At a Court of Oyer & Terminer and General Gaol Delivery in & for the District of Montreal, begun and holden, on

Tuesday 2. November 1819.—

Before.

The Hon.— James Reed
Lo Ch. Foucher } Justices &c
~~Geo. Pyke~~

Mr Justice Pyke did not attend from indisposition—

The Commissions of Oyer and Terminer and General Gaol delivery was read—

Mr. Arnlie was sworn in as Clerk of the Court under the Commissions produced appointing him as such—

The Grand Jury were sworn and charge given by Mr Justice Reed.—

The Sheriff.
Jn B^te Lajeunesse } The Grand Jury returned a Bill of Indictment against the Pris^r for Robbery—
21 July. 1819 — Montreal—
½ dollar
~~Two~~ Twenty dollars, & 3 ½ pence—
Goods of Louis Charron.—

21

The Prisoner being arraigned, pleaded Not Guilty.—

The Petty Jury being called over, Mrs Gibbon Pell, one of them, objected to serving as such, as he was a butcher by trade, and consider himself exempted— Also Richard Dalton, Junr— objected to serve as such, as he held a Commission in the Militia— but the Court did not allow of the exemptions pleaded to be sufficient—

The Case was opened by the Sol. Genl

Louis Charron., dem. sur les Pts a Calliere— que le 21 Juillet dr. vers 9 ½ 10 heures du matin, il passoit dans la rue de cette ville, et a rencontré le Pr qui lui offroit un pote à vendre— il a fait 15 Sols le Tas. l'a acheté à ce prix, l ayant sa bourse à la main, il la vuida pour tirer l'argent pour le payer— a vuidé l'argent qu'il avoit dans sa main pour trouver un 15 Sols— avoit des ecus parmi les 30 Sols—, pendant qu'il cherchoit, le Pr a jetté un parapluie, sur ses bras, l lui a pris des mains un ecu, il avoit déjà pris un trente sols pour le poste disant qu'il vouloit le changer—, que le tem. a dit au Pr de lui rendre son argent— le Pr n'a pas voulu la rendre, mais a repris son parapluie, en

disant

disant au temoin, à même lui donnant un coup de poing, prend cette rue & je prendrai l'autre et quant nous nous rencontrons je vous rendrai votre argent — & a refusé de lui rendre son argent.—

Louis Gauvin. Constable — con. le dit. tem. l'a vu sur le marché vers le 20 Juillet dernier vers 10 ou 11 heures du matin — ayant eu connoissance du vol le Tem. a depeinge le Pr — et on a été à la recherche du Pr — et l'ont arrêté —, et l'ayant accusé du Vols du Pr — a dit que ce n'étoit pas lui que avoit fait le vol, qu'il n'avoit pas son argent en disant au Temoin de le fouiller —

Jacques David, dit Con. en Juillet der. a amener le Pr à la prison de l'office de Police — en l'y amenant il a laissé tomber un ecu de sa poche, avoit cependant dit qu'il n'avoit pas d'autre argent qu'un 30 Sols — que lorsque le Tem. voulut ramassé l'Ecu le Pr l'a saisi, en disant qu'il n'avoit point d'ecu et qu'il n'avoit point d'argent —

Gwyn Owen Rodford — Gaolier — le Pr est venu en Prison vers le 3e Semaine de Juillet dernier, l'a entendu dire alors qu'il n'avoit point d'argent — le Tem. l'a cherché & en levant sa poche de veste il y a tombé un ecu — n'a pas demandé particulierement si l'argent lui appartenait — a marqué l'ecu, et l'a remis au Magistrat —

James Gordon – dont dans sa fonction, il a vu la difficulté entre le Pr. & Chanon à l'egard de l'argent que le Pr. lui avait volé – que le Pr. dit au Chanon de s'en aller, ou qu'il le battroit, il l'a beaucoup menacé – et à la fin le Pr. s'est sauvé – n'a pas vu prendre l'argent –

Here the evidence on behalf of the Crown was closed –

Defence –

Joseph Moses – sit rien –

The Court charged the Jury, that the Robbery was not sufficiently made out as the fact of violence did not appear proved and therefore directed them to find a verdict of Petty Larceny, provided they gave credit to the evidence – The Jury returned a verdict without retiring from the bar – Not Guilty of Stealing with violence from the person, but Guilty of Petty Larceny –

The Court adjourned till to morrow morning at nine o'Clock.

Wednesday 3d November 1819

Present
Mr Reid & Foucher

The King
John Lessard } On trial of Indictment for stealing from the dwelling House to the amount of forty shillings –

2d July – 20 yards muslin – value £4 – Sto – of the goods of one Robert Woods – in the dwelling house of Robert Woods & Thomas McVey – parish of Montreal.

Robert Woods – demeure en ville de Montreal, est assermenté de Mr Thomas McVey, rue St Paul – se rappelle d'avoir acheté en Juillet dr. 20 verges de Mousseline de Mr James Douglass a 4/ la verge – il étoit vers les 4 ou 5 heures d'après midi lorsqu'il a porté chez lui, et l'a mis sur une table en la premiere chambre du magazin – le magazin forme partie de la maison de demeure – Environ 1/4 heure après – il s'est apperçu que la mousseline manquoit – que le clerc de Mr Douglass est venu lui demander s'il avoit perdu la mousseline comme une personne offroit une pareille a vendre a été avec le clerc chez Mr Wigham, a y a trouvé le Pr – qui dit avoir reçu la Mousseline d'un nommé Wright – en paiement des gages qu'il lui devoit – le Pr a été mené chez un Magistrat avec la mousseline a reconnu la mousseline pour être la sienne, tant par son apparence, que par l'enveloppe, dont il avoit declairé le coin. –

X

X

a mis la mousseline sur la table du magazin de l'Encan — environ 1/4 heure après s'est apperçu qu'elle manquoit — Sur la raison pour laquelle il avoit déchiré l'enveloppe dont pour voir la qualité de la mousseline ne se rappelle pas d'avoir pris cette manier d'examiner la qualité de l'article qu'il achete — qu'il n'y avoit point de marque sur la mousseline même, par la quelle il pourroit la reconnoitre, excepté la marque de la quantité de 20 verges — a vû de pareille mousseline n'a pas dans les magazins — mais il est sûr — qu'il y ait eu des pieces pareilles de mousseline dans les magazins — Sur la porte du magazin de l'Encan étoit ouverte pendant le tems que la mousseline étoit sur la table — Sur il n'a vû personne dans le magazin, excepté une fois qui y rodoit, mais il n'y a pas fait d'attention — et ne peut le reconnoitre — ne croit pas qu'un homme auroit pû y entrer sans être entendu de lui —

James Douglass, demeure rue St Paul — se rap. d'avoir vendu à Mr Wood in Juillet der. 20 Verg. Mouss. a 4/ la verge — d'une belle qualité — il y avoit la marque du magazin dessus — reconn. sa marque sur la piece maintenant produit — étant de sa propre ecriture — il a été peu de tems après qu'on lui avoit vendu une par piece de Mouss. à Vernon chez Mr Whitham — il y fut, il y a vû le Pr. à la piece de mouss — sur le Compteur — l'a ex. & a reconnu sa marque — est-la même piece maintenant produit.

Le

Le Pr. dit qu'il avoit eu cette mousseline d'un nommé Wright pour ses gages — le Pr. parloit un peu anglois — le Tem. observa qu'il avoit vendu cette même pièce de mouss — 3/4 heure auparavant à Mr Wood, mais le Pr persista toujours de dire qu'il avoit eu la mousseline de chez Wright —

xD —

N'a fait venir que deux pièces de cette mousseline de l'angleterre — l'autre pièce il a vendu après — Il y avoit de pareilles pièces de mouss — à vendre en ville — Que les lettres I.D. ont été mises sur la mouss. après qu'elle a été trouvée sur le Pr — mais connoissoit la mousseline par la marque privée — G.Y.W. qu'il dans sa propre ceinture —

Peter Whigham — marchd. demt. rue St Paul — No 129 — se souv. d'avoir vû le Pr le 2 Juillet dern — et lui a offert une pièce de mousseline enveloppé en papier, qu'il disoit être mouchoirs — en regardant le Tem. a vû l'ouvrir et a donné à entendre au Pr qu'il l'achèteroit, s'il vouloit lui dire d'où il la tenoit — le Pr voyant que ce n'étoit pas de mouchoirs, dit qu'il qu'il la vendoit à la verge, que c'étoit pour faire des mouchoirs, que qu'il en avoit déjà coupé une — mais le Tem. a vu que la pièce étoit entière — Qu'il a envoyé chercher Mr Douglass, qui en regardant la mousseline a reconnu sa marque privée — Que la mousseline vaut au moins 4/ la verge — le Pr l'a offert à 2/6 — Que Mr Woods est venu ensuite qui a reclamé

la

les mousselins, et alors le Pr. disait qu'il avoit eu la mouss- d'un hom. du Haut Canada pour ses gages — Que Mr Osterout en étoit aussi, qui a reconnu la Mousseline pour l'avoir importé d'Angleterre —

X

Avoit de la Mouss. de par. qualité en son magazin dans ce tems la — qu'on fait venir de cette mouss. en grandité de l'Europe —

John Osterout. marchd. demeurt. à Montreal, Que l'année dernier il a importé de la mousseline d'Angleterre suivant sa marque privée il reconnait la piece maintenant exhibé pour en être une —

X

Que le paquet contenoit 6 pieces de la même qualité, qu'il a envoyé chez Mr Bridge à l'Encan toutes ces pieces avoient la marque privée de Temoin — toutes ces pieces de mouss- ont été vendu le 24 & 25 Juin dernier — ne sait dire a qui ces pieces ont été vendues —

Thomas McCord, un des magistrats de Police, que le 9 Juillet dern. le Pr a été amené devant lui & examiné, sur l'accusation actuelle lequel examen maintenant produit a été pris volontairement sans crainte ni menaces — L'Examen a été lû, & par lequel le Pr declare avoir eu la mousseline d'un nommé Frammeaux pour vendre —

Depose

Defence -

Antoine Toupin - dit - rien -

The Court charged the Jury, that they did not consider the capital part of the offence clearly made out, as there was no evidence to shew that the Pris^r had been seen in or near the dwelling House of Mess^rs Woods & McVey -, in the case they did not find this part of the charge, they were then to consider whether the P^r was guilty or not of the Larceny -

Verdict - Not Guilty of Stealing in the Dwelling House - but Guilty of Grand Larceny

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The King -
In P^r Marion

On trial of Indictment for Stealing in a dwelling house to the value of 40/

4^th May - one Great Coat - £4. - the prop^y of Edw^d Stearns -

Edward Stearns - dem. en la rue St Paul, chez son pere Nath^l Stearns - a perdu sa redingotte le 4 Mai dernier - vers 6 7/2 du matin il avoit mis sa red^te dans la salle sur une chaise - la salle donne dans la rue - une demie heure apres il s'est " apperçu que la redingotte manquoit - il doit de couleur de tabac - doublée de soye - & de la valeur de quatre louis - valoit plus de 40 shillins -

etoit present lorsque le Pris. fut arreté, l'apres-midi du meme Jour, qui sur quelques Soupçons contre le Pr, il avoit alors un petit paquet — mais il n'a pas trouvé sa redingotte —

X

Dit avant que le Tem. est sorti à la recherche de sa Rid.e Mr Hayes est entré, qui lui dit avoir vû passer le Pr qui doit le plus grand Scamp de Montreal, la dessus le Tem. est sorti et a vû quelqu'un qui virait le coin de la rue avec un paquet, mais n'a pas le rejoindre ni le connoitre —

Antoine Rivet — con. le Pr se souvient l'avoir vu le 4 Mai qui sortoit de la maison de Mr Harnes avec un Surtout ou un habit — couleur de tabac sous le bras — il courroit bien vite, et a touché le temoin, il passoit si proche de lui — ne peut dire si le surtout etoit doublé en Soie — a dit à Mr Harns ce qu'il avoit vû, apres ce qu'il a su, qu'il lui manquoit un surtout — se rappelle d'avoir vu, porté par Mr Harns un Surtout de meme Couleur. — a vû passer le Pr au Coin de la rue —

X

Que le Pr n'a pas mis le pied sur la derniere marche de la porte, mais a sauté dans la rue — a vû le colet du Surtout — couleur brun de tabac —

Moses Hayes — se rappelle d'avoir vû Pr sortir de la maison de

de Mr Stearnes le 4 Mai der. il marchoit vite, il etoit distant alors de la maison de Mr Stearns environ 3 ou 4 verges – le Tem. ~~n'a rien~~ a premierement vu le Pr descendre la rue, il avoit alors rien sur le bras il l'a vu remonter environ 2 minutes apres, et il avoit alors du drap sous le bras – mais tem. ne peut se rappeller de la couleur – Un mom. apres le tem. a entendu dire par Mr Stearns a son fem. on doit sa redingotte qu'il avoit laissé sur la chaise – et alors le temoin lui dit qu'il avoit vu passer le pris en courant – Que comme la porte de la maison chez le tem. etoit ouverte – le tem. avoit peur pour la maison de courir du temoin qu'il avoit pris voler quelque chose chez lui, et il y a couru toute suite –

x

That Wm has seen the Pr at the bar of this Court several times, & considers him to be a scamp. – & when he saw him running from the house of Mr Stearns he had strong suspicions

Pascal Lebrun – con. le Pr pour l'avoir vu sortir de la maison de Mr Stearnes entre 8 & neuf heures du matin en Mai – a vu sortir le Pr de la porte chez Stearns – il a plié quelque chose, qu'il a mis sous son bras, il paroissoit etre une surtout, couleur de tabac – il semble avoir vu la doubleure de soie – le tem. etoit vis-a-vis de la maison – le Pr a parti en courant – ce qui a fait penser au temoin qu'il avoit pris la redingotte – –

x

It pensoit que c'etoit le Surtout de dit Stearns parceque'il l'avoit porter une Semblable —

The Court charged the Jury, that the Circumstances of the Case were the only guide for their Verdict, these Circumstances were strong af. the Priss. and sufficient if fully credited by Jury to convict the Pr. —

Verdict — Guilty —

The King
v.
Joseph Yeager } On trial of Indictment for stealing on a navigable River to the value of 40s. —

10 July — one box Coat — £5 St.
one Coat —— 1 —
one pair Pantaloons 1 —
3 Vests. —— . 15 —
one Cravat —— . — 1 — } Property of Henry Lesperance Montreal.

Henry Lesperance, maitre d'une Goelette appellée, Gold Hunter — elle doit au pont pres du vieux Marché de Montreal — que le Samedi le 8 Juillet, il avoit un coffre abord de la Goelette qui contenoit ses effets, avoit vu ses effets la le Jeudi auparavant — le Samedi au Soir il s'est apperçu qu'il lui manquoit, un box Coat — valeur £5 — un habit noir, valant £1 — une paire Culottes £1 — une veste

veste noire 10/. veste blanche 10/- veste bâsé 6/
un mouchoir 1/ — tous ces effets lui appartenoient
et avoient été par lui laissés dans son coffre abord
de la Goelette — il avoit quitté abord Nicholas
Petitfils pour avoir soin de la Goelette — après
ce que Petitfils lui a dit le soupçon a tombé sur le
Pr — et ils ont été le chercher, ils l'ont trouvé au
fb Quebec, chez un nommé Vandaloek, couché dans
le grenier, tout seul —, ils l'ont accusé d'avoir pris
les effets du temoin, ce qu'il a nié, et en cherchant
ils ont trouvé les effets dans la paille de la paillasse
mais pas celle sur laquelle le Pr couchoit — tous les effets qu'il vient
de mentionner y étoient — ils ont pris le Pr & l'ont
amené à l'office de Police —

Nicholas Petitfils — engagé du dr. tem — dort abord
de la Goelette de Mr Lesperance le samedi 8 Juillt
Jeu Mr L — dort abord pendant quelques Jours
auparavant — Jeu le Pr est venu souper avec le Tem
vers le 9 heures du soir du Samedi, ~~abord~~ ou du Vendredi
le Jour avant le retour de Mr L — il a couché sur
le pont — a dit au temoin, qu'il étoit venu pour
le voir, comme il le con. auparavant — Jeu le Pr est
parti vers les 9 ou 10 heures du lendemain — Jeu'il y
avoit un coffre dans la chambre appt à Mr L — n'a
pas con. que le Pr ait descendu dans la chambre
mais auroit pû le faire sans la con. du temoin —
Lorsque Mr L — étoit de retour il s'est apperçu qu'il
lui manquoit des effets — la serrure du coffre avoit
été arrachée & les effets volés — le Tem. lui dit

que

le Pr. auroit été abord - et en conséquence on a été le faire arreter — Que le Pr. est parti de la Goulette vers les 9 ou 10 heures du matin, que le temoin étoit dans la chambre en bas dans le tems et ne l'a pas vû partir — qu'il n'a rien dit au temoin en partant —

X.

Que le tem. a dit au Pr. de venir souper avec lui, & de coucher abord — Que le même soir il est venu un autre personne sur le pont, qui a resté jusque vers les 11 heures du soir, lorsqu'il est parti — c'étoit un Polonais — qu'immediatement apres ils s'est couché sur le pont avec le Pr. sous la même couverte — n'a pas entendu le Pr. se lever pendant la nuit — croit qu'il l'auroit entendu si cela eut été le cas — Que le Pr. s'est levé vers les 6 heures du matin — a dejeuné avec le tem. sur le pont — que le tem. l'a accompagné en deça du marché — dans une auberge ou ils ont bû ensemble — le Pr. alors n'avoit point de paquet ni effets — que la ils se sont separés — le Pr. a gagné de son coté, & le Tem. a retourné a bord — n'a pas vû le Pr. abord apres — Con. le Pr. depuis 2 ans — toujours connu pour un hon. hom. — Dit ne connoit pas l'autre hom. qui étoit venu abord —

John Bower — est bailiff — a été cherché chez le Pr. pour des effets volés le 10 Juillet dernier — vers 11 heures ou minuit — ils n'ont pas trouvé le P

alors

alors, mais le lendemain avec les 5 heures ils ont retourné, et ils l'ont trouvé couché au grenier, Mr L— lui ayant demandé s'il avoit quelque con. des effets volés — il a dit non — mais en examinant dans la chambre, ils ont trouvé dans un paillasse les effets en question — le Pr a toujours persisté, qu'il n'avoit aucune connoissance de ces effets —

X

Qu'il con. le Pr depuis une 10e d'années — ne peut rien dire pour son caractere — sort dans le même regiment avec le Pr — Que la maison ou doit le Pr appt. à Mr Pre Beaudry. fb. Quebec — ils ont monté par une echelle par dehors — il demeure une famille dans le bas de la maison —

Pierre Beaudry, dem. au fb. Quebec — con. le Pr pour l'avoir vu chez le nommé Vandelaare son locataire Que vers le com. de l'été il a vû le Pr un Samedi au Soir avec une poche — le tem. lui demanda d'ou il venoit, s'il venoit de Cataraqui — il avoit de la peine de lui repondre, il a monté au grenier, a ouvert le butin, a est redescendu avec une chemise à la main disant qu'il vouloit la faire laver —

John Vandelleur, le Pr a resté dans le grenier de la maison du Tem. l'été passé — il partoit de tems à autre revenoit — il avoit le grenier seul à lui — et personne ne pouvoit y aller sans la connoissance du temoin — Que il avoit loué le grenier au Pr au mois —

X

Que lui & sa famille avoit droit d'aller en tout
tems au grenier & d'y mettre leurs effets —
Qu'il n'a pas connoissance qu'aucun des
effets à lui montés & mentionnés dans l'Indictment
ayent jamais été mis au grenier — ils ont été
trouvé dans une paillasse qui appartenait
à une fem. qui avoit resté chez le tem' mais
qui avoit quitté la maison quinze jours
avant que les effets ont été découverts là —

Defence

Nicholas Pelitfils — Le meme Polonais qui est
venu a bord le Soir du Vendredi, ils ont
chassé, parcequ'ils avoient soupçon de lui —

The Court charged the Jury, that the
evidence was not clear as to the taking on board
the off the Vistul on a navigable River, but that the
circumstance of the effects stolen having been
found in the possession of the Pr, gave cause
of suspicion against him as to the Larceny, ~~against~~
which they ought to consider — that the garret
of the House where the effects were found, must be
considered as the sole residence of the Pr as no
person lived there but himself, and the Wr Vandellen
and his family only had communication there
of — which the Jury were to consider —

Verdict — Not Guilty —

The King
vs
Inft Delisle

On trial of Indictment for Horse Stealing

25th April – one mare – value £25 – prop. Jos. Lacombe Montreal. –

Joseph Lacombe, dem. à la Côte de Nieges – est venu à la messe à l'Eglise paroissiale de cette ville le 25 avril dernier, avoit attaché sa Jument par les reines de la bride, derrière une charette – elle étoit D'une couleur blonde – deux jambes blanches – et les deux autres marquées de taches blanches autour de la Corne – elle avoit une marque sur le dos, causée par la Selle – elle valoit alors £25 – Lui est sorti de l'Eglise pour aller voir à sa Jument, et il s'est apperçu qu'elle n'étoit plus – on lui a dit qu'un Jeune homme étoit parti dessus en galopant de son côté – Que la Jument a été retrouvée entre les mains de M. Delisle –

Laurent Pepin – étoit à la Messe le 25 Avril dernier à Montreal – a vû la Jument du dem. attachée derrière une charette – Que lorsqu'il étoit après voir à son propre cheval, il a vû un hom. passer à cheval dessus – proche du temoin, en galopant vers le marché à foin – Que M. Lacombe est sorti après dont lui a donné con. de ce fait – on a donné après, mais ils n'ont point rejoint – Le Mardi après a vû le Pr en la prison – il avoit le même habillement que la personne qui a amené la Jument un gillet bleu, une culotte ~~brune~~ Jaune – il étoit nue-pieds,

et

il croit que c'etoit le même qui a pris la Jument –

Jn Bte Boudria, etoit a la messe le 25 Avril dernier, avec le dn. tem. avant d'entrer dans le Eglise a vu la Jument de Lacombe attachée à une charette – il est sorti quelque tems après, a vu une personne partir avec la Jument – il avoit un gilet bleu, une calotte jaunatre – il a pris le chemin qui gagne vers Lachine – le 27 il a vu le Pr en prison – etoit hab. de même comme celui qui a pris la Jument – ressembloit bien a la personne qui a pris la Jument. –

Peter Larmuth – dem. a Lachine – ~~croit avoir~~ a vu le Pr – se rappelle qu'un jeune hom. lui a offert une Jument a vendre le 25 Avril dernier. † c'etoit le Pr // c'etoit une Jument blonde – avoit une barre blanche sur le front deux pieds blancs – une marque sur le dos causée par la Selle – elle pouvoit valoir £25 – Le Pr a demandé 40 piastres pour – disant qu'il l'avoit acheté d'un nommé Longpré, Juge à Paix à Berthier – Dn le tem. ne voulant pas faire de marché avec lui il demanda s'il ne pouvoit pas la changer avec le Curé – qu'il etoit court d'argent à la fin le tem. est convenu d'une change avec le Pr voyant que le Pr avoit grand envie de s'en debarasser – le Pr a été voir les chevaux du tem.

s

et a la fin est convenu de lui donner un de ses chevaux, avec dix piastres – il a pris le cheval. a été chez Mr Finlay pour lui donner connoissance de la chose, ayant Supçonné que la Jument eut été volé, et a en consequence de son avis, arreté le Pr qu'il a consenti de venir en ville avec le tem.– en chemin le Pr lui dit, qu'il avoit eu la Jument d'un petit hom. des Tanneries – qui avoit ordre de la vendre, et qu'il demandé 20 piastres pour – que lui Pr avoit offert 15 piastres, avoit pris la Jument et avoit parti avec en promettant de lui payer à son retour Qu'il a rencontré Mr Delisle en chemin qui lui dit d'amener le Pr à la Jument en ville – et qu'il fit, or il a rencontré le frere de Mr Lacombe qui a reconnu la Jugment – en consequence le Pr fut amené en prison – Pr a dit lui rien vers Mr Bte Delisle –

Simon Lacombe frere du 1r temoin con. la Jum. qui lui avoit été volé le 25 avril dernier, a fait de recherches pour la trouver – a été chez Mr Delisle ou il l'a reconnu l'apres midi vers les 5 heures – a vû le Pr en meme tems chez Mr Delisle – il n'a pas reclamé la Jument qu'il a eu de l'homme qui l'avoit arreté, c'etoit le dernier temoin – qui avoit charge de la Jument dans Pr –

The Prisoner produced no witnesses –

The Court charged the Jury, that the evidence shewed strong circumstances against Pr to which,

they

they might impute the guilt of the offence charged, that they had to consider whether the intention of the Pris^{r} in taking the mare was felonious or might not be done merely with a malicious intention and in order to play a trick upon the owner — to balance this they had in evidence the offer of the P^{r}. to sell the mare — to exchange her for another horse, and was dealing with her in that way as if she had been his own and had a right to dispose of her — these Circumstances were for the consideration of the Jury who must discharge their consciences and give a verdict according to the evidence

The Jury retired to consider of their Verdict, — and the Court adjourned till eight o'Clock in the evening —

—

Wednesday 3^{d} Nov^{r} 1819

The Court met pursuant to adjournt

Present

Justices Reid & Foucher —

And the Jury not being yet agreed on their verdict, the Court adjourned tilt to morrow at nine o'Clock —

Thursday 4th Nov. 1819

The Court met pursuant to adjournt.

Present

Justices Reid & Foucher

The King
v.
Franc. Gazzon
&
Catherine Brown

On trial of Indictment for for Stealing in a dwelling House in the day time to the value of 5/ no person being therein —

16th May. 1819 — Longueuil — Dwelling House of Marie Anne Trudeau —

15. French Crowns —	£3	15
30 French ½ do —	3	15 —
20 dollars —	4	—
20 ½ do —	2	—
8 English Crowns —	2	—

monies,
of the ~~goods and chattels~~ of Marie Anne Trudeau

5 dollars —	1	—
10 ½ do —	1	—
1 Snuff-box. —	"	1

of the goods and chattels of Charlotte Hogue —

Marie Anne Trudeau lives at Longueuil, rem. to have gone to Church on 16 May last, a Sunday, went there in the morning, locked the door of her house, & left no person in it, the windows were also shut, but not the window shutters — ret.d between 11 & 12 o'clk — in comp.y w.th Charlotte Hogue, & Jos Gagnet — on entering her

her house she observed two panes of glass broken and the windows open — that she missed 58 dollars & 3/4 & — she had given her Ch. Hogue girl to take care of — cannot discribe the different kinds of money — That the House belongs to Mr — That she has seen her money since in the hands of Mr Mondelet —

x.

That she had seen her money about fifteen days before, it was then tied up in a womans glove — in a trunk, in her room — she did not lock the trunk —

Charlotte Holmes — lives w. last wk went to Church with her on 16. May last, they left house about 10 Clock — left no body in the house — the windows & door were shut — When they returned, from Church, they perceived that the windows had been forced open — a pane of glass was broken so as to draw the bolt — that she perceived her trunk to be turned up side down & her things scattered about — she had the care of Mrs Trudeau's money — there were 58 3/4 doll. belong. to Mrs St. Marie Trudeau and 11 dollars belong. to herself — among Mrs Trudeau's money, there about 15 French Crowns — about 30 Fr. hf dolls — about 8 or 9 English dollars — That her own money consisted of half dollars & bunts Sols — about 16 hf dollars & rest in 30 Sols — There was a small snuff box in same trunk, of black pasteboard — I am now shewn — and

belongs

belongs to Wm— That the trunk was not locked but the latch was closed down— That they sent to the neighbours to enquire if any person had been seen passing while people were in Church— That she has since seen her money & snuff box at the police Office— that all the money was not found— the money was in a leather glove, which belonged to her—

X

That they might have been absent about 3 hours from the house— That she saw the money in the morning of same day, when she went to dress herself for Church. Cannot say when the money was received, might be about 3 weeks or a month before, when it was Counted— That the trunk in wch the money was, never was locked That there lived in the house the Wm's servant man of Mad. Trudeau— it seldom happened that there came any neighbours to see them— has no mother— that any one came to spend the evening wth them since the money was in house There may be other snuff boxes resembling hers, but can swear to one now shown as being hers—

Louis, Two dt Duval, lives at Longueuil— rem. have seen two persons near the house of Mad. dt Trudeau on 16 May last about 10 o'Clock— it was a man & woman— that he saw them going towards house of Mad. Trudeau & saw them stop at the Corner of the house— they went out of the highroad into the path used by the people going to the Cote Gentilly— went on his way & did not notice what followed— ~~Has~~ Saw the same

man

man & woman, about the Wednesday after in Gaol, knows them to be same – recognizes the Prisoners to be the persons – but the man is difficult to recognize – That the Wr met them persons on the highroad on a Sunday, about an acre or a half before they took the horse up to Mde Trudeau's house – thinks he saw the Prs in course of last winter before –

X

Describes dress Prs had on when he met them –

Joseph Goguet – Servant to Mrs Trudeau – went to Church wt Mrs Trudeau & Miss Holmes – when they returned they found window forced open, the windows are high up, and they had used a ladder to get at them – The Wr went in Search of persons to the neighbours house – who said they had seen nobody but Mr Duval – upon this he went found Duval after the information he rec? from him he pursued after the persons he had met by the road of the Mountain & came up with the Prs at St Hilaire on monday morng about 8 O'Clock in the morng – and charged them with being the persons who had passed by the house of Mde Trudeau – they were at breakfast & would not wait to finish, but as Capt. said they must be carried before a Magistrate to be examined – the Pr said they might hang him if he was guilty – That at first Gagnon Pr said he had an 100 dollars Captn, said he had no money – The

Prr

Pns were searched at Mr Yule's and the same money found as had been stolen in the poss. of Gagnon upon this the Pr Gagnon said he had gained that money at New York and had not stolen it —

X

That he has lived for 5 Years at Mde Trudeau's she goes out seldom — that only to Church — Knows where the trunk was kept in qt the money was — it was in a room in qt the Wr sleeps — it was not locked — Never saw any Stranger come near the house for two or three weeks preceding, except a man who might ask for a drink of water — That he was the person who locked the door the 16th May, when they went to church —

Franc Huissier — lives at Boucherville — in May last he lived at Longueuil — saw Prs on 16 May last — they came to his house about 3/4 after 12 o'Clock & asked Wr to carry them to Chambly — Wr consented — & carried them to the mountain of Boucherville — this is not the direct road to Chambly — but the road was bad she took that direction — upon starting he had agreed to take them to Chambly — but afterwards the Prs asked Wr to take them to the Mountain, which Wr did, left them there at the house of one Massy — the Prs said they were in a hurry, the Pr Gagnon told him that he had rec'd a letter from his mother telling him she was dying & he must go & see her immediately — The Prs pd. Wr well &c. 6/4 for nine Miles — saw about five dollars beside in poss.n of Prs —

John Yule, Magistrate at Chambly – sem. that two Prs were brt before him on Monday 17 May last – by two or three habitants – one of whom was Gagnette Wr – They were charged Wl suspicion of having broken into house between Longueuil & Boucherville, by opening a window & stealing a quantity of money – The Prs were searched in his presence and a parcel of money was found in one of their bundles – it consisted of dollars, Crowns & different other pieces – upon this the Wr committed the Prs

Louis Marleau – was present when Duval was shewn the 2 Prs separately – first saw Gagnon – recognized him immediately as the person he had seen the Sunday preceding 16 May – knows also the woman –

Jn Marie Mondelet – Police Magistrate – a man of the name of Samuel Burt brt the purse & money now shewn to Police Office – wh the Snuff box in the same bag – took dep. of Charlotte Stones – she recognized the Snuff box –

Defence

The Counsel offered in evidence a Certificate of Marriage between the prisoners – signed by – – Short

Louis Dupuis - Ks Pr knows nothing further -

The Solr Genl offered evidence to contradict the Certificate by - marriage of Pr

Thomas McCord - Police Magistrate - took dep. of the

Charles Ogden, Esq. knows hand writing of the Certificate of marriage now produced to be in the handwriting of Mr R. that the Rector of the Parish Church at Three Rivers -

Geo: Stanley - same evidence -

The Certificate was read -

The Solr Genl offered evidence to controvert the evidence of Marriage -

Thomas M Cord, Police Magistrate - says, that the Pr Brown had offered herself as King's evidence on this prosecution but before ~~receiving~~ taking her deposition, the Ks thought fit to take down in writing her declaration such as she chose to give it, and to communicate it to the Crown Officer - Then the exam: was produced and having been proved, was read in so far as regards this point, in which she says she was not married to the Pr Gagnon, but had lived with him -

The Court charged the Jury, that the evidence did not appear conclusive, as to the offence, but must be

be considered according to the circumstances - that the certificate of marriage did not on the face of it apply to the Prs. as the name of Frank Gapron was not in it - & no identity proved to shew it applied -

The Verdict - Not Guilty of breaking or stealing from the Dwelling House, but Guilty of Simple Larceny to the amot. charged -

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The King
vs.
Alex. Johnnot

On Indictment for Stealing privately in a Shop to the value of 5/ -

22d. May. 1819 - Montreal -

2 Table cloths - 30/ Stg -
10 Towels
Property of Alex. Henry and Norman Bethune -

Mathias Embury - lives with Messrs. Henry & Bethune in May last - had occasion to see some table cloths and towels on a table in the front store of said Henry & Bethune, where goods are commonly exposed for Sale - there were 2 large table cloths and twelve towels on the table - Wr went into the back Store for about 10 m. when returned both table cloths & 11 towels were gone - the Wr was going out, when he met one Pat. Thomson who brot. one table cloth & two or three towels it was one of those Stolen - as far as he can judge from their appearance - had see the table cloths the day preceding - the towels now shewn are same - there was a wine Spot in one of them -

Thomson

Thomson told Wr he had got table cloth from the Pr Lowe at Wr and found Pr the Wr then searched the Pr and found all the towels on him including what Thomson had given — & the other table cloth the Pr said he did not know where he had left it — that he was groggy — when charged by Wr with having gone into Mr Henry's Store & taken these articles — he said he was groggy & did not know what he was doing, but if he would let him go he would not do so again — the table cloths had been sent to Mr Henrys to be sold

&c —

It was in the auction room ~~that~~ when the goods lay — there is a back Store behind this where the goods are generally kept for sale — had put the table cloths & towels on table same morning they were stolen — there is a comn. wd. this Store & the adjoining house — That when Wr found Pr the towels upon him he told him he wd send him to Gaol if he did not give them up — and also said if he would find the other table cloth, the Wr would let him go — upon this the Pr said he was groggy at time & did not know what he had done with them —

Norman Bethune — is in pr. wr. Alex Henry. & have a Store in Montreal — violents that some table cloths & towels were sent to them for sale in May last — they had been in custody of Wr two or three days, and

had

had been brought out and laid in the front Store there were two table cloths, & number of towels he believes was taken — resemble the table cloths towels now shewn — they were stolen from the Shop, and the Pr was brot. to the Store as the person who had stolen them — the Pr denied he had taken them, but did not claim them as his own

— were sent to the Store for Sale by Mr Rolland, they lay in the Auction room at the time they were stolen — the auction room was not usually considered as Store where goods were exposed for Sale, there was a back room where the goods for Sale were kept —

Richard Thomson — sworn. ~~having seen~~ met Pr about 4 past eleven a m. on 22 may last, saw large bundle ~~of~~ ~~towels seen~~ had in his bosom & some in the front of his trowsers, desired to see what it was, took from him one table cloth and 2 or 3 towels — the Pr when asked what he had them said it was none of Pr's business — desired to strike Pr — the Pr knocked him down & took the things to Mr Stamps Store, because he had seen such articles there the day before — saw the Pr — Embassy who said such articles had been stolen from the Store — & they then returned in search of Pr & found him in the Street near the old market — at first

~~foot~~ the P: made no resistance - Embury laid hold of him & they carried him back to the Store - there were found 2 more towels on P^r and Mr Bethune claimed them things as his - P: made no resistance appeared somewhat in liquor -

I am in habit of attending Sales - and saw these articles the day before on the table in the auction room of Messrs Henry & Bethune - has seen many similar table cloths and towels -

Michael Landry - lives near old market, keeps a grocery, saw P^r with a bundle on same day he made his deposition the P: came to his store and asked him if he had any soap for sale, and offered to give Mr a table cloth in security if he would advance him 2/6 - to buy soap - that the table cloth was afterwards delivered up to Mr M^c Lord

X

Thomas M^c Lord the P: was brought before him for stealing some table cloths & towels - the articles were brought before him & P^r does not know if any marks were put upon them - believes them to be same now shewn -

Verdict - Not Guilty of stealing privately from the Shop, but guilty of petty Larceny -

The King
James Fleming } on trial of Indictment for Stealing from the dwelling house to the value of 40/. —

4th Oct. 1819 — one pair boots — 5/ St. Hy Lovell
Two do — do — 40/. — Hy. Peter Lovell
in dwell'g House of Henry Lovell

=

Marie Paget, is servant to Dr Lovell — rem. to have seen the Pr at Dr Lovell's house on the 4 Oct last did not kn. Pr before — saw him in the house near the door, he took three pr of boots I was running away w them — the boots she had seen 5 minutes before in a small room — the P. had got as far as the tambour — she heard the door of this little room taps to, which induced her to look out when she saw Pr when he saw her he dropped the boots & run off — she directed young Mr Lovell to run after him — the Pr had no right to go into that house — it was the dwell'g House of Dr Lovell — the boots were not new —

X —

That there are many persons who go daily to Dr Lovell's, for medical assistance — Did not see the Pr take the boots, but saw him have them in his hand — saw him drop them — saw Pr's face this year — was a little alarmed on seeing

a

a man there, but is certain it is the same man.

Henry Peter Loedel — lives at his fathers house opt. is on the place d'armes — on 4th Oct last, was told by the Servt. girl that a man had stolen some boots — he saw the Pr. who was running away — he saw boots, in the Sunbeam, one pair is worth 5/— and the other two pairs are worth 20/— the Wr followed the Pr and told of him about him before the Mondelet the Magistrate who committed him — the Pr told Wr that it was very hard, that he was sick had gone into the house, and the servant girl had thrown the boots at his head —

The King
vs
Jn Bte Delinelle

The Jury returned into Court and returned a Verdict of Guilty agt the Pr. —

Henry Peter Loedel — says nothing further —

Defence —

Samuel McLeary — Kt Pr for about 15 months past saw him in Sept. Can. last fall & this Spring, worked there with him — Kt that he fell from a Scaffold & injured his head very much — it was fractured in some places — he pulled out one an inch and a

and a qr. in length — in consequence of this the Pr. is at times deranged — so as not to know what he did — has been employed on rafts & has there caught cold in his head — before the present accusation the Pr. had the character of a peaceable quiet & honest man —

X

That it is about a Year ago since he has known Pr — is confined in gaol for having stolen a shirt — Thinks at times, that the Pr. does not ten. his own boots from that of another person — That Pr. was very ill for a long time after this fall —

James Starkes — the Pr. for near a twelve month past has a ten. he had a fall from a Scaffold which injured his head, by which he is at times so deranged so as not to know what he is doing —

X

Wm — is in prison for selling a gold watch — he last Wr for about 15 months — thinks that the Pr. could go into another man's house & take the boots without knowing that he did wrong —

Henry Peter Lodel — examined the Pr. head, & says that he has had two bones removed from the head, he cannot speak as to the effect this may have on

the

the Pr. this may subject him to violent headaches, or to temporary insanity — that when before the magistrate, Mr. Mondelet — he seemed to answer reasonably — but as if he were under the effect of some liquor — but cannot say whether this might be the effect of insanity —

The Court charged the Jury — That as the Capital part of the offence was not made out, the value of goods not being proved to amount to the sum of forty shillings — they must consider only the accusation as to the larceny — this seemed to be made out — and question rested on the plea of insanity, whether at the time of the offence committed there was enough for them in the evidence to consider the Pr. in a state of inability from Mental derangement to judge between good and evil, and between his own property and that of another person, according to which their verdict would be found —

Verdict — Not Guilty — by reason of insanity at the time of the offence committed

The King
v.
Marie Delisle } On trial of Indictment for Grand Larceny —

4 Aug. 1819 — one Gold watch — value £20 —
property of Pre Marmier — Montreal —

—

Pierre Marmier — con. la Pse l'a vue le 4 Aout dernier, dans une auberge vers les 2 heures de l'apres midi — que la Pse s'est presentée à lui comme la fille d'un nommé Lafleche de qui il avoit acheté les propriétés — elle l'invita d'aller chez son mari pour le voir — et a été avec elle dans une maison en fb. Qub. l'a envoyé chercher une chopine de Rum — elle revient lui demande l'heure qu'elle étoit — il lui dit, qu'elle ne marchoit pas — il a demandé cependant de la voir — il tire sa montre, lorsqu'elle comme elle est jolie, d'un même tems la saisissant elle l'arrache de ses mains — à la fourre en son sein — qu'elle a refusé de la rendre. & la Pse & sa mere l'ont beaucoup maltraité — de maniere qu'il fut obligé de se retirer sans avoir sa montre — que la montre maintenant produite est la même que la Pse lui a volée — vaut £50 — Que le cachet manque — que c'étoit un cachet d'or, valant dix louis, Que le cachet a été vendu chez un nommé Landry au vieux marché —

une personne qu'elle appellait son mari

Qu'il est marié — N'a pas connu la Pse avant

le

le 4 Aout der. — qu'il l'a vu chez le nommé
d'Hor — ou il avoit coutume d'aller par occasion —
Que le tem. a resté chez la Pre une demi heure — qu'il
a bu avec elle — qu'il a resté la jusque vers les
six heures — mais après avoir perdu sa montre —
il étoit devenu étourdie — Qu'après être sorti de
chez la Pre il s'est trouvé bien mal, & les voisins
l'ont retiré par humanité —

Agathe Turcot — con. la pre & marmier — Que le 4 Aout
dernier, elle a vu Mr M. qui sortoit de la porte
de la maison ou demeure la P — et en disant, rendez
moi ma montre & je veux bien m'en aller — qu'il
a eu dispute avec ces gens, & étant au milieu de la
rue ou elle a vu la Pre venir avec un baton & lui
donner deux coups, de maniere qu'il a tombé,
son l'a retiré a la maison — que la Pre est mariée
a Christophe Dejardins — qu'il étoit present aussi —
que Mr David le maitre de la maison reste la aussi

X

Con. Marmier depuis plusieurs années — Que
quand il est venu chez le tem — ce jour la il étoit
un peu en train — il a retiré les memes plaintes au
temoin le lendemain comme ce meme soir —

Charlotte Serré — La Pre est entrée chez le tem. le Samedi
et elle a été arretée le Lundi après — Que après qu'elle
fut en prison elle a cherché pour la montre de Mr
Marmier, et l'a trouvée dans une paillasse de

la

la Pre la meme maintenant montrée —

x°

Que le mari de la Pre etoit venu avec la Pre ne peut dire qui avoit mis la montre la — ne la connoit pas pour la montre de Mr Marmien — Que la montre a été trouvée 2 mois après que la Pre fut en prison — Que c'etoit à la demande de Mr Marmien que le tem. a fait la recherche de la montre —

Michel Landry — dit rien —

Thomas McCord — qu'il a reçu la montre à lui maintenant montré de la ~~femme~~ dor. temoin et elle a toujours été en sa poss. depuis —

The Court charged the Jury, that if they considered the sollicitations of the Pre to Marmien to go to her house & see her, was merely a contrivance to get him so far in her power as thereby to effect the purpose of depriving him of his property in the way the Pr had done, it was felony — but if they considered that Marmien's Evidence could not be credited, or that he had voluntarily parted with the possession of his property to the Pr — then could not be conviction for felony —

Verdict. Guilty —

Adjourned till to morrow morng 9 o'Clock

Friday 5th November 1819

The Court met pursuant to adjournt

Present
Justices Reid, Foucher & Pyke.

The King
v
Barthelemi Davis } On trial of Indictment for Grand Larceny

23d July 1819 — 5 dollars —
1 French 4 Crown
4 Shillings
2 gunea Sols
20 Coppers
½ bushel pease value 2/
1 pair Scales —— 10/
1 Sett Weights —— 5/
1 bottle Rum —— 1/
1 pair Shoes —— 8/
2 linen bags —— 5/
1 pr. iron tongs —— 1/
1 pr. iron rings —— 1/—

of the monies, goods & chattels of one Pre Charron & Ducharme, of the parish of Iberville —

Pierre Charron dit Ducharme, dem. à Ste Elizabeth, a eu occasion d'aller a Sorel en Canot le 22 Juillet dernier le soir il a quitté son Canot au bord de l'eau à Sorel avec tous son argent & effets dedans — 5 pieces d'Esp. une ecu francois — & differentes especes d'argent sur elle

deux

quinze sols, au montant de 18 piastres — 1 mouchoir de poche rouge 2/6 — une paire de bas rouges valant 10/ — deux jeux de poches — 5/. une bouteille Rum 1/ — une paire souliers 5/. — 2 portes de toile 5/. — 2 anneaux de fer 2 une paire de pinces — valant 2/ — tout ces effets étoient dans son Canot vers minuit du 23e Juillet tiré à terre — à l'ouverture du jour il a été visiter son canot tous ces effets étoient partis — par information qu'il a eu de nommé Lavallé, il a soupçonné le Pr et a fait la recherche chez lui à Sorel, le Pr restoit chez un nommé Oudy — ils étoient trois ménages dans la même maison — et parmi les effets qui étoient dans la maison il a trouvé le sien — que les autres effets étoient réclamés par le Pr comme à lui — le Pr ne réclamoit pas les effets du tém. — n'a pas trouvé son argent ni les souliers — mais les souliers lui ont été rapporté par Marie Castonguay —

Paul Lavallée, demeure à Sorel — con. le Pr, se rapp. de lui avoir prêté un Canot le 22 Juillet dernier, à lui dit nommé Oudy — que le lendemain Charron est venu lui dire qu'il avoit perdu ses effets de son Canot, à le tém. ayant sçu qu'une paire de souliers avoit été vendu ce même matin par le Pr le soupçon a tombé sur lui dont a été faire la recherche chez lui, là on ils ont trouvé tous les effets, excepté l'argent & les souliers — Qu'ils étoient deux ménages dans cette maison Castonguay, le beau père d'Oudy — et avec qui Oudy restoit, et le Pr que les effets de Charron étoient

dans

dans differentes parties de la maison — le Pr a ramassé une partie des effets disant que c'etoit a lui —

×

Que Oudy le lendemain a été acheté des effets pour lui & sa femme — ne peut dire que c'etoit avec l'argent de Charron — Que pendant que l'on faisoit la recherche dans la maison Oudy a disparu — n'est pas revenu depuis — que dans le tems la femme du Pr a dit au bailiff et aux personnes qui etoient avec lui, voila le voleur qui se sauve — Oudy dans le moment se sauvoit par la porte de derriere au travers du jardin — on l'a poursuivi mais sans le rattrapper — Que le Pr etoit assis sur sa chaise et ne cherchoit pas de se sauver ni à faire de resistance — Qu'avant ce tems la le Pr travailloit de son metier, en Cuivre, a Sark — et n'a jamais rien entendu dire contre sa conduite —

Jos: Chateauneuf. Que la nuit du 23 Juillet dernier Decharme a couché chez lui le temoin — Que lendemain il s'est plaint d'avoir été volé —

Marie Castonguié — veuve a Sark, con. le Pr il lui a vendu une paire de Souliers en Juillet dernier, que le nommé Oudy etoit avec lui — ne peut dire lequel des deux — qu'elle a payé 3/— pour & la mere du tem: a separé l'argent, et en a donné la moitié au Pr et l'autre moitié à Oudy — Que le nommé

Charron

Charron premier temoin est venu reclamer les souliers comme lui ayant été volés — Que les souliers maintenant exhibés, sont les souliers qu'elle a achetés du Pr —

Joseph Holmes — bailiff, a reçu un warrant pour chercher des effets volés — a été chez le Pr pour chercher — a été obligé de chercher avant d'arreter aucun pr — quand il a com. la recherche — un hom. a sauté par la fenêtre et s'est sauvé — que le tem. a fait rechercher alentour de la porte du Pr — dans la porte a trouvé des poids — et a trouvé tous les articles volés, excepté l'argent et les souliers, mais les souliers ~~[illegible]~~ ont rendus par le Pr après — les balances étoient à côté de la poche — la poche contenant du cuivre, que le Pr travaille en cuivre et fer blanc — Que le Pr ne fasoit aucune resistance — Que le tem. a apporté tous ces effets à la police.

×

Ne peut dire que la poche ou étoient les poids appart. au Pr mais les outils avec lesquels il travailloit y étoient — a entendu dire que le Pr étoit en Société avec un autre pour faire boucherie de mouton — a ramassé du Cuivre — que le Pr lui a livré tous les effets, excepté les balances. que le temoin a trouvé contre la poche. A entendu quelqu'un crier dans la maison l'homme est parti — l'homme est parti — et de là le tem. a cru que quelqu'un de la partie s'étoit sauvé

sauvé – lorsque le tem. est entré dans la maison il a vu un autre homme avec le Pr. & quand la recherche a commencé l'autre s'est sauvé –

Louis Marteau a Sorti de la Chambre de Police – que tous les articles maintenant exhibés ont été apportés a l'office de Police par le dernier temoin –

Pre. Chiasson – reconnoit les articles pour lui appartenir et particulierement les Souliers –

Verdict – Not Guilty –

The King. ee
vs
Frederick Hesselback. } On trial of Indictment for Stealing in a Stable to the value of five shillings. –

6. Oct. 1819 – one Saddle – value 15/–
one bridle ——— 5/–
one harness ——— £4.–

goods and Chattels of William Thomson – Montreal

The Prisoner having stated that he does not sufficiently understand the French or English Language and that his native tongue is German – Mr. D'Ambrois was sworn as interpreter. –

William Thomson – lives at the foot of the Current near Montreal,

View

there is a stable near the house belonging to Wr
that on night of 6th Oct he saw a harness saddle
& bridle hung up in the stable this property – it
was then a little before dark – there is no fastening
to the stable door – no person sleeps in it – and any
person could go into it at night without being heard
next morning – the harness saddle & bridle were gone
between 6 & 7 o'Clk – on the Saturday after he got
some information of the things – being at Feathers about
24 miles from his house, at the house of one St. Mars.
went there. found the saddle & bridle – St Mars
had gone out with the harness – this was on a Sunday –
he claimed the saddle & bridle & carried them home –
without having seen St Mars – That St Mars called
at house of Wr afterwards – & in consequence of robbery
brot. to the police office the harness – harness is worth
four pounds, saddle 15/. bridle 5/– Saw Pr the
Monday after near his house – Pr lives about 8 or
10 houses from that of Wr – he asked Wr. if he had
found his effects – the Wr then had some suspicions
of Pr – That Wr asked Pr to come & work for him, to
wh Pr agreed and went in consequence – Wr asked Pr
if he liked the work – the Pr said he liked every kind of
work that gave him any thing to live by – while at
work on Campbell came and told Pr to leave his
work and go to the Court House – cannot say that
Pr took the harness saddle & bridle, as any other person
might have gone into the stable & taken them –
the Wr had no labourers working for him, they were
at work for Mr. Campbell – That a man

came

came from Verchers who said he could know the man who sold the articles – and upon being shewn the Pr. he said he was the man – upon this he was taken up – Knew nothing of Pr. before this –

Jean Bte St. Mars – lives at Verchères – Ke. Pr. from have seen him at his house on 7 Oct last – he offered a harness, a saddle & bridle & several tools for Sale – first asked 12 doll. for harness – then o?. then was a saddle & offered to sell whole together – asked 16 dolls for the whole as he had some suspicion of Pr – he offered him 10 dolls – for them the Pr. said take them & the Wr took the harness saddle & bridle at that price – & told Pr. stop him & I will go for the money, as he had some doubts of Pr – That Pr came back & told Pr – if he wd take 5 or 6 dolls for the whole expects that the owner would return him that money to get back the harness – while they were talking about this one Dr Park came in & he began to talk about some tools he had at water side, & Park & Wr went to water side to see the tools – Wr staid at his house – he kept the harness, saddle & bridle, but did not pay Pr any thing nor did Pr come back to claim his money – That Wr went into the Country on the Saturday & returned home the Monday following – had then the harness to him – when he rets the saddle & bridle & collar belong to the harness had been called for & taken away by the owner Mr Thomson – The harness was deld by Wr to Mr Thomson at his house –

x^o

Saw Pr. at Verchères on 7r. Oct about 4 part twelve

on a Thursday —

That the articles were carried to Verchers in a Canot, which landed at that place, from the water side were carried by the Pr to house of Wr

Jean Bte Nadon — lives at Verchers — on 7e Oct last was at house of last Wr, when Pr came into house the Wr was there — the Sr Mars told Wr that he had lost a harness saddle & bridle & Pr who was then present, and shewed them to the persons present — at that time Dr Pare came in, and Pr & he went out of house together — that the Sr Mars told people that he suspected the things were stolen — and upon this Sr Mars proposed that Wr should go to the water side & tell him that the man who owned the harness was at the house and claimed the harness to see how he would look & they wd discover thereby whether the Pr was guilty or not — the Wr did so, & told this to Pr — & asked him to come up to Sr Mars house. The Pr said, what, is it so — and taking up a coat he had in the Canot put it on his arm went off up towards the house of one Monjean — this was in the road to Sr Mars — but when there he took a — different direction and set off running, looking behind him — the people observed that he must be a thief from his conduct — he went off in this way & the Wr saw him no more —

x

It was about 1 or 1½ afternoon when he saw

Pr

Pr. at Verchères — when Wr. went to Lanoi he saw P. alone who was looking at tools —

Paschal Langevin — lives at Verchères — saw Pr. on 7th Oct. last at the Water side at verchères, he was selling tools to Dr Parks — while there, Nadon came down to the water side to tell Pr. that St Marys sent for him as there was a man at the house who claimed the harness and he must come & release it the Pr. said. Yes — we shall see — Parks & Pr. & Nadon his clerk went off ~~towards the house of St Marys~~ — by another road, so that by the intervention of the houses, they lost sight of him — That on the 11th Oct. the Wr. arrested the Pr. at Mr Thomson's he knew Pr. immediately —

X.

That when Mr Campbell spoke Pr. the Wr. was too far off to hear what was said — that Campbell asked Pr. if he knew Wr. that Wr. ken. Pr. immediately as he never saw a man who looked like him — That Mr C. asked Wr. if he had a Warrant when at Verchères but Wr. said he could not tell, as his turn was wrapt up by his Coat — It might be about 1 o'Clock in the afternoon when he saw him at Verchères —

Stewart-Parks — lives at Verchères — saw Pr. there on 7 Oct. last — Wr. went down to the River side to buy some tools, while there Nadon came down & said that St Marys wanted him, as the man who owned

owned the harness, and wanted him to go to the house — the Pr. said well, well — we shall see — he took up a Coat, and went off in a different direction, and We saw him no more, so that the tools remained in poss. of Wr —

That he was in the house of Sr Mars, when he offered Pr. 5 Dolls for harness — it was then about half past one —

William Thomson called up again, says — the harness now shewn, is the same which was taken from his Stable, and which Sr Mars delivered to Wr at his house —

Verdict — Guilty of Petty Larceny

The King
vs
Fredk Hespelbach } On trial of Indictment for Grand Larceny. —

6 Oct.	1 Saw	value	8/
	2 axes	"	20/—
	1 adze	"	2/—
	1 Auger	"	5/—

the property of one Jonas Butterfield, Montreal,

The King
v
Albert Runnion } On trial of Indictment for stealing in a dwelling house to the amount of 40/—

9 July 1819 — 20 doz. eggs — Value 7/
1 basket ——— 1/
5 lbs meat ——— 2/—
1 Cask tallow — 12/—
1 piece pork — 3/—
of the goods & chattels of one John Taplin
1 pr. Steel yards — 8/—
2 prs Cotton Sheets. — 35/—
1 Table cloth — 15/—
2 Cotton Shirts 8/—
2 Vests ——— 6/
1 knife ——— 6
1 bed tick ——— 10/—
of the goods and Chattels of one John Willy in the dwelling house of John Taplin. —

John Taplin, lives at the Cross — and lets a part of his house to John Willy lives in a part of the house of Wrent to him — he had in his ice house of is detached from his dwelling house, there was a quantity of eggs in a basket, eggs might be about 15/— the basket 1/— some meat 5/— beg tallow 12 a 14/— some pork — 2 a 3/— ~~there were in~~ saw

saw these articles the afternoon they were stolen they were missing next morning — never found any of them — The Pr was at house of W. the day before & wanted some breakfast saying he had come down on a raft and had no money — the W. gave him some victuals — he then wanted to hire — W. hired him to work in his garden close to wh the ice house is — The P. did not stay above ten minutes in the garden — & did not see him till he was brot a pr. to his house for having stolen these articles — this he denied — The W. saw a pr of Steelyards belonging to Mr Willey when they were brot in after having been stolen. The Pr was asked if these were the Steel Yards he had sold, he said they were — The Pr was arrested on the 10th —

Joseph Willey — lives in house of John Taplin at the Current — about beg. of July or end of June he had a Chest in his cellar cont a pair of Steel Yards, value 4/6 — pair Sheets 10/ — table cloth 5/. two Cotton Shirts 8/ — two Waistcoat 5/. Knife 6d & a bedtick 10/ — saw the Chest the evening before the theft. the next morn about 7 O'Clock he found the Chest wh had been carried down, broken open & many things scattered about & the

above

above articles missing — the only part of the things he ever recovered was the Steel Yards which he found at the house of one Lesperance there he brot. to Taplin's house, and when the Pr. was brot. there the W. presented the Steel yds. to him and asked him if there had not been sold by him to Mr Lesperance, he said he had, and that he had bought them the same morns from some person, for ten pence — The Steel-yards now produced are same now shewn.

X

That the Cellar was open, there was no door to it, and persons could go into it at any time.

Claire Lesperance — lives at foot of Current — that last Summer a man sold her a pair of Steel yards cannot say that it was the Pr — he offered the Steel yards for 2/6 which was very cheap — that W. gave him the value of 42 coppers in money and liquor — the steel yards were claimed the same afternoon by the last Wit.s — has not seen the person who sold her the Steelyards since to her ken. — that the same man from whom she bot. the Steelyds was brot. before her to recognize him, which she did — thinks it may be the Pr but is not certain —

X D

Thinks that a man slept in the house the night

might before – that when Wolly came there for the Steel yards she recognized the same man – that Pr. said the Steel yards had cost 7/6 in upper Canada –

Verdict – Not Guilty –

—

The King
Fredk Hepdback } on trial of Indictment for Grand Larceny – ..

Jonas Butterfield lived at the Cross near montreal last month – is boarded at Mr Tompson's, put his tools into the Stable of Mr Thomson there, on the night of the 6 Oct. last – a saw, value 8/. 2 axes 20/ 1 adze 2/ – 1 auger 5/ – About sun rise next day he went into the Stable, but found then tools were gone – Saw them afterwards on the follows Sunday at Dr Parks at Verchers – 3 or four days after – distance of about 25 Miles – knew them immediately – and Dr Parks gave them up to him – Saw Pr – when he was taken up – the tools were brot. him to the Police Office, except the adze which he now uses – identifies the articles –

x.

That he put his name on the saw after it was recovered – is a Carpenter – has seen a great many saws of same kind – That his Journeymen have used the saw when they wanted it –

Stewart Park – lives at Verchères – Wife P. who came to Verchères on 7 Oct. last and offered some tools for sale – a hand saw – 2 axes – 1 adze and 1 auger – the P. first asked 15/ for the saw afterwards offered the whole at 5/ a piece – this was at the house of St. Mars – he had seen the articles on the Canoe first – he returned to the Canoe to look at them again – while there one Nadon came there – that Nadeau told him there was suspicion upon the P. and the P. went off without taking the tools or asking the price of them – the P. also offered the Canoe for a dollar – qr is still in his possession – That the tools were claimed by last Wr – and were delivered up to him. –

Richard Hart – recollects having received sundry tools from first Wr sometime last month – a hand saw, an auger and an ax – he delivered them to Marleau who has the charge of the Police Office –

Louis Marleau – says, he rec'd. the tools from last Wr – they have remained in his possession ever since –

Defence

Charles Ducosné - lives in Montreal, with Dr Smith
Has seen the Pr at Dr Smiths — on the 4th
Oct. last the Pr was at Dr Smiths to get
relief for his thumb - and Wr gave him a
certificate on the 14th of same month to that
effect — That he was the person who
scratched out the date & altered - it was between
one & two o'clock on 4th Oct. last — has no
doubt that he is the man — & from examining
his thumb took him to be same — That
it is six leagues from Montreal to —
Verchers —

X

Cannot say, ~~that~~ what number of days
after the wife ~~the~~ Pr came for the certificate
of his having been at Mr Smiths on the
4th — which was the Thursday preceding —
That as he had just come from his dinner he
believes it was about 1 o'clock the Pr had
been at Dr Smiths — That he put upon
the shop book, a memorandum that a man called, & when the
Pr. came in he gave an acct. for what the
person called — Wr. may by his thumb —
Thinks it was on a Thursday that the
Pr called —

Domque Benjn Rollin - distance between Vercheres
& Montreal is about 8½ leagues - There is
a

a long ferry besides —

The Court left it to the consideration of the Jury touching the variance between the evidence of Quesnel & Pasta as to the time when Pr was stated to be at Montreal and at Vercheres on same day & nearly same hour — if however from the fact stated by Park, they were satisfied that the Pr had been at Vercheres wt the tools in question in his possession, they must ~~then~~ deem sufficient to ground a verdict as the Pr — and as to the day it was not material whether it was the 7th or 8th of Oct — in regard of which one of the two Writs must be mistaken — That mistake could be rectified only by the other facts in the Case —

Verdict — Guilty

Saturday 6th. Novr. 1819

The Court met pursuant to adjournt

Present
Justices Reid, Foucher, & Pyke

The King
v
Robert Porter

On trial of Indictment for Grand Larceny —

St. 2. Geo. 2. ch. 25 — §. 3. —

20. June 1819 — one promissory Note for the payt. of 20 dollars, of value of £4. 10 Stg — & 20 other promissory notes for the paymt. of divrs sums of money, wzt. the sum of 130 dollrs of value of £30 Stg — said notes being at time the property of one Thomas Feehan

Thomas Feehan lives in Up. Canada — in June last came to Montreal — being on the river side near that City on 20 June last he met the Pr. who invited him to go to a Tavern wt. him & staid there an hour and returned to Labadie's when he boarded — might then be about Six O'Clock — he then had a pocket book with money in it in his waistcoat pocket — Slept that night — at Labadie's in same bed wt. Pr — believes his pocket book was in his pocket when he went to bed — went to bed about

nine

nine o'Clock — when he awoke in the morning the Pr was gone — the Wr missed his pkt book and money in it — there was a promissory note for 50 dollars — which a man of the name of Fulling — There was a promissory note of the Montreal Bank for twenty dollars — there were different other notes to the value in all of 150 dollars + = speaks to a note of 20 dollars similar to that which he lost — cannot be positive that it was the same which was in his pocket book when it was stolen. it is in the following words — "The President Directors & Company of the Montreal Bank, promise to pay A. Dupuy or bearer, twenty dollars on demand, out of the Joint funds of the Association and no other — No 823 — Montreal January 1816 — signed R. Gillespie Cashr — John Gray — Pres[t] — There was also in his pocket book an agreement touching the clearing of his land, and a bill of panels for a quantity of blue cloth — That on the following night he mentd the loss he had sustd and the suspicions he had of the Pr and having heard that the Pr was in the house, he charged him with the robbery, q[t] he denied — the Wr had him taken up and put in Gaol — upon search was found Kingston & Montreal Bank notes on him to amount of 151 dollars — found also the agreement & bill of panels on him q[t] were in Pocket Book of Wr —

+ in Kingston & Montreal Bank notes

at

at time it was stolen - The money was the sum Wm had lost, except 2 dollars in Silver wch were not found - cannot describe the particular notes - some were of the Kingston Bank and some of the Montreal Bank -

x

That he never gave the money to the Pr to keep -

Thomas M Cord, Esq. That on 22d June, the Pr being then in Gaol - a search of his person was made - before this the Pr denied having any knn. of the money - He was stript - and in the tail of his Shirt, a 20 dollars note now produced, with other notes to the amount of 121 dollars in Bank notes - were found, also the agreement & bill of parcels now produced identified by the Wit Feehan - at first the Pr said he had earned the money by working as a mason - but afterwards said he had no claim to it - said he had slept in the same bed with Feehan & Labadie as to the other papers said he did not know what they were, as he could not read writing - The papers were evidently concealed by intention in the Prs Shirt could not have come there by accident -

Here the evidence for the Crown was closed

The

The Pr being called upon for his defence, stated that he and the Witness Feehan had been drinking together, and that he gave the Pr the money to keep –

David Jones – That the day after the Pr came to Gaol, the Wr was in the necessary of the Gaol, when the Pr came and the Wr having occasion for waste paper, asked the Pr for some – he handed a role of paper to him of the Wr observed said to him you give me your money – the Pr seemed surprized and agitated, and said that it must be Feehans money – and stated that he had been drinking with this Feehan, and had red the money from him to keep, and advised wr Wr how he should return the money to Feehan – the Wr advised him to conceal it as he might be robbed of it in Gaol and to write to Feehan, that he had his money – that he s he could not write and engaged the Wr to write for him – of the Wr consented to do and was about writing the letter when the Pr was called upon to be searched – so that the letter was not sent –

X

That the Wr is in Gaol on a charge of having obtained goods under false pretences —

That when Feehan was at the gate of the Stall he heard the Pr tell Feehan that he thought it hard to be charged with stealing his money, when he had given it him to keep - when Feehan seemed to admit that he had given him the money, but by his refusing to deliver it back he thot. he meant to cheat him out of it - that he had sworn that he the Pr had taken it that he must say so again - but the Wn did not pay particular attention to what passed at the time between them -

Samuel Mc Leary - met with Pr on a Sunday, went to the tavern of one Mc Cabe when he saw Feehan the parties had been drinking - and more liquor was called for - that they appd much in liquor saw Feehan take out a small parcel ~~from~~ of paper rolled up from his pocket and give it to Pr saying, Take that & keep it for me, it is my money - and I am going to sleep out a girl to night, am afraid of losing it - the Pr took it & put it in his pocket - the Wn afterwards left them at Mc Cabe's - That heard the conversation which took place in the Stall of the Gaol between the Pr & Feehan when latter admitted he had given his money to Pr to keep for him. but said that he thought the Pr meant to cheat him out of it when he did not return

it

at when called for. That he would make it as easy for him as he could, but as he Feehan had sworn to his ~~having of it~~ having been robbed of it he must do so again, or he would arm the risk of having pillaged - Pr. said that he had given him the money as soon as he found it -

Thomas Feehan - called up again by the Solr Genl - says that his money was in a pocket book, and not rolled up in a bundle or roll - never saw last Wr. at house of Labadie -

John Pre Dominique - Sr. Th. Feehan - was at Labadies house the evening of 20 June last - lived there at time - Pr. and Wr. him from 7 oclock abont 9 o'clock - Sr Pr. - That Feehan drank no rum at all - did not appear in liquor - but seemed to know what he was doing Never saw Mr Carey there - staid Wr. Pr. & Feehan until the time they went to bed - Feehan wanted a bed for himself - but there was no other bed in the house for him -

That he does not speak English - but understands what is said in that language -

The Court charged the Jury, that there was no evidence before the Court of the promissory note - unless they took the confession of the prisoner, and in doing so, they must take the whole of the defence together

together, and not divide it in such manner as to compel the Pr. to prove ~~the~~ it, or to convict him upon the dish out —

The Ct. ch. the Jury, that there was not suff. ev. before y^m to convict Pr. as they consd. that the prom^y. notes ch. in y^e Indict^t. or some of y^m ought to have been proved to suppt. the acct. q^d. had not been done — That alth^o Pr. admitted by his defence hav^g rec^d the money of Fuhan to keep for him — yet this not suff. to convict — because the admission ought not to be taken so strong agt. him as to presume guilt — if Pr. failed in prov^g this Deposit that besides — the admission did not apply to any particular money, & clearly not to the Bank note produced — and that there was evidence on the p^t of Pr to substantiate his defence in a certain degree if they believed it —

Verdict Guilty —

The Kings
vs
Jos: ~~Alexander~~ Gabriel
Gabriel Cuvelain

On Prisl of Indictment for Burglary —

26th June 1819 — Dwelling House of Jean
Bte. Rousseau — 20 ps. Sugar — value 10/—
5 Shifts ——— 5/
2 Cotton Shirts — 2/
5 Sheets ——— 5/
1 lb. Soap ——— 6
2 bushels bran — 6
3 ells ribbon — 1/—
1 lb. tow ——— - 3
1 breast pin — - 6
1 Small tooth comb - - 6
2 pcs. blue ——— - 6
1 Spoon ——— - 1

of the goods & chattels of Jean Bte Rousseau

Catherine Lefevre, con. les Pr. ds dem. à la paroisse d'Yamaska le 20 Juin dernier — a vû les Pr. la nuit du 29 Juin dern. ils ont prié

le

le tem. de se trouver à la maison de Jn Bte
Rousseau, qui est de l'autre coté de la Riv. Yamaska
distant environ une 10 d'arp. de chez les Dr elle
n'étoit pas present lorsque la fenetre ~~fut brisée~~ de la
maison de Rousseau fut enfoncée — mais elle a
restée chez sa Sœur — ~~c'est~~ les Pns qui lui ont dit,
qu'ils l'avoient defoncé lorsqu'ils étoient de retour
avec le butin — n'a jamais dit devant Mr Jones
le magistrat, qu'elle étoit present & a vu defoncer
la fenetre par Gab. Arsenault avec une hache,
ni qu'elle l'avoit accompagnée — ce qu'elle a
persisté a dire apres avoir été requis par la Cour
de prendre garde & de declarer la verité — N'a
pas dit non plus devant le meme Magistrat — qu'elle
étoit present et a vu Joseph Arsenault le P. defoncer
la fenetre de la maison de Jn Bte Rousseau, la
nuit du 29 Juin dernier, et qu'elle n'étoit present
lorsque cette fenetre fut defoncée — Qu'elle resta
chez sa Sœur à environ 9 arpens dist. de chez la
demeure des prisonniers — Que quand les Pns
sont revenus il était pres du jour, & ils ont apporté
la moitié les effets volés chez la Sœur du tem — comme ils l'
avoient separé avant de venir la — ils ont dit
tous les deux — qu'ils avoient defoncé la fenetre
de Rousseau avec une hache & pris les effets mentionnés
dans l'Indictment, & qu'ils avoient quitté la
moitié chez leur mere — ils ont apporté des
chemises

chemises & autres articles chez la Sœur du tém. — ils ont dit, que c'était Jos: qui avoit défoncé la fenêtre — que c'était leur père & mère qui les avoient excité à faire ce vol — qu'ils ne vouloient pas le faire, mais que leurs père & mère les ont forcés de le faire & de commettre le vol — Que Jos. a caché les effets apportés chez elle dans le bois — était présent lorsque l'huissier est venu pour faire la recherche du butin —

X°-

Qu'il faisait bien noir dans le tems. que les Pres ont sortis ~~sans~~ de chez le témoin, c'était vers les neuf heures, — il pleuvoit dans le tems — Que les Pres ont voulu engager le témoin d'aller avec eux, lui ont promis part dans le butin — après leur retour ils ont promis des chemises au tém — que le Pre Gab. Arsenault est marié à cette Sœur du tém. — Que le Pre Jos. a quatorze ans —

Marguerite Denis, fem. de Jn Bte Rousseau — dem. à Yamaska — dem. la ~~te~~ 24 Juin dernier — Qu'elle avoit quitté sa maison le 24 Juin sans laisser personne dedans — qu'elle avoit fermé la porte & fenêtres de sa maison — qu'elle est revenue vers huit

Jours

Jours après – le Jeun de dimanche – Que huit Jours avant la St Michel elle a quitté sa maison avec tous ses effets dedans bien fermée et que le Jeudi d'ensuite de la même Semaine on est venu l'avertir que sa maison avoit été volée – qu'elle est revenue est a trouvé la fenetre defoncée – et ses effets volés – 20t Suif – valant 8/– 5 Chemises 5/ chacq. 3 chemises d'hom. 3/4 chacq – 1t. Savon – 12 sols – 3 aunes ruban 1/– une quantité d'etoupe – 6d – une epinglette 1/– un peigne – d'un cuillier – Que d'un des informations qu'elle a reçu on a été faire la recherche chez Arslain – Que l'Huissier Holmes a trouvé une partie des effets volés – les chemises le Suif & l'epinglette – tous ces effets appartenant à son mari –

Joseph Holmes, bailiff – a eu occasion de chercher la maison des Prs en consequence de la decln de Marge Lefevre – a trouvé deux pieces du raban – une epinglette une quantité d'etoupe dans la maison du Pr Gabl Arslain – dans la maison du dem. le P Jos. Arslain – a trouvé du Savon, un peigne, du fil lesquels articles ont été reclamés par la der. temoin comme a elle appartenant – Etat un Pr Jos. Arslain a reconnu ces Marguts Lefevre ont reconnu avoir pris ces effets, & a entendu prêter Serment par lade Margte Lefevre qu'elle doit present lorsqu'elle les effets

effets avoient été volés — a porté les effets à l'office de police —

x^d

Qu'il a porté les effets trouvés chez elle Jones — le magistrat les a laissé là — ne peut dire positivement que les effets maintenant exhibés sont les mêmes qu'il a trouvé chez la Pre — les a porté chez le Magistrat

Louis Arel — dem. a Yamaska — était present lors de la recherche de l'Huissier Holmes chez Auclair la Pre et quand les effets ont été trouvé — croit que les articles maintenant montrés ~~pour~~ les mêmes — Les prisonniers ont reconnus devant lui avoir forcé la penetre avec une hache

Verdict — Guilty of Petty Larceny —
they recommend Jos. Apelin to the consideration of the Court on acct of his Youth.

The King
v
Pierre Lapointe

On trial of Indictment for embezzlement —

27 Oct — one horse of the value of £5
one mare of the value of £5 —
one Cart of the value of £5 —

of the goods & chattels of Antoine Bourdia — Montreal —

Antoine

Antoine Boudries, lives at Cote des Neiges - near Montreal - the Pr. was his servant last month & had been in his service about 3 weeks before the 27th Octr last at the rate of 5s p. dol. p month - That on the 27 Octr last he entrusted a horse mare & Cart, in order to transport some boards or planks from his brothers house to that of Wr - That Pr went off between 12 & One o'Clk - and he might have taken an hour to perform the Journey, as it was only about a league & half from his house to that of his brother who lives in the St Ant. Suburbs - and it was not the route to take the road to Lachine to go to the house of his brother - The Pr did not return with the Cart & property - did not see the Pr afterwards till he was in Custody - has seen his horses and Cart at the Toll Gate on the Lachine Road - on Thursday 28 Octr - is positive they were the same he gave in charge to the Pr - values his horse at fifty dollars - the mare Sixty dollars - the Cart and harness 30 dollars -

X

That he came into town wt the Pr to the spot where he pointed out to the Pr where he was to load his Cart, went to find the owner, that he might see what load was taken - that Wr went to find the owner, & when he returned he found the Pr gone with the Cart and horses - That he never permitted nor consented to any change of his horse -

William

William Warwick, lives in Rec. Sub. near the house of one Peat near the toll-Gate on the Lachine road — on the 27 of Oct last about 4 O'Clk the Pr came there about that hour w. a Cart horse & bay mare & a load of plank he drove up to Peats house came in & asked for a glass of liquor, he appeared to have been drinking, but not drunk so as not to see how to make a bargain — ~~he agreed to exchange his horse w. that~~ — the P. proposed to sell the mare — and who one offered to buy, he offered to exchange her, — to which W agreed, and gave him a horse and ~~six~~ dolls d°/4 in exchange — the P. then offered to sell the horse he had just got in exchange — he then offered to sell the other horse harness & Cart, which one Elphalet Beardsley offered to buy — the P. asked thirty dollars — but agreed to take 20 — Mr. B. made the bargain and went for the money — 20 dollars — the P. then offered to sell the horse he had got in exchange and his plank — this Mr Peat offered to buy — but in the meantime B. coming back & some suspicion attached on him — the P. & he had a brother in Law Rec. Sub. L.B. would not pay P. unless he

would

would go wt. him to his brothers house but this Pr. refused — & the Wr. then went to take advice of Mr. McLeod in consequence of which the Pr. horse man, Cart & planks were all detained & the Pr. was brot. into town in custody — the effects & horses were delivered to Mr. McCord's order — That the Pr. said the property was his own —

William Peat — was at his house at the toll Gate on the Lachine road on evens 27 Oct last, there were several other persons present when Pr. drove up to his house wt a Cart loaded wt. planks wt a horse & man — the Pr. called for a glass of liquor — then proposed to sell the man he had — then offered to sell her & Mr Warwick made an ep. wt him for another horse & 5 dolls. O/c for which he gave Pr. the Pr. then offered to sell the horse he had to take an ep. but no person offd. to buy — he then offered the other horse harness & Cart & asked 30 dolls but agreed to take 20 for them — Bardsley offered to take them at this price & went out for the money — in the meantime the Pr. offered the other horse and plank &c for which he was to pay 13/ — but in the meantime Bardsley returning, suspicion arose that the Pr. was

not

not the owner of the Property - and they proposed to Mr. to go to the St. Ant. Sub when he said his brother lived to ascertain the fact this the P. refused to do, and seemed much displeased that they should suspect him - they then came to town to get information what to do Given advised by Mr. M. Lord to stop the P. and his horse & Cart - which they did and next day he was conducted a pr. to town - that Wm. had paid the 13/. for the horse & Cart, but with an intention of sending to the St Ant. Subahs to ascertain whether the P. had a right to sell or not -

Ephalet Beardsley - was at Peets house on afternoon of 27 Oct - rem. having seen P. come there with a Cart and two horses - he ~~came in and~~ saw P. offering a ~~horse~~ man for Sale, - the man was exchd. by Mr Warnock w. another horse & ~~go~~ who gave P. 6 1/4 doll. to boot - offered to take same horse - then his other horse harness & Cart for 30 doll. but agreed to take 20 - they ~~must~~ be worth 50 or 60 doll - the w. agreed to take them at the 20 dr. went away for the money was gone about 2 hours - when W. came

back

back, found that the Pr was acquitted and thereupon the Wr refused to pay the money & unless the Pr would go to the Dr Asst. Sabents to his brother – or some other good man to ascertain the fact that the horse was his property – the Pr was displeased at this & refused to go – upon this the persons present agreed to come to town for advice, and upon Mr McCord's advice he was detained and made a Pr – The Pr said that he lived at Kingston and wished to dispose of his horses and Cart –

Luc Groux – Is the servant of Antoine Boudria went on the 28 Oct last ~~to west~~ to the house of Mr Peat to claim a Cart and two horses in consequence of an order from Mr McCord – & he recd them Has been in Boudria's service for 2 months past and knew the horse, mare & Cart to be his property, which Wr brot with & delivered up to his master – That Pr was in the service of Boudrias on the 27 Oct last – That Boudria entrusted his cattle & property to Wr and to Pr occasionally as he wanted it.

The Jury without withdrawing from the box returned a Verdict of Guilty –

Adjourned to Monday. 9 o'Clock.

Monday 8th Novr 1819.—

The Court met pursuant to adjournt—

Present

Justices Reid, Foucher & Ryan

The King
vs
James Stacks

On trial of Indictment for Burglary.

25 Sept, House of James Gordon, Montreal
1 Gold watch value £8.— one gold seal value £2— one brass chain, value 1/— of the goods and chattels of Js. James Gordon.—

James Gordon— lives near the old market place in the town of Montreal, in his own dwelling house, on the night of 25th Sept last he saw the door of his house fastened about ten o'Clock the street door is the only door of the house & communicates with the room, there was an outer iron door, which fastened with a bolt inside and an inner wooden door which fastened with a latch— ~~there~~ is two feet & half between the two doors— the iron door is ten feet high, has no bolt at the bottom ~~but~~ and by pulling away the bottom of the iron door, a person can contrive to get in— That he had his gold watch in his bureau— when he went to bed he left his shoes near

near the bureau – in the morn^g of the 26^th the W^r got up & sent the servant girl to fetch his shoes from his bed room – she brot one of his own shoes he had on the night before & was clean & another shoe full of mud & not belonging to W^r the W^r suspected something wrong & asked the girl if she had let any one into the house in the course of the night – she said she had not – The W^r on going through the market place about 10 o'Clock of same day saw a man lying on one of the Stalls w^th his feet outside of the bench & observed he had on a shoe very much like his – he awoke the man & asked him how he came by the shoe, as it belonged to him the W^r the man pretended to be in liquor, & did not give a good acc^t of it – he at last said he had got it in a house he had been in the night before – the W^r took him to his home & asked him how he got in, he said it was the girl – but as the girl denied it, the W^r took away his shoe & turned the man out – About 4 o'Clock in afternoon he missed his Gold watch, and going out he met a man who told him he had met a man who was offering a Gold watch for Sale, and at last found that it had been sold – he met with the P^r & asked him when his watch was, and hearing the Constable of him arrested him – the P^r s^d he would shew him when the watch was but would not tell to

whom

whom he had sold it – he went wt Jo: to house of one Debdin, where Wm understood the watch had been sold, but the person who bt it was not then – next day he saw one who said he had bt a Gold watch from a man the day before, & brot it to the police office – The watch now shewn is the same was stolen is worth £8– the chain 10/– & is same as was brot to the Police office – That when Wm got up he observed that the doors were shut and upon trying afterwards found that a person could by pulling open the iron door get past it & get into the house –

Cannot tell the Wt of this watch – but has in the chain there is a small spring which is tied with a string, there is a small scale rais'd off the dialplate, & repaired wt a small piece of gold by a watchmaker –

Mary M'donell – lived in the service of Mr Jas. Gordon. on 25 Sept. last – the doors and windows of the house were shut, thinks it might be about 9 o'clock. as she usually shut them early – She slept in a room near the kitchen – when the children were – in the night, in the room where she slept – there was a chair by it, and

the

the wind blew so hard as to force it open. & to throw down the chair – she got up & shut it – that no one could get in by the window it was too high from the street – never saw P. before the 26. Sept. the day after the robbery – when Mr G. brot. him to the house – & she never let him into the house – That P. said that it was the W. who gave him the shoe – which was not true – that the shoe the P. left was better than that of Mr G – as the morn Mr G. sent her to look for his shoes, went to his bed room found two shoes – one of wh only belonged to Mr Gordon, & was rather surprised & mentd it to Mr G – That when P. came to the house on seeing the shoe shewn him – he took it & put it on – the Mr G's watch – is now produced – That W. is the first who got up, and opened both doors which she found shut – That the iron door was bolted above, but so much bent below that a man could enter by it, that it had been forced in the course of the night – That the door was not so bent the night before when she shut it in – That she shut the outer door by the bolt, ~~that~~ the iron door was laid to, but the latch not fastened – and the inner door could be opened without ~~noise~~ noise – when shut had the ~~inner door~~ latch shut – but does not remember whether she shut it had that night or not. –

X

That she cannot tell Mr G's watch by any mark

after saw Mr G. have a yellow watch in his pocket, but cannot swear that it is the watch or not— That she did not go to ex. the door before she went to bed, the night before— That she did not take notice whether the door was bolt or not the night before, when she shut— That any other man besides the Pr might have gone into the room by that door that night— That she recognized the shoe which was found on the Pr to belong to Mr G.

Geo. Foot— lives with Mr Hall the baker— saw the Pr on 26th Sept last, was passing the first market between 12 & 1 o'clock saw Pr looking at a watch & asked him the hour— the Pr asked him to buy it— and asked 8 dollrs for it— told Pr if it was worth the money he wd buy it— having asked Mr Seaplin's opinion after the Wr offered 4 dlls for her— & Pr laid her on the table & told Wr to take her— upon this the Wr borrowed the money and paid the Pr the 4 dollars— Heard that Mr G— had been at the house asking for the watch— upon this the Wr carried Watch to the police office— did not ex. the watch particularly, but delivered it to Mr Mondelet the Magistrate it had no seal— nor no glass—

Thomas Siplin lives in St Paul Street— 1st last Wr who on 26 Sept last went to ask the value of a watch—

believes

believes to be the same now shown – the glass of it was broken at his house – that it a pinchbeck watch, the Pr was with the Wr Foot – did not say it was gold – the Pr asked 8 dollrs for it & when he heard it was pinchbeck he agreed to take 4 dollrs for it – Wr Foot purchased the watch for 4 dollars the watch was left with Wr Wr and was claimed the same afternoon, it was afterwards taken to the police office & delivd to the Magistrate –

Frans Nadon. sworn. Mr Jas Gordon – was at his house on the 26 Sept last when the Pr was brot to his house – first saw him on a bench in the market-place when Mr G. made me observe he had on 2 diffr shoes – & that one of them belonged to Mr G – they carried the Pr to Mr G's house & asked him how he came by the shoe – the Pr said it was the servant girl who let him in, & said she gave him something she besides – this the servant girl denied – the Pr took the shoe which corresponded with the one he had on & put it on, & followed up Mr G's shoe – about 4 o'clk in the afternoon Mr G. missed his watch, and went to the servt girl & ask if she knew where the man was & told her to go & find him as he had lost his watch – that the girl went out & said she had found where the Pr was at a house on pointe a Caliere – the Wr & Mr G. went there & found him & enqd of town the watch – the Constable

was

was w. him at time – the W. asked P. when he had sold the watch – he said if they would do him no harm he would shew them the house, & went w. them to the house of – W. Suplin, when they found the watch had been sold – but did not find the person in who had purchased it –

X –

That P. called W. aside and told him, that he would beg Mr Gordon's pardon & go & shew him where the watch was sold, if they would let him go –

Joseph Hutton – was present at house of Suplin when Foot came in to enquire the value of the watch, the W. looked at it, and considered it to be pinchbeck on looking on the inside of it the W. asked how it came to be so spotted – the P. said it was no wonder as it had been so often in the Salt-water – sold the watch for 4 dolls – that the watch was the last thing he had to part with, & sold it as he wanted money – thinks the watch now produced, he believes to be same sold by P.

Nicholas P. M.Cutson – is a watch-maker – the watch now exh. he believes to be gold – values it between 4 & five pounds –

Jn. M. Mondelet – That one Foot delivered a watch to W. at Police office which is same now produced

produced— when brot to the police office Mr
G— identified it as being his property—

The King
Ant. Toupin } On trial of Indictment for Grand Larceny —

18th Octo — at Lassomption — 50 bushels pease value £10 — Propty of Laurent Leroux — and 10 pounds gunpowder value 20s — goods of Wm B Lackwood & Trans. Ant. Larocque —

Laurent Leroux, dem. à Lassomption — avoit une quantité de pois dans son hangard, qui lui appartenoit, et une quantité de poudre a tirer qui appr. à Messrs Wm Blackwood & Fr Ant, Larocque — il pouvoit avoir 200 a 250 minots de pois & 15 lb. poudre — Ayant entendu dire qu'il manquoit de la poudre, le tems a fait de rechercher & à sçu que le nommé Vaillant en avoit acheté 10 lbs — et en meme tems a trouvé qu'il manquoit de pois — croit que c'étoit 50 minots — Que par le moyen d'une chelle on pouvoit entrer par la petite ouverture, dans le hangard — Que le Pr a été arreté le 19 dit sous soupçon de Vol, et Que le Pr avoit demeuré un mois chez le dem. en qualité de domestique — & il demeuroit alors dans le village de Lassomption —

Joseph Vaillant — con. le Pr — qui dem. à Lassomption dans le mois d'Octobre dern. le Pr lui a vendu

deux

dix livres de poudre a tirer pour 1/ la livre — le Pr. lui dit qu'il en avoit un barril — 2ment le Pr dans le tems etoit journalier — & travailloit pour les maçons

Joseph Pinchonnau — le Pr. lui a vendu ~~en Juin dernier~~ il y a deux mois a l'assomption 2 minots d'un quart de pois — a dit qu'il a eu ces pois d'un habitant — les a payé 4ᵗ. 10ˢ le minot —

a toujours considéré le Pr. pour un hon. homme, n'a pas eu de soupçon contre lui pour ces pois —.

Louis Mercier — reste à l'assomption — en Juillet der. le Pr. lui a vendu d'un tems 3 minots de pois, & d'un autre tems, un minot & demi — c'etoit le matin, un peu après soleil levé — a dit que c'etoit un habitant qui lui devoit 10 piastres — & qui lui a donné les pois en paiement — a payé 100 Sols ℔ minot pour les pois —

Charles Barnard Young. con. le Pr. qui travailloit a l'Eglise pour les maçons à l'assomption — le Pr. lui a vendu des pois en 3 differens tems — depuis la revolte. disant que c'etoit un habitant qui lui avoit fourni ces pois en paiement d'ouvrage — a acheté en tout ~~10 à 11 minots~~ environ 5 minots à 3ᵗ. 6ˢ — Le Pr. lui a offert de la poudre à tirer, mais cela a donné a soupçonner contre le Pr & n'a pas voulu l'acheter —

Jn Bte Lafontaine de Lesieze — le Pr. lui a vendu de la poudre

poudre à tirer, qu'il disoit avoir eu de la ville — le Pr. paroissait vouloir beaucoup vendre la poudre, et enfin a consenti de prendre vingt Sols pour le tonneau l'a eu à ce prix —

x

a vendu la poudre ouvertement devant plusieurs personnes —

Verdict — Not Guilty

The Kg
x
Abraham Mills
James M'Kratt

On trial of Indictment for Grand Larceny —

3d. May — Sworn — 1 ax. — value 5/—
5 Chalk lines — 5/—
3 Compasses — 3/—
7 Chisels — 7/
3 hammers — 3/
2 planes — 10/—
1 Tash Saw — 1/—
2 hand-Saws — 2/
1 Jacksaw — 1/
1 Dovetail Saw. 1/
1 hammer — 1/
1 Oilstone — 1/—

of the Goods & chattels of one Sol. Lod the King

William Lucas — in May last acted as Corporal in the

27

27th Regt — was in the Yard when the Gov Store is at Lond, saw Pte Mills coming from a window of the Gov. Store & going towards the barracks — & went round the Store & appd on other side so that Wm was close to him, he was stooping down & was taking up the ground I saw — one hammer & one plain near to the Store — the Wm desired him to put the things back to where he got them — he at first said it was no business of Wm & said he would not — Wm. Sd it was his duty to protect the Kings property as he was there for that purpose upon this the Pte put them into the window of the Store In this Store all the Carpenters tools belong to the King in that place are kept — the Wm gave information to Sergt Thorn of what he had seen — Thorn came & exd the window, the Saw & plain had tumbled down the hammer stuck in the window — Saw M'Grath going to the Steam boat, Caledonia — thinks the day after this was on 3d May last —

X.

The window of the Store was about 1/3 open at time — That Sergt Thorn — deserted afterwards from the Regt — The party came up to Montreal the 10th May, and the Prs were then put in Custody — The Prs have always borne a good character in the Regt. since he knew them —

Oliver Stevenson, Soldier in 37th Regt — was in the yard before Gt Store in Lond — about 1 o'Clock in afternoon

saw

Saw Mills put a saw, a hammer & a plane into the window of Store – heard last Wr tell Pr to put the things back when he had found them – information of this was given to Serjt Thorn –

did not see
~~saw~~ Pr Mills pick the articles off the ground – X

William Cook – master Carpenter – was at Sea in May last – about 3d of month Serjt. Thorn ast him if he had lost any thing – the Wr said he had not – Serjt. said he had – upon this the Wr exam the Store & found several articles missing – had not been in the Store for several days before – he had the key & the door was always kept locked unless when he went to open it there was an axe – value 3/ – 5 chisels 1/ – 3 compasses 1/ each. 7 chisels 6 each – 3 hammers 1/ ea – 2 planes 1/6 ea – a Sash Saw – 1 hand Saw – 10/ – a Jack Saw – mason's hammer 1/ – a bitstone 6 – which he found missing out of the Store upon inform. of Thorn the Wr went on board of the Caledonia Steam-boat – when he said the things were – the 2 Prs from Tallaghan went with the Serjt. & Wr – to the Steam boat – and demanded of the Carpenter of the Steam boat the tools which the Prs had put on board

a part

a part of the tools was then produced — viz. a saw — an axe — a hammer & two planes — That Callaghan owned these articles back as he was the person who sold them — Callaghan was the person who told where the articles were — these articles were brought to Montreal — & put into the police office —

X.

Has had charge of the Store for 8 or 9

Here the Solr. Genl. stated that he gave up the Prosecution as he had no further evidence to adduce —

Verdict. Not Guilty —

The King
vs
Charles Varieur

On trial of Indictment for stealing from a dwelling House to the value of 40/ —

25th Oct. One great Coat — value 40/ — the property of John Goodsell — in dwelling House of J. Goodsell —

The King
vs
Charles Varicour

On Indictment for horse-stealing

24 Oct. last, a bay horse value £
goods & chattels of John Goodsell

Franc. Laforet - doit au Service de Mr. Goodsell le 24 Oct. dernier - le Pr. est venu la, ~~veille~~ le soir - il pouvoit etre sept heures & demi du soir - le Pr a demandé un Selle, une bride & un cheval - un des meilleurs chevaux afin de se rendre ~~plus~~ aussi vite que la Stage à Lasprairie, au Service de la Dame de Mr Goodsell - Le Pr se nommoit Alexr Douaire -, en disant que Mr Goodsell lui avoit dit de venir chercher le Cheval afin de se rendre à Lasprairie aussi vite que la Stage - Que le tem. lui a livré un cheval de Mr Goodsell une selle une bride, & le Pr est parti vers les huit heures du soir - Que le cheval a été ramené le lendemain par Mr Wassener - Que Mr. Goodsell est revenu vers une ou deux heures de l'apres midi & le tem. lui a dit ce qu'il avoit fait en remettant un cheval à son ordre à Mr Douaire - Mr Goodsell a dit qu'il n'avoit point donné ordre pour cela - qu'il avoit dit au Dt Douaire seulement de prendre une bride & une Selle, mais pas un Cheval - & en consequence Goodsell a donné apres le Pr -

ne se rappelle pas d'avoir vu le Pr. auparavant
excepté une fois à Montreal — il y avoit plusieurs
personnes presentes — que Mr Goodsell lui-même avoit
dit au temoin de prêter au Pr une bride une
selle — mais pas un cheval — mais le Tem. a cru
dans le mom. que le Pr. la demandé le cheval aussi
bien que la bride & la selle — Que Jos. Wells
et un nommé Paul etoit presents lorsque le temoin
a prêté le cheval au Pr — Que le soir du même jour
le cheval a été ramené. —

John Goodsell dem. a Longueuil, que le Dr. temoin
est en son service — le pr. fois qu'il a vu le P. etoit
le 24 Oct. dr. chez lui, c'etoit entre 7 & 8 hr. du matin
que le tem. est parti de chez lui vers les 8 heures,
a dit au tem. Lafont de lui donner une bride & une
selle — Qu'en entrant le matin le P. s'est adressé
au tem. dr. qu'il avoit 2 bons ch. dans voh ecurie
vous allez a Laps. dri vous voul. me prêter un
selle & une bride j'irai aussi — le P. a dit,
qu'il avoit un bon cheval & iroit aussi vite que
le Stap — lorsque il a appellé Lafont & lui dit
de prêter une bride & une selle au Pr — le P. s'est
retourné encore vers le Tem. & lui mon frere vient
ici avec trois autres chevaux, & a demandé au
tem. 15/ — comme il n'avoit point d'argent
sur lui. que le tem. croyant que le frere du

tem.

Tem. venoit avec des chevaux à vendre en ville, prêta les 3 piastres au Pr. Que le Pr. a demandé des brosses pour frotter ses bottes, & a dit à un chartier qui étoit avec lui, & lui dit d'aller brosser sa ridingotte — & pendant que le Jeune hom. brossoit la ridingotte, le témoin est parti pour se rendre à Lasprairie a un enterrement — Que le tem. n'a jamais donné perm. au Pr. de demander un cheval à lui appt — et il n'étoit pas vrai que le Pr. avoit des chevaux chez le témoin — Qu'il y avoit deux chevaux dans l'ecurie, mais ils n'appartenoient point au Pr. Que le Tem. a vû son cheval le lendemain — un Lundi — vaut £25 — Quant il a vû le Pr. en ville arrêté, il s'appella, Charles Varrein.

Tient auberge à Longueuil — que les effets de l'auberge sont en Société — Que les chevaux ne sont sa propriété & le cheval en question lui appt — ne se souvient pas d'avoir vû le Pr. avant ce tems — Que le Pr. lui parloit en anglois — Que le Pr. ou lui a jamais demandé de lui prêter un Cheval — à dit au tem. Lefant de prêter une Selle & une bride au Pr. Que c'étoit le lendemain que son cheval lui a été ramené, quoi qu'il soit

que

que le cheval avoit été trouvé la veuille —
Qu'il y a un domest. chez tem. qui se nomme
Jos Welch —

Timothy Welder, dem. chez Mr Goodell à Longueuil
le 24 Oct. a vû le Pr. la, il se nomme Alexr
Douain — il est venu le soir le 23 un Samedi —
pour demander une femme qui étoit etrangere
au tem. qu'ensuite il est revenu disant qu'il
alloit loger la qu'il falloit toujours pour
deux hom. & deux chevaux — il a eu quelque chose
de la barre — Le Dimanche matin il étoit reveillé
par le frere de Mr Goodell, disant qu'il fallait
se depecher si on vouloit être present à l'enterrement
de Mr Goodell à Lasp. le P. a dem. a emprunter
une Selle dune bride disant qu'il croyait pouvoir
se rendre aussi vite que la Stage comme il
avoit deux bons chevaux dans l'Ecurie. — Que
le Pr. s'appelloit Alexr Douain, La dit au temoin
de mettre à son compte sous ce nom ce qu'il
prendroit la — Que lorsque Mr Goodell est
revenu vers les deux heures apres midi, Franc
lui a demandé s'il avoit donné ordre de
preter son Cheval au Pr. Mr G — a dit que non
et a tout de suite a dit qu'il supposoit que le
Pr avoit intention de voler le cheval, & immediatement le frere de Mr G — est parti apres

lui

lui – Que le jeune Goodsell & le tem. sont venu
à Montréal le même Soir, & ont rencontré le
Pr entre le vieux marché & le marché neuf –
il avoit le cheval de Mr Good – Les l'ont
arrêté – après demandé com. il auroit eu
ce cheval là, le Pr dit qu'il avoit emprunté
de Mr Goodsell – ou de son fils – Que le Pr
a refusé d'aller avec les tem. & s'en est retourné
du coté d'ou il est venu – le tem. a crié d'arrêter
le Pr on n'a pas l'arrêté, mais ils l'ont suivi
jusque chez Mad. Smith, un aubergiste – là le
tem. l'a demandé d'y entrer – mais il n'a pas
voulu & a passé – le tem. la poursuivi jusqu'à
vers le Canal, ou le tem. l'a arrêté – le Pr. voulait
voir quelqu'un chez le nommé Mr Nabb, le Pr
insistant qu'il iroit, le Tem. a menacé de le
tirer s'il alloit plus loin – le tem. l'a laissé
en charge de quelques personnes pendant
qu'il fut chez Mr Mondelet pour porter
sa plainte, Mr. M. lui donné un Officier
pour arrêter le Pr & il a été en conséquence
mis sous garde du Watch – Que le cheval
que le tem. a trouvé entre les mains du Pr
app. à Mr Goodsell –

Etoit présent lorsque Mr G. a donné ordre

de

de prêter une bride d'une Selle au Pr

Que le P. en arrivant chez elle Goodell a donné son nom — Alexr Doucin — il est arrivé avec un autre Jeune homme — Que lors que le tem. de la Jeune G. vient le Pr en ville le t. a prié arrêté cet hom. le P. a poussé son cheval & s'est sauvé d'eux. Que quand ils ont rencontré le P. qui allait du côté de la Tavesse — mais il ne a pas dit qu'il y allait a dit que s'il voulait payer le dommage qu'il pouvoit s'en aller, le Pr a dit qu'il ne pouvait pas le payer — le tem. lui en envoie dit s'il voulait payer son compte il pouvoit s'en aller — le P. a dit qu'il n'avoit point d'argent —

Jos. Thibault — conn. le P. pour l'avoir arrêté vers le Soir d'un Dimanche en Octe dernier — Que quand le P. a rencontré le dep. tem. il a détourné son cheval pour retourner sur ses pas, et les pers. ont dit le voila, l'ont donné après —

Thomas McCord — Magistrat — le P. a été amené devant lui Exp. sous le nom de Charles Varieur. L'examen a été lu —

Verdict Guilty —

The King
vs
Anthony Bellew

On Indictment for stealing privately in a Shop to the value of 5/. in

1 July — one Silver watch. £4 — the property of Stephen Bohan. —

Stephen Bohan — Is a watchmaker in Montreal, keeps a watchmaker's Shop — had watches in a glass case in it for Sale it could be opened without any violence — did not miss the watch till Mr. M'Cas asked him if he missed such a watch. the W. went next day to the Office to see it he gave the marks on it a watch with woman figures & there was no lining inside — and had mark of Seconds on it — swears to watch now produced being the same — Any person coming in & the W. turning his back, the watch might have been stolen — values it at £4 — Thinks he lost it about the end of July — it had been gone two days before he saw it at the Police Office — There was a paper wt. some figures on it in the watch

Louis

Louis Marteau – he had occasion to arrest the Pr upon a different charge – he was brot before Mr McCord, and found the watch now produced upon him – the Pr said the watch was his own – was present when last Wn recognized the watch – thos rec'd an order from Mr McC. he went for Botham in consequence of some paper found about the watch –

It was the Wn who took watch from Pr Wm. McCord asked him for a watch, he drew it out and the Wn rec'd it –

Thomas McCord – the Pr was brot before him charged with having stolen some maps – the Pr had a watch on him & Wn desired him to shew what he did – he found a paper in it with Mr Botham's name – he sent for Botham, who said at first did not recollect having lost such a one the Wn desired him to go home look at his book and see if he could not tell the number and name of the maker he returned upon again sent for & described the watch as he has just now done

Verdict – Guilty of Petty Larceny.

adjourned till to morrow 9 O'Clk

Tuesday 9th. November 1819.—

The Court met pursuant to adjournd

Present

Justices Reid Fowler

The King
v
Jos: Marie Janson } On trial of Indictment for Petty Larceny.—

1 April 1819 — 20 f. pork — value 10/ property of Antoine Marie Lalouette Lebeau — St Roc.

Mathurin Briston, dem. à Le Roi voisin de Lebeau vers le com. du printems le Pt est venu chez le tem. demander logemt — il a soupé chez le tem — il est sorti de la maison après soupé et a resté dehors environ 3/4 D'heure, lorsqu'il est rentré — il a resté au instant dans la maison lorsqu'il est encore sorti malgré la defense du tem — a resté dehors encore 3/4 heure — a rentré encore — 1 1/2 de tems après est encore sorti malgré le tem — a resté dehors jusque vers minuit, quand il est encore venu demandant à rentrer — le tem. après lui avoir fait quelques reproches — lui a ouvert la porte —

il

il a demandé au temoin s'il vouloit acheter du lard – le tem. a consenti, & le Pr. disoit qu'il avoit mis le lard dans l'hangard, n'osant pas le rentrer – il est sorti pour le chercher – & est rentré pour demander un fanal – le tem. est sorti avec le Pr. & un fanal & a trouvé le lard – il y en avoit 12 liv. Le Pr. disoit qu'il avoit eu le lard d'un quelcun qui lui devoit l'argent – le Pr. a dem. au tem. s'il vouloit acheter du beurre, le tem. a consenti – & le Pr. est parti disant qu'il alloit le chercher – après qu'il fut parti le Tem. a regardé pour voir où il alloit, & a vu le Pr. ~~entré~~ sorti de ~~dans~~ la laitrie chez son voisin Lebeau – le Pr. est revenu chez le tem. & a apporté du lard disant que c'étoit le restant de son lard, et l'a offert à vendre au Temoin – mais il n'en a pas voulu – Que le tem. le lendemain a donné information au frere de Lebeau – que Lebeau a accusé le Pr. d'avoir pris le lard, et il l'a reconnu disant que son sort étoit bien malheureux.

Jn. Bte. Lebeau – dem. a St. Roc – que le 2 d'avril dernier le dr. tem. est venu lui dire que la laitrie du ~~Pr~~ du temoin avoit été defoncée & du lard de volé – ne peut dire si on y avoit volé du lard ou non – Qu'il a vu le Pr. dans la rue et l'a ramené chez Boisvert et l'a accusé d'avoir pris le lard de son frere, en

premier

premier lieu il l'a remié, mais après, il a avoué disant, que si on voulait le lacher, il n'y retourneroit plus - qu'il a entendu dire qu'il manquoit du lard dans la lattrie de son fils -

Joseph Chapuis, dem. a St Roi - se souv. d'avoir vu le Pr la vers le com. d'avril dernier en passant de chez Marien Lebeau, il a demandé au tem. d'entrer chez lui, le tem. a entré, & Lebeau lui montrant du lard sur une table, en disant voila ce qui nous a été volé cette nuit - le tem - a demandé ou sont les voleurs par ici, et Lebeau en montrant le Pr a dit, le voila - le tem. alors demandé au Pr comment c'est toi qui a pris ce lard et a dit, oui - mon sort bien malheureux laissé moi aller, et je n'y retournerai plus qu'on a pris le lard il y en avoit 20 fr livres, il valoit douze Sols la livre -

Verdict - Guilty -

The Kings
vs
Charles Lorion
St. 8. Eliz. ch. 4.

On trial of Indictment for Stealing privately from the person

23d July — 1 French Crown — 5/
3 gr. dollars — — 3 —
25 coppers — — 1/
1 leather purse — — 1.

of the monies, goods & chattels of Jos. Ireneau from his person —

Joseph Ireneau, dem. a St Roi — dit à Montreal le 23 Juillet dr. il y a rencontré le Pr — ils ont été dans un auberge dans ft. Quebec — ont pris chacun un verre de rhum — le tem. a tiré sa bourse pour payer — & l'a remis dans sa poche — il y avoit 1 piastre franc & d'autre petite monnoie — au montant de 15s — dans une bourse de chamois, — ils sorti de la avec le P. & a resté ensemble environ 2 heures avec lui — le P. s'en retournoit chez lui, il s'est apperçu que sa bourse manquoit le P. dit rien avec lui, & il a dit au P. qu'il avoit perdu sa bourse — le P. lui disoit qu'il n'en avoit pas de connoissance — le dem. avoit des soupçon contre lui, & l'a ramené en ville — que le tem. l'a fait prendre par un Connetable — et le P. en ôtant son chapeau, la bourse a tombé sur la

terre

terre — reconnoit la bourse pour être la même qu'il avoit perdu —

X

Que le tem. ne con. pas le Pr. avant le 23 Juillet mais il disoit connoitre le frere du temoin —
Que le tem. croit avoir pris 4 à 5 Pces de tem ce matin la, en comprenant celles qu'il a pris avec le Pr —

Richard Hart — Connetable — vers le 23 Juillet dern. il a vu le Dt tem. & le Pr. sur le Pont. marché de cette ville — vers midi — il vit le dit tem. qui tenoit le Pr — au Collet en parlant fort — a compris que le tem. accusoit le Pr. d'avoir pris sa bourse, ce que Pr. nioit — qu'en s'approch. du Jumeau il a demandé ce que c'étoit, & Jumeau lui dit que le Pr. avoit sa bourse — le tem — demanda au Pr. s'il avoit la bourse — le Pr. a dit — non — la dessus le tem. lui dit qu'il falloit aller à l'Office de Police avec lui — que dans la rue le Pr. paroissoit ne vouloir venir, & s'arreta — là le tem. demanda à Jumeau s'il avoit cherché le Pr. il dit non le tem. ôta le chapeau du tem — & la bourse tomba à terre — Jumeau ramassa la bourse & dit qu'elle lui appartenoit — il y avoit une piastre pour 3 livres Tols, & en vingtaine de coppres —

Que

Que le tém. porta la bourse à l'office de police.

X

Que Juneau paroissoit agité - mais ne put dire si cela provenait de la boisson ou de la Colere —

Defense —

Jos. Vaillant dem. à L'assomption — con. le P.t depuis plusieurs années - est Voit - et l'a toujours connu pour un honnête hom — Con. Jos. Juneau un hom. adonné à la boisson, accoutumé à faire du train — dans cet état à insulter tout le monde —

Louis Mercier — dem. à L'assomption - con. le P.t depuis son âge de connoissance — l'a toujours considéré comme un parfait hon. hom. — Con. Jos. Juneau depuis une 10 d'années - hon. hom. —

Jos Bte. Lafontaine — con. le P.t depuis une 15e d'années a toujours passé pour un hon. hom. — appartient à une nombreuse famille d'hon. gens — Juneau est un hom. adonné à la boisson. —

Verdict - Not Guilty —

The King
André Comus } On trial of Indictment for Stealing in a dwelling House to the value of 40/—

29th April — 1 magic lanthern £10—
1 Lanthern ——— 5—
1 Table cloth ——— =10
1 basket ——— 1—

of the goods & chattels of one Charles Bernard Yon, in his dwelling house — Montreal

Charles Bernard Yon, lives in Montreal — That he employed the Pr three different times, first in 1818 — the Pr then remained about 3 months & then sent him away on acct of his bad conduct — The Pr sent to service of Pr in april last — & had been with him about 8 or 10 days — there was then at his house a magic lanthern — it was in the Stall where he had an exhibition — saw it there the afternoon of 26 April — he bought it for 10 dollars — the smaller one he paid 22 dollars — there was a table cloth value 5/ — and a basket — the Pr slept commonly at the house, but that night there — That on Dr. Deficble next morning came next morning and told

told him that something had been taken from his house — the Wr went to the room a Callier, and found the magic lanthern, all its parts in a tavern there in the basket with the table cloth — that he had lent the Pr a shirt the night before and found it among the other articles that all the articles he there found are his property. That Mr Grant was present when Wr took poss. of these articles as his property — the Pr was present but did not deny having taken the articles, but said he had destroyed the prints — all these articles were in the dwelling house of Wr at the time they were stolen —

x

There was no partnership between Pr & Wr in any thing respecting the magic lanthern, or any of the gain to arise from it — the Pr said he had articles worth 20 dollr in pledge in the Country & Wr told him when he had gained 20 dollr the Wr would give him the money & he might take up them. — That the Wr gave the Pr leave to make up his books with this lanthern & to take all the profits until he had raised this sum —

Wm Barnard — Mrs W keeps a publick house on Jones a Callier — the Pr came there on the morng early of the 27 April last — saw a bundle on the table but

cannot

cannot say what it contained — Mr Y — came there about 7 or 8 o'clk — he claimed articles which he said had been taken by the Pr —

Emanuel Daubreville — was in Mr Young's house last Spring when he was told the Magic Lanthern had been stolen — he saw the Mr Y — and Pr — together at the Police Office, the Pr seemed very much in liquor, and was saying this on my goods —

Jean Louis Agenant — the Pr & Mr Y — was at the house of Barnard when Mr Y. found some of his goods there — saw Pr there, and the Magic Lanthern there — the Pr said that he had destroyed the articles which were missing from Mr Y's — the Pr went with Mr to Y's — when he said he was the person who had taken the things from Mr Y's, and that he would do it again if it was to be done — in saying that no one was worthy of having these things but himself — but did not claim them as his own — there was a table cloth which covered the basket that Mr Y — recognized all the articles to be his but the table cloth —

X

Has known Pr since he went to Mr Y's — there was one exhibition made by Pr at that house, as he heard — but saw the preparations made for it —

Frederick Cadick — was clk at police Office — saw Pr brot there — a something like a magic Lanthern — he was accused of having stolen some things from Mr Y —

he

he was much in liquor—

Jos: Burt, Constable, the Pl. claimed a right to the article in question— and upon Mr Y's asking him how he came to take the article without his leave the Pl. said, help yourself the best way you can

Defence

Chs Bernard Yong called up again— that first time the Pl. came to his house fall 1818 he made an agreement with him in writing— that the purport of that agreement was the Pl. was to furnish his labor, and the Df was to furnish the materials & to divide the profits— that the paper now produced is one of the notes which was given at the time by permission of Df— that the moment the Pl. did not continue to work the dissolution of the partnership took place— he then went and worked elsewhere, and did not return to his house— till several months after— when the new agreement took place— that the effects in question were purchased by Df after Pl. left his house—

E. Dambreville— a entendu le Pl. et Mr Y— etoit en société parceque il a vu le Pl. travailler dans la maison— but has no kn. of the fact—

Samt. S. Foster— Df. Pl. is a hair-dresser— the Pl. came to his shop with a bill of the exhibition at Mr Yong's—

Philip Leduc. Wt P. since last P. at Ile Perrot where Wt heard he was a very good Schoolmaster and bore a good character—

Willm Barnet— P. was at house of Wt on the 26 or 27 April last— cannot exactly say which— he came there in the morng early, had been in the house the evening before—

Sergeant Barnard Kelly— saw Pt in evening of 26 April last was there for an hour & half— he then made some exhibn. on a table of pipes—

The King
Franc. Perrault } On trial of Indictment for an assault with an intent to rob –

~~Robert~~ Angus Shaw, lives at end of Quebec Sub. was passing in the St Joseph Street on Sunday evening 31 Oct. saw D. at end of Notre Dame Street, there were three others with him – it was then about ten minutes past ten – seeing these persons the W. took another road – but never was he saw D. throws stones at an old woman who was going along – he then heard some of them say to Renault – run & knock him down – dont you hear the money rattle – upon this D. run after W. and gave him a blow on the arm wt. his foot – before W. had time to ask him why he gave him that blow, the D. gave him a blow on the side of the head and knock'd him down and after he was down kick'd him twice – the W. called out Murder – saw no other person there, but the other persons who were w. D. one of them came to the place where W. was – 4 dollrs had fallen out of W. pocket by amount when he was knocked down – one of them men pick'd up the money – the other two rem'd when they were – D. endeavoured to put his hand in his brother pocket but could not

he then laid hold of it outside, and taking wt
by the hair of the head, and dragged him about
3 or 4 yards in the Street — holding the money in his hand
through the pocket — that during this time there came
up some persons to assistance of Wt. who called out
you rascal are you going to rob the man — upon
this D. quit hold of Wt. and run to the bottom
of the Street — some gentlemen then came up and
attacked the other man for having assaulted the Wt
but Wt said he was not the man — upon this D —
came back again — that one of the Gentlemen laid
their hands on the shoulder of the man who was
picking up the money & told him to be gone — upon
this it was that D. came forward & offered to fight
with him — never found the money he lost. —

X

Has Wt D for about 11 months past — it was
the last day of last month — it was then moon
light — when this happened — The Wt. passed St Church
was going down St Joseph Street — saw person
throwing Stones in the Street it was D — knows him
at the time — That he Wt. person who struck
him, it was D — The D. said something in french
but Wt did not know — the other spoke to D. in
English — That when the Gentlemen came up the
Wt never said that D. did not strike him, but

on

on the contrary, declared that the D. was the man immediately who struck him — had drank only a glass of gin that day — D. had on a Jacket — Did not ken. any of the persons who were picking up his money —

Thomas Woolrich — saw last W. on Sunday evening 31 Oct. last nearly opposite the Methodist Chapel it was clear moon light — & the face of a man could be seen — the W. Shaw was then walking on pavement, saw D. only when he came up. Shaw recognized him immediately as that the man — D. was then on the opposite side of the Street. upon this came up to them — Sh. said that the man who struck me — D. denied it, and began to take off his coat — When W. came up the others had run off, except one who was in the street to whom W. spoke — That D. had a Jacket on & began to strip to fight Shaw — That upon this the Constable Hunt and 2 men took D. into custody — Shaw was sober — complained he had rec. a blow on the ear —

x.

That when D. came up some one said there's the rascal — and D. wished to call them to account for having called him so — That an American who was of the party remained —

Jos. Portier — the D. saw him on 31 Oct. last about
10 at night — saw Wm Shaw that night
the W. was at the upper end of the Street, when
4 people were coming to ptm. one of them w. a jacket
was throwg stones at a person — the one wt the
Jacket set off running downwards — the D. says
the person who was arrested, but cannot say he
was the person who was throwg stones — that
they heard as if some one fighting — & the others
ran downwards. except one of them an American
the W. followed & came up to Shaw who said
he had been knocd down — by this time D.
was coming up again, when Sh. sd. there is one
of the Rascals — the D. said that it was not
him — Shaw was then complaining that he had
been struck by one of the persons in the Street
the D — upon this drew towards the W. & Shaw
at first Sh. sd. it was not the Dy. but afterwards
sd. he was sure it was him — Denied that he
was the person who had thrown the Stones —

x

Thinks that the others were Americans, as when
they came up to Shaw — one, an american was by
Shaw — Shaw did not at time say by whom he
was struck, but said he wd know him — said
it was not an American who struck him, nor
that it was D — That D — was alone when
Wm first saw him, coming up the Street

from

from the water side — D. drew near them when he heard some of the party say that he was one of the rascals — it was clear night & moon light, does not think he could have distinguished the features of a person running — the other person with Pennell had cloaths, & one had a jacket — Shaw did not at time complain of having been robbed of his money —

Richard Hart — Ist D. apprehended him on a Sunday night the latter part of Oct — about between 10 & 12 o'clock — heard a noise in the Street of some one crying murder, went to the place, & saw several persons at the bottom of the Street — & one of them Shaw, said he had been knock^d down in St Jos. Street, and that the person who knocked him down attempted to rob him — he took D. into Custody — left him in charge of another person — & having heard there were others in Company with D — he went after them — he told D — and took him to the Watch-house — K. went accidentally to the place — at time D. was in the act of going away has notes. that D. wished to fight with any one but Ist — did not attempt to escape after he was arrested

Defence

Augustin Ratty — Ist D. for 3 years — knows nothing of character of D — but always considered him as an honest man —

William Chaffers— came up the w^d of 31 Oct. w^t Woolrich & parties when Shaw d^d he had been thrashed down did not say by whom— Spoke to person who called himself Fr^t Renault— when first saw him was about the lower end of Strut— heard one of his party make use of the word Coquin, but not addressed to D— on contrary D came forward himself— cannot now recognize D— as he is so differently dressed, & he does not recollect his features— the D. wanted to fight— w^n. whoever called him Coquin— at time when D— was on opposite side of the Strut Shaw being asked if that is the man, he said no at first, but when D— came up close to them Shaw said he was the man—

Verdict— Guilty of assault & Battery— but not with intent to rob—

Wednesday 10th Nov: 1819.

The Court met pursuant to adjournt

Present

Justices. Reid - Foucher & Ryke

The Kg
vs
Andrew Boright } On Indictment for Manslaughter

24 May - Michael Weldon - Odletown.

Sarah Welden - widow of deceased Michael Welden - Ph. Boright. br of Pr - was at house of Pr at Odletown on 24 May last - came in about 10 Clk afternoon he sat down to dinner wt. Wm & her husband - While at dinner. the Pr & one Biddlestone came in wt large clubs in their hands - the Pr came up slapped Ph. Boright on the shoulder and said he was his pr: That he had been looking for him a long time & had found him at last - That Pr produced no warrant - Ph. B - asked if he might be allowed to eat some dinner, Pr said he might - Ph. B. finished his dinner about ½ hour after appears much frightened - and reached down a gun from a beam over his head, as he took it down before he could make any use of it - the Pr laid hold of it and jerk'd it out of his hand as being stronger, in doing which the muzzle struck her husband

on

on the head. Knocked off his hair on the ground and getting up he said it had hurt him very much, — and said to the persons so struggling, to take care if they killed him, not to kill his child — they did not desist, but continued to assault Ph. B. and went away — That deceased sent to P: to come & talk with him for the injury he had suffered, but he refused — her husband had continual pains in his head after this while he lived, and at times was very ill — and died on the 2d. August — a short time before his death he complained very much of his head — was attended by Dr Benj: Moore — Believes, that this blow was the cause of his death —

x.

That when P: & Biddleston came in, the deceased asked them also to take dinner, but they refused — the P: seemed as if angry — ~~does not ten. of any intention~~ the P: had some intention to hurt the deceased — never heard that there had been any quarrel between them before — Biddleston had hold of Ph. B — and the P: had the gun —

Benjamin Moore — lived on Lake Champlain in May last — ten. late. M. Milton 20 years before his death — was called to see him 23 July last, he complained of a pain in his head — from a blow

he

he had rec^d from P^r the wound was then healed up - and looked like a bruise - it was in shape of a long cut - complained of pain over his whole head, but particularly in the place where the wound was - W^m - concieved there was some internal injury - saw him on 28 July - when wound had healed up - saw him again on 1^st Aug^t the second time appd stupid - on 2^d Aug^t he died - the symtoms were those arising from a violent blow - he had had a pulmonary complaint & some affection of gravel on ben before this, but not dangerous not such as to produce his death at that time - opened the head of dec^d found the ~~pericranium~~ ex dura mater detached from the internal part of the skull where the blow had been given - this could have been effected only by some violence - and has no doubt but that was the cause of his death -

x^d

The deceased had been poorly in health before this, but not dangerously ill -

James W. Wood - is a medical man - attended the dec^d on or about 1^st Aug^t last, the D^r was then in a state of stupor - & W^m saw he could not exist long from the state in wh^ch he then was - the operation of trepanning was performed on his head - found the bone entire, but the dura mater was detached from the internal part of the

skull

skull, and he is firmly of opinion that this wound was the cause of his death —

x^d

The deceas^d had called upon M. before he arose he had an occasional spitting of blood — When he first saw wound it was much tumified and spungy & discharged a thin watery matter — The head was trepanned — This is consid^d a dangerous operation — that the D^r was much stupified at the time, to be very sensical — but his friends were desirous it should be done — he died between one & two hours after — That the injury even might have been the cause of his death, even in a case where trepanning might have been in the first instance necessary — Thinks the operation of trepanning could be of no use to him — but does not think that it was the immediate cause of his death — It is usual to call in the assistance & advice of several medical men before using the trepan —

Sarah Wilden called up again & cross-exam^d says — That she was very much frightened at what passed at the time of the affray in her house — That Ph. B. said he took down the Gun in order to defend himself —

James Cromprocright — 1st D^r & late M. Wilden — about end of May & beg. of June last the P^r & son

Bedlington

Biddleston came into house of Welden with Clubs the Wt took alarm & went out — he had heard so much of the disputes between Pr & his brother, that he apprehended some affray & he did wish to be present — The Wt went into the house about ½ after and saw head of Welden bleeding — The Pr refused to make any settlement wth Deceased, but he refused, saying if he whipped a man half to death, if no one saw it they could make nothing of it —

X

Never heard of any difficulty having existed between the Pr and deceased —

Defence —

John M'donald — Knew late late Mr Welden of Middletown Shortly after accident saw him wt his head bound up he sd he had recd the blow by the Pr wrenching the gun out of the hands of Ph. Bright — considered it an accidental blow — and that he wd settle with Pr for the compensation & reward the Pr was to have for catching the ds Ph. B — The Pr & deceased always lived upon good terms —

Benj Moore — attended deceased from 23d July last till he died — he attended him before for a Cough and spitting of blood — when he first saw wound, it appeared a Scar about an inch long, did not then apprehend any fracture — he applied a blister, saw it on the 28 July — the wound was then much

turnified

tumified and matter run from it — the W. then told d. that an operation was necessary, apparently a fracture — the dec. objects to it — About two hours before his death the operation was performed. of trepans — saw no coagulated blood — There was no fracture — did not conceive the operation to be improper. — Is not able to say what would have been the consequence of proper medical assistance had it been early applied, as he did not see the wound — That the contusion could not have happened without some violence — it is his opinion that the death of dec. was produced by that blow —

x

The W. told at the time of operation of trepans that it might produce some good effect, but it was very doubtful whether it would or not —

The Court charged the Jury — that Pr. had produced no authority for arresting Pr. Borough and the act consequences of that arrest must be considered unlawful — Therefore if the Jury considered that the deceased came by his death from the blow given by the Pr. resisting the Seizure from his brother, he was guilty —

Verdict. Guilty —

The Queen
v.
David Erskine Donaldson } On trial of Indictment for stealing in a dwelling house to the value of 40/—

3d Nov— 2 coats, value £5.—
1 Guernsey frock — 3/—
of the goods & chattels of Jean Dominique Bernard, Montreal. ~~in the~~ dwelling house ~~of~~—

Jean Dom. Bernard, dem. dans la rue St Paul doit chez lui, le 3 du cour. tient magazin chez lui ce fait partie de la maison ou il demeure avec sa famille — il loue la maison, & en loué une partie à une autre personne — Que ce même soir il a vû dans son mag — 2 habits & un frock de Guernsey — qui étoient pendus dans la porte à droit en entrant, avec un morceau de drap dessus — Que vers les neuf heures il s'est apperçu que sa porte étoit ouverte, et a découvert que les 2 habits & un surtout & le drap qui manquoient — il est allé immediatement sur le vieux marché, & y a trouvé le Pr. couché, Mr Frichette qui étoit avec lui a cherché dans le banc, & a trouvé la piece de drap dans laquelle étoit enveloppé les deux habits, & une veste déchirée — il a

porté

porté les articles chez Mr Dwight — reconnut les habits maintenant produits pour être les mêmes qui lui étoient volés — un est couleur bleu & l'autre bleu-gris —, l'habit bleu vaut £3 — & l'autre £2 — le drap vaut 8/ — le Gurnemy pour 3/ — reconn. aussi le drap & le frock pour être les mêmes qui lui étoient volés en même tems Que le frock étoit sur le Pr — que le Pr étoit à dix à 12 pieds du paquet de drap — il a reveillé le Pr & lui a demandé si c'étoit lui qui avoit volé ces effets, le Pr lui dit, qu'il ne savoit pas ce que cela vouloit dire — il a donné le Pr en soin au watch — qui passoit dans le tems.

Augustin Trichette — étoit chez le dec. tem. son voisin le soir du 3 Nov. der. et est sorti de chez lui vers les neuf heures — en sortant on s'est apperçu que la porte étoit ouverte & Bernard a dit qu'il lui manquoit deux habits une redingotte & une piece de drap — en allant sur le marché ils se sont apperçu d'un paquet sous un des bancs des Bouchers, & y a trouvé deux habits & un vieux veste enveloppés dans une piece de drap — pareils a ceux prodent — ont vu le Pr qui étoit près du paquet, mais qui est parti en voyant le tems & Bernard venir, mais pas comme un

Nom.

homme qui voulait se sauver – il était à dix a douze pas, lorsque Mr B– lui a parlé – mais n'a pas entendu ce qu'il lui a dit – l'ont donné en charge au Watch – il reconnait le Pr pour être le même –

Vincent Leon. un des Gués – se rappelle que le 3 du cour. il a vu le Pr sur le marché en charge d'une autre pers– a con. le Pr avant ce tems – pour avoir couché plusieurs nuits au Watch-house

Verdict – Not guilty of stealing from the dwelling house, but Guilty of Petty Larceny

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The King
Antr Delaney } On trial of Indictment for an assault on a Constable in the execution of his duty. –

Jacob Marston – is high Constable – saw Defr on 24 Febr. – was called to quell a riot at a house in Sut. about 8 o'Clock in the ev? en S.L. Suburbs on coming in he saw the Pr and one Crispeau, – asked them what was the noise they were making to send for him. the Pr turned round said to him

Damn

damn your blood we dont want you here the Wr said he came there to prevent him from murdering those young women, meaning the girls of the house — the Pr said he was master of the house — the Pr said they were masters. the Wr said they must go off — upon this Pr came towards with his clenched fist in a threatening manner — and cried out now's your time take care, look sharp — Crispeau turned round towards the wood stack up a large club and made at the Wr with an intention to strike — that he made a great many blows at the Wr which he parried with his stick — during this the Pr came upon Wr and gave him several blows with his fist on the face and head — the Wr stept back to a partition in order the better to defend himself, the Pr & Crispeau pursued beating & making blows at him with their fists & stick — the partition gave way & he fell down with Wr the Pr & Crispeau still cont. to beat him & did him great hurt — that he told Pr that he was a Constable and came there to command the peace — saw no act of violence committed by the

Pr

Pr. they said they had a right to have the women who were in the house. and would have them—

x

P. was inside the house when W went in, and tho W heard the noise when he was going to the door and when he went in, all the disturbance fell on him

Marie. For Prouds. lives in a house in St L. Sub. in a house belong' to last Wr Pr who came to her house on night of 24 Feby. last— he came to the door wanted to get in, they ans. they wd not let him in as they did not want to see him— he s. he would break the door if they did not open it— and gave a blow to door which burst it open— that Crepeau began to make a noise & threw the Stove down, he then took a knife from his pocket and said if they did not behave as he wished he would murder some of them— that Pr made C. put up his knife— that her sister fainted— Pr s. it was a pretence— told W if she would not hold her tongue he wd beat her— P. put up the Stove again— and told W if she would not go out w. him he would kick her— they made so much noise in the house that the people in the Street heard it— the W ran out and went for Marston the Constable & requested him to come to their help as Pr

was

were threating their lives – that Marston went to the house Lwr. stand at Marston's house till his return, when he was full of blood

Defence

Isabella Lowdys – That when Marston came into the house the Pr was not making any noise in the house –

John Charles – That Pr worked for Wm during the last year about 6 months – he was a very trusty man conducted himself very well, never quarrelled with any one – in his knowledge he fell sick and that was the cause he left his service – he meant to have employed him again but he would not go –

Verdict. Guilty –

The Court adjourned till to morrow at One o'Clock in the afternoon. –

Thursday 11th Novr 1819.—

The Court met pursuant to adjournt—

Present—

The King
vs
David Jones

Mr Grant on behalf of the Pr moved for a Hab. Cor. to bring up the Pr to be admitted to his personal bail for his future appearance — That Pr is confined for a misdemeanor in obtaining goods under false pretences — has been in gaol since December last, and by affidavits produced there is no ground for the accusation against him —