that place in a Calash, and
took wth him his great Coat, they slept at the
Rivier de Nord - Next morning he missed his
great coat, and was obliged to return without
it - That pursuit was made after the p^r - and
he was taken, and the great-coat in his possession
and he delivered back the great-coat to the W^r -
The great coat is worth 6 dollars. - That
Jarvis Payfa was present when P^r deliv^d up
the great Coat -

x

That P^r had no great coat of his own &
the W^r lent him his - The P^r returned it to
him - when he was obliged to return without
his great coat, he gave directions to P^r to get
the

the great-coat and take care of it for him -

Jamies Payser - In Sept. last he was present at St^e
Therese in the house of Seclain, when the father
of last W^r claimed his son's great coat - the
P^r made some difficulty; saying he knew nothing
about the matter - The W^r told Razimbal, if he
had any share to make as the P^r he should do
it. - That next day the last W^r came him of
a P^r went into another room wth him, & soon after
called the W^r to make out a note for about 20
shill^{rs} w^{ch} he acknowledged to owe Razimbal -
That Razimbal then made some enquiry about
his great coat and looking at that of the P^r
w^{ch} he had, said to P^r you have got my great coat
the P^r said he had, but as he had nothing on
under it, he requested P^r Razimbal to go to a
tavern at some distance, where he had left his
own coat in pledge, and he w^od return the
coat of P^r Razimbal - ~~that requested~~ of said
Razimbal not to denounce him, as there was
already a complaint ag^t him - That they
went

went there, and the P^r returned the coat
to Reymbal - did not hear Reymbal
accuse the P^r of having stolen the coat -

Verdict, Not Guilty. -

The King
Franⁿ Bissonet }

On trial of Indictment for
Grand Larceny. -

Jos. Turgeon, dem. à Turbonne - depuis environ
~~deux~~^{un} ans il a perdu des planches, madriers &
autres bois de son chantier vis-à-vis de
Turbonne sur l'Isle Jesus - a perdu au moins
1000 morceaux de bois - on lui informa que
c'est le P^r qui le voloit - a perdu au moins
200 madriers, qui valent 1/3 pièce - 200
planches - à 1/ chaque - et 500 croûtes à 20/
le cent - on peut dire s'il y avoit des marques
sur ces bois -

7^e -

Que les gens du village de Turbonne peuvent
communiquer aisément avec le chantier -

Mr B^{te} Gureau - étoit au serv. de Mr Turgeon l'automne
passé - a su qu'on avoit volé du bois chez
Mr T. et a trouvé 12 croutes à lui appartenants
chez le P^{re} les a reconnu par la marque de
l'eau, comme elles avoient servi pour ^{faire} une
fausse digue chez Mr T. le P. les avoit employé
pour faire un plancher d'étable -

Louis Trudelle - a assisté l'huissier Payfa pour faire
une recherche du bois volé de Mr T. chez le
P^{re} - ils ont reconnu 12 croutes sur le plancher
d'en haut de l'Écurie - par la marque de
l'eau & par des claux qu'il y avoit dedans
comme ils n'ont pu les arracher ils les ont
ouvé dans les croutes - & ont trouvés les mêmes
croutes que les claux rivés chez le P^{re} - Que
le P^{re} étoit présent & dit avoir acheté ces
croutes au moulin de Terrebonne

Mr B^{te} Corbeille - est voisin du P^{re} - Que l'automne
dernier en venant de son ouvrage, ils ont parlé
de bois de sciage, & le P. disoit en avoir grand
besoin - que le T. dit mon copain tu a fait
quelques caches du bois de Mr Turgeon, le P^{re}
lui

lui répondit, oui, & je vais vous le montrer
que cela s'est passé de même - que trois ou
quatre jours après - il a été chez le P^e - lorsqu'il
lui dit, je vais te montrer le cache dont je
vous ai parlé, & a fait montrer le tem. au
général de son table, & lui a montré plusieurs
croutes - environ 18 - 3 levés - & 13 planches,
qu'il doit avoir pris chez Mr Turpon
il dit au Tem. en même temps, n'en parle pas
mais après tout, perdu par Turpon, ou perdu
par un autre c'est la même chose - qu'il
doit avoir pris les planches le même soir
et les avoir portés sur le dos en trois voyages
Qu'un jour en passant par le chantier de
Mr Turpon le P^e - montra au tem. la pile
où il avait pris les planches - & l'endroit
où il avait pris ses croutes, qui étaient
sur une côte où ils avaient été mis après
avoir suivi & fait une fausse digue -
Qu'un soir après, peu après le soleil couché
étant au bord de l'eau il vit passer le P^e -
avec une charge de bois de sciage, venant

du côté du chantier de Mr Turgeon, mais
ne peut dire si il avait pris ce bois chez
Mr Turgeon ou non -

X

a eu difficulté avec le P^r depuis le printemps
dernier, & depuis ce temps ils n'ont point
parlé ensemble - ont eu procès ensemble
devant les Juges à Paris à Lumbonne au
sujet d'une cloche -

Jacques Payfer, a été chargé d'un warrant de
recherche contre le P^r, a été chez lui & ont
cherché, & ont trouvé sur le grenier de son
cabinet plusieurs croûtes, que les témoins qui
étaient avec lui disoient appartenir à Mr
Turgeon, par des clous qui étoient rivés
dedans -

Defence -

Jos. Turgeon - Que le bois qui échapperoit de saer
moulin seroit emporté par le courant par
un route opposé à celle ou demeure le P^r

Vadut

Verdict
Coupable de petit larcin —

W. W. BAILSTON & CO.
1813

Product
Company

118112

MAX BRVINSANTON & Co.

W. B. ALSTON & CO.

1893

1898
LIST

W. B. ALLEN & CO.
PRINTERS
& CO.

WY BAILS, TOWN & CO

1813

STREET

WALTON & WOODMAN & CO

September Sessions 1818.

Tuesday 1st Sept. 1818.

Present

The Ch. Justice

Justices Reid & Pyke.

Commissioner appoints Mr. Gilbert Anslie, Clerk of Crown

Wednesday 2^d Sept. 1818.

The King
Jos: Choiniere
J^r Sabourin

On trial of Indictment for
Perjury. -

Francois Bonier, in ~~June~~^{May} 1816, the D^t
came to W^r to make a purchase of a house from him
they came to an agreement, when it was settled
between them that W. should sell his house for 4000
in money, and a piece of improved land at the end
of def^t's land on q^r. there was a small house, q^r
the W. was to enjoy for 3 years from 1st Michel 1816
that the W. was to provide the seed & sow & cultivate

the

the land and give the Defend^t of the produce -
The W. was also to clear 3 acres of land in three years
which the W. was also to enjoy for 3 years in the
same manner - that Saut. Colin was present at
the agreement when it was stipulated that W. should
have poss. in^t of the bout de terre, of the W. took
possession of the same and remained till the
5th Michiel afterwards, when D^t. turned W^s out of
possession - That upon this the W. prosecuted the
D^t. in the Inferior Court ^{to obtain poss. of the land} for ~~damages~~ ^{the having}
9th D^t. refused to let W. ^{out of} ~~out of~~ ^{the} ~~land~~
been turned out of possⁿ the D^t. having denied
the agreement, and having been sworn de par
on velle touch^s the same, the D^t. declared that he
had never agreed wth W. to give him the bout de terre
for three years, nor made any agreement wth him
whatsoever touch^s the same -

7

The agree^t. was made at one Michiel Lemai's
where W. was at work - they went afterwards
to one Poulin's where they drank together -
they ^{were a small} drank perhaps 3 h^h prints - more^r less - there
was Saut. Colin - the D^t. - Le Poulin & W.
they were assez gai, without being drunk -
That

That he forgot that afternoon when he had
left his saw, and did not find it till next
day - The agreement was that W. sold to D^r
the wood to construct a house of 26 feet square
in ft. he was to have the enjoy^t of the land and
house he has ment^d That Antoine Jolicour
the brother in law of W. lived in the house of W.
was to have - and W. agreed that Jolicour should
remain in the house w. him - that W. never begged
of Jolicour to let him come into the house & live
w. him, Jolicour - That he never acknowledged
before Bernard Jere, & others that he the W. was
obliged to give up the land at St. Michel -

Laurent Colin - he last W. Bonin, & Despard^t -
in May 1816, he was present when an agree^t
was made between Bonin & D^r touch^g the
wood for build^g of a house - Bonin was to have
4 dollars in money to have the enjoy^t of a certain
piece of land with a house on it till St. Michel, for
his own particular benefit - & after St. Michel
D^r was to have the house & land a ferme, that is
furnish^d the seed & prepar^g the land and to give

After

the h^t of produce to D^t. That our Solicitor
was then living in the house, the D^t that B.
might turn him out of the house, but B. said
that Solicitor might remain - That B. was to
have the immediate poss. of the house & lot, of
he afterwards took - That there was afterwards
a wage laid between B. & D^t as to thickness of
wood sold, which wage B. lost - That there was
a suit afterwards brot. in Court by B. - as D^t
for not having allowed B. to enjoy the land he
had let to him, when D^t declared in the box,
that he had given the land in question to B.
for his own use only till St. Michael 1816, but
not rent it for 3 years from St. Michael -

X

Amable Goulet was present when B. lost
the wage w^t D^t - there was then a talk between
the parties touch^g the agreement - but he did
not pay particular attention to the ^{other} part of
agreement, except as to the thickness of the wood -
reiterates bargain - That after the bargain
they went to our Poulins where they had supper
and the parties B. & D^t ~~became~~ intoxicated
and the W^t was also the worse of the liquor -
That

that the bargain was made before they went
to Poulin's, at the place where B. was at
work at Lemai's -

Amable Goulet - was not present when the
agreement was made between the parties B. & D.
but the parties declared in the presence of W.
the agreement they had made some days before
namely, that B. was to furnish the wood
of a house 20 feet square to D. for ^{of} D. was
to pay A dollars in money that B. have the
enjoyt. of a certain piece of land ^{of house} for his own use
till St Michel - and after St Michel B. was
to have the same lot of land & house to farm
for 3 years, he B. provided the seed and
rendering of the produce to D. That B.
was also to clear 3 acres of land in the three
years and to enjoy them in the same way -
that B. was then in the poss. of the house &
land -

x

There was a wager laid between B. & D.
touching the nature of the wood of the house, &
where it shd. be a maison plain. or not, and
upon

upon hearing the reasons of the parties
then present, the D^e agreed that he had
lost the wager - That the wage included
as well the time that B. should enjoy the
land, as the nature of the wood wh^{ch} was to be
furnished for the house - That it was Colin
the last W^r who declared that D^e had lost -
That this took place in house in one Bernard
where he saw Bernard's wife coming & going
in the house - This was the first time he met
with the parties after the bargain had been
made - That Choinier went for sum to
pay the wager he had lost - but did not get
any -

Louis Lemonde. That in the month of July
after the bargain, the D^e told W^r he had
purchased from B. the wood for building
a house about a month before - for wh^{ch} he D^e
the produce ^{of} a certain lot of land till St
Michel from wh^{ch} time he B. was to enjoy the
land as a farmer, providing the seed, & what's
the ground & giving of the produce to D^e
that B. was to clear 3 acres of land and to
enjoy

enjoy it in the same way - That B was to
have the enjoyt. also of a small house upon
the said lot of ground w^{ch} Jolicome his
brother in law then lived - That the W^s
was present in Court, when D^t. was sworn
and upon his oath denied having made any
such agreement with B as that stated by W^s

x^d

Was not present at agreement between D^t. & B,
but D^t. came to place where W^s was at work
in the field cleaning out a ditch & told W^s
the agreement between him D^t. & B - That he
cannot say at what time the D^t. has been
at house of W^s but has often had difficulty
wth him about their lands & their mutual labor
on their lands - The D^t. is a bad neighbour &
it is difficult to obtain from him what is
necessary - There was a person of the name
of Taille' who was at work wth W^s when D^t.
came to speak wth W^s -

John Boston - is atty. at law - was employed by
B. in his suit ag^t D^t. There were two
Suits

apt D: one for trespass in having ~~been~~ turned
out of poss. the Pettr B. the other to recover back
the poss. of the land - the first action B. recovered
Just. in the other action D: was sworn and
examined on oath touching his agreement
w: B. for the land in question that B. should
enjoy it for 3 years, which agreement D:
denied - cannot say that he remembers to
have seen the D: take the oath -

x

That a note of the D: declaration was taken
down by the Clerks and was read over, and
D: app: to approve of it -

Jos: Mathons - it was objected to this W: that
he had been present in Court and had heard
the evidence of the other W: - which was admitted
and therefore the Counsel for D: contended that
he ought not to be admitted, as the Court had
ordered the W: indiscriminately to retire from the
Court - The Sol. Gen: states that he wished to
prove a fact diff: from what any other of the W:
had spoken to, namely the exact: of D: on his
oath - The C: admitted W: on this principle, but
considered that satisfaction of W: ought to be ascertained
by some means to enable him to prove any fact ^{of this} kind ^{of Records}.

Louis Leveque, is Proth. of the Court of N. B.
sup. Jos. Mathons is employed to write in
Court and assist the Proth. That the
paper now produced forms part of a record
in the Cause ^{in Court} wherein Francois Bonin was
Plff and Jos. Choiniere & Sabourin was
Defend^t and adjudged in Court on the
27 June 1817 - The entry in the register
read, stating that the Defend^t was examined
on oath and the Cause dismissed

Jos. Mathons was thereupon examined and
a certain paper purporting to be the answers
of the Defend^t. upon oath being shown, says,
that on 27 June 1817 the said writing was read
by him under the direction of Mr. Monk, Proth.
the paper was read -

x^d

Remembers that it was on the 27 June 1817
that the above paper was written - This he recollects
~~without~~ without recour^e had to the paper - that he
took down the answers as near as he could, and

as far as he recollects from what he heard
the Def^d. declare - that there were some of the
Gentlemen of the bar who were also dictating the
answers of the Def^d -

Here the evidence for the Crown was
closed -

Mr Grant of counsel for the Def^d
contended that no proof of Def^ds having
been sworn - nor has the identity of the
Def^d. been proved - 2 Vol. p. 468 - which
is necessary - circumstantial evidence not
sufficient. Id. 473 -

The Court having taken down the evidence
given by the witnesses as applying to the Def^d
admitted the W^r to be brought up again to
ascertain whether by the Def^d. They meant
to say the Def^d. now before the Court &
answering to this prosⁿ - and as to the fact of
having taken the oath it was a matter to be
submitted to the Jury. Id. 474

Marie

Marie Tetreau wife of Jos. Berard - 112. St. D^{pt}
and Bonin - is distant about 40 acres from
land of D^{pt} - About two years ago saw
these persons and one Goulet at her house
about 10. or 11 o'clock to forenoon when they
staid till about 12 - her son was there at the
time but not her husband - Kn^o that a
wager was laid between Bonin & Choimier,
and they called on Colin & Laberte to decide
the matter - who thereupon declared that
Choimier had won the wager & condemned
Bonin to pay the sum - Goulet was present
& must have heard all that passed -

100. D^{pt} since his infancy, and always
considered him as an honest man - and of
a respectable family - a man attentive to
his moral & religious duties -

Jos. Berard jr, lives at St. Marie - Mr. Bonin
& Choimier - rem. has seen these parties
wth Colin & Goulet at the house of his the Mr's
father about two years ago - There was
a wager laid, and Colin was called upon
to

to say how it was - Colin d^r that B. was
to square timber of a house 20 feet square
for which Dep^r was to give B. 4 dollars &
his land for the year - that upon this it was
declared that Bonin had lost the wager - and
Dep^r set out to get the sum of the wager -
saying as B. had no money he w^d advance
it and B. w^d repay him another time -

Fran^s. Tetreau - of parish of St^e. Marie - to
the Dep^r for these last 16 or 17 years, who
has always kn. him for an honest man &
always considered as such - He also
Bonin -

Jean Bapt^e. Vien - to the Dep^r for several
years past, who has always passed for
an honest man & the Dep^r has always found
and considered him as such - He also
that prosecutor Bonin, has heard that he
was not a man of fair character and
not to be trusted as an honest man -

C. Melcher

Antoine Meunier, 1st. Choismien for several
years, & always considered him as a man of
good character - -

Maurice Guertin - 1st. Dept. for 10 years past
who has always enjoyed a good character
and that of an honest man. - 1st. Louis
Lemondé who is the neighbour of Dept. - that
there has existed difficulties between them, and
has seen them fighting together - That
Bonin has a very indifferent character
in the parish -

Verdict - Not Guilty. -

Thursday 3^d Sept. 1818.

The King
in
Pierre Gauvreau }

On trial of Indictment for
Burglary -

Raymond Martin dit Ledouceur lives in the St. Ant. Sub. No. Pⁿ for 18 years past - on the 9th July last before going to bed he bolted the doors of his house about 9 o'clock in the evening - it was still light enough to distinguish the face of a man passing in the street - his servant girl shut in the windows - he went to bed & fell asleep - ~~then~~ was awake ~~by~~ the night and perceived 3 persons in the room wth 2 candles - one of them came up to him & threatened him if he stirred to kill him, holding a poisoned or knife in his hand - the two others appeared to have sticks in their hands - That the Pⁿ was the last who came into the bed-room and he could distinguish him as he moved about the room, he had a club in his hand - all three had their faces blackened that from the habit of seeing the Pⁿ 8 or 10 times every day, as he works in a shop opposite the house of Mr he recognized the Pⁿ by his figure and manner altho' he had his face blackened - That those persons

demanded

demanded money from the W^r that they made
the ~~W^r~~ ^{wife of W^r} just open the Cupboard, the drawers
and trunks in them, while ~~the~~ W^r stood at the
foot of his bed and observed what passed, - When
they went away they desired W^r to go to bed, telling
him, if he did not they would kill him - That
he saw his wife take a paper in of ^{g^{ts}} there were seven
dollars and gave them - they were not satisfied with
this and said they must have more, but upon
being told that there was no more there in the
house, they then went into another room - and
returned again into the ^{bed} room when P^r went to the
Cupboard and felt wth his hand ~~for money~~ -
they then told W^r to go to bed and not to stir or they
would poison him, and then went away -
That they might have remained in the house about
a quarter of an hour, and when they went away
the W^r looked at his clock and it was half past
two o'clk - That after the windows had been
shut the preceding night by the girl, yet the
W^r went round afterwards before going to bed
saw them shut - That next morn^g the girl
found a piece of iron wth ^{g^{ts}} the door app^d to have
opened the door, and the W^r found a tinder box in

The

in the kitchen next morn^g - That the evening before as Mr David was passing the door he told the daughter of W. that he was coming to settle his acc^t. wth the W. the P^r's daughter was then standing by and heard this - Mr David observed at the time that he had all the money ready in five dollar pieces -

x².

He did not hear the P^r speak while in the room - when he awoke & saw those persons in his room he was a little alarmed, but able to distinguish the P^r and what passed - and from the habit of seeing the P^r daily, he was able to recognize him - and he was on the point of calling out the name of Gauvreau while he was in the room - that he never said to any person that he was in doubt as to the person of Gauvreau - That the next day he was so ill and as not to be able to go out to make his complaint, but went the day after - That the P^r's dress app^d of a dark colour - either brown or black, - thinks it was a Capot he wore.

Angeleque

Angelique Martin, wife of last W^r - That she went to bed about 9 o'clk on 8th July last - and was awoke in the night when she perceived three persons in her bed room wth 2 candles, she was alarmed & cried out ah! mon Dieu, - one of them came up to her wth a club in his hand & called out to her be quiet - we want rente Sols - her husband called out, what do these people want she said they want 30 Sols. he told her to get up & give them it, she opened her cupboard, and took up a small parcel of money w^{ch} she had in a paper to the amount of seven dollars, which she gave to them they then made her open the drawers of the Commode and searched through the room looking for money when they went away they told W^r the husband to go to bed & not make a noise, or they would come back & kill them - That she has lived for 13 years in the house she now inhabits sit belongs to her husband - That after they went away the W^r's husband, if she knew any of these persons, she said she did not - he then remarked, why did you not recognize Gauvreau - means the 1st - she s^d. she did not, the hurt? then s^d that Gauvreau was

was one of them - She did not examine the doors and windows the evening before to see whether they were shut or not -

x²

The W. got up, and her husband stood at the foot of the bed w. a person ~~standing~~ over him w. a ~~purse~~ - That it was the M^o who opened the Cupboard, at the request of these persons - That she knows the P. for upwards of 13 years, but she did not recognize him that night. -

Emerance Lachapelle - ~~is a servant with~~ ^{is Grand-Daughter of} Raymond Martin - in the night of 9th July she slept in a room adjoining the bedroom of Martin - She was awoken in the night by two persons coming into her room - one of them put his hands into a trunk at the foot of her bed but took nothing out - upon this she cried out - when one of them cried out to her not to make a noise or they would kill her - she did not get up but remained in her bed - next morning she found an iron

in the outer door, which appeared to have been
used to ~~take off~~ ^{lift up} the hook which ~~opened~~ ^{fastened} the door
She also found a tinder box near the door, if
had been left there -

That it was Ladouceur she thinks, who
shut the windows the evening before -

Benjamin Ritchotte, a blacksmith lives in St
Ant. Sub. No Pⁿ who used to work for Mr
That he had a piece of iron similar to that
now shown, but he cannot say it is the
same, as it is 14 months since he has seen
it - he has had several persons in his service
since -

x

Went to house of Ladouceur next day after the
robbery, when he explained to Mr the manner
in which the door had been broken open - then
Mr asked him if he did not know some of
the persons, Ladouceur said he did not, as
they had their faces all blackened - but that
he had great doubts in regard of ^{your} Gauvreau
meaning the Pⁿ - saying that altho' he had
his

his face blackened, as if he suspected him from his speech, his walking, and his manner altogether - That the P^r was afterwards apprehended on 11th July - The P^r has been about 16 Years in the service of Mr. That he considers the P^r to be an honest man, he has had great confidence in him and always found exact and honest; and he still believes him to be such, and incapable to commit the act of which he is now accused -

Then the evidence for the Crown was closed -

Defence.

Charlotte St. Louis - W^o P^r for a length of time - in July last - she lived in his house - She heard the month of that month that Ladouceur's house had been broken open - That the evening before she slept in his house and understood he had gone to bed as usual - heard no one get up nor stir in the house in ^{the} night -

Amable Gouvreau, is daughter of P^r - she heard
that some persons had broken into Ladouceur's
house in July - saw her father go to bed in the
same room where she sleeps the night before - it
might be about 9 o'clock - it is a small
room where they sleep - he did not go out
in the night - there was a noise in the street
that night, when her mother got up & looked out.
Had her father got up and gone out, the W^r
must have heard him - That about half past
four in the morning he got up and went to his
work as usual.

x

Is 12 years old - That the precedd evening
after his supper, the P^r sat down for some time
at the door, and when he got up he went into
the house, the last W^r was there also and
saw him - It was then about half past eight
Charlotte got up and went to Lawson's, when
she came back her father had gone to bed -

Benjamin Ritchotte - called up but objected
to, as has rem^d in Court -

Antoine Cote - lives in St. Aust. Sub. is former
100 Pⁿ for 19 yrs past, always considered
him to be a perfectly honest man -

Benjamin Lawzon. 100 Pⁿ for 16 or 18 years,
always considered him as an honest man
& does not think him capable of committing
the Crime of which he is now accused -

Jean B^e Gamelin, 100 Pⁿ for 18 or 20 years -
gives him a good character -

Paul Decarry - same evidence -

Verdict. Not Guilty -

The King
In Bth Leclair

On Indictment for Stealing
privately in a Shop. —

John Sanford, keeps a Store in Montreal
in 1812 in partnership wth Ephraim Sanford
On the 15 Dec. 1812 the P^r came 2 or 3 times into the
Shop, he asked for thread — the W^r took the Steps
to reach down the thread, — there was a golden
collar on the counter, & the W^r heard fall,
the W^r slept down & took up the necklace &
replaced it on the counter — the W^r having
some suspicion of the P^r took off his arm
a pair of Cotton check g^{ts} hung on it, and
under it he found 12 prs white cotton Stockings
g^{ts} W^r recognized to be his — ask^d P^r when he
got them — P^r s^d he had purchased them from
Mr. Armour — the W^r upon this propos^d to ~~him~~
to go wth him to Mr. Armour — upon this the
P^r imm^dly fell on his knees & avow^d he had
stolen them from the W^r the W^r then asked
P^r if he had also taken some Silk Stockings
anything more,

he said he had not, and begged to be excused
The W^r recognized the Stockings from the private
mark of the Shop g^r he found upon them -
The p^r made no kind of resistance when
he was charged with having stolen the Stockings
There were similar Stockings for Sale in his
Shop - The P^r requested to be permitted to
go for his mother, and the W^r allowed him to
go upon his leaving his cotton check &
some money - The Stockings were left with
the W^r & Ep Sanford for Sale, and had
the private marks of the person whose
property they were, but there was no private
mark made by the W^r or any person of his
house on them - That W^r asked P^r what
his name was, he gave him a name different
from that of Leclair, but does not recollect it -
That he lived at Assomption - finding
that the P^r did not return, the W^r began to ex-
his store & found several other articles had
been stolen, and upon this he went in search
of the P^r and found him at the house of
one

one Latour, when he was employed in
taking the marks out of some ribbands
and other articles, and W- recognized about
80 pieces of ribband of- had been taken from his
store, the marks were the prices of- had been
~~made~~ put on them by the W- & his brother -
upon this he went to the police to get a warrant
& a Constable - when he came back to Latour's the
P- was gone, but the ribbands & stockings were
still there - The goods were put in charge of
W. Marston the Constable - and some time -
afterwards the ribbands were restored to W- by
an order of the Court - the stockings now shown
are the same the W- found at lodging of the
P- at Latour - There were some of the ribbands
upon which the marks still remained, so that
the W- could recognize them - The ribbands
were worth of the price -

7-

The goods were in a place where they
usually sold at public sale & also at private
sale - in a room off the sale room - That

they

they sold them a pound of thread & a piece
of ribband - He had a Clerk at times, but
does not think that he sold anything to P^r
that day - That he remarked there were 3 doz
of Stock's wants from the Shelves - as he knew
the quantity of Stocks he had there - his Clk
might have sold some of them before without
his knowledge - There was no mark on the
Stockings made thereon by W^r and believes
that similar Stockings might be found
in other Stores - That he had not sold
many of the ribbands before they were stolen
cannot say that the room in Latour's house
where he found the P^r was the place of residence
or lodgings of the P^r - Never saw P^r at
different sales since the theft, nor at Mr
Young's Sale - Saw him once ^{or twice} at one of
his own Sales, with his mother - That
Mr Porteous told W^r that about a year ago
that the P^r was in town, but it was not
in consequence of any solicitation from Mr
Porteous that he caused P^r to be arrested -

never

Never promised P. in consequence of the money he had rec^d. to let P. go or not to speak of business -

Ephraim Sanford - In 1812, he was Partner with last W. does not recognize the Dr^m. that on 15 Dec 1812 his br. arrested a man on suspicion of theft - was present when the goods were found upon him, as he came in at time - Saw a necklace a dog. stockings &c were then lying on a table in the store - when the goods are kept and are sold and are exposed to sale - That the ^{stockings &} necklace was for Juli then - the P. begged, that as he was of a good family it was his first offense they wd pardon him - & as he was in the habit of buying & selling, they supposed that this might be his first offense & he said that as his mother was in town they wd allow him to go for her to satisfy them on this head & to answer for his future good conduct - they allowed him to go for his mother, while
h

he was gone, they missed several other articles - the br. of W. then went in pursuit of P. - The stockings which were on the table in the store found on the P. remained there -

X^p -

There were three apartments in the house they kept, one was a place of public sale, the other was a store room and the third a counting room - where the goods were, was considered as well a store room as for keeping the goods as for the sale of them -

That it appeared to W. that the P. was under an impression of receiving favor from his brother in consequence of his confession of its being his first offence, - but this was after the goods was found & after the confession made -

The P. had purchased goods from W. as well as from several other dealers in town before that time - without the P.'s confession he could not
have

have sworn that the Goods in question
were his -

Andrew Robinson, clerk to Mr. McQueen, member
in Montreal - 100 P^{rs} rem. to have seen him
in Dec 1812 in Mr. McQ. 's Store - he went
to the lodgings of P^r

P^r lodged at Mr. Latour's - did not see
John Sanford there - nor any effects said
to have been stolen from him - did not
see the P^r there, nor did Mr. J. put the P^r
in his custody while he went to the police
office -

Jacob Marston - being called was objected to
as not having been sent out of Court with
the other witnesses - admitted to speak to
all points subsequent to the evidence of Mr. Sanford
previous to Marston's being sent out of Court.
Says that 7 or 8 years ago in the month of
Dec. he executed a search warrant for stolen
goods at different houses in Montreal, and
found

found the articles now produced at Madame
Latain's - did not see the P^r - The warrant
he thinks was aff. In 13th. Clair -

The Counsel for P^r submitted to the
Court how far he ought to be bound to go
into his defence, as the whole case hinged
on the Confession of the P^r and as it was
given under an impression of being
pardon'd or of receiving favor from Mr
Young it ought not to be received in
evidence against him - refer to case of
Hall. before Mr Sergeant Adair - 2^d
Leach 036 -

The Court considered the confession of the
P^r as far as appeared to be voluntary & free,
that the impression of the W^r could not be
received as being the impression of the
P^r, because no illegal means app^r to have
been used to induce the P^r to make that
confession - the matter ought to be left to the
Jury to judge of its validity -

Noel Chatellau, lives at Lachunaye, has known the P^r for six years past that is since Dec. 1812, he then took him in from charity - he had a falling sickness, & was in a weakly state - he remained wth W^r for 6 months - it appeared to W^r that he was deranged in his mind - he staid altogether 2 years with the W^r

One Augé 10^o P^r for 15 or 16 years - who belongs to a respectable family - has heard that he had a falling sickness, and that it used to make an impression on his mind - Has always known the P^r to be an honest man -

Fran^o. Savarin 10^o P^r for 15 or 16 years, knows that he is subject to a falling sickness - W^r that he staid at one Chatellau's - where he was afflicted with this misfortune - W^r that he was deranged in his mind while he staid there

Charles Roi. 10^o P^r for 20 years - has always enjoyed a good character - for he lived some
time

him at our Chutellaw's - has no
knowledge that the P^r ever concealed himself.

Jos. Terrier is P^r for 13 years past and
always considered him an honest man

James Young is an auctioneer in Town
has seen the P^r for some years past
come to his sales, and has seen Mr John
Sanford there while the P^r was there &
sitting at opposite sides of same table
has purchased goods at different times
at his sales perhaps once a twice a
week, he always pd him regularly, and the
W^r considered him & still does consider him
as an honest man -

John Dillon - has known P^r for 18 months past
considered him always as an honest man
till the prosecution ruined a^t him by Mr
Crumble for stealing when W^r was more
on

on his guard, but the P^r always paid
him honestly, as well after as before -

Verdict. Not Guilty -

Friday 4th Sept^r 1818.

The King
v
Will^m Masson

On trial of Indictment for
Grand Larceny

Mary McKenzie, wife of Geo. McKenzie
of Montreal, Tavernkeeper, recollects having seen P^r
at her house on 22^d Aug^t last - at time there lay
a coat on a table near the Counter, it was in
the forenoon - The P^r had a glass of beer, for w^{ch}
he paid, and W^h had occasion to go into another
room for a couple of minutes, when she returned
the P^r was gone & had carried off the Coat, but
left his beer untouched - The coat now
produced is the same, & belongs to Geo. McKenzie

Geo. McKenzie lives on old market place in Montreal
has been P^r for two years - in consequence of
informⁿ he rec^d from his wife he went in pursuit
of P^r who return^d again to the house in the
even^g - Mr W. charged him wth having stolen his
Coat, that day, of P^r denied, saying he had not
been in the house that day, but afterwards
acknowledged that the Coat was at the house of
one Collins in the St^l Sub. and went along wth
W. to the house where he found his Coat, the
same as now produced - is worth 30/- upwards
It appeared that Collins had purchased the Coat
of the P^r and the P^r returned back that money
to Collins in the presence of the W^r upon this
the W^r got his Coat back. -

James Collins, Taylor in the St^l Sub - On
the 22^d Augst last, the P^r brot him a mans
coat, the same now shown, w^{ch} the W^r brought
from P^r and gave him 6/3 for it - the
P^r said he had the Coat from a Doctor in Quebec
where he had lived - the same Coat the W^r
deliv^d back to McKenzie upon understanding

Mr

the P^r had not come honestly by it. —

Verdict — Guilty of Petty Larceny

The King
or
Anthony Bellew }

On trial of Indictment
for privately stealing in
a Stable to the value of 5/-

James Gillespie, Servant of Mr Thomas
Thain who lives in the ^{house of} Messrs Richardson &
Forsyth who are Partners in trade. On Sunday
the 9th Aug^r. he put 2 bridles in the Stable
one of these bridles wth double bits was the
property of Wm Forsyth wth double reins
it was worth about six dollars — the other
bridle belongs to Mr Thos Thain wth single
rein & single bit and might be worth
about ten shillings — saw both these bridles
about 1/2 past eight o'clk in the ev^g of the
9th Aug^r — in the Stable 9th belongs to the
house of Messrs Forsyth & Richardson —

The

He missed the bridles on Monday after
in the morning, and on the Monday week
after he afterwards saw the bridles - That
it was about 10 o'clock in the morn of
Monday when he first missed the bridles
The night preceding he fastened the stable
door with a padlock at night, and next
morning found the door in the same state
he had been in the stable in the morning of
10th before he missed the bridles, and on his
returning back at ten o'clock, he first
observed the bridles were gone -

Jos. Maurice Samothe, lives in Montreal, - saw
the P^r on the hay market on the 10th or 12th
Aug^t last w^t a bridle w^t he offered to sell
for 5/6 it was a bridle w^t a double rein & double
bit - This app^d to W^r not to be the value of it,
and asked P^r when he had got it, the P^r said
he had from a man of the name of John
Williams who lived on the Old market place
the W. S. he w^d like to see that John Williams,
the

The P. S. he would go with W. and show him -
The P. went towards St. Ant. Ind. when W. told
him that was not the way to the Old market place
when P. s^d do you think I have stolen the
bridle, the W. said it looked like it - Well
he s^d. you are not a Constable, go for a Constable
but the W. said he w^d. not let him go, and
he must follow the W. to the Weigh House
of he did, and when there the P. told W. he
had got the bridle from one John Bailey
when W. took the bridle from the P. telling
him he would not return it till he could
show where he got it - The P. went away, but
soon returned to claim the bridle - of
the W. left in charge wth. one Terril, Clerk
at the Weigh House -

X²

Did not take any notice of any particular
marks being on the bridle - About 15 days
after the W. carried the bridle to the police office
but put no mark on it, but verily believes it
to be the same he took from the P. That
the W. some time after took the bridle from
the

The police office and returned it to the
owner, and he then put a mark upon it -
The bridle now shown is the same he recd from
Terril and delivered to the police office, and
which he afterwards took from the Police
office, marked & delivered to the owner

Philemon Terril, keeper the Wash House, saw
the P. on 10th Aug: last at that place, he
came there with Cap: Lamothe, the last W^o
who then had a bridle in his hand - This
bridle Mr Lamothe deliv^d. to W^o to keep, and
is the same now shown to W^o - The P. said
first that he had gotten the bridle from John
Williams and afterwards he said he had it
from one John Dailey or Dailey - said he
had it for sale and asked 5/6 for it - This
was not its value, as it is worth 25/ at
least - and W^o observed to P. that he did
not think he had come by it honestly, or
he could not sell it at such a low price
The bridle remained in the poss. of the W^o
for

In 8 days, during of. time the P^r never came
to claim the bridle or to produce the owner -
That the bridle now shown is the same of
remained in his possession and while he det^d
back to Mr Lamoth who carried it to the
Police Office -

Emanuel Dauberville - he arrested the P^r
is head watchman, found him concealed
under a floor in a new building in the T^hey
market on the 20th Aug^r. last - he was then
taken to the Police Office as being the man who
had stolen the bridles -

James Gillespie brot up again says, the bridle
now shown is same of. was stolen from Mr
Richardson & Forsyth and is the property of
W^m Forsyth -

Guilty of Petty Larceny
only -

The Slings
or

Jos: Cadoret &
Law^r Hicks
& Monferrant

On trial of Indictment
for an assault with
intent to commit a rape
on one Marg^{te} Dufant

Marquerite Dufant lives at St. Laurent
saw Defend^r in the St^e Catherine road on
21 July last, there was a man with her, one
Joseph Lafontaine. ~~who~~ ^{they} were followed the
W^r, and when they came up wth her they began
to insult her by abusive language - proposed
to her to go into the woods w^hin she would give
her half a dollar - that she went into a house
wth Lafontaine, where the P^{rs} followed and
threatened W^r if she said any thing they would
destroy her - she staid in the house for a length
of time, and after they were gone, she went
out with a view to go on her way homeward
she was then alone, and the P^{rs} came up wth
her again, laid hold of her, dragged her along
into the woods and that Monferrant stood

as sentinel and encouraged the other to enjoy
the W^{ch} and if he did not do it, that he
Monferrant would - That Cadout was drunk
but endeavoured by all means in his power
to effect his purpose, by ~~endeavouring~~ to pull
up her petticoats, undoing his own cloaths
and making every possible effort to effect his
purpose - That she would have escaped from
Cadout, as he was much in liquor, but
Monferrant who was sober, laid hold of
her and brought her back - That she was
detained in this way and ill used by the
P^{rs} for nearly two hours as far as she can
judge, before she escaped from them - That
a man happened to pass near that evening
when the P^{rs} made their escape - That she
was very much bruised & hurt & has been
ill ever since - That she is a widow, and
has four children. -

x²

That she had marks of violence upon her
legs & thighs, which she shewed to several
persons

persons - That it was in the public high way a little beyond the St. L. Sub. on the road to St. Catherine - That she slept the night before in the Quebec Sub. - had been at work in town for some days previous - Met with Lafontaine in the St. L. Sub. who was going same road with her - That the P^{rs} came up wth her in the St. Cath. Road & then insulted & ill-used her - She went into the house of one Champignie wth P^{rs} & saved Lafontaine hoping thereby to escape from their violence - That it was a public house - here one of the P^{rs} gave her a glass of wine which she drank - The P^{rs} went out and about 1/4 hour after she went out also in order to go homewards - That she made no complaint while in that house - That Lafontaine had a bottle wth liquor in it, but ^{of} he offered none to W² - Saw no house near Champignie - She was thrown over a fence near the road and carried into the woods to a great distance - where she was again much ill-used & when she was held until a man came up, when the P^{rs} made their escape - That she made

no complaint to this man, but only said she was very glad to see him & went on her way - she was too much worn out to make any complaint to him - That she never said to this man, that she knew Cadoret and that he was unwell & she would stay & take care of him upon the man telling her to come away & leave them drunken people - That she drank only that day the one glass of wine & the P^r gave her at Champigny's -

Jos. Lafontaine, is a Tailor and lives at Deschambault, N.S. last W^e was with on 22 July went on the road to St Laurent - they met the P^rs on the road - when Cadoret looking hard at M. D. said I know you, you must come along w. me into the woods and gain 1/2 a doll - or if you wont do it I'll pull your cap off & tear off your clothes the W^e had a bottle of Shrub in a h^l of y^l he was carrys w^h him to St Laurent - Cadoret
wounded

wrenched the bottle from the W^m on his
refusing to give him part of it - upon this
they all returned to a tavern where the
D^r had some wine and gave a glass to
the W^m and another to M^r D - they staid
here a short time - the D^r went away, &
soon after the W^m & M^r D. followed, but
had not gone far when D^r came up with
them again when Cadant laid hold of
M^r D. carried her over a fence and into the
woods after her will - the W^m wished to
follow to see what was to happen but
they forbid him saying they w^d. destroy
him if he attempted it - that he saw
that they were ill-using the woman -
that seeing there was danger to advance
further, he went away & left them together

¶

Never kn. M^r D. before this time, as
he was going on the same way, she asked W^m
to go along with her - she even laid hold

of

of W's arm and walked on whir - That
he sat down and rested some time in the
wood wth M. D. at some distance from the
road, about an acre or an acre & a half
and then they took a glass of Shrub together
out of the bottle, as they had no glass -

That after they came out of Champigne,
M. D. W. returned towards the woods
and had got over the fence seen in the
bocage then they again met with P^{rs}
who laid hold of M. D. & tried her away
from him, but did not see P^{rs} force her
over any fence -

(Here the evidence for the Crown was
closed -

Mr Grant counsel for the P^{rs} was
called upon to make any observations he
might have on the evidence adduced in
support of the accusation, and also to open
the nature of his defence, which he did -

The

The Court took this occasion to intimate to the bar, that they would in future observe this mode of conducting the Prosecutions before the Court when the Defendants & Pros had the full benefit of Counsel -

Witnesses for Def^s

Olivier Girard, lives in St. L. Sub - about a month, or a month & a half ago, he met the first W. M. D. the last W. & the two ^{W's} coming from Mr Cadieu's towards the road - when Lafontaine & Dufort came to the road they stopped there & the P^s came up with them - That Monfereand had a bottle that Lafontaine left them & got into the W's Cart & left the woman & the 2 P^s together, she appeared to follow them into the brush voluntarily and no person appeared to force her - This was near the public road -

Christian Crovad. 1st P^m that about Six
weeks ago he saw P^m and M. D. in the woods
Cadout was stretched on the ground asleep
and M. D. was close by him wth a whip driving
away the flies from them - That he heard
Monsieur tell her that she had done wrong
to give that man so much liquor, and that
she ought to go about her business - That the
W^m laid hold of her by the arm and told her to
come away as it was a shame to see her there
she ans^d that she knew Cadout very well
and that she staid to take care of him as he
was not very well - That Cadout is a
married man and lives in the Suburbs - That
he lifted Cadout by the arm, she appeared to
be very well -

Laurent Laporte - 1st W. Dufant, saw her
drunk two different times -

Verdict. Not Guilty -

Saturday 5th Sept. 1818. —

The King
Fran^s Gareau }

On trial of Indictment
for Ox stealing. —

Charles Bapt^e Boue, lives at Terrebonne,
the P^r lived on a land of M^r as farmer last
fall, he had the land on halves — he left his
employ^t. two days after St. Michel — that same
day he left the land M^r perceived there were two
Oxen and a Cow missing — the P^r being demanded
where their Cattle were, he refused to give any
account of them, saying he was not obliged to
find them for the M^r The Oxen & Cows on the
farm were the property of the M^r and were
committed to the charge of the P^r That the
M^r in consequence obtained a Search warrant
a few days after and found the Cow in the poss.
of the P^r who told the M^r that he had taken
the Cow along wth him from the farm of the M^r
wh^o was about a league distant from the farm of
the P^r said, that considering the time he had been
in

in the service of the W^r he might be entitled to have the Cow - he refused to restore the Cow - she was worth eight or ten dollars - That he found the Oxen at Declaire's of Muscouche, - values them at Six pounds - Upon being questioned touching the Oxen the P^r instantly refused to give any acct of them, & when they were found & he was taxed with having stolen them, he did not deny it, but said he had been badly advised -

X^d -

That the P^r has been farmer with W^r & his father about 30 years - That the Oxen in question were produced on the land where the P^r was a farmer before entering on the land he last occupied - they were the half of produce belonging to the ~~W^r~~ P^r but the W^r purchased them from the P^r and gave him an ox valued at 12 dollars for them - the oxen were then Young & have remained with the P^r ever since. That the W^r has had many accounts to settle with the P^r in consequence of having been so long on the farms of W^r and still has acct^s to settle with him - The Cow in question was the property of W^r as there were none to divide wth P^r when he left the former farm to reside upon the one he last held -

Fran^s. Leclaire, lives at Mas couché de Pay de
Terribonne. That about 3 weeks before S^t. Michel
the P^r offered ~~2 oxen for sale~~ asked of W. to put
2 oxen into ~~his~~ ^{the} field, ^{of son in law of W.} saying they were his property
The W. knew P^r to be Mr. Bone's farmer - The
oxen remained there for about 3 weeks when Mr
Bone came & claimed them as his property and took
them away wth him under a Search-warrant -

x²

Mr. P^r for 35 years - Mr. the oxen in question
which were produced on farm of P^r - That the
P^r bro^t the oxen to the land of W. in open day
saying he could not keep them wth them, as they
did damage to his neighbour Lawson - always
considered the Oxen to be the property of the P^r
as having been raised by him & always in his
possession - The Cow in question the W. also
considers as the property of P^r having been raised
by him & always in his possession - When Mr
Bone came to claim the Oxen the W. was surprised
~~at it~~, and told him they were the property of the
P^r but the Constable took them away, saying Mr
Bone w^d. be answerable for them. -

Jamies Payfer, is a bailiff, was charged with a
search

search warrant for a Cow & two Oxen which had been stolen from Mr Bone - In last fall went in consequence to the house of the last W^r where he found the Oxen - After the P^r was taken he was advised to give up the Oxen & endeavour to come to some arrangement wth Mr Bone, but the P^r said the Oxen were his property and would not tell when they were, if Mr Bone claims them as his he may look for them - The W^r found the Cow in the poss. of the P^r which Mr Bone claimed as his property - the P^r resisted the claim of Mr Bone and refused to give up the Cow, saying she was his the P^r's property -

Louis Torrey. - says nothing -

The evidence for the Crown was closed

Defence -

Louis Gareau. Son of the P^r says, that he has always remained in the house of P^r & that about five years ago there was a division made of the property on the farm between P^r & Mr Bone -

there

there were 3 cows to be divided - The P^r left Mr Bone's oxen on the farm, he then left, and took two young oxen w^h were his, which was his part, and in the same now claimed by Mr Bone - both the oxen & the Cow are the property of P^r and never were considered as the property of Mr Bone - That at last St. Michel when the P^r left the farm he took the Cow with him being his property - Mr Bone then claimed one ox as belonging to him, but P^r denied that any of the oxen belonged to Mr Bone & that both the Cow & the oxen were his property.

Jos: Lawson, lives at Mas couché de Pap. The P^r last year lived on a farm adjoining the land of the Mr of - belonged to Mr Bone - The P^r had two Oxen of - used to break into a field of oats of the Mr and on that cut. The Mr obliged him to remove them, in consequence of which the P^r sent them to the farm of de laire - That about 3 years ago he saw Mr Bone leading away two oxen as his share of the cattle raised on the farm of - the P^r formerly lived on - the oxen now in question were raised by the P^r and always in his possession -

and

and he always understood from the P: that their
open as well as the Case were the property of
P^r - 180. P^r for 30 years & always considered him
as an honest man -

The Jury, without withdrawing
from the box, returned a Verdict of Not Guilty

The King }
Marie Trimoulé's } On trial of Indictment for
Sacrilege -

Frans Dubé, Sexton of Terrebonne -
On the 6th Aug^t. last after Grand Mass in the morning
he saw the P^r in the Church apparently at her
prayers - he went out and left the P^r in the
Church, she being the only person he saw there -
he was not absent above a quarter of an hour,
when he ret^d he saw P^r still there - she then
went out - and an instant after she returned
into the Church - the W^r went out also -
the P^r soon after followed, and went toward
the upper part of the Village - at 12 o'clock
h

he went to ring the bell, and then missed a
small carpet or cover of the altar of blue lambslet
of value at 5/- he immediately suspected
the Person he had so seen in the Church, as he did
not then know her - went after her and found
her at house of Jean Couillon - he charged her
with the theft, which she denied it - the W^r
desired the P^r to go with him before a Magistrate
she followed him, soon the way, she kept aside
from W^r about 30 feet and on looking behind
him he found the P^r in a retired place and
upon going up to her she was drawing the
tapis from under her gown - she acknowledged
having taken the tapis, begged of W^r not to expose
her - the tapis now shown to be that stolen -
estimates it at 4/-

x²

There was a great many people at Church
that day, and there were several people in the
Sacristie waiting for the priest to confess to him -
When he first went out of Church after Grand
Mass, there remained several people in Church,
That

That an hour elapsed between the time the
P^r. last left the Church before he went into the
Church to ring the 12 o'clock bell. That
when the P^r. gave up the tapis she said she
had received it from another girl -

Esther Barret - lives at Terrebonne, on 6th Aug. last
the P^r. offered a piece of Camblet to W^r for sale for
which she asked 15 Sols, she s^d? it belonged to her -
the piece now shown she thinks to be the same -
The W^r. bot. it - Some time after the last - M. Dubé
came and claimed the Camblet -

Here Dubé was called and said, that the
piece of Camblet he got from W^r Barret, corresponded
wth. the tapis taken, as being a part of it -

x²

The P^r. came into the house of W^r. carrying the piece
of Camblet in her hand & offered it for sale for 20
sols - the W^r. offered 15 sols - of P^r. accepted, saying
her children were in want of bread -

Alex^{is} Corbeau - is one of the Church-wardens of the
parish of Terrebonne - and, Quinas and
P^r. Villeneuve are the other Marguethers, etc.

to them the charge and custody of the
effects of the church is committed -

Verdict of Petty Larceny. -

The King
Julien Tavernier }
Fran^t Tavernier }

One Indictment for an assault
on a Constable in the ex^{er}on
of his Office -

Richard Hunt, is a bailiff - 14th D^{is} he
rec^d. a warrant on 22nd a 23rd June last to ex^{er}on
Julien Tavernier to apprehend him to give
Security - the warrant is under the hand & Seal
of Mr. Mondelot. Just. Peace - he com. the
warrant to D^t. and requested him to come to the
Police Office wth him, he came a part of the way
& after having met & spoke to some persons on the
way, he refused to go any further - The W^{ts}
endeavoured to persuade D^t to go on wth him
but he refused - the W^{ts} then took him by the
arm

arm or lay the shoulder to take him along,
but he resisted - he shifted back a little took
up a stone and threatened W. if he approached
him he w^d destroy him wth that stone - the W.
however persisted - when P.^r drew back a little
further & threw the stone at W. but it did not
hit him, or it w^d have been fatal to him as it
weighed 12 or 14 pounds - The P.^r then went into
the French Coffee House the W. followed - and
again end ev^r to persuade him to go along wth him
but he still resisted - the W. then laid hold of
the P.^r - who resisted, and struck the W. several
blows with his fist - here the P.^r escaped - The
W. followed him towards a house of w^{as}
building, ^{when P.^r} got on the scaffolding then about two
stories high and the W. was about following
& had got on a ladder & was about 6 or 8 feet
from the ground, when P.^r threw him off
the ladder on the ground - he then took up two
stones & told W. if he attempted to come up
he would knock him down with them -

The

The W^r here saw Fr^s Tavernier, and
requested of him to advise his brother to surrender
himself - F. T. said, that it was his opinion
that if he the W^r persisted he run the risk
of losing his life - The W^r requested of some
persons to watch the P^r & came to guard for
assistance, but could not get any - went
to Mr. Mondet to request assistance, who
told him he could give him no other assistance
unless he got the public to assist him -
The then returned to find P^r & came up wth
him coming from Rec. Sub. he pursued him
& directed him to stop, he w^d. not, & on W^r coming
up, the P^r struck at W^r, and W^r returned the
blow wth a stick he held - at this moment
D^r came to his assistance & they seized the P^r
by each arm - The D^r Frank came up behind
W^r laid hold of W^r and rescued the P^r from
him, he also twisted the stick the W^r had out
of his hand - Mr. Delisle here came up, and
all further opposition ceased -

He read the warrant to P^r till he was satisfied with the Contents - The W^r had already arrested Julien upon a warrant - The W^r just arrested Julien at the house of Provendier - Then after the W^r had consented not to tie Julien, Fran^s assisted in conducting Julien to Jail -

Sarah Hamilton, wife of Mr Provendier, keeps Tavern in St L. Sub. - rem. has seen Hart at her house - Mr Jul. Tav. who was in the house and Hart said he had a warrant against them - saw them together afterwards saw Hart put his hand upon the shoulder of Tavernier, cannot say for what purpose - heard Hart ask Tavernier to go with him & they went off together -

Louis Morange - lives at French Coffee house, has seen Hart for 6 months - saw Julien Tavernier come into the Coffee house on 22^d June last and Hart after him as if pursuing him - when Tavernier gave Hart a blow on the Chin & knocked his head against the wall, saying at same time, Je te mangerai - that Hart had a stick
in

in his hand ~~was~~ ^{he} used as if to ward off
the blows of the other - telling Julien at the
same time, that had better come along quietly
but - Julien seemed to resist - That Julien seemed
to resist, and went out of the house and Hart
after him -

William Mitchler w. Hart the Constable - About
the end of June last, Hart came and asked W. if
he w^d. let one Gerrit his clerk & a Constable
who was w. W. - go w. him to assist in retaking
Tavernier - he granted this - They went off
together - observed Hart go to a new house
which was near. Julien got up upon the
scaffolding Hart endeavouring to follow -
Julien told him if he attempted to follow, he
would throw him off the scaffolding - and
as Hart attempted to mount one of the ladders
the P^r. Julien shook it so, that Hart was
obliged to jump down in order to save himself
the P^r. told Hart, that he would go to the
Police office next day, but that he would
not

not allow himself to be taken that day

Philemon Tarral - W. Hart - & Deft^s remembers
to have seen Hart & the two Deft^s near the
weigh house - Hart came to ask for assistance
to catch Indian who had escaped from him &
the W. went wth Hart to where Indian was at
a new house they were building - and Hart
attempted to go up the ladder after Indian,
but Indian threatened him if he followed he
would throw him down - Hart was obliged
to come away requested of W. to remain there
till he could get assistance from the Guard
Hart returned soon after but had no assistance &
by this time Indian had left the house and was
going towards where his brother was, and Hart
went after him telling him, that now he must
surrender & put out his hand as if to arrest him
the other clenched his fist as if to strike Hart -
and said he would not - upon this Hart struck
at Indian wth the stick he had in his hand
& gave Indian 2 or 3 blows with it -

John

John Delisle, Deputy Mayor - on 22^o June last about six or seven o'clock in evening he saw the P^r Julien going towards the town and Hart after him - soon after saw Hart give Julien a blow with a stick - upon this he observed Frank with 2 or 3 workmen coming up seemingly agitated and upon this the W^r interfered and told Frank to take care what he was going to do, as Hart had a warrant to apprehend his brother and had a right to employ violence in case of resistance - upon this they agreed to go to the Police office altogether -

Here the evidence for the Crown was closed -

Defence -

Louis Conte - was on the Scaffold at work on a house near the W^g House on 22^o June last saw Julien Tournie apparently talking with another man - saw some person give 2 or 3 blows to Julien - upon this Frank ~~was~~ was on the Scaffold also, observed, that it was very hard

hard to see a man used in that manner,
and run down to the party & took off the man
from his brother - he afterwards assisted in
conveying Julien to prison -

Jos. Chertland - was on the new building at work
as a mason, when he observed the bailiff strike
Julien with a stick and then close in upon him -
Frank seeing this run down & took off one of the
Bailiffs from his brother -

Gabriel Sanson saw the P. Julien on 22^d June
last, he was much in liquor - saw him speaking
to a man on the hay market - saw the bailiff
come up to Julien & as he was turning round
he saw the bailiff give Julien a blow with a
stick, which brot Julien almost down to the ground
and as he was rising up again he gave him another
upon wh. Frank - run up and took off the bailiff
saying it was hard to see a man so ill-used
Frank then interposed & engaged his brother to prevail
wth him to Govt -

Frank - Demerise Same Evidence -

Verdict - Guilty as Jurkin
Tavernier - Not Guilty as to
Fran Tavernier

Monday 7th Sept. 1818

The King. }
Edward Sidney }
James Healey. }
Tobias Burke, & }
Edmond Burke }

On trial of Indictment for
Burglary. -

The Prisoners Tobias Burke and
Edmond Burke, prayed that they
might be tried separately from the
other two prisoners, which was granted to them,
and in consequence the trial proceeded ag^t. Edw^d
Sidney and James Healey. -

Margaret Dufaut Labelle, lives in Bleury Street in the
St. Lawrence Sub. in the house of P^r. Cardinal - lived
there in May last - On 21 May last St. W. on Miss
Dufaut & M. Cardinal slept in the house - the house
is situated in an orchard wth the gable end on the Street
the front & back doors are in the orchard - She shut
the

the doors ~~and~~ windows of the house on the
ev^s of 20th - except the shutter of Mr Cardinal's bed
room, but the window was well shut - There are
four apartments in the house, a kitchen, a hall and
two bed-rooms - the back door opens into the kitchen -
there is a door between the kitchen & hall - between
the hall & the bed-room where W^r slept, & from that
into Mr Cardinal's bed room - so that in order to get
into Mr C's bedroom, you must pass thro' room
of W^r - M. Dufant was in her bed-room that night
& Mr C. slept in his own room that night - they
went to bed between 9 & 10 (11) - about midnight she
heard some noise in the kitchen & awoke her - she
did not kn. what it was she got up - she saw a
light in the hall - she saw a man in the hall, &
upon this she returned to her bed - the man ^{came} followed
~~her~~ into her room wth a lanthorn & a stick in his
hand, there were three others wth him - each wth a stick
the first who came in asked W^r where the mistress
was - the lanthorn gave a clear light & sufficient to
distinguish the faces of the men & all that passed
the four men surrounded her bed, she looked at
them all particularly the man wth the lanthorn -
It was the J^r Edw^d Sidney who carried the lanthorn

and had a stick in his hand - she recognized
this man the next afternoon immediately on
seeing him at the Police Office, and has no doubt
as to his identity - Mr. P. Healey - who was there that
night also, it was to him she gave the keys of the
^{iron chest}
~~chest~~ - has no doubt as to his identity - That it
was Sidney who spoke - he asked her where was the
mistress - she is in oam bed - on this Sidney gave her
leather to another man I drew a knife - That
Sidney had no coat on & his shirt sleeves were drawn
up over the elbow - he asked the keys of Miss Dufaut
the keys were not deliv^d to them, but Sidney & another
one, went to where Miss Dufaut's pockets were and
took out the keys - they then opened a Commode, or
chest of drawers - and while two exam^d the chest of
drawers, Sidney & another stood by the bed of W^r
and wth his knife threatened the W^r to give them
money or they w^d murder them - saying in broken
French - c'est grand malheur toi, si tu ne donne
point l'argent, comme ils savent qⁱ il y en
avait dans la maison - they said they had none -
Upon this they went into Mr Cardinal's room - and
lifting up their sticks they threatened him if he
stined they w^d kill him - asked him to give them
the money q^t was in the house, or they w^d murder

him - Card. s^d to them he had no money there -
they told him not to speak - they searched a Cupboard
in C.'s room - at this time Sidney ret^d into room
of W^r still threatening them - two of them went up
to the garret - C. got up - y^t when Sidney saw, he
went up to him wth his knife & stick obliged him
to go to bed - heard C. cry out let me alone, let me
alone - y^t alarmed W^r & Miss Dufault & they were afraid
them meant meant to do him some injury, and upon
their making some noise Sidney came into them and
would not let them stir obliged them to be quiet -
The men in the garret came down after having
broken some locks as the thot - Sidney asked for
some ropes - The W^r being alarmed begged of -
Sidney not to hurt them & Miss Dufault laid hold
of his hand & kissed it, begging of him not to kill
them - upon this he grinned his teeth & looked more
frightful - The W^r asked S. if he could speak
French - he s^d no - he called on Jack, who was a
very tall man - W^r thot that this man could
speak French. & begg^d of him not to ill-use
them & recommended herself to him - but he
seemed to despise what she s^d - and turned away
from her - That Sidney still insisted to have

the

money in the house, saying, it was for his benefit
meaning Cardine's, that they should take his
money - C. got up and shut his bed room door, &
W. thinks he bolted it - Sidney upon this went
up to open it - the W. called to S. not to do the old
man any hurt, he called out to her to hold her tongue
or it would be un lucky for her - heard C. opened
his window sash - when S. heard this, he forced open
C's bed room door - the W. called out to S. not to
murd C. as he could not escape - S. & another
went into C's room, made him go to bed again
& the W. cried out to C. to go to his bed - S. again
came up to W. telling her to hold her tongue - and
returned into Mr. C's room - & the one of the men
came up and remained by her bed side - the others
came up and after speaking together S. s^d to the W. she
must give them the money in the house, or it would
be unfortunate for them - the W. spoke in a low voice
to M. Dufant, that they w^d not go away until they
had got what they wanted - S. was very furious
& one of the men who had a great coat on, said something
as if to appease S. - that seeing them so furious &
being very apprehensive, she s^d to these men, as they insisted
upon having the money, there was a chest in Mr C's room
where it was - two of them upon this, Healey & a tall

man

man went into C's room & came back with
the Chest, they carried it out of doors, while the
other two remained by the bed side of W. That
the men who went out wth Chest were absent from
1/2 hour to 3/4 hour of time S. & the other remained
in the house - That Healey returned into the
house and asked for the keys of the Chest, they then
all came round the bed of W. ^{Sidney} Lark for this key, or
they w^d murder them - Mr W. told them that the
keys were in the drawers & they might find them
there - Upon seeing this Miss D. s^d to W. as they had
got the Chest, they might as well give them the keys
when W. got up and gave the key of the Chest ^{Sidney}
They snatched the keys from her ^{hand} ^{and} went out again, two
them still remaining in the house - When the two
men went out wth the Chest they asked for a candle -
The candle being lighted C. blew it out - they were
enraged at this & S. threw him down, which made a
considerable noise & broke a pane of glass - the other two
who were out side came in and all gathering about
C. they laid hold of him, 1 by the throat, two others
by the arms, the W. became apprehensive for his
safety got up & laid hold of one of them S. and
drew him off - by this means she rescued C. from
them & got him to bed - They then all went away
but

but Sydney, to whom she s^d as you have got all the money in the house, you had better go away - That S. came up to her and asked her if she knew him and if she would ser. him again - she s^d did not think she would - That she recognized the P^r. J. however very well - as he was the man who spoke and had the knife in his hand - she told him he followed a bad trade, which w^d bring him to the gallows, s^d he did not care as he was Starb's shad nothing to eat - he then went off upon heard some one of them come to the kitchen door - She went out by another door, and run to the neighbour's house, awoke them & they came over to their assistance on her way back she heard some one cry out murder and found Mr C. on the gallery calling out - That three men remained in the house from their first entering the house until they went away about two hours or two hours & a quarter - That on examining the house after she ret^d from her neighbour's house, she found the door of Mr. C.'s house had been taken off the hinges, & she is certain it was shut the evening before when they went to bed. That S. had a large hat on - saw some hat

next

next morn^g - Cannot say what money was in
the Chest, but is certain there was money in it.
The lantern of S. had was similar to that now
shown - Looks at the Iron chest now in Court,
says, it is the same chest which was in the house
& in of the money was - it cost £5.18.9 - and is
the property of Mr. Cardinal - That she saw
the P^r ^{Sidney} next day at the Police office and recognized
him, and upon seeing her he said, I know her,
she is the same person I saw that night, and
held out his hand as if to shake hands with her, but
W- had such horror at him that she 'would not give
her hand, upon this he grinned wth his teeth much
in the same manner he had done at Mr C's house
but not so violently - is sure as to his being the same
man she saw that night at Mr C's - That the
knife now shown is same that S. held in his hand
that night, & of was found in her bed room - That
the hat now shown is the same that S. wore that
night -

x
That S. was the person who first entered her
bed-room - is positive as to his identity - That
the P^r S. spoke all the time in broken French, of the
W- very well understood him -

Pierre Cardinal, lives in S. L. Sub. that Cath. Dufaut
and Margt. Labelle lived with M. on 20th May last
That on site of Capras Christie some people broke into his
house in the night after he had gone to bed & had been
asleep - it might be between 12 & 1. O'Clock - he sleeps in
the room adjoining that of Cath. Dufaut - That they
came into his room - one of them had a lantern & a knife
in his hand and told him not to say any thing, or
they would kill him - There were three or four of them
That they were not able to carry away the Coffee pot,
but they dragged it out - There was gold and dollars
in the Chest - he cannot tell the amount - When
money was wanted M. Dufaut went to the Chest -
There were doubloons, Eagles, half Eagles, & other coin -
this money & strong box was his -

Marie Cath. Dufaut - lives at Mr. Cardinals for 50 years
past - on 20th May last she slept in same room with
M. Labelle & C. slept in the adjoin^d room - Saw two men
^{come into} in her room that night, but there were more of them -
She looked at them, was much alarmed, saw one with
a knife - one wth a lantern - cannot recognize them
as she was too much frightened - it was between 12 & 1. (M. -
they threatened her frequently wth knife - demanded the
money - asked for Mistress on coming in - when one of
the two, the youngest, came up to her & said he must
have money - & that her money was in town - They
asked

asked for the keys, g^t they took out of his pocket and examined every where - That they took the strong box out of Cardinal's room, she saw them pass her bed with it - after they had carried out the Chest they came in and demanded the keys of it - they found in the key in a small box - Thinks there were 4 or 5 bags of money in the box - There was a B on the bags recognizes two of them now shewn, having that mark on them -

Jos. Robreau Duplessis - is grand son of M. Cardinal, On the 21 May last went to M. C's garden and found the Iron chest, in same now shewn - found it in same state as now is, the top being stove in - Has seen the chest opened while in the house, when money was ~~paid in~~ The bag now shewn was taken from Healey the P^r which he thinks was one of those that had been in the chest, from ~~them~~^{it} being marked with the letter B, as there were several bags in it marked wth that letter - The M. found also a large brim'd hat in the garden -

Augustin Cardinal, son of P^r Cardinal - some time before 20 May last, he had occasion to pay some money to his father - thinks it was 3 years before - it consisted of dollars to the amount of £400 - & a wth to amount of £100 - The money was in bags, which were marked with the letter

Letter B. - The books, came from a Mr Robertson - & produce 2 others similar to those now produced - Found the Strong box of his father in the Orchard W. it to be his father's - That two years ago he had occasion to ask of his aunt to give him some gold in exchange for dollars as he was going to Quebec rem. then to have seen her show him a small bag in which there were gold coin of different kinds particularly some Louis d'or -

Rich^d Start - Constable, on 21 May last he arrested the P^r Healey, - Having arrested Young Burke on a charge for this robbery, he on his way to Gaol asked the W^r if he had arrested Healey and Burns - the W^r replied he had altho' he had not, as he had rec^d no information as^t him - in consequence he went in search of Healey and saw him near the Guard House, who upon seeing W^r began to run, the W^r came up wth him on the parade, he fell down as W^r came up wth him, and his hat came off, when a bag wth money fell out of his hat, which bag Young Radford took up - W^r has heard the P^r S - speak French sentences -

Louis Chantal - on 21 May last, he was told that one of the robbers was at a Tavern in the Lower Street he went there and found the P^r Sidney, who was
already

already in charge of Page the master of the house - the P. was brot to the Police Office - the P. had a quantity of money in his hat, to the amount of £18 or £20 in gold & silver, of. Mr. took from him & gave in charge to Mr. J. Germain - Sidney told Mr. at the Police Office, that he was not the person who took the money, but that it had been given to him by Burke in the presence of Healey and another, but that he had been w^t. them in the house of Cardinal when the robbery was committed - told Mr. that there was a quantity of money to the amount of 4 or 500 dollars concealed by Burke if he tho Mr. w^d. go w^t. him Sidney he w^d. shew him where it was - The Mr. went ~~to the~~ ^{to the} Stable in S. L. sub. but the money had been taken away before -

Thomas Owen Radford - assisted in taking P. Healey on Champ de Mars on 21 May last - a bag of money last fell from his hat when he was arrested - and a number of dollars fell out - The Mr. took up the bag put back the money in it - brot it up to the Court house when he counted the money & afterwards sealed it up in the bag - is the same now shown - a number of gold coins was found in his trousers - 4 of 2 guineas, 2 guineas - 1 doubloon - 2 fr. Crown - 5 dollars - 3 of dollars a sixpence & 3 coppers - That he has had some conversation

w. the P^r Sidney, when he asked W. what the girl
Labille had sworn, the W. said she had identified
old Burke, as one of the party - the P. said, she was
not far wrong, that Old B. was the cause of the
whole, that he had shown them where the money
was and had advised them to commit the robbery
that Healey, young Burke son Burns was of the
party -

George Owen Redford, Gaol - about 20th in the
morn^g after the P^r had been bro^t. into Gaol, the W.
heard a voice calling out Burke, Burke, - You
old drunken beast are you awake to hear what I'm
going to say to you - the W. recognized the voice of the
P^r. Healey - Burke and? yes I'm awake what
do you want with me - ^{It - he says said.} You see the consequence,
If my advice had been taken, and all their throats
had been cut, we should not now be surrounded
by all this clamour - Burke and? something
but he app^r. to be intoxicated & the W. could not
distinguish what he s^d. - It. then called out to
Sidney, who was in another room - but Sidney
did not answer, as the W. presumes that he must
have been asleep - upon this Healey said - You
damn'd old brute, you see what you have brought
us to - here the conversation ended -

Thus

Has heard Sidney make use of French expressions

Refus Page, keeps a livery stable in Montreal - saw
P^r. Sidney on 21 May last - who came wishing to hire
a couple horses - there was another man with him, saying
they wanted to ride about the town - he shew^d. W^r
both gold & silver - wth from his appearance rather
surprised the W^r. She asked him how he came by it
he s^d. to W^r it was none of his business - The W^r had
heard of the robbery in question, and suspected the P^r
as he had refused to let him have a horse the day before
because he had no money - the W^r gave information
in consequence to Mr. Cardinal's family of his suspicions,
When P^r. went away he foll^d. him to a house where he
supp^d. he lodged, and followed him into a bed room, he
saw him throw someths behind the bed, when W^r asked
him why he threw away his money he said he did
not - upon looking there, he found a parcel of dollars
wh^{ch} W^r took up - and then told P^r. he must go along
with him, and W^r took him to the house where he lodged.
The money the W^r deliv^d. into the police office - there
was - 11 doll. 3 crown - 1/2 doll. 2 1/4 doll. 1 shilling
1 Supp. 3 cop.

Barnard J. Germain - W. P^r. S. since 21 May last,
he saw him at a Tavern in Town - he was then in custody,
and

and he asked the people why they suspected him to be a robber, they said, that he had lately come from the House of Correction and seemed to have a great deal of money about him - The W^r asked P^r when he had got his money, he told W^r it was none of his business as it was not his - They then searched the P^r and found upon him 48 doll^r - 9 fr. Cr. 3 h^d d^r - 2 trouts, 15 lbs - 3 shiners - 2 h^d Lees - 2 h^d Eels - 1 Green Y^e D^r - 11 copper - was present when Sidney was examined - saw Mary Labelle come in at the time when Sidney told her, "I know you" - That when she came in she immediately said, ah! I knew that man, he is the person who wanted to poison me - upon this Sidney, said, I know you, and advancing held out his hand to Mary Labelle, as if to shake hands with her -

Thus the evidence for the Crown was closed

The Prisoners called no witnesses -

Verdict - Guilty - of both P^{rs}

£12
 2. 9. 6.
 7. 6.
 2. 6.
 77
 3 -
 4 -
 2. 10 -
 1. 3. 4.
 11. 8.
 5 1/2
 23: 8. 7

The King
in
Tobias Burke }
Edmond Burke }

On trial of Indictment for
Burglary —

Margaret Labelle - lived at house of Mr Cardinal
in St. L. Sub. on 21 May last - there are 4 rooms in the
house - M^{rs} Dufaut couchoit avec la T. - les portes fen. etoit
toutes fermées ce soir - & ils se sont couchés vers 9 heures ou
soir - a entendu du bruit dans la Cuisine - s'est levée dans
son lit, & a vu un hom. avec un baton & un fanal à la main
elle s'est recouchée, lorsque 2 hom. ont entré dans sa chambre
ch. av. un bat. à la main - le fan. don. ass. de lum. pour
dist. tout ce qui s'est passé - le prem. avoit le fan. il a dem.
ou étoit la maîtresse - le tem. a dit elle étoit dans son lit -
tout de suite un des hom. a dem. l'argent & les clés - ont
pris les clés de dedans les poches de M^{lle} Dufaut. & pendant
que deux fouilloit dans la maison les deux autres gardoient
le tem. & M^{lle} Dufaut, leur defendent de parler. - Ne peut
dire ^{ou s'arrêter} si les P^{rs} étoient de nombre, mais croit les avoir vu tous
les deux - le vieux Tobias Burke avoit un Capot de couverture
blanc, avec un mouchoir jaune autour de la tête, sans
chapeau - il avoit toujours sa tête baissée - Ils ont cherché
dans la maison environ une heure & demie pour l'argent, en
menaçant le témoin & M^{lle} Dufaut, lors que le tem. ~~leur~~
craignant leurs menaces & voyant le danger qui'il y avoit
leur dit que le Coffre fort étoit dans la chambre de M^{lle} C -
ils l'ont pris & porté hors de la maison - quelque tems
après

après ils ont rentrés en demandant les clefs - le témoin
les a donné & ils sont sortis avec, deux ont resté dans la
maison - Le Coffre fut a conti 23 ³/₄ piastres & appartenant
à Mr Cardinal - il y avoit de l'argent dedans, - on peut
dire combien - Qu'il y avoit au moins 2 heures qu'ils
^{ont resté}
~~dedans~~ la maison - Que le matin elle a vu la porte de
dehors pour ou les voleurs ont entré étoit ôtée de ses gonds
& la porte de la Cour ouverte - Qu'elle a reconnu le
Vieux Benke au bureau de Police le lendemain -
Qu'au meilleur de sa croyance le fanal maintenant
montré est le même qu'elle a vu cette nuit avec les
voleurs, reconnoit aussi le chapeau, que Sidney portoit
alors, lequel a été trouvé le matin dans le jardin -

X.

Que c'étoit vers 7 ¹/₂ ou 8 heures qu'elle avoit fermé
les portes & fenestres ce soir la - & qu'elle s'est couché
vers les dix heures - Qu'elle a pris garde au chapeau
que Sidney portoit, & est sûre que le chapeau qu'il portoit
cette nuit est la même qui a été trouvée le matin dans
le Verger -

Jos. Robreau Duplessis - est qu'on de Mr Cardinal - est
chez Mr. C. le 21 Mai der. & a vu dans Verger le
coffre fut de Mr. C. de foncé - Mr. C. gardoit son argent
dans ce coffre - il a trouvé aussi un chapeau, qui
est le même montré -

Richard

Richard Hart Constable - W. P. to the best of his knowledge
has seen the P. ^{Tobias} Burke wear the hat now shewn - etc
hat is rather remarkable - has often met the P. Tobias
B. with the hat - and when he saw the hat at Mr
Cardinal's it occurred to him immediately that it was
T. B.'s - That the P. used to wear a grey Capot
w. a Capuchon - On searching Burke's house, the
only article they found of consequence was a dark
lanthorn, the same now shewn - cannot say in what
part of the house he found it - He arrested P. Tob. B -
& carried him to goal - He also arrested Ed. Burke, he was
in the wood near mile-end with another young man of the
name of Charpentier - carried him to house of Thilden -
on the way the W. observed that there dropt a doubleloon
from Ed. B. cloaths, he asked when he got it. & told him
he was arrested on suspicion of being concerned in the
robbery at Cardinal's - he s^d if he would carry him before
Mr M'Con he would tell him all about it - The
W. carried him to Court House & gave him in charge to
^{Degen}~~boon~~ - After the money found on the young man had
been taken from him, he asked W. if he had arrested
Heuley or Burns & some other names of - W. does not
recollect - the W. said he had - but as he had not he
set off imm. in quest of them - There was one Huddel

W. M. when he searched B's house - The piece he
took from Ed. B. is a Joe - & recognizes it from a
mark he put on it -

x^d

Mr. P^r since middle of last winter - was employed
some time before to arrest T. Burke on a similar
accusation, and he had then occasion to remark that
he wore the same hat - Lanthorn is same he found
in Burke's house, was marked by W. M. and at
the Police Office - Is sure the piece of gold produced
is same now exhibited -

Thomas Owen Radford - is son of Gaoler - rem. to have
seen the hat now shown worn by P. T. B. he was
confined in Gaol on a former occasion on another complaint
when he wore the hat -

x^d

It may about a year since he saw the P^r with the
same hat -

Louis J. Romain. dem. au faux b. St L. con. le p^r. T. Burke
qui a dem. dans une de ses maisons depuis quelque
temps & l'a quitté de printemps dernier - croit avoir
vu porter ce chapeau par lui ou par ses enfants -

Charles Lawson. con. Ed. Burke P^r d'a été chez Provender
l'aubergite le 21 Mai dernier - en parlant du Val
qui

qui avoit été fait chez Cardinal, il disoit que ceux
qui avoient fait ce vol la pouvoient bien faire le
buche ce soir la - voulant dire, faire le depeur - il
a amené le tem. dans le boccage - ou il a dit ^{si. de} ~~qu'il~~
voulait prendre un coup - je lui ai dit que je n'avois
point d'argent, il m'a donné un peu d'~~est~~ de cinq
piastres & j'ai été la faire changer & ai rapporté le
change avec du vin de la nuit - qu'en sortant du
boccage il m'a montré un poigné d'or et m'a dit
que c'étoit lui avec deux ou trois autres qui
avoient fait le vol chez Mr Cardinal - ils étoient
alors prisonniers tous les deux - et le P. lui dit, tu
va sortir bien vite, tâche de me trouver de caution

x

Est journalier - Que le P. est chartier - que les
chartiers recoivent du paiement de leurs voyages -
quelquesfois plusieurs à la fois - Que le temvoir
avoit été avec le P. avant de sortir du boccage et étoit
un peu en train, mais s'avoit bien ce qu'il faisoit.

Betsy Shelden, lives at Mile-end Tavern - 14. P. Ed.
Bourke has seen him at her house about 21 May last
fête de Dieu - a young man came first & got some
half-dozen eggs & some biscuit, & gave her a half crown to
change - this was about 9 o'clock in morning - about

12 O'clock the P^r & young man asked for dinner
they also asked for a Calash, & when they could
not get that he asked for 2 horses - when he paid
her he took out a handful of gold & asked her to
change a guinea - she said she had none - upon this
he got the change she had given the other young man
in the morning - upon asked how he came by so
much gold - he said he was a Mason, & had got it
in that manner - that he had also gained part of it by
days work - when they went away she gave notice
to her husband of what she had seen -

x

Has not seen the P^r since - he was arrested at her house
is sure he is same man.

George Reddington - lives in Rec. Sub. & formerly was
at Mr Shilders - 115 P^r. Ed. Burke - saw him
about 21 May last at Mr Shilders' Tavern at
Wind-ers - Saw him have a considerable quantity
of gold with him - saw a double crown a dozen of
guineas - a shilling - said he had sold a house
the day before for 5000 dollars & had got the pay
in that money - that he was a Mason & worked at
Lachin -

Did not see the P. before that time, nor since
until now - is the same man -

Gaspard Bezen - 1^{er}. Ed. B. - he was given in charge
to W. on 21 May last - he received money from
the P. - 5 pieces of 5 dollars & 1 Guinea Louis 7' or -

— Here the evidence for the Crown was closed

Jos: Crepeau - con. le P. Ed. Burke depuis quelques
années - il est charrier de métier - ~~il~~ Connait
le témoin Lawson, qui a été fouetté sur la
place publique -

Thomas McGralte - sait que le Jeune Burke a été
Charrier - que quelquefois les Marchands donnent
des bons au Charrier, jusqu'à une certaine somme
avant de payer -

William Robertson Markison - con. J^o. Burke - a
demeuré chez lui en mai dernier - c'est à dire dans
une autre chambre de la même maison - Peu de
temps qu'il est sorti de la prison avant mai jusqu'à
ce qu'il y est rentré, il ne l'a pas vu sobre deux
heures de suite -

William Burke - son of Job. Burke & brother of
Edmond - has heard of the Robbery at Cardinal's
The P^{rs} were at home all that night - his father
was so drunk that night they were obliged to
put him into bed; he sleeps in the same room
with his father & must have heard ~~him~~ heard
he attempted to go out - a man of the name
of Nation also slept in the house that night

That no body came in or went out that
night - That two men Sedney & Stealey
slept in the kitchen that night - does not know
at what time they went away - when he got up
in the morning they were gone -

William Aikens Nation - heard of robbery that was
committed at Mr Cardinal's - slept that night
at Burke's house in the same room with P^{rs}
The door of the apartment was closed - he lay near
the door, & might however been opened without
his knowledge - the door was bolted in-side - Job
B. was very drunk that night, so much so that
he does not think it possible for him to go out
that

that night - he might have gone out without
his key - in the morn^g when he got up the P^r was
there in the room and the door shut in the same
manner - it was then about 5 or 6 o'clock -
saw some people sleeping in the kitchen when he
got up in the morning - saw also young B -
asleep in the morn^g -

Marie anne Burke - daughter of P^r the night of the
robbery at Cardinal's he father was very drunk
and they were obliged to put him to bed - Ed. B -
slept there that night also - had they got up in the
night she must have heard them as she slept in the
same room -

Verdict of Guilty - of Edmund Burke
not Guilty as to Tobias Burke

Tuesday 8th September 1818.

Don: Resc

^{vs}
James M. Kay }
Bartholmey

On Indictment for Stabbing

Jane Montgomery, lives in Dublin Sub
that John Carter & his wife live at house of W^r
about 7 o'clk in evens of 11th April she went to the
Defendants house, when she asked price of some
beef - then asked him if John Carter was
there - D^r said he was in the inner room - then
W^r went in and saw Carter lying on a settle
bed quite drunk - W^r told him to get up, as his wife
wanted him - she succeeded in getting him up, the
Defend^r came in and said that Carter was no man
to allow himself to be led home by a woman and
gave him several blows - then W^r begged of Def^d
not to strike a drunken man & lifted up her arm
to defend Carter, when Def^d passed by W^r drew
a butcher's knife which he carried and cut her
severely in the arm - then W^r at first thought the
Def^d had hit her, but soon perceived that he had
cut her, & cried out that he had cut her arm to pieces -

she

she did not see the D^r in the act of using the knife but saw him after she re^d the stroke going away with a knife in his hand which he threw away - She was cut to the bone - did not see D^r draw his knife, as her attention was directed to Carter -

x²

The W^r was sober - The knife seemed tied to the apron of^h he wore -

John Brannon, was at D^r's shop on 11th April last saw last W^r there in the evening - she asked the price of beef - who s^d it was 7^{rs}. - 9^{rs} - she found was too dear she then asked D^r if he had seen Carter, as his wife wanted him - he s^d he was in his house lying drunk on the Tuttle bed - upon this she went in, woke up Carter, raised him up & told him to go along wth her to his wife who was unwell and who wanted him - upon this D^r came forward and gave a blow or two to Carter, saying to him you are no man to allow yourself to be led away by a woman - That Mr^s M^r & W^r had each of them hold of one Carter's arm and on their going towards the door he heard

Mrs

Mr. M. call out, that Rascal has ruined me, and holding up her arm, he saw the blood pouring from it - he tore open the gown and saw a very severe wound on her arm - saw no knife in Defend^t's hand, but saw a butcher's knife on the Shambles where Defend^t had his meat - the wound was in the right arm -

Samuel Newcomb - Surgeon - he Mr. M^r G - was sent for in the even^g of 11 Apr. last to see her, went there and found her with a flesh wound on the arm which app^r to have been inflicted by a knife or sharp instrument and from the app^r of it, was near as deep as the bone -

Mr. Sherwood of Counsel for the Defend^t objects to the sufficiency of the Indictment, it being stated to be for "Stabbing"; which is no legal accusation now known in the law - that the Contents of the Indictment are for an assault, and for no battery which only is to be considered as legal & technical charge -

Defence

John Barber - The Defend. hires a room in house of
W^r on 11th April last he was at lodgings of the
D^r. when Mrs M^r G. came in - she app^r to have come
after Mr. Carter, she went up to him slapp^d him in the
face several times - he was lying drunk on the Suttin
bed - she told Carter his wife wanted him - Mr
Watson spoke to Mrs M^r G. told her it was wrong
to treat a drunken man so - she s^d he was an old
fool and made an attempt to lay hold of his spectacles
the W^r upon this s^d. it was a shame for her to
behave in that manner and that she ought to go
out of doors - she shoved W^r off the floor, and saw
it was none of his business - Upon this D^r
came in, and endeavoured to get them all out of
his room - Mrs M^r G. told D^r he was wrong
to beat Carter - but W^r saw no blows given,
but saw Carter with a bloody mouth - they were
all three together the D^r endeavoured to get them
out - saw no knife about Mr Hays person at
the time - heard Mrs M^r G. cry out, that she was
bit - and afterwards that the butcher had cut
her, and when she went out, saw a wound
on her arm - That she was in liquor or crazy

at

at the time from the manner in which she behaved herself - Saw her fall ag^t the latch of the door, which was of iron & might have inflicted a wound on the arm of Mrs. M^r G. and it was his opinion the thing must have happened in this way -

7th

Thinks that the intent of Mrs. M^r G. by slapping Carter, was to rouse him up, as he seemed asleep - That it was after she had fallen ag^t the latch that she cried out that she was bit, and after, that she was cut - The latch of the door was sharp enough to have cut such a wound -

Sarah Barber - wife of Capt. W. Deft. occupied a room in her house on 11 April last - That Mrs. M^r G. came to the house that evening, did not then know her, did not think that Dr. knew her then - She came into the house in a bold, impudent manner - The W^r heard a noise in the Dr. room went to see what was the matter - saw Dr. then but saw no knife - never saw Dr. wear a knife - Saw Dr. come in and endeavour to get Carter out of his house, who was very drunk Carter refused to go out, and gave Dr. a slap in the face - saw no wound inflicted on Mrs. M^r G. -

x^d.

Saw them all in a scuffle together, - there were
Carter - M^{rs} M^rG. and D^r - they were all near the
door together -

John Watson - lives near Mr Barber's house - was there
when M^{rs} M^rG. - came in, she was very abusive to
one Carter, who was drunk there - she began to
slap him, and desire him to go home - the W^r -
thought it was her own husband, and advised him to
go home wth his wife, she knock'd the spectacles off
his face & told him he had nothing to do with it
the W^r went away - did not see

Margaret Brooks - gives a bad character to M^r ^{Montgomery} as
having always been ill-behaved -

Verdict - Not Guilty

The King }
Nicolas Merlin } On Indictment for Grand Larceny.

Guy Warwick, is an Ironfounder in Nov. last he had a number of articles of a turners mill belong to Mr Price, of^{the} were in this shop of W. a puppet head a mandarin, a chink & other articles mentioned in the Indictment of the value therein stated - on night of 20th Nov. ^{last} his shop took fire - he was present at the fire - the tools now produced are same stated in Indictment, these things were in the shop the day before the fire -

Saw P. after he was in custody - the fire lasted for three or four hours - there was a number of people collected at it - employed in giving assistance in different ways - The foundery was removed into the Yard -

William Wait - lives in Montreal - rem. the fire of - took place in Mr Warwick's shop on 21 Nov. last - was then assisting to ex. it - After the fire the tools lay exposed - Saw P. there about 11 o'clk - when he first saw him he was putting water on some Iron articles of^{the} had been heated by the fire - at the place where the Shop had been burnt - Saw P. cooling

Mer

these articles at diff. times - carried them away to a distance of near 10 yards from where they lay - they were taken from the poss. of the p^r they were the property of W. Th. Price - & formed part of a turning machine - Saw nobody remove any thing from the premises but the P^r and he was on the road w^h then he cannot tell what intention he had - The W^r asked P^r to whom these things he was carrying away belonged the P^r ask^d W^r if they belonged to him the W^r the W^r replied they did not, but he knew to whom they did belong he was taken into custody and searched, and the articles now shown were found upon him - P^r did not say that he had taken charge of these articles to keep for the owners -

7^d

There were then about 100 people present at time the P^r was cooling these irons - had no suspicions of the p^r till he saw him carrying away these articles - Cannot say that any of the articles now shown were found in P^r's pockets - The articles now produced might worth 20 s^d - Iron in its rough state worth 20 s^d Cwt - These articles might have been useful to a wood Turner - I saw the P^r was off the premises 10 yards where W^r stopp'd him

The

The first word he s^d to P^r was, to ask to whom these articles belonged - Different articles were carried by several persons to different parts on the premises but none were carried off the premises except by P^r but cannot swear P^r had the intention to steal

John Seaford was at fire in question about 11 O'clk at night - Saw P^r in custody -

John Boston, was at fire in question - Saw P^r there - it was about 11 or 12 O'clk - heard some one cry out, you damn scoundrel & thief - I watched you - I have found you out - The W^r saw P^r there in custody, he was taken to the Shop - it app^d to W^r that P^r when arrested wanted to take something out of his pockets - but W^r prevented him, saying he must go into the Shop first - The W^r asked P^r what he meant by taking these things - he said did what he saw others doing -

Thomas Price, Civil Engineer, that he had a Turning machine which he had lent to Guy Warrick, of - of - articles now shown constitute

a part of the articles were put together & complete
as they now are, might be worth £6 - when he lent
them to Mr W. they were worth £15 -

Evidence for Crown closed

Defense -

George Selby - W. P. about 2 or 3 years ago
the P. lived w. him for 15 months - he had heard
from the Royal Scots Regt. rec^d a very good
character of him, that he had been 7 years
in the Regt. had never been punished nor even
merited a reprimand -

William Dunbar Selby gives P. a good character

David Ogden - son Mr Justice Ogden, W. P.
who lived w. Judge Ogden 12 or 15 months -
heard his father say, that he had sent him
to the fire that evening - always had a good
character and was a confidential man -

Isaac Christophe - was fellow Soldier of P. in
Royal Scots - he was the confidential man of
the Paymaster & had charge of all the military
chest & baggage belonging to him -

John Brown - same evidence -

Charles Reeves, was at the fire in question, that he saw a number of persons there some of them searching among some coals where the fire had commenced - some people were taking up things and carrying them away in different directions and should not have thought that the P^r by carrying away such articles, as those now shown meant thereby to steal them -

Verdict - Not Guilty

The King
v
Franc Maillaux

On trial of Indictment for an assault on a bailiff on the execution of his Office. -

Jean Bth Boisvert, is bailiff of K. B. that in Sept last he rec^d an execution ag^t the goods & effects of Defend^r he went to his house & communicated same to Def^d. and asked for the amount - the Def^d. said he had no money and could not then pay - the W^r upon this said, that he must in that case seize his effects - the D^r said he should
not

not, laid hold of W^r and pushed him about the house, and leaving W^r run to the door took it off the hinges and threw it at the W^r - The W^r upon this called for assistance from Frank Coque his record, who laid hold of D^r - and the W^r made his escape out of the house - when outside the Def^r told W^r he must return there to seize his Defend^r's goods, or he would kill him - The W^r went away & did not return to the house of Defend^r to execute his writ -

The Signature, to the writ of Exon was admitted by the Def^r's counsel -

X -

That the writ of Exon was addressed to one Jean Baptiste L'Herc, as the bailiff charged to execute the same, but as L'Herc was gone off to the Colonies, the Witness scratched out the name of L'Herc, and put in his own name -

Upon this the Court directed the Jury to acquit the Defend^r -

Wednesday 9th September 1818.

The King.
Morris Macgoon. }

On Indictment for uttering counterfeit
bills -

The Sol. Gen^l moved to put off the trial
of this Cause till next Term, as he was not prepared
to proceed this day -

Mr Stuart of Counsel for the Defend^t contended
that the Crown had no right to put off a trial
fixed for this day without shewing that sufficient
ground the same as any other prosecutor would
be held to do - This was resisted by the Sol. Gen^l

The Court were of opinion that as the trial had
been fixed and the Defend^t held to attend & was now
present with his witnesses ready to proceed, that the
Sol. Gen^l should shew some Cause to entitle him
to put off the trial - Upon this he stated the absence
of a material witness - The Defendants Counsel then
insisted that as this was a fact to be ascertained, an
affidavit should be given in to that effect, & also to
shew the diligence which had been done to obtain the
witness - But the Court dispensed with this -

The King. }
Pierre Faneuf }

On trial of Indictment for Horse
Stealing. u

The cause was ordered to stand for the first day
of next Term owing to the absence of the Prisoner's Wit^{ne}s

The King }
George Barnard }

On trial of Indictment for forcible
entry. u

Oliver Whitney, Junr - in July 1817, he
rented a ware house in St. Armand, q^l-formed part
of a house q^l- belonged to a Mr. Munsel - He
occupied the front part of the house, the back part
was in an unfinished state - there was a double
communication with his ware house, one by the front
door from the Street, & one by the unfinished part -
behind - the back door was a strong double door -
the back unfinished part was lett to some women to
weave in, and in going out by the back door he was
obliged to go through what had been lett to the Weavers
That for a month before this time he was not entitled
to go through this back part of the building without the
permission & consent of Mr. Munsel or the Weavers
who lived in it - That when he came home on the

evening of 17 July 1817. he found the back door of his store had been broken open, ~~It~~ was told that the D^r had done it - he saw D. and asked him the reason of his breaking the door - he threw down a gross verbal he had made, and said that what he had done was in execution of Civil process at the Suit of W^m Bowron for levying \$21 - The D^r kept possⁿ of the W's warehouse for 14 days - He rented his store by the month from Munsen - he kept his goods in it, but did not lodge there -

Had no lease in writing from Munsen - No person lodged in the store -

Jos. H. Munsen - Lives at S^t. Armand - In July 1817 he undertook a part of a house to the last W^r - who occupied the front part of the whole house on the street - the back part was unfinished, and there was a division between the two - some time previous to July, Whitney had occupied the whole house, but as he paid no rent for the back part, the W^r took possession of it himself - Whitney about this time said to W^r that he was going away, and left some articles in the back part of the building with the permission of the W^r in order to secure his

his rent - some weavers of W^r were at work in
the back part of the building in July 1817 -
What then -

x^d

Had heard that Whitney had gone into the State
about this time - he had goods in the front store -
and also some articles in the back part of - were left
there as security to W^r for his rent - There were some
goods also in an upper chamber over the store and
of - communicated w^t it - but the upper chamber was
occupied by me & what was put there, was by my consent

Josiah Millard - his house in question - in July 1817. the
front part of it was occupied by Mr. O. Whitney -
Some time about 17 July, saw D. come there - went
in by the yard to the back part & went in by an
open door to an apartment where some women were
at work weaving - the inner door opening into the
store of Whitney was forced open by D. with a Crow
bar, and seized the goods in the store under some
warrant or process he held - did not see Whitney
there -

x^d

Was request. by D. to accompany him as an assist^t
Whitney had goods in the back part also, which
were seized by D. - That all the goods seized as well
what

what was seized in the back part of the house as
what was seized in the Store, - as he believes. -

Sheldon Beerman, lives at St. Armand, 10th house in
question, 9th consists of 3 apartments on the
ground floor - one 9th runs the whole length of the
house in front - was occupied by Mr Whitney as a
store - was there on 17 July 1817, found door between
that store & back part of building fastened -

Solomon Dingham. 10th house in question
Evidence closed on part of Crown
Defence -

S. W. Monk one of the Justices of Court R. B. for the
district of Montreal - That Defend. is one
of the bailiffs thereof - The Ex^{on} now shewn
issued out of the Court of R. B. - addressed
to the Sheriff to levy the debt & costs therein ment^d
at the suit of Wm Borrow on the goods &
chattels of Owen Whitney, Esq^r -

Fr. W. Bromation gen, Sheriff of the district of Montreal
the warrant now shewn was given by him to the
Deft

Dependt. on the execution issued out of the Court
of K. B. to levy the debt & Costs therein made
of the goods & chattels of Oliver Whitney Junr

Sheldon Beerman, assisted the D^r to make the seizure
of the effects of O. Whitney - the goods as well in the
back part of the house and up Stairs as in the
Store were seized, and a Power Verbal made of it,
and the Signature now shewn to W^r is his proper
hand writing upon that Power Verbal - The W^r
was appointed guardian - Was present at the
Sale of the goods - Had been at the Store frequently
before this, and saw Whitney keep many articles
in the back part, particularly Groceries -

x^d

That at the time seizure was made the back part
of the building was occupied by Mr. Munson's weavers

Francis Hoyle - K^t Store in question - Whitney went
away some time before 17 July 1817 - does not know
what kind of poss. he had of back St^r - Saw groceries
in it belong to Whitney & has seen Whitney there
& a month or two before he went away has bought
goods of him out of that back part -

Thaddeus Kendal vs. Store in question - vs. that Whitney
occupied the front & rear store both - as W.
observed, up to time he went away which was
about 11 June 1817 - understood that Whitney
then deliv^d. up the back store and property in it
to W. Munson -

McGrant vs. D^c. etc. 4. Bl. ch. 6.
to show that D^c. entered peaceably and was therefore
justified in breaking open inner doors -

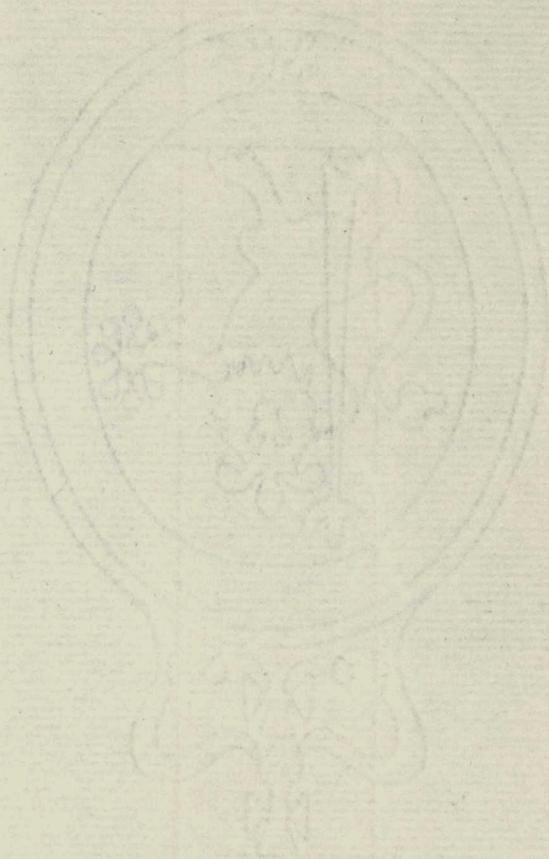
The Court charged the Jury that the Defend^t
was not in law justified in breaking open the
door of Whitney's Store, as the possession of the
back part of the building was not in Whitney
but in Munson at the time -

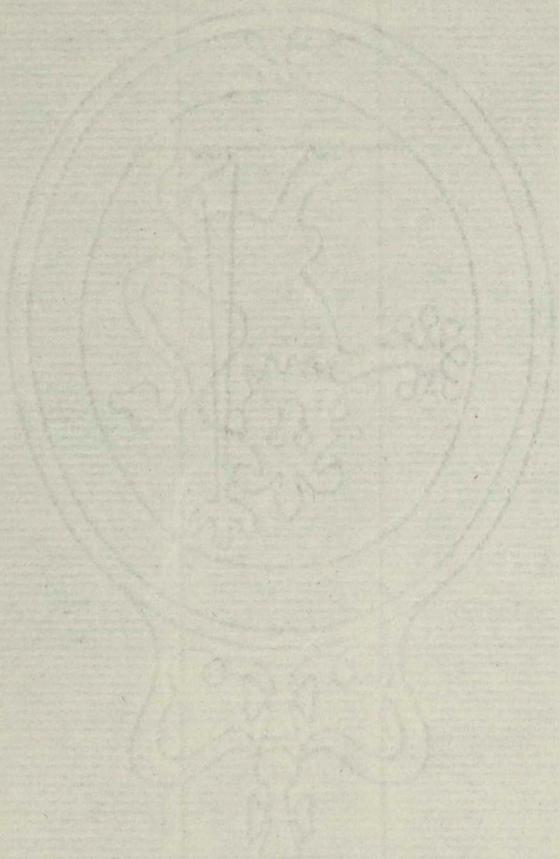
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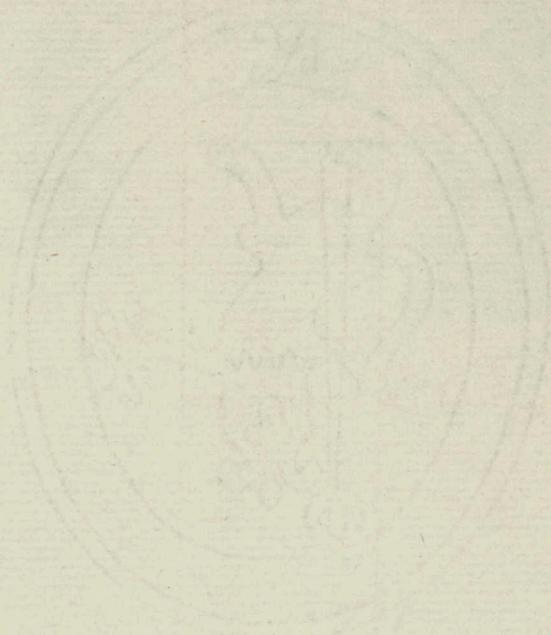
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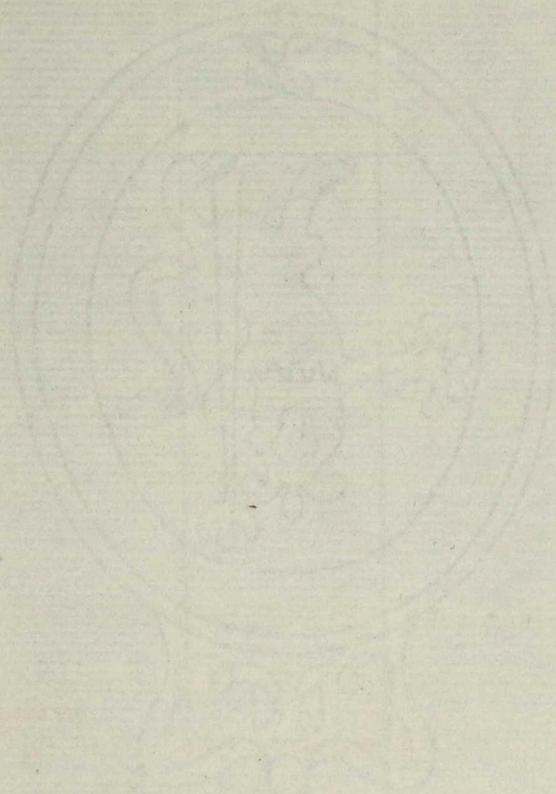
THE

OF









The King
Edw^d Sidney
James Healey
Edm^d Burke

On Conviction Burglary.—

You have been accused of breaking
and entering the dwelling house of
one P^r Cardinal in the night-time, and
of stealing therefrom his money and goods — upon this
accusation you have been tried by a Jury of your Country
and have been severally found Guilty. ~~upon the clear
evidence~~

To break into the dwelling house of another, in the
dead of the night with the intent to steal, and ~~in the~~
pursuit of that ~~offence~~ ^{object} to commit other ~~crimes~~ ^{crimes}, is an ~~offence~~ ^{offence}
~~crime~~ of an aggravated nature — the law guards with double
vigilance the habitation of ~~every~~ man during that portion
of time which is allotted for his repose — and it punishes
severely those guilty of nightly depredations therein —

The Case before us, while it evinces the enormity
of your offence, shews also the existence of a dangerous
association of abandoned men, who have practised
but too long a System of depredation upon the property
of Individuals about this City. — frequent success gives
encouragement to a repetition of the offence, till at last
the hand of Justice ^{overtakes} ~~falls upon~~ the criminal, and
he ~~stands~~ becomes a victim to the offended laws of his
Country, — such is your situation —

* This I fear
is not your
first offence

It appears that you acquired a kn. that Mr. C. had money in his house, and it was easy to ascertain, that ^{only} two aged persons, ~~such as~~ Mr. C. & Miss Dufau, & the young woman ~~it~~ were the only persons ~~living~~ composing the family, and not likely to make any formidable resistance to your plan of carrying it off - Your conduct manifested these impressions - You went into the house with seeming confidence, or at least, but little disguised, you made a deliberate search through the whole of it - remained in it for upwards of two hours - until by working upon the feelings of these persons by threats, ~~menaces~~ and violence, you obtained a kn. where the money was - Scarcely however had you obtained possession of your ill gotten booty, when suspicion was raised against you, chiefly by your own imprudent conduct, and partly from some of those trivial circumstances, 9th frequently lead to the discovery of the greatest crimes - You were traced - pursued - and arrested with the stolen property in your hands - and you now stand before this Court, convicted upon the clearest evidence, of ^{an offence} ~~one~~ of the most dangerous to Society -

As to you Edmond Burke - the Court cannot but regret to see so young a man, having ~~already~~ made such progress in vice, scarcely arrived at manhood and already is your wicked career ~~is~~ stopt by the Gallows -
You

You must have been but too early initiated in Crime,
or led away by the influence of bad example, when we
see you already so practised in it, that we find you an
active associate in an offence like this - you now feel
when too late, to what a life of idleness ~~and~~ dissipation
leads - to that untimely end which now awaits you -
- I sincerely hope, that your fate may prove a useful
lesson to every young man of such evil habits and
disposition as yours, and a timely check to his
wicked career -

of criminality

As to you Sidney and Stealey, it is but a short
time since you appeared at this bar ^{convicted of other} ~~offences~~
~~convictions~~ - I took occasion ^{then} to point out to
you the consequences of your criminal conduct, and
to admonish you to correct it - I ^{then} had hopes, that ^{if} you
might by a prudent ^{department} ~~conduct~~ and good behaviour,
have regained the good opinion of society, and that
your punishment ^{then} would have given ^{rise to such} ~~you time~~
~~to~~ reflect upon the past, ^{as} to have ^{produced} ~~amendment in~~ your
future conduct - Scarcely however did you get
loose from your confinement, when you recommenced
your depredations on society - you have shewn
yourselves to be men lost to all sense of virtue or
honesty, and not to be reclaimed by admonition
nor

under a
sense of
your guilt
you must
return to a
sense of yr
duty

nor restrained by correction - If my words
have ~~been lost~~ ^{made so little impression} upon a former occasion
I must beg you will attend to them now, as it
is the last time I shall have occasion to
address you - Your situation now does
not require that I should admonish you as
to your future conduct in the world, as your
intercourse with man can be such as to excite
only his pity, and not his apprehensions -

~~You have run your criminal course sufficiently~~
~~long~~ and the measure of your transgression
is now full [†] and ~~what remains~~ ^{all} your prospects
in life must now close with that of a Gaol
and a gallows - I feel it therefore my
duty, seriously to impress upon your minds
this consideration, that as your offence has
been enormous, ~~that~~ as the peace of Society
has been long disturbed, and the lives and
property of individuals rendered insecure by
similar offences, too frequently reiterated,
You may all of you rest-assured, that the
~~Sentence~~ of the law will be put in force
against you[†], because not only your crime,

~~the~~
Criminal
course of
~~was~~
~~run~~
~~to~~
has been
sufficiently
~~long~~
you have so
long run [†]
~~well~~

† I do not see how any of you can hope to
escape it

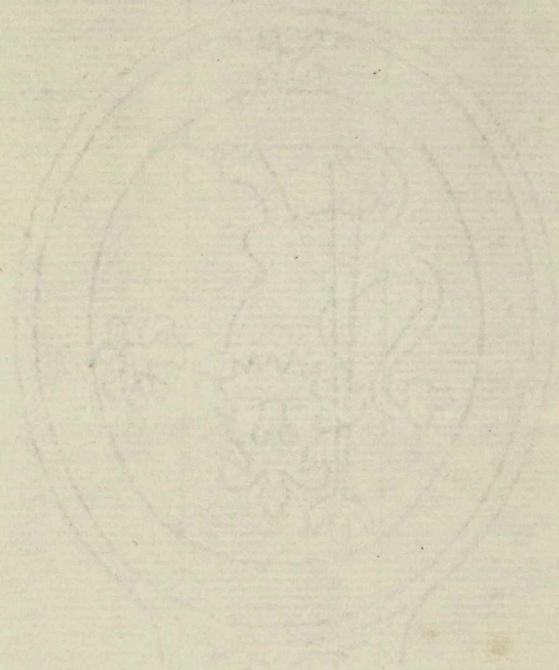
but

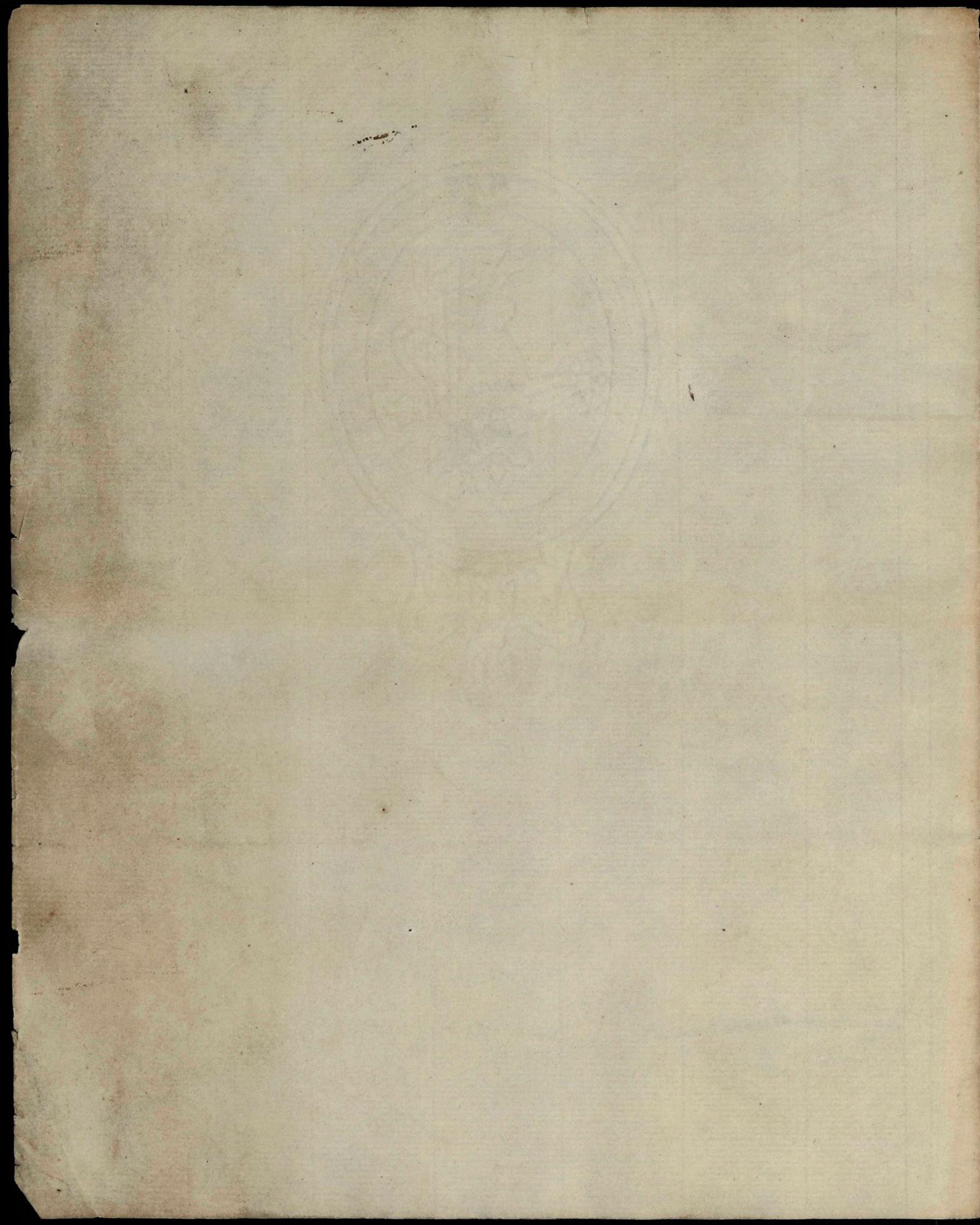
but the peace and security of society require it -
Let me entreat you therefore to prepare for this
awful event - to sit down and seriously to
reflect upon your past conduct, consider how
many more offences than the present you have
been guilty of, and that ~~you~~ must soon appear
before a more solemn tribunal to answer for all
~~your~~ misconduct in life - ~~consider how far~~
~~you have fallen short of your duty to God as~~
~~well as to man, and draw near to him~~ ^{the Great author of yr Existence} before it
be too late, and endeavour by a sincere repentance
to obtain that pardon and forgiveness which men
cannot bestow - Call in ^{to your aid} such persons as may excite
in you a due sense of your perilous situation and
instruct you in the course you ought to take, &
let nothing be wanting on your part to prepare
you for your awful fate, & to meet your God
in peace -

If my former observations have been lost upon you - let me still let me
request you will now attend to them - your attention now

how far
you have fallen
short of your duty
to God as well
as to man







Three Rivers
Court of Kings Bench
Criminal Jurisdiction.

Monday 14th Sept. 1818.

Present. —

The Chief Justice, and
Justices Reid & Bedard. —

There was no business before the Court

Tuesday 15th Sept.

The King. — }
Fran^d. Letendre } On trial of Indictment for
Burglary.

William Bowman Felton, lives in the
Township of Asst - W^d P^r - lived in service of W^d
in May & June last sup to 6th & 7 July last, when he
left his service - previous to this the W^d had goods
on first story of his house - on the 2^d Sunday in July

he missed has remnants of blue ^{broad} cloth - one of
of - cont^d about 12 yds. & another about 2 yds -
the st^d's value of of^r was 15/ 6 y^d - a
remnant of grey broad cloth, 12 yds. value 5/ 6 y^d
a pair of brown holland upwards 20 yds. 1/ 6
a remn^t of bombazette 3 or 4 yds. 1/ 6 yard -
one pair boots for of^r he had p^d. 28/ 9 - the remn^t of
a piece of printed cotton about 5 yds. 1/ 6 y^d -
a doz. Cott. Stock^s - 4/ 6 the pair - six ^{collon} shirts -
6/ each - besides some other small articles of^r
he cannot recollect, such as buttons & thread -
but cannot tell the quantity - one pair woolen Stock^s
1/ - these goods were in his dwelling house over
his bed room - the room is lighted by an aperture
where a window is to be put, of^r is large enough
for a man to pass - About the 3 July. in the
night they were somewhat alarmed by hears the
barks of dogs - but this soon ceased, as the dogs were
called in - no suspicion arose at that moment -
the P^r was then on the premises, being in the service
of a person who was employed by W^r P^r lived then
about a mile off - he had lived wth W^r at Sherbrooke
also in the house where the goods were & had access
to the store, & knew the state of premises perfectly -

on the Sunday morn^g after, the robbery was discovered - the W^r sent express servants by post to stop the thieves, if they sh^d. pass - The W^r had then no suspicion of P^r who remained firm deep on the premises after the robbery discovered. - ~~at~~ About a week after the discovery of the Robbery, he saw P^r in custody at Sherbrooke, and the whole of the property lost was produced except some small articles of P^r & he had given away - this was in the presence of the P^r Leuorne & Adams had charge of P^r - there was one Mallory also present - the bag in w^{ch} the goods were was bro^{gt} in the room by Leuorne or Adams -

Thus as there was some doubt as to the confession to be proved by the W^r from impressions he might have rec^d - from the other W^r - they were first called

Job. Adams - the P^r in consequence of informⁿ he had rec^d of a Rob. at Mr Felton, he arrested the P^r on 17th & 18th July last in township of Shipton - The P^r was at Mr home - he saw a bundle packed up to be thrown over a man's back - was told it belong^d to P^r who sh^d. he had been at work for Mr Felton - P^r said he w^d. work for Mr - at 12 doll^s of month - that he

he had that price from Mr. F. half money half
goods - shew some cloth of - he & he had \$ 8
doll - & a yard - Mr. askd. if he w^d. take a pair
of boots in part pay^t - he s^d. he had he w^d. not, as
he had ~~not~~ a pair from Mr. Felton - The W^s
having gone into his neighbours saw the advertisement
of the robbery at Mr. Felton's, & seeing the P. pass
they follow^d. him to the next house & request^d. to see
the goods as there had been goods stolen at Mr
Felton's - request^d. of him to shew the goods, of
he at first refused, but after^d. put it towards
the W^s and went out, one of the party followed
him - they opened the bag & found the goods in
it to correspond w^t. those stolen - the P. said
that he had stolen the goods from Mr. Felton, as he
owed him 10 dollars & refused to pay him - They
carried ~~him~~ before a Magistrate - the P. was ^{kept} in the custody
of W^s and carried him w^t. goods before Magistrate Mr
Pennoyer, - he carried him to Om Mallory, at a public
house, when they found Mr. Felton - before he came
in there were no threats or promises used to induce the
P. to confess - when P. was carried into the room where
Felton was, when on seeing him he fell on his knees
before

before him - the goods were also carried into the room - did not hear what P^r. said to Mr Felton - the goods were delivered to Mr Felton who recognized them to be his property - That P^r. s^d. he had given a p^r. of stockings to a woman, & another to a man of the name of Lacharite -

Mr Felton being again bro^t. forward, said - that the Cotton Stock^s were women's Stock^s one of w^{ch} was wanted as well as the woolen Stockings - on his arrival at Malloy's Inn, the P^r. being brought into the room where W^r was, he fell on his knees before W^r - and w^r. tears regretted what he had done that it was the first time he had ever done any thing of the kind - the W^r then asked of P^r. how he had effected the robbery, the s^d. that he had got in at the opening in the gable of house & took the goods from off the table - that the goods were all bro^t. back more the same as when taken, except a pair of Cotton Stock^s & a p^r. woolen Stock^s, w^{ch} he had given to Lacharite and his wife - upon further conversation the P^r. said he had been advised to do this to pay himself a month's wages of - W^r had returned from him for having left his service by the wife of Lacharite & others -

Jesse Pennoyer - is Just. Peace - lives at Compton
the P^r was brot. before W^r in July last on a
charge of having stolen goods from Mr Feltow, he
took his ex. in writing, of ^{g^t} is same now produced.
The examination of the P^r was read, in which
the P^r confessed the robbery in question -

Lewis Gregory - com^d. 3^d batt. of Newf. Militia -
The P^r was in that battⁿ - gives him a good
character while he was in the battalion -

The charge to the Jury rested upon the
defence set-up by the P^r that he had taken the
goods to pay himself for ten dollars of ^{g^t} Mr Feltow
owed him - if there was no animus furandi there
could be no felony, and it was for the consideration
of the Jury whether this existed in the mind of the
P^r at the time - the circumstances of his having
stolen goods to the amount of £10 - the account
he had given of them to Adams of having rec^d. them
in payment for labor, - his refusal to show goods
when demanded, were submitted to the consideration
of the Jury as to the intentions of P^r -

Verdict. Guilty of Steals in the dwelling house
in manner form charged in the Indictment, to the amount
therein stated, but not guilty of the breaking. -

The King
 v
 Charles Bertrand } An Indictment for an
 assault

Joseph Chartrard, W. D. J. That on the 9th Inst. inst. as he was holding his child, aged about 14 months in his arms in his house, on one of his arms - the child fell back from the arm on w^{ch} he carried him into the opposite corner of - made W^e think the child in a fit - but found the child had been struck wth a stone w^{ch} had been thrown in at the front door, opposite to which the W^e then was with his child - The stone was taken up and is the same now shown - That he saw the P^r in the act of taking up something in the street opposite the door, as if he meant to throw it, and before he had time to guard against it, the stone was thrown - That the P^r had been in the house and was in liquor; and as he was in liquor the brother of W^e turned him out and forbid him the house - upon this the D^f went out in the street took up the stone and threw it in at the door -

That he examin^d the stone at the time when it was taken up in the house and w^s it to be same -

Gabriel Chartrard was in his brother's house on the 9th instant when his child rec^d the blow with the stone

Stone now shown - saw Deft. throw stone, and
we think, it was with the intention of striking some
of them -

George Longfield. was in house of Bertrand when
his child was struck wth a Stone thrown by
Deft -

Verdict, Guilty -

Wednesday 16th Sept. 1818.

The King

Louise Quillette }

On trial of Indictment
for murder of her infant
Child. -

There were two Counts in the Indictment - one
for killing with a knife - and the other for abandoning
the child after its birth. -

Marcy^{te} Langevin de Bronsard fem. d'Amable Courbeau
dem. a Gentilly, chez elle Demers de Dumai +
con. la P. quelle ~~est~~ resté 3 mois chez M^{re} Dumai
elle couchait dans une chambre a coté de celle du Tem.
pour y aller elle passoit par celle du Tem - le
Tem. a conçu des soupçons sur l'état de la P. qu'elle
est

etait enceinte - le 25 Aout der. elle est entrée
dans sa chambre vers les 10 heures du Soir - elle est
sortie peu de temps après et a été dehors - ou elle a
resté environ $\frac{1}{4}$ heure - Que vers les 8 heures du Soir
avant de se coucher la P- est sortie de la maison
et n'est rentrée que vers les 10 heures, que l'on
prenait dans le moment qu'elle avait été veiller
chez le voisin Vidal - elle est entrée alors dans
sa chambre ou elle a resté environ $\frac{1}{4}$ heure, et
est sortie une seconde fois, et a resté environ $\frac{1}{2}$ heure -
Qu'elle avait cont. de veiller chez le Voisin jusqu'à 10
heures, et l'on n'a rien cru d'extraordinaire quant à
cela - Qu'en sortant par la porte de devant on peut entrer
dans le jardin - Que le lendemain la P- a dit au
Rem. que l'on la soup. d'être grosse - mais qu'elle avait
des bonnes preuves que ce n'était pas vrai, et qu'elle en
était bien contente - que la P- a fait voir son lit
au T- et en la voyant elle a soup. - que cela ne
pouvait pas être l'effet d'une maladie ordinaire, mais
l'effet d'un accouchement, et elle a com. ces soupçons
à son mari - Que l'après midi du même jour elle
a vu un jeune enfant ^{noûv. né} au Grenier de Vidal, mais elle
ne l'a pas examiné particulièrement - mais d'après
ce qu'elle a vu l'enfant par. d'avoir venu parfait
au monde, et croit qu'il étoit à terme - on disoit que
cet enfant avait été trouvé dans le Jardin - -

The witness was here put aside before questioning her as to any confession of P. that the other W. might be examined as to any improper means which might have been used to influence the mind of P.

Amable Courteaux, dem. chez M Dumai à Gentilly - a vécu un mois avec la P. chez Dumai - vers le 25 Août on avoit des soupçons qu'elle étoit enceinte - Vers les 8 heures du soir elle est sortie à la nuit 1/2 h. & lorsque elle a rentrée la fam. étoit couchée - elle est entrée dans sa Ch. et est sortie peu de temps après et a resté dehors environ 1/4 heure - Le lendemain la fam. du Ten. lui a com. ses soup. que la P. avoit été accouchée dans la nuit - Le vers midi on a été chercher dans le Jardin pour trouver l'Enfant, & cela sans avoir rien dit à la P. - et sous une table de gabelliers il a vu la jambe d'un enfant nouvellement né - il a été en conséquence averti Mr Dumai, Mr Vidal le voisin, et autres personnes - ces personnes se sont rendus dans le jardin et en designant l'endroit où il l'a vu Mr Vidal s'est avancé & a dit le Vois l'Enfant - & l'adversaire du témoin est parti & est rentré dans la maison - Le après que l'enfant fut trouvé il n'a rien dit à la P. - qu'après qu'il fut appelé pour voir la plaie sur l'enfant - Le le soir il a dem. à la P. comment elle avoit fait pour faire l'Enfant

l'adversaire

l'action qu'elle avait faite à son enfant, voulant de
la plaie sur le coup de l'enfant - elle a répondu, qu'elle
l'avait faite en mouvant le sein de son corps, mais
elle n'a pas parlé qu'elle s'était servi d'aucun
couteau ou autre instrument, mais qu'elle croyait avoir
fait cela en voulant l'avoir - Que l'enfant parvenait
avoir été caché à l'endroit ou il l'a pour la première
fois -

X

Qu'il n'était apparu que la P. - était un peu grosse
mais on ne pensait pas qu'elle était grosse d'un enfant -
Que c'est lui qui a été le premier à trouver l'Enfant - mais
n'a pas ex. si il avait alors la plaie - Qu'il n'a vu
l'enfant que le soir après - n'a pu regarder la plaie
d'assez près pour pouvoir dire si elle était devant ou
derrière - Que la P. a travaillé le lendemain comme
à l'ordinaire -

Marg^{te} Langerin bot. back, says - Qu'avant ce temps elle
sait que la P. était bandée, & par là elle pouvait
cacher son état de grossesse, et elle croit que la P.
se servait de cette bande pour cacher sa grossesse -
Qu'au bout de 2 Jours après elle a ôté la bande de
la prisonnière -

Frans. Vidals dem. vis-à-vis de Mr Dumai a Aubilly -

fin de l'acte dernier

Que vers le ~~27~~ 27 août et à Loups. que le P. étoit enceinte
Qu'il l'a vu le matin du 25 août sur le pain que l'on
a trouvé l'enfant, lorsqu'elle ne paroissoit pas enceinte
mais qu'il l'auroit vu le jour auparavant lorsqu'elle
lui paroissoit enceinte - Que c'étoit entre 5 & 6 h. du
matin du 25 et l'a vu à la porte chez Mr Cusmai -
Que la veille le P. n'a pas été veiller chez le témoin
Qu'il avoit des soupçons en la voyant le lendemain qu'elle
seroit accouchée dans la nuit - Qu'on est venu ce
même jour pour le pain de Venir dans le jardin, ou
on avoit trouvé l'enfant - que Demers & Courteau
y étoient - Courteau étoit dehors du jardin qui
promenoit à l'endroit où étoit l'enfant - que l'enfant
par. avoit été caché - ou voy. ce par. - dep. le
genou jusqu' au pied - que le tém. a levé l'enfant
qui étoit mort, enfant mâle - il avoit une blessure
au col - laquelle blessure paroissoit faite avec un
couteau ou quelque instrument tranchant - qu'il
y avoit deux blessures depuis la derrière du col jusqu'
en avant, & entre les deux une espace d'un $\frac{1}{4}$ de pouce
qui tenoit - Que les 2 blessures pouvoient avoir
quatre pouces de longueur - Qu'il a mis l'enfant au
genou de la maison - Que l'enfant paroissoit à
terme & parfait - & les blessures qu'il a vu sur l'enfant
étoient suffisantes de produire sa mort - ne peut
dire si l'enfant étoit né vif - Que vers les 4 heures

de l'après midi Mad. Demais l'a demandé de venir
chez elle ou il a vu la P^{re} qui étoit couchée & auparavant
malade - Que le D^r Henriques a ex. l'enfant le jour
même qu'il a été trouvé & le lendemain aussi -

x

Que c'étoit vers 1 ou 1 1/2 heure d'après midi qu'il
a trouvé l'enfant - quand on est venu lui dire que l'enfant
étoit trouvé, on n'a pas parlé de blessure sur le corps, & il
ne peut rien dire que quand il a lui-même vu l'Enfant

Gaspar Demers de Quercy la P^{re} a été en service chez
lui - quel y avoit des soupçons sur cette fille qu'elle
étoit embarrassée - Qu'il a été dans le jardin avec
Courteau & Vidal lorsque l'enfant a été trouvé, -
Qu'après qu'il fut trouvé il s'en fut dans sa maison
lorsque la P^{re} l'a appelé et en demandant mille
pardons, le tém. a dit très bas demander pardon de Dieu
pour l'action que tu a faite, ~~ou a faite~~, comment
a tu pu faire cette action, la P^{re} n'a rien répondu
mais a pleuré - Que dans ce temps on ne savoit pas
que l'enfant avoit des blessures sur le corps - on n'a
sçu cela que le soir après - Que le lendemain il a
demandé pourquoi elle avoit coupé le col à son
enfant elle a répondu, qu'elle étoit servie de son
couteau pour retirer l'enfant de son corps -

Que quand l'enfant a été trouvé on n'a pas
ex. si il avait le col coupé ou non & il ne peut
dire si il étoit coupé alors ou non -

Marie Louise Toussignan femme de M. Dumai - Que
le jour que l'enfant a été trouvé, le tem. s'est
appesant que la P. étoit diminuée - qu'elle a travaillé
le matin, mais l'après midi elle s'est mise au lit
le tem. pensoit alors que c'étoit sa maladie qu'elle
avait alors et ne croyoit pas qu'elle auroit été
accouchée - Qu'elle a su après que l'on avait
trouvé un enfant au jardin, et elle l'a vu
au grenier de Vidal, à vu des blessures sur le
col, ne les a pas examinés particulièrement, mais
elles paroissent d'une nature à causer la mort de
l'enfant - l'enfant paroît parfait - Elle
adem. à la P. comment elle auroit pu faire pour
accoucher toute seule - elle a répondu, qu'elle
s'étoit servi de son contreau pour l'avoir, voulant
dire, pour retirer son enfant de son corps - J'ai
dit cela n'est pas possible que cela puisse être -
la P. n'a rien répondu là dessus -

Marguerite Langeron brought to the box again - dit qu'avant
l'accouchement de la P. le tem. a consulté de se déclarer
et qu'on en auroit soin - Que la P. a toujours senti
d'abm

D'être grosse - qu'après que l'Enfant fut trouvé
 la P. s'est mise au lit - sur quoi le tém. a été lui
 parler - et le tém. a com. par lui demander, comment
 est-ce que tu as pu faire pour couper le col de ton
 enfant? elle a répondu ⁺ qu'elle étoit en voulant
⁺ l'avoir qu'elle en avoit coupé le col - le tém. a
 dit que cela ne pouvoit être, que si elle ne seroit
 n'en ai pas servi de son couteau pour cela elle auroit estropié
 de connaissance son enfant autrement - à cela le P. n'a rien dit,
 et si je l'ai fait et le témoin est sorti

Bernard Ferris - est médecin - accoucheur - a vu
 l'enfant le 2^e Jour après qu'il fut trouvé dans le
 Caveau de M. Dumai - il a vu une barre noir
 sur le côté droit du col de l'Enfant - ne peut dire si
 l'enfant a été ni vivant au mort - il paroît un
 enfant assez robuste - Qu'il a questionné la P. et
 lui a dem. comment elle avoit détruit son enfant - elle
 a premièrement répondu - qu'elle étoit abandonnée de Dieu
 et possédée par des mauvais esprits - ⁺ elle a ensuite
 dit, qu'elle s'est aidée de son couteau pour retirer
 son enfant de son Corps - le tém. a dem. où étoit
 le couteau - elle m'a dit que Mad. Demers l'avoit
 brûlé - que le témoin disoit qu'il vouloit demander
 elle

+ cela peut
 bien être
 mais je
 n'en ai pas
 de connaissance
 et si je
 l'ai fait

Le tém. a
 ensuite dem.
 avec quel
 instrument
 avez vous
 retiré votre
 enfant, elle
 a dit avec
 mon couteau

cela à Mad^e Demier - lorsque le P. lui dit, que
le couteau étoit dans un tiroir, ou le trou - l' a trouvé
et la P. lui dit de garder ce couteau qu' elle ne
voulait plus le voir - le tém. a alors dit, comment
~~est ce que tu a pu faire pour blesser ton enfant, elle~~
a dit qu' elle s' étoit aidée avec ce couteau - Qu'il
est possible qu' une femme pourroit se servir d' un
tel instrument dans ses couches, mais il n' est guère
probable, & même dangereux - Produisit maintenant
un couteau qu' il croit être le même -

d de n' être rien
dire à -
personne

Trans Legendre. Qu'il a vu l' enfant en question le 26 ou
27 Août, a vu deux coupures sur le côté gauche du
col, et cela lui a paru extraordinaire comment on
se seroit pris de cette manière pour couper le col de
l' enfant - comme le corps paroît plutôt enfoncé
que coupé - L' enfant paroît parfait - mais
on peut dire s' il étoit ~~pas~~ vivant - que d' après
ce qu' il a vu des blessures, et ayant entendu dire
que la P. s' étoit aidée d' un couteau, cela lui a
paru ^{de même} comme cela, comme ayant des coups enfoncés
plutôt que coupés - croit que le couteau maintenant
produit auroit produit cet effet -

George

George Carter, Surgeon - says he has heard the wound
on the child described - Qu'il se croit possible qu'une
femme dans les douleurs de l'accouchement auroit
pu faire une pareille blessure sur son enfant -

Verdict - Not Guilty of murder, - but
of concealing the birth of a bastard child she had
born - under St. 52. Geo. 3. ch. 3. -

The King. - }
Joseph Bellerose }
n

On trial of Indictment for
an assault

Michel Robitaille - dem. à la P.^{te} du Lac.
Qu'il vouloit arrêter trois matelots deserteurs du Frigate
à la P.^{te} du Lac le 11 Aout, lorsque le D^f. y en étoit avec
eux s'est mis en opposition, et a avancé avec un bâton
et a donné un coup, mais le tém. s'en est garanti par
un bâton qu'il avoit à la main -

John Craig Morris - étoit présent - a vu le D^f.
essayer de frapper Robitaille en portant un coup de
bâton sur lui que Robitaille a garanti en levant son
bâton pour se défendre -

Verdict Guilty -

The King. —

Joseph Bellerose }
alias Michel de laune }

On Indictment for breaking and
escaping from Gaol

The Defendant pleaded Guilty. —

Thursday 17th Sept. 1818. —

The King. —

Michel Friesback }
alias Michel de laune }

On trial of Indictment for
Horse Stealing. —

Pierre Trahan, resté à St Michel district de
Quebec — en Juin dernier il avoit un cheval noir
coupe' trois pieds blancs & le nez blanc — le 29 Juin
dernier il a vu le cheval dans son parc le soir,
et le lendemain il manquait — on a été à la recherche
pour le trouver — il a été chez M^r Strot, qui lui a
dit que le cheval étoit parti pour Montreal — à la
traverse du Saut à la Chaudière il a vu qu'un
pareil cheval avoit passé' là, il a poursuivi jusqu'
à la ville de Trois Riviers, où il a trouvé le cheval
en la possession du P^r — Qu'il a vu le p^r à St
Michel.

Michel le Dimanche precedent la S^{te} Michel -
Que le cheval valait £20 et estoit la propriete
du Temoin -

Etienne Duval, dem. aux T. R. a vu le P^r avec le cheval
le 2 ou 3 Juillet dernier au T. R. et offroit de le vendre
pour 36 piastres - croit que c'estoit sa valeur - le P^r a
dit qu'il auroit en d'eschange a S^{te} Pierre, Que le
Temoin avoit offert 25 piastres pour le cheval, et ce
estoit apres l'essaye lorsque le dernier temoin est
arrivi qui a reclame le cheval comme lui ayant est
vole, et le P^r a est arrete en consequence -

Verdict. Guilty -

The King. -
Michel Friesback
alias Michel Leclair

On trial of Indictment
for Grand Larceny -

Ambroise Huet dem. a Beccumont, distriet
de Quebec - que le 29 Juin dernier, il lui a est vole
une charette avec ses roues valant 18 piastres - la
charette estoit devant sa porte - il l'a trouve apres a
Beccumont chez un homme Beauchamps - le temoin
a reclame sa voiture comme lui ayant est volee
et Beauchamps la rendie immediatement -

Jean Beauchaine - a acheté une charette du P^{on}
2 ou 3 jours apres la T^{pi}erre - la charette etoit
peinturée bleue & blanc - Que le lendemain
le témoin Huet est venu reclamer la charette comme
à lui appartenante & le témoin l'a rendu -

Verdict - Guilty -

There being no other business before the
Court, it proceeded to give Judgment upon
the several convictions had during the Session

The King
Fran^s Letendre }
~~Letendre~~

On Conviction for stealing
from the dwelling house above
the value of 40/-

Judg^t. Death - ex^o 30th Oct.

The King
Charles Bertrand }
Bertrand

On Conviction for an assault

Judg^t - 3 months impris^t in the Gaol

The King
Louiseⁿ Ouillette }

On conviction for concealing the
birth of her bastard child -

Judg^t - Imprisonment & hard labor
for two years in the Common Gaol.

The King
^{or}
Joseph Bellerose }

On Conviction for an assault
Judg^t - One month's Imprison^t
in the Common Gaol

The King
Josephⁿ Bellerose }

On Conviction for breaking and
escaping from Gaol
Judg^t - Three months Imprison^t
in the Common Gaol.

The King
Michelⁿ Friesback
alias M^r Leclerc }

On conviction for horse stealing
Judg^t. Death - ex. 30th Oct

The King
Mich^e Friesbach }
alias M. Leclair

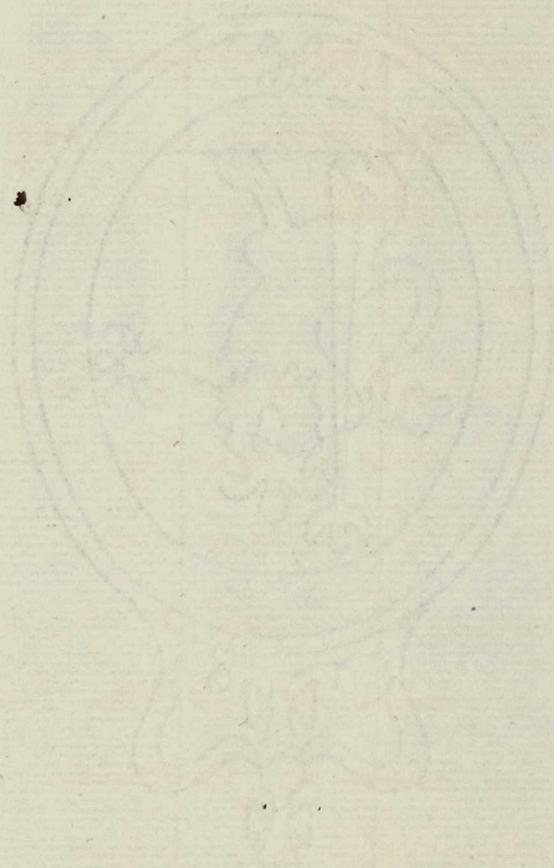
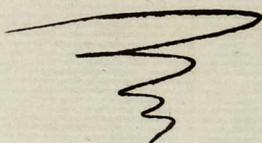
On Conviction for Grand
Larceny -

The Court suspended giving Judgt
on this Conviction until next Term. -

The Grand Jury made a presentment to the
Court as to the insecure State of the Gaol and also
as to its unhealthiness - recommending that such
parts of the new prison as were fit for the reception
of prisoners, might be employed immediately for
this purpose -

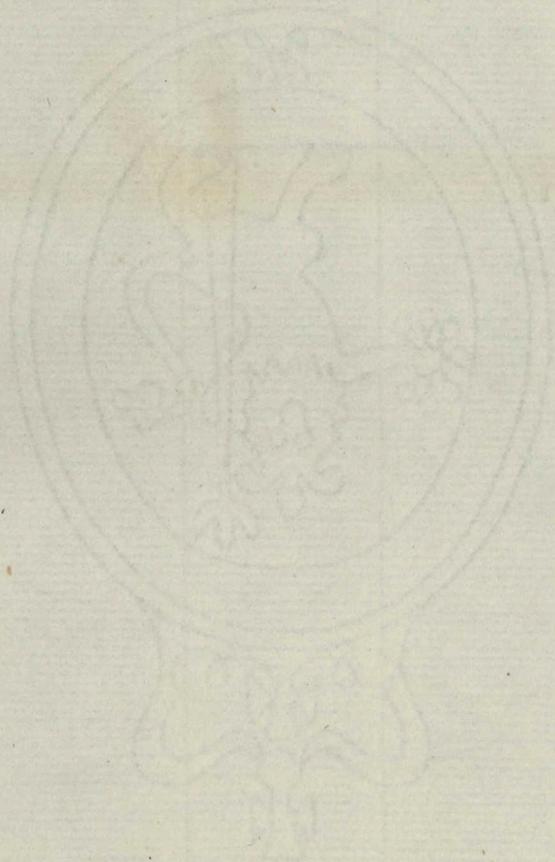
The Court stated to the Grand Jury, that
they should cause a copy of the presentment to
be delivered to the Commissioners for erecting the
Gaol, and another copy to the Sheriff, and would
recommend to them to put the presentment into
execution as soon as possible - as by the Prov.
St. for erecting the new Gaol. the Commissioners
are directed as soon as the same or any part
thereof

whereof is fit for the reception of prisoners
they shall intimate the same to the Sheriff
who is thereupon required to transfer the
Prisoners in his Custody into such new Gaol



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Thursday 17th Sept 1818. —

252..

N^o 10

Waters & Co
 in
 Clarke —

on Rule to show Cause why Defendant should not be discharged from his imprisonment. in consequence of their neglect to pay the alms house allowance —

Order for Plaintiff — the rule ought to be moved on the Plaintiff personally and on his Attorney — in all matters after death —

Term. Proper Pleas of practice service on the attorney is sufficient —

N^o 229

Desautels
 in
 Tonancour —

on rule for delay to plead till first day of next Term —

Verina for Plaintiff — The reasons alleged in the affidavit are insufficient — the acts he wants can be of no avail

Tonancour — action bro^t at last moment — no time allowed to get necessary information for defence —

Friday 18th Sept. 1818. -

N^o. 272.

Sylie Baudrie
Christ. Morrison }

On rule to shew Cause why attachment
should not be set aside, as no sufficient
dibt has been sworn to -

Touman coin for Plff - Demande in Separation -
& demand for a sum exceeding £10 St. as her share
of the Community w^{ch} he harboured the Defend^t -
The law made to prevent fraud - & the Plff has sworn
to what the law requires, and as far as she can swear -

Ogden for Defend^t - The affidavit can be considered
as extending only to £10 C^y - the specific sum
on affidavit ought to be sworn to in cases of attachment
refer to cases of Parault v. Frobisher & Gouin v. Frobisher
in this Court in 1813

Saturday 19th Septe. 1818. —

Julie Beaudry. —
Christoph^m Morrison } —

Rule absolute — The affidavits insufficient.

No. 48

Agathe Brissette. }
Alex^r. Baraille. — } —

Action for damages for illegally opposing
Sale of Plff. land —

Ogden for Plff. — Land was sold for 1000th. less in
consequence of the opposition — Plff. demands £250 —
the writ. from that land would have sold for 5500th — &
Plff. is entitled to difference, being 1500, between that and
the sum of 4000th. for which it was adjudg^d. —

Verdict for Def^d. — The Defend^t. has good cause to
make the opposition being à fin de distraire a part of the
land sold. — Jos. Fleury the husband of Plff. had exchanged
a certain land wth Defend^t. and as there was a deficiency
on what was rec^d. from Fleury, the Defend^t. made his opposⁿ.
that land of Plff. should be sold subject to the charge
of completing the Defendants title, namely 1/4 acre.
That the Court by its Judg^t. has reserved to Defend^t. his
right of opposition à fin de conserver, altho' the opposition
à fin de charge has been dismissed, and as a right of opposⁿ
existed

existed in the part of the Defend^r. the mistake
of making one kind of opposition instead of another
is not cause sufficient to support the present action
that there is still existing on the part of the Defend^r ^{or his}
an opposition afin de charge to the sale of said lands
upon which there has been no Judgment yet
rendered, which alone was sufft. to stop the Sale
that the Court ought to incline in favor of an apparent
right in the party making the opposition as sufft
to exonerate him from the present action -

that Plff still remained in the poss. of the land
and enjoyed the fruits thereof -

Considers the proof as not sufficient to establish
the damages -

Order in reply - The Defend^r. has denied
the Plff's right of action generally, but has not
pleaded the special matter now stated by him -
As to the opposⁿ - afin de charge stated still to exist
the Defend^r. ought to have shown his right under
this opposition and how it was disposed of - it
was not for Plff to do so -

Then the Counsel for Defend^r. stated that the
land had been sold by the Sheriff under the writ
of

of Vend. exp. charged with the rente in which
that opposition was made—

Ogden then stated — that had this opposⁿ been put
in alone the Puff might have admitted it & the sale
have proceeded — & in fact there never was any contest
on this opposition apud de charge. —

N^o 66

Chas. Gouin }
Joach: Reward }
Lanouette — }

action in arrears of Constitut. —

Hearing on law

Commencement in Dept — that the person making
the transport to Puff, had not the right to do so —
his capacity of Veuve only, not as Tutor to her children
as representing her late husband, was insufficient —

order that parties proceed to proof
avant fait suit.

N^o 114

Louis Barbier }
P^{re} Bureau }
and }
E Coutra — }

action in breach of Contract — damages
£250. —

Lafumaye in Puff. Contract to carry mail as
a postman — Louap d'ouv. N^o 104. 441 — as to resolution
of

of the Contract between Locateur & Conducteur -
Poth. Obl. N^o 157 - The Defend^t put Plff
out of his service notwithstanding his regular conduct -
The Plff has suffered damages in having provided
horses to carry on the business he had undertaken
upon which he suffered much loss, having been obliged
to sell them - & being deprived of a certain gain on the
contract - On the incidental demand the Def^t
has made no proof -

Verina for Def^t - The Plff failed in doing his
duty in carrying the post mail wth due diligence
& therefore Defend^t had a right to dismiss him from
his service - Poth. Louv. N^o 174. 175
On the incidental demand, the same proof as
in the principal establishes the damage he is
entitled to under the Contract -

N^o 397

Giles P. De Champlain
Thomas Coffin.
Thomas Coffin
opp^t -

On opposition après d'annulation
It carries en droit -

Tonancour for Opp^t - states a
subsequent transaction the Def^t. is
satisfied -

Verina. The allegations not sufficient to entitle
Opp^t. to go to proof -

No. 326

Chas. Lesieur - }
Amelia Guey }

action en extorsion de Titre -
Hearing en droit -

Verina for Plff. Plff has proved that the
Defend. was in poss. of the land in question - the
Cause was heard & the Defend. admit to plead on
on an amended declaration - has pleaded an Excepⁿ
dilatouⁿ - which is too late -

Ogden for Defd. The Defend. was allowed to
amend his plea to get Plff has replied - & the question
now whether action ought to be dismissed, as another
person is the substantial Defend. in Cause - That
McBell ought to be brot. into the Cause -

Verina - It is for the Defend. to bring in McBell
she is in possession, ought to have done in the necessary
diligence to bring him into the Cause if necessary for her.
The action is well directed ag^t. Defend.

Ogden - The issue not perfect - no replies

No. 195

Jos. Drolet }
Jos. Gouin }

action on Promissory Note -
Ex parte -

Touaneau for Plff demands judgment

Monday 21. Sept. 1818. —

N^o 201

Pierre Bureau }
J^{rs} B^{ts} Lemire }

On Rule to shew Cause why the instance shd not be declared perie from defect of proceedings —

Verina for Plff. — The parties have settled some last proceedings & Defend^t has pd. the principal & the Costs only remain to be satisfied — The Rules of Practice has changed the course of proceedings —

Tonnancour — The presumption d'instance is granted by the Code Civil independent of the Rules of practice the last proceed^s in the Cause being on 30 March 1815. The Court not obliged to know the reason why the Plff has cont^d the Cause —

N^o 275

Antoine Lemire }
Joseph^v Lupien }
Jos: Bouillet op^t }

On question of Costs on opposition —

Verina for Plff. — The Defend^t & Opp^t live together — and the seizure made of the property was in the domicile of the Defend^t and therefore the Costs of the Contest ought to be paid to Plff. — The Opp^t on his serment Judiciaire does not claim a store seized — altho' by his opposition he has claimed the same —

Tonnancour for Opp^t — The Plff had no ground to presume that the effects seized were the property of the Defend^t — The house in which the parties lived belonged to

to the opposant, and the whole was purchased by
the opposant & had never belonged to the Defend^t - The
Plff lived next neighbour to Defend^t - Long th^t to have known
the facts -

N^o 31

Thos Olive
Jos. Paccard

Action of assumpsit for goods &c sold
Final heard on merits
Verina for Plff - The Defend^t has pleaded
jury in consequence of a transfer of a Judg^t
obt. by him of Jos. Frobisher -

Ogden for Defend^t - The Plff accepted a transfer
of a Judg^t obt. by Defend^t of Jos. Frobisher & upon this
gave a discharge to Defend^t - of - must apply to this
debt, as the Defend^t owed nothing else to the Plff
Cite from 2 Bouv. p. 536 - Transfer is a payment -

Verina in reply - The act of transport cannot
be extended beyond its true import - The transport
is stated to be for a somme payee, not for goods sold
by Plff to the Defend^t - The Defend^t acknowledges
to have received the amount of this sum from Plff

N^o 32

Michel Robitaille
Louis Prouven

Action for breach of Contract - damages
£250 -
re-hearing - ex parte - on merits -

Ogden for Plff - The agreement to perform
Carpenter's work at prison - Plff advanced £34. on
the

on the Contract - Pluff entitles to the penalty -
Poth. Obl. N^o 349 - Evans 214. -

stands over

N^o 132

Chas. Charpentier
In B^e Lem. Aug^e }

action en Petition d'heredité -

Hearny on droit

Jourancour In Defend^t - The Defend^t is

attacked as being in the poss. of Suc. of J^rs Chas. Charpentier
by the Pluff, his collateral heirs - In collateral line
the parties must be in the same degree to claim by
title, they cannot claim by representation - The Pluff
are nephews & petit nephews, claiming the succession
of their uncle - this they cannot, Bouy. art 2. p. 936 -
or art. 318. of Cout. Paris - U. 945. The Pluff. do
not distinguish which of them are nephews, &
of them are petits nephews - U. art. 21 - That
the claim in this case ought to be par souches and
not par titres, art 325. Cout. establishes this -
But the Pluff. ought to have stated the kind of Succ.
they were entitled to, whether propres acquets or conquests.
The art. 320. & 321 shows that action is ill founded

Verina for Pluff. It is only by the proof that the
shares ought of the Pluff. can be established - the nephews
sons of nephews are entitled to join in this action -

N^o 2.

Josias Wurtle. }
J. M. Fonnancour }

On report of Surveyors &
on Plff. motion for homologation
of report of 29 Sept. Aug^r. & 9 Sept
1817. -

Fonnancour for Def^t. The line O.K. L.M. must be
declared the line of Collins as stated in his P.V. of
28 March 1771. By Indent^r of 1815 the Def^t.
is supported up to the line of Collins - Louis Davis poss.
the land adjoining this line has never known any other
line - but that of Marka by concession 1767. from
Mr Deschambault - River David is a boundary of the
Suzony - The Suzony belonged to Du Calvet - ~~it~~ was
sold by Duval - 15 acres or thereabout - as stated in that
deed of Duval - where Rivier David is recognized as
a fixed line of Suzony - Collins planted 3 boundaries
2 between on the lateral line of St Louis Marka & the
3^d at dist of one acre in the trait quare between the
Plff & Def^t - these boundaries are all acknowledged
The stone boundary wth pieces of earthen plate under it
& a cedar Post - here is the objectionable point - In
pursuing the line as established by the Surveyors it
passes the river David 9 arp. 5 feet higher up - it will
be at dist. of 125 arp. from the 3rd bound acknowledged
there will thus be wanting 5 arp. to complete Def^t's
title - the variation of the instruments is the true
cause that the same boundaries planted by Collins has
not

not been found - but the proof enormous made
in the P.V. of Deffenier, is the boundary of ^{l.} Court
must consider as true boundary of division, which
has been found by the Surveyors on their last Visit -
By Collins' plan, it would appear that Deft. has
 $\frac{1}{2}$ league more than was allowed him, in consequence
of the point of departure being taken in the water
instead of starting from the edge of the water -
The Trif ^{g^t} was bot. by Deft. at Sheriff's Sale puts the
Surveying in the same entire State it originally was

Verina for Plff - The Surveyors in execution
of the Indenture - found a stone bound. marked
B. between St. Fr & Yamaska - same as planted
by Collins - in depth of 147 ¹/₂ A B G. upon this
the rest of the line must be established - and upon
this line the Surveyors have continued their operation.
and fell upon the boundary at the letter G -

The Surveyors have planted a boundary close to
that of Collins - the boundary at 146 acs. marked
D. is same as that stated by Collins at 142 ¹/₂ acs.

The line K M. is that claimed by Deft. - but this has
not same signs & proofs in its favor -

No 295.

Ed: Throulton
St: Burroughs

action on Promissory Note -

Ogden for Plff demanded Judgment in

consequence