

Saturday 4th Nov. 1820

The Court met just to adjourn

Present

Justices Reid & Foucher

The King
in
Peter Gordonner }
}

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

17 July 1820. - 2 warrants for the pay^t. of money
to wit for the pay^t. of five dollars each - 16
spanish milled dollars - value £3 - - four
frank Crowns value £1 - Ten American
half Crowns value 22/- one trunk, value
1/- one bag, value 1/- of goods of Michel
Jacques in his dwelling house at Montreal

Michel Jacques, lives at New Market place - Mr. P^r
in July last lodged at tavern of Mr about 3 weeks.
Mr on 17 July last had some money in a tin box
in a drawer of Commode - at 8 of the night
on 17th July he saw his money stashed it up in
his drawer - between 34 & 37 dolls - 3 bank
notes of 5 dollars each - 16 Sp. dollars - 4
frank Crowns - rest in American h^f dollars -
all this money was in ^{a bag which he put into} the box ~~in that box there~~
~~was a bag~~ - That at night P^r slept on

The

the gallery behind the house - That next
 morning about 4 O'Clock, he found his money
 was gone - the P^r was then at the house -
 We asked all the persons in the house ^{they know every thing of} where
 the money as no stranger had slept in the house.
 That a man came in with a watch to sell who
 is named P^r Senechal - the P^r asked to buy it,
 that Senechal told this to W^r, who told Senechal,
 take care, if you sell your watch to him he
 has no money to pay you - the P^r & Senechal
 went out together, & soon after Senechal
 returned saying to W^r - He could give him
 some indell^t of his money - some pieces of it
 were marked some otherwise remarkable
 & uncommon - that upon information from
 Senechal, the W^r called in the P^r & asked
 him where he had got money he bought the
 watch - P^r s^d had not p^d it - that Senechal
 came in & s^d P^r had p^d for the watch and
 added, you have a bag of money in your
 shirt, I deliver it up - upon this the P^r
 deliv^d up the bag which was in his shirt, &
 in it were found 4 Crown. 4 doll^r
 bank bill of 5 doll^r - one remarkable piece
 of four shillings some p^renny - The bag now
 shown is the same - & the money now in
 it is the same kind of money than found

The curious piece is also in it, which is same now produced & is his property - he rents the house he lives in - After returning the bag the P^r stated that he had waited till 12 o'clock had struck, went to the Commode drew out the drawer and took out the box with the money - that no threats or promises were used to induce the P^r to make this delation

Pre Senechal - Mr P^r & Mr W^r at whose house he used to put up - was at his house of Mr about 6 or 7 o'clock on 17 July last - soon after the P^r came in - Mr W^r had a watch to sell - P^r asked to buy it, but ^{Mr} did not wish to sell it as P^r had no money - & told P^r he would not sell it - There was another man who had a watch & P^r agreed to give him 6 dollars for it - & turning to Mr W^r said to him you will come with me & see the watch P^r went to house of Oudy - where P^r took out a small bag, & P^r the money for watch - that Mr W^r on seeing the bag recognised it as having seen it with Mr W^r and on seeing the quantity of money the P^r had the Mr W^r was surprised to find that all at once he was so much alarmed over the money observed a remarkable piece which had been shown him before by the last Mr W^r - that Mr W^r went to house of Mr Jacques and told him the suspicions he had of P^r in consequence of the money and bag he had seen

his possession — The Lt. was afterwards
 pres^t. when the bag was found on P^r at first
 denied he had it, but afterwards produced
 it, — he had it in his shirt — he acknowledged
 that he had waited till midnight when he
 went to the Cupboard pulled out the drawer
 and took out the money —

Charles Beroit — Sr. Michel Jee. & J^{on} was present on
 17 July last at house of o^d Jacques when a
 bag of money was found on the P^r — he was
 asked if he had the money wh. Jacques had
 lost — he at first denied it, but at last pulled
 out the bag and acknowledged he had taken
 it — he stated that after he heard 12 of the
 strike he went into the room, took out the
 money from the second drawer of the Chest
 of drawers —

Verdict — Guilty — recommended
 to the mercy of Crown —

The King
 Stephen Grant

An Indictment for Grand Larceny
 1 Skiff — value 40/- four oars value 4/-
 one paddle value 1/- of goods &
 Chattels of one Philip Chapp. —

26 June last, at Louisa P^r

Fran^s. Vary — ferryman — saw P^r from having seen him in
 June

Some last with a skiff, the P.^r offered the skiff
 for sale at different times at different prices -
 the W^r declined buying it as he considered it to
 be stolen - that P.^r o.^d that his brother had made
 it & he was not a thief - agreed for a dollar
 & passage of three men - then went to sea -
 thinks that the skiff might be worth 15/-
 That a man of name of Philip Clapp claimed
 the skiff as his property - that it had been stolen
 that W^r must have stolen it - that men of
 W^r o.^d they were present when he bought it -
 That upon this Clapp took away the skiff
 with him as his property - That upon this
 the W^r looked out for the P.^r and having found
 him he stated that prop^r of skiff had claimed it
 suggested if P.^r to go with him if he refused to do
 saying he knew nothing at all about the matter
 upon this the W^r had P.^r arrested -

x^d

That it was about 8 days after he had bought
 the skiff, it was claimed by Clapp - had no
 difficulty in finding him - P.^r o.^d he remembered
 having sold the skiff, but that he knew nothing
 about its having been stolen - the skiff was
 in bad order - not fit for use - the P.^r spoke French
 when he addressed P.^r - the skiff is built after
 the American manner - Cannot swear that
 the skiff belonged to the said Clapp -

Jacques

Jacques Vaillancour, ferryman, was present in the month of June last, when last W^r bought a Skiff from P^r the P^r offered it first for 15/- then for 10/- & last 7/6 - last last let it go for 5/- & the ferry of 3 men across the river - the P^r s^d the Skiff belonged to him & had a right to sell it - was present when Philip Clapp claimed the Skiff as his property & charged ~~the~~ Vany w^r had stolen it - Clapp took away the Skiff. -

x^d
 That P^r spoke french enough to make himself understood - Did not said that it was he and his brother who had made the Skiff - The Skiff was in bad order and might be worth about 15/-

Rich^d Hart. That one Ph. Clapp in the month of June last, came to W^r to execute a warrant for a Skiff wh^{ch} Clapp s^d had been stolen from him - sent a man wth warrant to search for a Skiff - it was bro^{gt} back and delivered to Clapp by W^r by order of magistrates

x^d
 Does not know whether this was the Skiff wh^{ch} the P^r was charged wth having stolen - Skiff is made in the american manner -

Defence

Benjamin Douglass, Jr. P^r saw him on the beach below the New market on 26th or 27th Jan last when a man came up and offered them a skiff wh^{ch} he requested them to sell for them, to get what he would for it, as he was desirous to return to Upper Canada - We went across the River in the skiff to Longueil and went to ferry man the first We and sold it - it was sold for 5/- to Vang - it was worth more - That when they returned back to this side he saw P^r return the money he had rec^d to the man who had employed him to sell the skiff - cannot say what P^r rec^d for his trouble

x²

We went across the river to look for a half dol. piece he had lost on the other side the river, and found it there -

James Ellice Campbell - That the rafts that come down from Up. Canada bring with them skiffs on board, & when here they are sold for very little, even for 5/- what may have cost 10- or 12- sometimes they give them to their men to dispose of as they please -

Verdict - Not Guilty -

The King

Henry Keelar,
alias Henry M' Dowall
alias John Kelly —

On Indictment for obtaining
money and goods & money
under false pretences —

Edward Parker - Clergyman at Chambly - W. D^r -
on 16 May last, stated that he had been in the
Army, had been discharged, his house had
been burnt - had lost 2 of his children, and
in saving the third one he had suffered very
much himself - he also stated that his wife
was in a state of sickness - W. gave him
2/6 - then asked for a shirt, of^t W. had not
but he had none, but got another person to give
him one - asked W. to go & see his wife what
he s^d. was ill - on 17th the p^r returned
stated to W. that his wife had died the
night preceding, asked when W. could attend
to bury his wife - W. agreed to 3 of M that
afternoon - W. then gave him 5/6 - the P^r
had his breakfast, & went away - W. went
among his p^r to solicit charity for P^r -
met P^r w^t a prayer book of W.'s housekeeper
then asked when his wife could be buried
W. stated that the ground was not yet found
in - but w^d. be - P^r s^d. he had dug a grave
of certain dimensions - here he began to have

son

some suspicious of P^r as he smelt of liquor
 and as he said he had been at some expense in
 getting of linen & other articles - W^r gave him 2/6
 retaining out of what he had collected for him
 & the W^r afterwards about 3 o'clk went to the
 place where the burrying place was, but found
 no preparation for a funeral nor any grave
 dug - and finding he had been imposed on
 he made search for P^r and found him in
 another house with his wife and child
 where the P^r was very much in liquor
 the W^r had him taken up, when his wife
 came forward & addressed herself to W^r begging
 he w^d let her husband go - the P^r was sent
 to goal and his wife came to Montreal after
 him -

William Pardy - lives at Chambly - that on 17th May
 last, when the D^r was in Custody, he requested
 of Mr Parker to let him go and he would restore
 the money & things he had received from him
 as he had imposed upon him - and then
 gave back a prayer book he had rec^d - that
 there was a woman at the door who addressed
 herself to the persons there as the wife of the
 P^r

Vindict Gaults,

The

The King }
 Marie Louise Cahintinelle } On Indictment for Grand
 Larceny. —

Wm. McNish Porter lives in town and keeps a merchants
 store — that on 22^d June last he found in the
 poss. of two persons certain effects which
 he understood to be his property. That of his
 partner —

The goods being charged in the Indictment
 as being the property of the witness, and not of
 the partnership — the Sol. Gen^l agreed that
 a verdict of acquittal should be entered
 at the P^r — which was done accordingly

The King }
 Mary^m Damodaj } On Indictment for Stealing in
 a dwelling house —

Marguerite Valliere, wife of Alexis Caille living in the
 Rec. Sub. — That on 27 July last she missed
 several articles out of her house — that she had
 hired the P^r to work for her at 7/6 of month —
 That after having lived wth her a fortnight the P^r
 asked if we could let her have the 7/6 — at least
 she gave her — That at end of three weeks, she
 missed P^r which was not usual for P^r — That
 on examⁿ the W^r found that three of her shawls
 were missing — values them at 10/- the Shawl was

also missing, which she values at 5/- then
 were also found 5 gravats missing which might
 be worth 1/- or 1/3 each - also a pair gloves -
 About about 3 hours after the W^r saw the Pⁿ
 she went up to her and on hay market, when
 Pⁿ told W^r she had stolen nothing from her
 the W^r told Pⁿ with having stolen several
 gravats of^r she denied - but W^r seeing the corner
 of a gravat hanging from her pocket - the
 Pⁿ gave it to W^r saying you may take it,
 that W^r said she missed the articles - upon this
 Pⁿ said if you will go wth me I will show you
 where your things are - the Pⁿ after going a
 certain way told W^r that it was ^{un}necessary to
 go further as she had sold the things - W^r asked
 to show the houses where Pⁿ had sold the things
 the Pⁿ went a little further when Pⁿ said
 it was needless for W^r to go further, as W^r might
 put her goat if she pleased - as she had
 sold the things on the Quebec Sub - upon this
 the W^r told Pⁿ to police office - she found
 two gravats on person of Pⁿ which were given
 up to her -

x^d

That W^r never gave any other effects in
 question to the Pⁿ except one hat w^{ch} he saw
 gave Pⁿ - a q^t - was one of those she found on
 the Pⁿ -

) Claire

chez lui peu de temps apres - Le ben. a dit au
 P. d'arrêter, en lui disant vous avez ma montre
 le P. a arrêté disant, oui je l'ai - et l'a
 tiré de son lui & l'a ~~donné~~ rendu au témoin
 la montre vaut £ 25 - et est la même manifestement
 produite - Qu'il avait vu sa montre
 un quart d'heure avant que la voiture s'arrêtât
 arrêté chez lui qu'il a vu sa montre -
 Qu'il connaît sa montre, par la chaîne & son
 apparence - mais point par le no.

Louis Briere d. Deroche - Que le 30 Juillet dernier
 M. Fortin l'a demandé d'aller avec lui pour
 courir après une voiture - ils ont poursuivi
 la voiture sont rejoints le P. Fortin lui
 a demandé sa montre, le P. lui répondit
 oui M. Fortin je suis un homme qui n'a
pas de raison, voilà votre montre, et il
 li a rendu -

Verdict - Guilty of Grand
 Larceny - but not pour dwelling
 House - Recommended to the
 consideration of the Court on acct
 of his infirmity -

The King }
 Joseph Rose } Our trial of Indictment for
 horse stealing —

Peter Jackson. lives at Cote St Paul, his brother
 John Jackson lives with him — on 30 July
 last he had a brown gelding belonging to him
 value, him 30 dollars — sent his horse
 to his brother to go to Church in Montreal he
 he came back without horse & caliche — in
 consequence went in search of his horse &
 found it at house of our Father & Martin
 the P^r was then in custody — knew not
 P^r but by having seen him on falling fit —
 that he considers him that kind of person
 as to be unable to know what he does very
 often — has heard that he had taken other
 things which had afterwards been taken
 from him —

John Jackson — his brother lent him a horse to go
 Church on 30 July last — came to Church &
 left his horse and caliche tied at the corner
 of Mr Dillon on place d'arrou — when he
 came out the horse and caliche were there you
 looked round but did not find him — went
 afterwards

afterwards at St Martin - saw P.^r there
in custody -

Joseph Foster - lives in parish St Martin -
has P.^r from seeing him on 30 July last at
St Martin - when he saw him was in a
Calash w a brown horse - the W. stopped
P.^r that day on the road on acct of another
matter - asked him if the horse & Calash
were his - the P.^r o.^d the Calash belonged to
McQuinn's servant - at another
time he o.^d it belonged to his mother and
to one of his brothers - he left the P.^r
in custody - P.^r o.^d he had brot. Mr Porteous
& Mr McKerzie to Montreal with Calash
On the next day about 11 o'clock one
Jackson put W. claimed the horse as
his own - and it was returned to him
Bussant - that he has known the
P.^r for thirteen years past that he ^{is} ^{opposed to} falls
fits - he is considered as man of weak
mind -

Timoleon Quersul swears, that
 he has since the Pⁿ in Court, he passed for
 a man of weak mind, ~~fell into~~ was
 subject to falling sickness, & he had at
 times the appearance of a man of weak
 mind -

Verdict Not Guilty, on acct. of
 his insanity -

The Court adjourned to Monday
 the 6th inst - at nine O'Clock in morn^g

Monday 6th Nov^r 1826

Present
 Justice Reid & Foucher

The King -
 Joseph Moranci }

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

Parish of Chateauguai - 1 Aug^t - 25 Sp. dollars.
 £5 - 5th one american dollar, value 4/6 - one 5 franc
 piece, value 4/- 19 American h^l doll^r value £2 -
 3 h^l Crowns - value 7/- two 1/4 doll^r 2/- two shillings
 value 24 pence - 3 y^d poplin, value 6/- and one
 pair Ear-rings value 1/- goods of Wm Dalton -

William Dalton, lives at Chalcaucua, measure of thefts
 Mr. P^r who was in service of W^r in July. cut about
 8th or 10th of month shined for 15 days - P^r was such
 part of time - ^{during} of - he rem^d. in a room in of there
 was a trunk wth money - to amt. of £18 or £20
 in dollars diff^r - other kinds of money - P^r went
 away about 24 - 25 - without saying any thing to
 W^r, he had ^{not} finished his time - after P^r was gone
 W^r perceiv^d he had lost ^{his} money out of the trunk -
 that among this money were same kind of pieces
 as ment^d in the indictment - a remnant of
 poplin worth about 4/- a pair of earrings value
 of 6/- On part of Aug^t - he saw P^r on opposite
 side of River who was looking for horses to buy -
 when P^r heard wth W^r he had no money & W^r was
 obliged to advance clothing to him - that W^r
 had him arrested - that W^r observ^d. to him, since
 you have money you had better pay me the breeches
 I gave - you, he did not answer - W^r then charged
 him wth having stolen his money - P^r did not still
 answer - W^r then s^d. if you do not return my money
 I will take you before a Magistrate - the P^r then
 said, if you will come wth me to the adjoining
 house, I will give you the cloth I brought and
 the money - and de l'argent - W^r went wth P^r
 to house of Mr Aug^t when P^r asked the wife of
 Aug^t for the cloth he had left them to be cut, which
 he rec^d. and gave to W^r saying take that, it is
 your cloth - the poplin was cut into a waistcoat
 pattern

pattern, which P. also deliv^d to W. - Thinks
 the paper now shown is same & belongs to him -
 P. then s^d to W. if he w^d go wth him to one Thibert
 he w^d give him the rest of the things - went there
 where P. gave him a h^{kp}, P. being asked if he
 had no money belonging to W. the P. laid on
 table about 38 dollars in different kinds of
 money - that he thinks there was one piece
 with a particular mark on it, having a diamond
 mark on it, and is same that was in the trunk
 when the money was stolen - P. being asked of
 there was not a pair of Ear rings in the same
 trunk wth the money - the P. put his hand in
 his pocket and deliv^d the earrings to W. - The
 W. then asked P. for the key w^{ch} he opened the
 trunk, the P. then also gave W. a key - this key
 belonged to a girl in the house who had missed it
 some time before - That upon trial it was found
 that this key opened the trunk when the money
 was - when W. missed his money the trunk
 was locked -

x^d

That W. agreed to pay P. 2/6 p^r day - That he
 had not ex^d his trunk for about 8 days before P.
 went away - Thinks the piece of money ^{now shown} from the
 mark on it to be his property.

Marie L^e Thibert - lives at Chateaugay - was P. saw him
 in the course of last summer 2 or 3 times at her house -
 was

was in town when Dalton ask^d P. for his goods
 that the woman who was cutting out a pair of breeches
 for P. in her house picked up a key of - fell from
 them, and which was deliv^d to P. that M^r. Aug^e
 came to town and claimed this key as the one she
 had lost. This M^r. Aug^e lived at Dalton's house -

Joachim Thibert - was present when Dalton claimed
 his money from P. who deliv^d up a parcel
 of money to him - did not hear what passed
 but no violence or menace was used to induce
 him to deliver up the money -

Frank Laberge - was present in month July last, when
 P. deliv^d up the money and goods to Dalton, and
 heard P. say if he w^o let him go, he would
 do work for Dalton to pay him - that it was
 at house of last W^r that this happened -

Louise Aug^e - lived at M^r. Dalton's at Chateauguai in
 July last - am. hav^g lost a small key - P. lived
 at Dalton's same time - during of time the key was
 lost - key now shown is same she lost -
 that she kept her key in a small buffet where
 the P. slept - ^{of buffet} ~~it~~ was open -

that she had lost her key 7 or 8 days before P.
 left Dalton's house - her key by the string -

Vincent Dufab - Int. Peace. lives at Chateauguai
 that on 1 Aug^e last M^r. Dalton bro^g the P. before
 W^r

Mr. charging him wth having stolen in his house and showing the money he had rec^d from the Pr^o - there is the money he has restored to me - The money was left wth Mr. senior until now produced at this trial -

Verdict - Guilty -

The King

^{vs}
Fred^k Hasselback
Hov's Johnson -

On Indictment for Grand
Larceny -

Henry Mounsey - lives at St. Johns, is a tanner - rec^d Pr^o since last April - employed him for some days as a labourer - on Monday morn^g 26 June he missed a quantity of leather - about 14 days before, Pr^o had worked for W^r - he missed about 28 pieces of leather - valued it at £6. 10 - saw leather afterwards at Lacadie on same day at house of one Woolman - knew leather to be his some of the skins had particular marks, and it all had been tanned by him except 2 pieces - the Pr^o was taken into custody - The leather was in a building in the tannery, and W^r saw it there the Saturday & Sunday before the theft - on the Monday morn^g on going out he observed one of the shutters of the building where the leather

was, $\frac{1}{2}$ appeared to have been opened from out side — P^r had been frequently in the tannery but did not work there —

^{x^d}
 That one piece was marked w. W. & other ~~two~~ ^{one} piece w. M. D. — these 2 pieces might be worth 14/ — marks cut in w. a knife — The leather were calf skins — We had nothing to say as P^r while in his service. —

Antoine Melitzky — ser. P^r rem. having seen him at his ^{home} in June last, he offered two bags full of leather for sale, there might be about 26 or 28 pieces — it was about day break when P^r came to house — told W^r if he wanted the leather he run no risk, as he came wth that leather from the States — P^r told W^r he would have it cheap — but W^r s^d he had no money s^d not buy it — know P^r in the army — the leather was not sufficiently tanned & W^r did not like to buy it — was surprised to see the P^r in poss. of so much leather — suspected its being stolen, as it was of different kinds — Does not know whether P^r be a man of means or not — there was another young man w. P^r but it was P^r who offered the leather for sale — When P^r came to house w. the person, they left leather in a shed — That

W^r went to Justice Pease who has his Sursurus
 & he sent for the leather - understands that
 the Justice Pease, Mr Doucet has since gone
 out of Province - Mr Doucet took the ex^r
 of the P^r in writing in presence of W^r that
 Mr Doucet sent for just W^r was also
 present when just W^r claimed the leather
 it was then at the house of one Woodman -
 of - was the same of - P^r had offered to sell to
 W^r

x^r -

The P^r said that he had got the leather
 from the other man at St Johns - and the other
 man said it was the P^r who gave it to him at
 another house - That when W^r went to Justice
 the P^r took the road towards the United States, &
 was pursued by the Comtable - Has served
 in the Army - went to the United States in 1813 -
 cannot say how long he staid there - does not
 rem. how long after the Merion Regt. was
 discharged, he returned to this Country -

Christian Marchtein, lives at Lacadie - his P^r
 rem. has seen him in June last - w^r some
 leather for sale, at day break - he had 2 bags
 full - cannot say how many skins - he
 asked six dollars for it - the W^r is a poor
 man & was unable to buy it - he w^d. not
 have bot. it if he had money - as it was not
 its full value, - there was another man
 W^r

w. the Pⁿ a man Johnson, now shown

That Johnson came to house of W. & told him
 to come to the Inn as there was a man who
 wanted to speak w. him — went there &
 found Pⁿ who offered the leather — the
 Pⁿ spoke in German — Pⁿ said he had got the
 leather in America — That W. ferried
 Pⁿ over a small river close by — was a
 Soldier in Meuron Regt — w. last W. who
 left the Regt. without his discharge — of is
 not used for a Soldier — the last that
 deserted from the Regt — some time before it
 was disbanded —

Louis Gauvin — has lived in the parish of Blairford
 has had frequent occasion to hear of the
 character of Malitzky, and he was well spoken
 of him —

Deferre

John Bower — the W. Malitzky — served in same regt
 w. him — were all engaged for 7 years — he was
 in Regt. about 2 months before W. was in
 garrison at Blairford when he left regt. and
 deserted in 1815. W. lived in same house w. him

Cannot say whether the term of engagement of
 Malitzky was finished —

Verdict — Guilty —

The Kings
 or
 Jean B^e Lajeunesse
 Louis Coté & Doyons

On trial for highway robbery

Owen M^c Cabe, on 15 Aug. last he was going from Montreal to Lachine between the hours of 6 & 7 in the evening had a bag on his shoulder - of w^{ch} w^{as} a shirt, value 5/- a waistcoat 5/- pair pantaloons 4/6 - a razor brush 2/6 - a knife 1/- a Sacket 5/- a little h^{at} 5/- a kettle 1/6 - fifteen dollars in small change - among w^{ch} he saw a h^{at} & gown or piece of 2/9 - all w^{ch} was his property - ~~that~~ ~~was~~ ~~also~~ saw 2 men & a boy follow^g him - the P^{rs} are the two men - when they came up they laid hold of his bag on his shoulder, said s'il est pour habiller eux - autres ce - by which w^e suspected the P^{rs} were either going to Rob or kill him - & he cried out, murder & robbery - and that he struggled wth them for nearly 15 minutes to retain his bag, and promised them if they would not take the bag he w^o give them 4 dollars they s^d if you will do this, we will not take your bundle - upon this they let go the bundle & the w^{ch} took out of his pocket 4 pieces of 4/8 each w^{ch} he gave them, and which he was intended to do from the dread and alarm in w^{ch} they had put him - when the P^{rs} had given them the money

money, the boy who was with them drew the bag towards them, and the P^{rs} laid hold of it and all three went off together across the fields towards the barnny, and W^r saw them turn over the bag and feeling what the contents might be - That he next day he saw all his things at the P. Office except a field book - recognizes a shirt now shown - also some waistcoat - trousers - had no mark on them but were such as he lost - speaks in same manner to the different articles in Indictment - That the bundle of papers now produced of^r he recognizes to be his were in the bag at the same time - That W^r followed P^{rs} across the fields to demand his property till it began to grow dark, when he began to get alarmed & returned home - That he saw the P^{rs} the day after and recognised them immediately in prison - when he was sent in prison -

When the P^{rs} agreed to take the 4 doll^s. he set down the bag - and when the boy who was inside the fence laid hold of it - it was done so quickly that W^r had not time to lay hold of it - the W^r was on the highway at this time. - That he is positive to say that the P^{rs} are the men who thus robbed him -

x^d

He is aged 75 years & upwards - he was going
from

from Montreal to his home that afternoon
 the road is a public highway - where many
 people pass - that his eyesight is still good
 although not what has been - it was then
 about 5 o'clock in the evening - Was somewhat
 so suddenly seized by P^{rs} that he had no time
 to make much about - he was agitated by the
 struggle he had wth them - but was am^{pl}. sufficiently
 the P^{rs} to know them - cannot say of their land
 hold of the bag - there was one on each side of
 him - cannot say of - was on the right, and
 of - was on the left - that he had never wore
 any of the articles now shown, & cannot say how
 long they had been in his possession - he bot. them
 in town for his own use - and has seen many
 articles of some kind where they were bot. - but
 all the things in his bag were similar to these, and
 were his property -

Emanuel D'Aubreville, Cap^{te} de la Gue^{te} - Que le 15
 dernier il a arrete les 2 pris^{rs} vers la 8 ou 9
 heures du soir vint un Enfant qui demanda
 de la lumiere disant qu'il avait perdu un eeu
 grand il etoit couche' a coté du nomme' Doyons
 dans la rue - le Tem. fut avec deux hom. pour
 chercher l'eeu - a vis-a-vis la maison de M^r
 Proussier, et a trouve' Doyons couche' sur le trottoir
 lorsque l'inf. trouva l'eeu, et se mit a crier

l'eu dans sa poche et a entendu sonner de
 l'argent - com. Doyons par. un bousson et a
 ordonné a ses hom. de le lever et le mettre en
 watch voyant qu'il avoit un paquet d'effet
 et leur dit en avoir soin, comme Doyons les
 reclamait a lui - en meme temps il a entendu
 une voix du coté du marche a faire, qui cria
 ho - Doyons - ho - ~~le témoin~~ ^{le témoin} a reconnu la voix
 du P. Lajeunesse, et Doyons ^{cria} ven. tin ici -
 L. vint avec un gros paquet sous le bras -
 que le tem. le reprocha de se trouver dans les
 rues a cette heure, comme sa reputation etoit
 connue - plutot que de s'exposer dans les rues
 et lui a conseillé de venir coucher au watch
 comme ^{le Lajeunesse} ~~il~~ desoit n'avoir pas de reticence -
 ce qu'il fit - le Tem. fit mettre les deux
 par dans une chambre - et il examina l'enfant
 apart - il a fait fouiller l'enfant - on a trouvé
 sur lui une piastre de 15 sols une brosse, un livre
 un haleine - et en otant son chapeau il y a
 tombé une poche de toile de Russie - lui a
 demandé d'ou il auroit eu ces articles, - et
 a pris pos. de ces articles - il a alors fait
 fouiller Lajeunesse - on a trouvé sur lui trois
 piastres moins 15 sols - deux mouchoirs de
 poche de cotton - une chemise de cotton barré
 une chemise de baptiste - une verte ^{barré} - un pr Culotte

† et il dit a
 Doyons, dites
 lui qu'il vienne
 ici

† et sur le
 compte que
 l'enfant lui
 a rendu, le
 Témoin

une paire de Souliers - tout cela étoit neuf
 Il a ensuite ^{fait} fouillé l'arche P. Doyens, &
 a trouvé 30^{ch} d'or & trois piéces en différentes espèces
 de mon. dont trois piéces de cent sols de France
 dont 2 du Règne de Bon. & 1 de Louis 18 -
 & ensuite un œuf françois - un Cordeau
 neuf - un p^m Culottes de toile de Russie
 neuf - une Chemise de coton - soupçonné
 que ces effets étoient volés, il a donné ces
 effets & argent entre les mains des magistrats
 à l'office de Police - n'a pas ex. la P^m
 excepté que Lajourasse lui dit avoir acheté
 ces effets chez Mad^e M^e Gratta en ville -
 reconnoit la poche montrée comme étant trouvée
 sur l'Enfant -

x^o

Que c'est entre 8 & 9 heures du Soir qu'il
 a ~~trouvé~~ trouvé ces hom - a ~~trouvé~~ Doyens paroissoit
 très enjonné - mais de tout il ne l'est pas tant.
 Que les P^m ne firent aucune résistance -

Jean Piron avant - un des hom. de Grest - a vu les
 P^m le 15 d'oct. - a ardi à Mr D'ambreville
 de les amener au Watch -

Margaret M^e Gratta - lives in Recol. Sub - where
 she keeps a shop - two or 3 days before she
 made

made her dep^r. before Mr Mondrel - it
 might be about 7 or 8 o'cl^k - the candle was
 lighted - he had a shirt, a pair of blue
 pantaloons ~~and~~ two hats and a pair of shoes
 does not recollect the price at wh^{ch} they were
 sold - but there was a dollar difference
 that the price of the trousers was 2 dollars, and
 the man gave her a dollar wh^{ch} and a
 silk hat - and thinks the hat now produced
 is same - when she gave her before she
 gave hat to Mr. Mondrel - saw the man
 at the Coler office & knew him again, and
 is the P^r. Lajunesse at the bar - that
 the article now shown - the shoes - the
 pantaloons - are the same she sold to P^r.

P

That a great many customers go to her shop
 that even^g there was no person in the shop
 but the P^r as she was the only person who had
 charge of shop that even^g - Does not examine
 very particularly the faces of persons who go
 to her shop - but can speak positively to the
 person of - P^r had seen him before -

Given M^r Cabe bro^t up again the hat spoken to by last
 wh^{ch} as coming from P^r Lajunesse - says - that
 the hat now shown is not the same he had
 in his bundle - that theawl & knife are
 the same -

Louis

Louis Marteau - He rec^d. the different articles now shown from Mr. Dambreville & put them into the hands of Mr. Mondélet -

Charles Mondélet - rec^d. a certain sum of money from ~~the last Mr~~ Cap^t Dambreville ~~10/3~~ - £2. 10. 3 - & p^d. to McCabe to 1. 17. 3 - Three pieces now shown remained in his possⁿ. till produced on this trial -

Verdict - Guilty. -

The King - }
Nere^v Johnson } On trial of Indictment for
Grand Larceny -

Henry Mouncey - lives at St Johns, is a Tanner - on Monday morn^g about 26 June last he lost a parcel of leather out of his tannery he saw it the evening before & on Monday morn^g there were 28 or 29 pieces want^s - values them at £6. 10 - saw it afterwards on same day at one Woolman's taverkeeper, saw P^r in same room where the leather was - there were marks on two pieces - & had all been tanned by himself except two pieces - thinks that the other pieces also were the same he had lost from their appearance

Had seen the leather the Saturday evening before, had not a great quantity of leather on hand at the time - That the leather he saw at Woolman's was his property - That the mark on one of those pieces was a W. and the other had M.D. cut on them wth a knife -

Antoine Militry - lives at Lacadie - 12th P^a saw him at Lacadie in June last at house of W^r some leather of ^{Hisselback} another man offered for sale - Cannot say whether P^a took any interest in the leather - That both P^a & Hisselback bot the leather - There were two bags full - and each bot. in a bag from under a shed where it lay - That last W^r was there that day & claimed the leather as his property in presence of the Justice - The W^r refused to buy it, because he thought it was stolen - because the P^as app^d not to know what to do with it - That it was the other man Hisselback who was the active person - the P^a did not appear to do much - That Hisselback said that they had got the leather in the States -

x^d
Saw P^a only that day about an hour & half about 4 or 5 months ago - but is positive that P^a is one of persons - That P^a app^d to take
any

any part in the bargain proposed - the reason why he shot him concerned in the matter is his having brought in one of the bags - Has been a soldier in Meuron Regt - left service after he had finished his time in the Regt. but got no discharge - he was 13 & 14 years a soldier - That on leaving Regt he went to the States -

Christian Marchtyme lives at Lacadie - 1st P^r having seen him at his house in June last he was at one Hapselback who had leather for sale - saw P^r carrying part of the leather - That Hapselback asked 5 dollars for the leather - the P^r offered nothing but was present - the leather was worth more - That he declined buying the leather as he suspected its having been stolen from the small value offered for it -

That the P^r did not remain above half an hour - That Hapselback he came to house of W^r to tell him & speak to Herrilburg - The W^r went then to Woolmans d^r - was the man who proposed the bargain - when he spoke to W^r it was in the German Language.

Verdict. - Not Guilty -

Tuesday 7th Nov. 1820

Present
Justices Reid & Fletcher.

The King

Joseph Renaud

On Indictment for burglary

Dominique Ducharme, dem. au Lac de 2
Mont - tient un mag. près de chez lui, mais
detaché de sa maison - le 7 fev. étoit à Montreal
est de retour le lendemain, ayant eu son sac
Mag. avoit été défoncé - en examinant son
Mag - a trouvé qu'il manquoit trois pieces de
drap fin 1 bleu, 1 brune & 1 gris - contenant environ
20 ou 22 verges - chaque valent 15/- la verge
une piece de coton, valeur de 2/- ch. verge - une
piece de flanelle rouge 36 verges à 2/- - une demie
piece d'Indienne 4/- 2 chapeaux à 15/- chaque
A Paris soulées à 5/- ch. - Con. le P^r d'un nommé
Lavigne - à un Lavigne en ville le 3 de fev. qui
demanda une charge - & a demandé quand le tout
s'en retourneroit chez lui, disant, que vers le 10 - Sur
quelque soupçon contre le P^r de Lavigne et a
fait chercher chez le Lavigne, on il a trouvé dans
sa Cave, environ une demie piece de drap gris - avec
la piece de drap bleu & brune - une coupe d'Indienne
& deux chapeaux - les quels articles il a reconnu
lui

lui appartenir en mille lieu de sa croyance, comme c'estoit des pareils articles qu'il avoit perdus. Que le tém. fut ensuite chez le P.^r et a trouvé une partie de ses effets chez lui - Que le P.^r a dit qu'il n'avoit aucune conn. des effets volés du tém. - ils ont trouvé - un coupon de drap bleu, un coupon de drap gris & un coupon de drap brun, comme si on eut fait partage de ce drap entre lui & Lavigne - un coupon de coton - un petit couvent d'un point - un coupon d'Indienne - reconnoit ces effets pour lui appartenir comme ayant perdu de pareils effets - Que le P.^r dit avoir eu ces effets de Lavigne lorsque ces effets étoient rapportés chez M^l Smith le Juge à Paris. ou le P.^r étoit -

x^o

Que le soupçon qu'il avoit contre le P.^r provenoit de ce qu'il avoit été vu en compagnie avec Lavigne le soir du vol - on peut jurer positivement à ses effets -

Elisabette Dupleanty, dem. au Lac de 2 M - environ 1/2 lieu du vol - con. le P.^r il est venu chez elle le 7 Fev. passé avec le nommé Lavigne environ les 7 1/2 heures - ils ont demandé permission d'entrer chez elle pour se chauffer - disent qu'ils alloient à Vandremil & pour y aller il falloit passer par le village - qu'ils sont partis vers les 10 1/2 heures - qu'elle leur a remarqué une grande poche dans laquelle il y avoit une berrière, & un morceau de pain - Ils ont parti de
chez

elle pour aller a Vandrevil -

Bruneau Dicairé - dem. pres du vil. du lac. - il s'est rendu chez lui le 7 ju. dernier tant - il a rencontré deux hom. dans une traine pres du vilage - ils ont arcelé en instant, de tem. a reconnu le P^r St L^o Lavigne - Ils ont demandé s'il venoit du lac, et s'il y avoit encore de la lumiere au vilage - qu'ils alloient chercher de l'argent chez M. Lince au vilage - n'ont pas parlé de Vandrevil - cela pouvoit être alors vers les onze heures - Que le premier qui a parlé c'estoit Lavigne & le P^r lui a parlé aussi - ils ont dit qu'ils devoient retourner chez le benoim, mais ils ne sont pas revenus - Que le lendemain il a entendu parler du vol qui avoit été commis chez M. Ducharme au vilage -

Alexis Gagnon, dem. a St Eustache - dist. 5 lieues du lac, con. le P^r - Que le nommé Lavigne est venu lui offrir des effets a vendre - quelques jours avant le vol - le tem. n' en a pas voulu - Que le lendemain le meme Lavigne est venu avec du drap qu'il a montré au tem. - mais par la maniere de la coupe il avoit quelque soupçon qu'il étoit du drap volé - qu' alors le P^r étoit avec Lavigne - Qu'il est convenu de donner 25 bottes de foin a Lavigne pour une convention de lit de drap gris, tant environ 2 aunes $\frac{1}{4}$ - recon. le coupon maintenant montré par

par la coupure au chaque bout -

x

Qu'il a entendu parler du vol chez M^r Ducharme 3 ou 4 jours apres que le P^r seroit venu chez lui pour vendre du drap - Que le P^r avoit une terre sur le lac, qu'il a vendu d'urgence -

Beloni Lachance, dem. à la Riv. du Chene - con. le P^r qu'il a offert du drap au tems. à vendre l'hiver passé - Qu'il croit que c'est tout apres le vol comme chez Demouchelet Ducharme - que le tems, lui a donné 2 1/2 m^{rs}. farine, & 1 corde ou corde & demi de bois pour environ trois aunes de drap gris comme celui monté - Le P^r dit avoir eu ce drap du nomme' Lavigne - & il supposoit que Lavigne avoit eu ce drap des Sauvages -

x^d

Con. le P^r depuis 8 ans pour un honete homme

Alexis Belaire, comptable - a eu un want^r de recherche qu'il a executé chez Lavigne, ou il a trouvé du drap de differens couleurs, du coton rouge & deux chapeaux - a été chez le P^r le meme jour 12 Fev^r dernier - le P^r étoit alors chez lui - il a dit qu'il n'avoit aucune con. des effets de M^r Ducharme. le P^r a été arrêté & mené chez le Capt. de Malles ensuite il a fait la recherche - il a d'abord rien trouvé, mais s'étant appercu qu'il y avoit deux madriers sur plancher d'en bas d'orange, & sur lesquels

les quels sa fem. du P. étoit assise - il l'a demandé
 de faire ôter de la, d'~~dessus le plan~~ en levant les matras,
 il s'est aperçu d'un quant qui étoit sur quant
 & dans ce quant il a tiré un chapeau - un morceau
 de drap bleu - ensuite du drap gris - du coton
 rayé, & une petite couverture d'un point - tout
 ces effets avoient apparence d'avoir été cachés
 Qu'il a porté ces effets chez Mr Smith, on étoit
 le P. dans le bureau - Que dans le commencement
 le P. disoit à Mr Smith avoir aucune connaissance
 des effets, mais en voyant les effets, le P.
 a avoué avoir ^{possédé} ces effets avec son ^{associé} ~~compagnon~~
 Mr Laroque - reconnoît les effets maintenant
 produits être les mêmes qu'il a trouvés - Que
 Mr Ducharme étoit présent dans le bureau, et
 recon. ses effets - Que le bureau a ensuite porté
 ses effets à l'office de Police -

Louis Marteau - a vu les effets maintenant montrés
 au dernier bureau. les quels ont toujours restés en
 l'office de Police jus qu'à ce moment -

Défense

Oronneau Dicairé - Qu'il étoit présent lors que
 le P. a avoué en présence de Mr Smith d'avoir
 poss. les effets -

Verdict. not guilty of Burglary
 guilty of Gr. Larceny -

The King

James Warren

} An Indictment for Stealing in
a dwelling house to value of 40/-

Charles Jones, lives at Wm Henry, left his house about 17 Aug^t last to come to Montreal & left it in charge of one John Hunt - Km. P^r but he had no business wth his house - ret^d on the 19^t Aug^t on Saturday ev^g - he missed a fowling piece, w^{ch} he had given in charge to the s^r John Hunt - The fowling piece now shown to be same he gave charge to s^r Hunt - dis worth 40/- all the articles now shown are also his property - and to best of his knowledge were in the house when he left it -

John Hunt lives at Wm Henry. was left in charge of last W^{ch} house on 17 Aug^t last when he went to Montreal on 18^t. w^{ch} left house about 10 o'clock ~~the~~ everything was safe - about 5 o'clock in afternoon returned & was told the house had been broke open - he went in and found that the fowling piece & a pair of shoes were missing - it appeared that one of the window sashes had been drawn up, and the person had gone out by the back door - missed also a tea pot and 2 tea spoons - a pair candlesticks - That W^{ch} went in search of thief, & P^r was pointed out to him by one Rosewell Mitchell - The

we found upon him the fawls piece, the breeches
and kief - now shown - the P^r s^d he had found
the window open, and had gone in in order to
take charge of his things - the shoes the P^r
had sold - and saw P^r give least 2/6 he
had rec^d for them from one Fontaine -

Joseph Fontaine, bth Smith at Dorset - he P^r saw
him several times before this matter happened
the P^r came up to the door & was bargained wth
the people for sale of a pair shoes and a
small kief wth all the articles now shown
in his possⁿ had also a pair of breeches -
P^r offered shoes for 7/6 - sold kief for 6 coppers
knife for 6 coppers - wife of W^r bot. the
shoes - the wife bro^{gt} 2/6 q^t - he gave the
P^r for them - In about an hour after
he heard that P^r had been taken up for stealing
the W^r took the shoes & wth he had bought
q^t - he returned to P^r and the P^r threw
him back the 2/6 he had rec^d for them -
According to the common opinion the P^r is
not always of same mind -

Christopher Carter - no. nothing -

Not Guilty - by reason of insanity -

The King }
 Pierre Martel } Ou Indictment for Grand Larceny.

Beloni Raymond, dem. à L'assomption
 a quitté sa maison vers sol. couché le 7 Juin dernier
 a vu alors son lard dans le salon à la lanterne, il
 pouvoit valoir 12 à 13 sols - & il y en avoit environ
 120 livres - il est revenu le lendemain matin - &
 en passa le P.^r l'après midi avant avec un nommé
 Johnson - que ce Johnson passe pour un mauvais
 sujet, & le lendemain lorsqu'il a trouvé son lard
 pris il a immédiatement soupçonné le P.^r & ce
 Johnson - le tem. fut au village de L'assomption
 à la recherche de son lard, on lui dit alors qu'un
 nommé Martel, le P.^r auroit été arrêté, pour
 avoir offert du lard à vendre au nommé M^r Murray
 que le tem. dit immédiatement que si le lard
 n'est pas d'une telle façon il n'est pas à lui,
 on a reconnu le lard être celui du tem. Que le
 P.^r a avoué devant ^{le témoin &} plusieurs personnes que c'est
 ce N^o Johnson & lui qui avoient pris le lard
 chez le tem. - Qu'il a vu son lard chez
 M^r Murray et l'a reconnu pour lui appartenir.
 - ce qu'on lui a rendu -

John M^r Murray, dem. à L'assomption, con. le P. pour
 lui avoir acheté du lard, en Juin dernier vers les
 7 heures du matin - Qu'il a acheté 22⁷/₈ lard

a 8 sols la livre - le P.^r lui dit que c'étoit une
 pauvre fem. qui lui avoit donné pour vendre
 pour elle - Que le dir. tum. est arrivé environ
 une heure & 1/2 après midi qui a réclamé le
 lait comme à lui, & pour la désignation qu'il
 en a donné le tum. l'a considéré comme à
 lui -

Antoine Bertolle - Comptable - a avoué le P.^r pour
 avoir volé du lait le 8 Juin dernier - Que
 le P.^r lui a dit chez lui qu'il avoit pris le
 lait avec son associé dans la laiterie de
 Raymond, par tum - la veille -

Guilty of Petty Larceny. -

The King - }
 Jean B.^t Mirille } On Indictment for Burglary

Michel Houle - dem. à la 1^{re} a Gallere
 chez Marianne Roseau - et son commis - vers le
 22 Juin der. a reçu de J.^r B.^t Arpenting un som.
 d'argent envelop. dans une mouche. qu'il a mis
 dans un tiroir dans le compte - qu'il y avoit de
 l'argent de - Ce reçu aussi de l'argent d'un
 nommé Leduc - de billets de banq. sept demi-angls

5 piastres d'Esp - un peu de 20 wps - qu'il a
 reçu une autre somme de ledue, qui il n'a pas
 compté - & aussi reçu ^{de l'argent} du nommé Et. Leger de
 Perinien une som. d'argent qu'il n'a pas compté
 pour consommer pour lui - con. le P^{re} ^{qui} a couché
 chez Mad. Roseau - ce son la - il étoit à côté de
 la barre lorsque le tem. a compté l'argent de P^{re}
 Ledue, lorsqu'on l'a trouvé monté à 70 piastres
 & de francs - & le tem. lui a prêté une bourse pour la
 servir - le tem. couché dans une autre chambre
 Le P^{re} a couché dans la Salle au toit de la barre
 & dans une tiroir de laquelle étoit l'argent - Que
 la barre étoit fermée à clef - Que P^{re} Ledue a
 réveillée le tem. vers les 4 h. disant que la porte
 de la barre étoit ouverte - Le tem. y fut et a
 trouvé que la porte avoit été coupée & la porte la
 serrure - le tiroir tiré & l'argent volé - Il
 a dem. au est l'honn. qui a couché ici - mais
 il étoit parti - Que les portes de sortie ^{de la Cour} étoient
 fermées à cadence - croit que le P^{re} auroit sorti
 la voie d'une petite scurie - Que il a été à la
 recherche du P^{re} ^{en sa} ^{demandé} la paroisse de S. Laurent -
 le lendemain avec Igrace Michon - le P. n'étoit
 pas chez lui* - il est revenue vers les 8 heures, de.
 Que le tem. ^{du la Cour} ^{les voyant venir} ^{les voyant}
 soit ~~arrivé~~ ^{arrivé} ^{à leur} ^{recontre} - le tem. ^{bon dit}
~~arrivé~~ ^{arrivé} ^{à leur} ^{recontre} - le tem. ^{bon dit}
 au Prisonnier
 Malheureux hom. est ce que vous êtes venu chez
 nous pour faire un coup de main & avoir volé
 de l'argent - le P^{re} dit, que c'est vrai, q' il suis
 un

* mais sa fem. leur
 dit qu'il étoit allé
 à la pêche - En
 conséquence ^{Michon}
 a été chercher le P^{re}
 et a quitté ^{le tem. in}
 à la maison du P^{re}
 Que ^{Michon} ^{en trouva}
 le P^{re} au bord de l'eau
 et l'a ramené chez
 lui -

un malheureux, j'en pris l'argent chez vous
 et c'est pour la deuxième fois que la baronne
 me fait faire un coup de même — ^{Letim. remarqua} vous savez
 que cette argent ne m'appartenait pas, & que
 j'en avais pour servir, le P^r a dit oui, je
 le savais — Que le tém. a rentré chez le P^r
 et ~~sa~~ ou il lui a dit je m'en vais vous donner
 l'argent — et la femme du P^r a produit l'argent
 qu'elle avait dans un buffet — disant que c'était
 l'argent que le P^r avait — et y avait en argent
 128 piastres de 3 liv. 10 sols — mais cela ne
 complétoit pas la som. volée — Que le P^r lui
 dit avoir changé de l'argent avec Mr Blache
 au pt. de tent — qu'il avait acheté 2 chap.
 1^{re} boîte, du cotton — de l'indienne, de la toile —
 qu'il a remis cet argent à l'office de police —

x

Qu'il y avait 6 ou 7 personnes ^{qui ont couché} dans la
 même salle ou le P^r a couché — Qu'il étoit
 jour lorsqu'il s'est levé le lendemain — Que
 lorsqu'il a été à la Salle, on lui dit, qu'il ne
 manquait que le P^r qui y avait couché la veille.

Jean B^{te} D'Arpentiez — se rappelle d'avoir remis une
 som. d'argent au dir. tém. le 22 Juin der. — la
 première fois 31 billets de 2 piastres chaque — la
 seconde fois 6 piastres en argent sonnante —

Que

Que cette som. étoit enveloppée dans un mouchoir
 et il l'a donnée au Dr. ten. a servir pour lui
 comme il avoit déjà fait — Que le lendemain
 matin vers les 5 heures & demi ou 6 heures il s'est
 rendu à la maison chez Mad. Roseau & a trouvé
 que son argent avoit été volé, & a même trouvé
 son mouchoir en dehors dans la Cour — Que le
 P^r couchoit chez M. Roseau ce soir — & plusieurs
 autres — les connoit tous — & le lendemain les a
 tous vus à l'exception du P^r

x

Que le P^r ne paroissoit point en train la
 veille —

Pre Leduc — qu'il a remis entre les mains de Michel
 Houle 82 piastres & 4 francs, pour servir pour lui
 il y avoit 2 billets de banque de dix piastres &
 deux de 5 — il y avoit y pièces d'or en demi
 angles — il y avoit aussi des piastres d'Espagne
 Qu'il a vu compter cet argent par Houle et
 la servir, — ceci étoit le soir du 22 Juin dernier.
 Qu'il a couché ce soir chez M. Roseau — Que
 le lendemain on a trouvé un mouchoir dans la
 Cour & une bourse — et on a découvert que
 toute l'argent étoit prisé —

Etienne Lezer — Qu'il a remis 8 piastres & demi le 22
 Juin dernier à Michel Houle pour servir pour
 lui dans un mouchoir — ce qu'il fit — qu'il a
 couché

couché ce soir dans la salle de la maison - qu'il
 n'a pas pris garde au P^r - Le lendemain
 toutes les personnes étoient dans la maison
 à l'exception du P^r - Le M^r Houle avait
 suré l'argent dans la barre, & le lendemain
 on a trouvé que la plate auroit été forcée & l'
 argent volé -

X-

Qu'il y avoit 10 à 12 personnes qui couchent
 la ce soir - a vu le P^r qui c'étoit Mad^r Roseau
 ou Sandy, qui l'a fait rentrer pour se coucher -
 ne peut dire au le P^r se coucha -

Henry Blache - marchand au Jb de Aut. se rappelle
 d'avoir vu le P^r en Juin der. chez lui vers
 sur les 5/2 du matin - il acheta plusieurs
 articles - 1 p^m bolles - 2 chap. de l'indienne & de
 la toile - montant à 30/ & quelque chose de plus
 il a alors demandé au tem. de changer de billets
 de banque - et il presenta 2 dix piastres, et
 le restant en billets de 2 piastres - il lui a
 donné de l'argent au valeur de 65 piastres -
 Il cou. le P^r et étoit surpris de lui avoir tant
 d'argent, le P^r lui dit qu'il les avoit gagné
 a été les pierres d'une terre de 4 arpens -
 Qu'un Chartier, nommé Deigneau a mené
 le P^r chez le tem. - ne l'a pas vu depuis -

Ce n'est pas la première fois que le P. a fait impiection chez lui - et il a toujours payé argent comptant - Con. le P. depuis 3 ans, et on envoie rien contre lui -

Alexis Daigneau est Chartier - a été employé par le P. de la mine à St-Laurent le 23 Juin dernier - il a reçu de lui 7/6 - une distance d'environ 3 lieues - que le P. avait un paqueton dans lequel il y avait de l'argent, qu'il a fait mettre dans la voiture -

Joseph Mondélet - Que le der. tém. a donné sa déclaration le 26 Juin devant lui -

Ignace Michon, con. Michel Houle - étoit chez Me de Roseau le 22 Juin der. y a vu le P. qui paroissoit étranger - le P. y a couché - le tém. lui a donné un robe pour se coucher - le tém. a fermé les portes - Qu'il ne s'est aperçu que le P. étoit enveillé - les portes de la mine étoient fermées au Cadence - Que le lendemain - vers les 1/4 il s'est levé, et a entendu qu'on avait fait un vol dans la maison - il a descendu et trouvé que le P. étoit parti, mais que tous les autres hommes qui y avoient couchés y étoient - Que la porte de la barre étoit coupée - ouverte - Que ayant

en

ayant eu quelque connoissance de la
 demeure des P^{rs} il y fut avec Michel Houle,
 et ont trouve sa femme, mais le P^r n'est
 pas - ils l'ont trouve à la Rivier lesus qui
 prêchoit - le tém. lui a abordé en demandant
 s'il avoit couché chez M^{de} Roseau la
 veille - il a dit non - Qu'il o'nt saisi
 du P^r et lui a demandé l'argent qu'il avoit
 pris chez M^{de} Roseau - le P^r n'a rien
 dit - mais dans sa poche on a trouvé dans
 un sac bleu, cinq piéces d'or de cinq
 piastres chascun - Que ladeux on lui a
 demandé si c'estoit lui qui avoit pris
 l'argent; & sa fem. lui dit - Declare si
 c'est toi qui l'a pris - Que le tém. a dit
 au P^r qu'il ne lui sera rien fait si il
 rendoit l'argent - # ~~Indessant le P^r avoua~~
~~que c'estoit lui qui avoit pris l'argent~~
~~et que c'estoit pour la seconde fois qu'il en~~
~~avoit commise cela lui étoit avoué -~~ Ils
 ont encore retourné à lui mais on a vu le
 P^r lorsque ~~il étoit en prison~~ ~~retourné~~
~~et l'on a vu qu'il étoit bien qui avoit pris~~
~~l'argent et qu'il étoit de retour à la~~
 la

 Court refused
 to admit the
 confession made
 by the P^r

la fem. du P^e lui a rendu l'argent, à l'exception de dix piastres, & elle a pour cela donné le fusil en gage - tout cela se passa en présence et du consentement du P^e.

Barzile Lebouf - il a couché chez Mad. Roseau le 22 Juin dern. y a été le P^e qui est allé changer aux prison. de la maison - on lui a demandé qui il était & d'où il venait, il a dit qu'il s'appelloit, Lapointe, et qu'il demeurait à Chateauguai - que sur ce que les autres personnes de la maison ne le connaissent pas Mad. Roseau le pria de s'en aller - mais il la pria de le quitter, comme il étoit un homme bien fleur connu -

Louis Marteau - Qu'il a arrêté le P^e le 23 Juin. Quel fut chez Mad. Roseau pour prendre le P^e lorsqu'il avoua, qu'il avoit pris 2 volés chez elle, et paroissoit bien triste & chagrin.

Joseph Marie Mondel - Qu'il a reçu l'argent de Michel Haut l'argent qu'il devoit avoir trouvé sur le P^e lequel il a gardé & adonné le même produit -
montant

montant au moins à £25 — il y a
parmi de l'or & du piétre d'oute espèce
de monnaie —

Depense

Henry Blache — Qui tout l'argent q u' il a donné
en échange au P^e étoit en argent —

Joseph Drouin — Com. le P^e — qu' il a acheté de
tem. plusieurs fois, & lui a rendu a credit
pour quatre francs & un ecu — l' a toujours
connu pour un honnête hom —

Verdict not guilty of the burglary
but guilty of steal^g in a dwelling house
to value of £10/6/0

The Court adjourned till to morrow
at nine o'clock in the morn^g —

Wednesday 8th Nov^r 1820.

The King
 " }
 Neil McMillan } On Indentment for Grace
 Leaveny -

Elisabette Sher, wife of William Sher, came to this Province this summer - took a house in the town of Montreal, somewhat larger than she wanted - That her husband went up to Kingston in Sept. last - The P^r was recommended to have a room in her house - of^r was granted & P^r came to house about 5 weeks before the transaction she is going to state - had frequent occasion to see P^r and he used to direct her letters for her - On Sunday about the end of Sept^r she was folding up a letter she had written to her husband about 10 o'clock, when P^r came in - she had a 50 dollar bill which she was about to inclose in it - thinks that it was a note on the Canada bank - as her husband had drawn all his money from that bank before he went away - it was a note either on M^r. or C^t Bank - P^r i^d she was not folding it properly & that he w^old do it for - and she gave it to him for that purpose, of^r he did but he did not seal it - but returned it to

found in the office - but the letter of P^r was found - when she called for her letter supposing to have been put in the day before a clerk in the office & it must then be in the bag, but on looking there it was not found. The P^r who was present & he had put it into the bag with another letter which he presented out as his letter - that the P^r said to Clerk there was money in the letter and it must be found, and turned to Mr. saw did you ever see any thing like it, and advised Mr. to take steps w^{ch} Postmaster for the money - she observed that it appeared singular that as the letter bag had not been opened, that the letter of the P^r had been found and not hers, that she thought the letter had not been put there - and there was the general impression of her friends -

X-

Was not acquainted wth P^r before he went to live in her house - he became intimate in the family. The P^r she understood P^r had come to Canada to get land - that the paper she inclosed was a 50 dollar note - being a stamped bill, purporting to be for the payment of 50 dollars - Saw P^r address the letter, but cannot say to whom

whom the letter was addressed - ~~was~~ gave letter to her daughter to get a wafer put in it - the daughter went down stairs & got a wafer and it was bro^t back to her sealed wth a wafer did not see it ~~wafered~~ - the wafer put into it - cannot say whether bill was there in it - That she afterwards entrusted the letter to the P^r to carry to the Post office wth his own - When she saw P. in afternoon - ^{letter} ~~put~~ he had put the ~~letter~~ into the post office wth his own - That on the Monday morn^g the P^r said he wd. go wth her to the Post office - ^{of} he did - that we got uneasy when she found that she had been wrong informed in regard of the hour the post went off - and her object was to get a receipt for the money she had put into the letter - That on examⁿ the letters found in the box, the letter pointed out by P^r as the letter ^{of} he had put into the office as his, ~~seem^d~~ the same as she had ^{been deliv^d by her} seen in the post - as his letter on the Sunday -

That W^r was advised to detain the trunk of the P^r until she did in order to get a settlement with him for the 50 dollars - then trunk was afterwards taken by order of a Constable - and after this she made her deposition of the above facts of the P^r

re-exam^d by Sol. Genl.

says P^r constantly persisted in having put
both letters into the box - It was at request of
the P^r she gave him the letter - always got the
full value for these notes - it was such a note
as that now produced - that when she carried
any of her notes to the Canada Bank, she
always rec^d. value for them - That when she
detained the P^r's trunks she was not aware that
she was bound to give any information touch^{ing}
this matter to a Magistrate -

Jesse Ker - is aged 13 years, daughter of last W^r
recoll^{ect} has rec^d. a letter from her mother on
a Sunday last Sept^r to put a wafer in it
It was present, he folded up the letter, and
his mother gave it to her to put a wafer in it,
The letter was never out of her poss. till she
return^d. it to her mother -

Mary M^r Green - 16th Mrs Ker, is her Serv^t maid
was such in Sept^r last - recoll. P^r having come
to lodge at Mr K's house - rem. Mr K. had
given her a letter to fold up a Sept^r last, saw
him put in a note in the letter in a different
manner from what it had been before -

Frederick Williams, is clk in post office, & it is his
business

business to take out letters from box - That
 it is usual for Post to leave town for Newport
 at 1/2 ten on Monday morn - That the
 box is always open for receipt of letters by seven
 o'clock in the morn's until about dusk in
 this was case in Sept. last - That a letter
 put into this box, has never been lost to the
 of us - That on Monday morn's ~~the~~ Sept.
 last in exam^d. the box - I found every thing in
 its usual state - There were very few letters
 rather fewer than usual - I am. hav^d. seen
 Mr. Her in the Monday morn's asked if there
 was a letter there address'd to Mr. Wm. Her
 of Kingston - The P^r-ask^d. this stating that
 he had put such a letter into the box the day before
 the W^r took opened the box, the key of wh^{ch}
 hung in the office, & w^{as}. the letters particularly -
 that the Post master has access to this key - the
 W^r is always at office before P. Master, and
 never goes on a Sunday - the letter carrier also
 has access to this key - I do not recollect if
 he had been there that morn's - but letter
 carrier never can get admission but when W^r is
 there - the P^r-ask^d. of Kingston Post had for
 out, this was between 9 & 10 o'clock A.M.

Mr W^m said it had not, as it did not go till half past ten — exam^d. all the letters in the box several times in presence of P^r — He described the letter to Mr Ker as in the same handwrit^{ts} wth another, he had put into the box at the same time — has been in Post office since 1816 — W^m that considerable sums of money are sent at times by post but never gives receipt for monie so sent Thrusd^r that infor search for letter the P^r s^d there was money in it — s^d that the letter must be found — that sometimes it happens that from greater Caution letters are delivered into the hands of W^m rather than being put into box —

Received £30 Salary — has given no security — that Mr Williams the post master occasionally receives and sorts the letters as well as W^m Owen goes to office on a Sunday — that no person lives in the office — Mr Reid keeps key of the Iron outer door — Does not ^{know} ~~think~~ ^{whether} the letter could have been picked out of the box from the street — does not think it could be done —

That he does not think there was any letter that day in box addressed to W^m Her of Queen — this had it been in handwrit^{ts} of P^r he

he would have observed - has no know^r
 that any letter was lost after being put
 into post office - nor that a letter of Jules
 Quissel, was so lost - That on a Sunday
 W. keeps the key of the office in his possession

James Jackson, pay master of Checks & drafts of notes
 at the ^{Montreal} Bank - That upon such a note as
 that shown being produced to him he immediately
 would pay it, and give value for it - This
 is a 50 dollar Montreal Bank - they are
 of general circulation & generally rec^d -

The Paper produced is a ⁵⁰ Bank Note for 50
 dollars - The Montreal Bank is a private
 association of merchants - That the note
 is signed by R. Griffin - the Cashier of the
 Bank - and John Gray signs as President
 of the Bank -

Wm. Reeves, Is Clerk in Canada Bank, is in habit of
 receiving & discounting notes on that Bank, and
 if such a note as that produced were presented
 he would immediately give value for it -
 The Canada Bank guarantee the pay^r of
 all such notes - this is a 50 dollar note
 in

in the usual form, the value of which is
 entitled to 50 dollars from that Bank when
 it is presented —

That forgeries have been committed on
 the Bank notes in this town — Bank of
 Canada is not a Corporate body — the persons
 signing the note now shown are not personally
 bound to pay it —

Defence

James Patterson, is lately from Scotland. He was P^r
 in Scotland for 20 years was an officer in the
 Argyshire Militia, & always bore character
 of an honest man —

John D. Grass - W^r P^r since last June, came
 out from Scot^l. within in same vessel —
 considered him as an honest man, and that
 he had come to this Country to settle upon
 lands —

The Council for the P^r took objection
 to the Bill of Indictment, that it was not
 laid on the Statute it charged no offence ag^t
 the

The Prisⁿ - as prior to the Stat. 2 Geo. 2. ch. 25
 this was no offence at common Law, - and being
 a felony created by Statute, it ought to have been
 laid on the Statute - cites - 1 Chitty. 290 -
 That the amount charged in dollars is a value
 not known, and is not the value considered by
 the Stat. -

The Sol. Gen^l. submitted however how far the
 crime was not sufficiently stated

The Court were of opinion that the offence
 ought to have been laid on the Statute - & ordered
 an acquittal of the Prisⁿ.

The King
 Prothonary

The King: —
Joseph Bradshaw }
}

On Indictment for Stealing
in a dwelling House to value
of 40s. —

Andrew Drew, in July last, he lived
in a house in Montreal, on 26th of that month
he left his coat ^{with books} ~~at~~ in his shop about 12
o'clock, and when he returned found they had
been taken — found his coat afterwards on
a man named Timothy Reed — in his pocket
book there were three promissory notes — then were
stolen and he rec^d. them from one Gault — values
his coat at 6 or 8 dollars — was present when
P.^r was bro^t. in on suspicion — he did not ask
knowledg^e the charge, but said he could show where
such a coat had been offered for sale the day
before — went there but no such person could
be found — P.^r was committed —

That Mr Corning's house the P.^r ^{7^o} he had
bro^t the coat, but did not say from whom

Wm Corning — W. P.^r saw him some time last July
in consequence of what he heard from one
Reed, he suspected the P.^r having stolen the
Coat — the P.^r was arrested — and he said he had
bought the coat from another man, but did
not

not say who - said he thought he could find the pocket book some where about the ~~St. Germain~~^{St. Germain} suburbs - at one Matron's, but enquiring there no such thing could be found -

Andrew Dow - he rec^d ^{part of} his pocket book & note from one Gentle - the book was in the side pocket of the Coat - the P^r & O^r. he knew nothing about the pocket book & papers -

Verdict. Not Guilty. -

The King }
 Fran^s Mathurin } an indictment for breaking
 a dwelling house in the
 day time no person being
 therein and stealing to
 the amount of 5/-

P^r Nicholas Mailloux, dem. au faub. St. Louis,
 sa maison est divisé par un colombier de 3
 pous d'epais, le ten. dem. dans une partie
 & un un autre homme à l'autre moitié - il
 n'y a pas de cour entre les deux - il avait
 occasion

occasion de sortir de sa boutique à une
 heure après midi le 30 octe dernier, et a
 été de retour à environ deux heures d'après
 midi - n'a pas fermé sa porte lui-même
 en sortant - sa femme l'a fermé - et si son
 retour au feu. n'étoit pas en enrou de retour
 Il a trouvé que la serrure avoit été arrachée
 et en entrant il o'ut apperceu qu'un sac de
 tabac lui manquoit - la même maintenant
 produit - ce sac vaut plus de 57 dollars -
 Com. le nommé Wood, tailleur - qu'un vest
 lui avoit été pris en même temps - ne con. pas
 le P^r auparavant -

X^e -

Qu'une fille est venue lui dire que sa maison
 avoit été défoncée - Com. le Sac pour être
 à lui - marques faites depuis que le Sac a été
 retrouvé - croit la vertu la Sienne - ne peut
 pour pointement -

Adelaide Bonneau - fem. du der. ten. - qu'elle a quitté
 sa maison vers une heure & demie - un demi heur
 après son mari - elle a bien fermé sa porte. &
 il n'y avoit personne dans sa maison - elle avoit
 fermé les deux portes - elle a été absent environ 1/2
 heur - lorsqu'elle est revenue elle a trouvé que la
 serrure avoit été arrachée - et un sac à tabac
 manquoit & un vest de drap noir, appartenant

adell
 à M^{rs} ~~Wass~~ Kaullem - revendoit la veste
 par son ouvrage et la même manutention
 produit - cette veste vaut 20/- ce reste
 est sur un lit - elle vendoit le sac
 manutention produit pour appartenir à
 son mari -

x^o
 connaît la veste & le sac -

In B^e. Allain, dem. au fb. S. Jos. con. le P^e l'a vu cher
 lui 2 fois le 30 Oct. der. en l'après midi - la
 seconde fois - il a demandé perm. de laisser un
 petit paquet chez le ten - et il est parti - la
 seconde fois qu'il est venu - et a repris son
 paquet - et il a rendu à la femme du ben - et
 a demandé 5/- pour - la fem. l'a refusé à ce prix -
 et à la fin le P^e a accepté 22 Sols - et est
 parti avec la veste - con. le P^e depuis 4 ans -

x^o
 a toujours considéré le P^e comme un honnête hom.
 environ 1/4 heure après, le sac étant encore sur
 la table, il a été relâché -

Goudie
 Fred^e Goudie, dem. à l'autre bout de la maison
 de Mullaux - con. un petit sac qui appartenait
 à Mullaux - a entendu parler d'un vol fait chez
 lui le 30 Oct. der. Sur son information au vol
 il a fait poursuite contre le P^e & a trouvé qu'il
 a passé aux fb. S. Aut - et est entré chez le D^{er}me
 ten

him. on il a vu le sac qu'il a reconnu
appartenir aux Mailloux -

George Haskton, liv. en St. J. Sub - W. P. saw him
on 30 Oct. last - between 2 & 3 of W. - he came to
shop of W. and offered a black waistcoat - the
W. undertook it was his own - asked 10/ for
it - but W. told him he did not want it - but
w^d. give him 7/6 for it - at first P. refused to
take it, but afterwards returned from door and
left it w^t. W. About 3 minutes after, two
men came in, Mailloux and another man
who claimed the waistcoat, which W. told
them they might take - the waistcoat was
upon this brot. to the Police Office - gave to young
Mondrel -

x.

Was not surprised to find such a rent in
the hands of P. That 7/6 is value of cloth,
but spoiled in making - can swear positively
to a mark in

Agathe Poi - con. M. Mailloux. que le 30 Oct^r
du. elle dem. chez M. Goudie - Que ce jour la
le P. passoit par de la maison de M. Mailloux
et baissoit la tête - et n'avoit rien à la main.
Qu'en regardant la porte de M. Mailloux
elle

but a Saw and an Auger from the P^r
last night - he paid for the two 5/- The P^r
told him he wanted money & that they were at that
price - s^d. They were his own - that it was his
son who made the bargain - That on the
Tuesday after the things were claimed by two
men, - asked persons to describe them, which
they did - the saw and auger now shown
are same -

Adonin
Adonin

Croisterie - In May - June last, the P^r
came and offered these things for sale - saying
that he had no work and wanted to sell the
tools - he offered them a saw & Auger of
W^r for 5/- His saw now produced &
also saw to be same - That on the Tuesday
after two men came to claim the articles -

Lewis Cleveland, when he saw the Auger and
saw at the Police office he recognized them
to be his property - The saw was not
broken nor repaired as he now finds it, at the
time it was stolen -

That the lot found a tenant saw and
a small chisel at one McDonalds, of W^r
had lost at same time, & finds P^r had left
them

these articles then he had suspicions that
 he must have some kin of the rest, & the
 W^r upon went to find out P^r and made
 enquiry of him about the other articles - the
 P^r s^d he would go to the place where the
 articles were - and took W^r into the country
 to one Jacob Hesse, the W^r found nothing
 there belonging to him - but found sundry
 articles belonging to one Shaw, a compass
 saw - a dove tail saw, and a bit stock
 that the W^r showed to P^r that he wanted
 a hand saw, when P^r s^d he would go and
 show him where it was and came to a
 pile of boards near the Creek, which the
 P^r pointed out as being the place - and
 W^r went there and found the saw
 concealed among the boards - that the
 W^r then found there was wanting another
 saw and an auger, then the P^r told W^r
 he would find them at a house near where
 the said Hesse lived - the W^r did not go
 there, but understood these things had been
 found at the house of Croistors - that

That P. used to work for W. at which time he had access to his shop and to his tools — that he did not work for W. at time he lost his tools, nor for 2 weeks before

Charles Mondelet — That in the month of June last, Mr. W. Cleveland & one Shaw bro^t some tools to his house of Mr. Mondelet

Defence

George Stanley — W. P. for three years — he worked for him, considered him as an honest man, but much addicted to liquor

James Bennett — same evidence —

Guilty of Petty Larceny

The Court adjourned till to morrow at nine o'clock in the morning

Thursday 9th Nov^r 1820.

The Court met pursuant to adjournment

Present

Justices Reid & Foucher

The King

John Bingle

On Indictment for Murder.

John Shortland, was serjt. in 37th Regt. is now private - on 5th Sept. was serjt. quartered at Soul - he. a man named Michael Flynn then at time. Mr P. who lived at Soul then - was at house of P. on 5th Sept. - there were women who lived in house com. prostitutes - went there about 9th of M. - two other men went in with him - one ^{Mr} Craig & the deceased - rem^d in the house about 1¹/₄ hour - when D. left house, Craig & M. rem^d - when D. went away he was in liquor - did not hear D. return to house - M. was up stairs - a little before 12 o'clock heard a noise in the lower part of the house, heard P. & the women below making a noise - the M. was asleep & was woke up by this noise - he got to the place where they go down stairs by a ladder - he

heard

heard the Pⁿ say that he w^d. shoot them
 or shoot you - that then W^r & Gray went
 down ladder, W^r first, the ladder came down
 into the room where the Pⁿ then was, - there are
 2 rooms in the lower part of the house - the
 Pⁿ was stands close to the ladder, and as W^r goes
~~stand back some feet~~, and opened the door, and
 back a few feet and discharged a musket he had
 in his hands - that he w^d been aware he might
 have got down time enough to prevent Pⁿ that
 immediately after the musket was discharged he heard
 the voice of D - who cried out, I believe you
 have done for me - the voice of D - that W^r
 upon this went off by the back window - In
 consequence of the house being forbidden and
 being so near the officers quarters, he was afraid
 of getting into trouble, not thinking that the D.
 had rec^d. a mortal wound, from the manner he
 spoke - Saw D. next morn^g - there was a great
 quantity of blood in the room of Pⁿ house -

X^o.

That the W^r had been the Pⁿ house several
 times before - That D. was worse of liquor when
 he went out of the Pⁿ house, cannot say whether
 the D. was sober when he entered - That they
 st^d an hour or so in house during of time D. was

drunk

drinking - That no one compelled the D-
 to leave the house. - & W- neither asked nor
 compelled him to go - That D- made no
 disturbance in the house to kn. of W- Saw
 doors of house next snows - but saw no violence
 whatever on it - has no kn. that D- forced
 open the windows shutter - this might however
 have happened without his knowledge - Did
 not see D. from the time he left the house
 in the evening till he saw him dead next morning
 Thinks it might be about $\frac{1}{4}$ before 12. but
 did not pass midnight - The W- was coming
 down the ladder & nearly down when P- discharged
 the musket - That the room below where
 the beds are is the place where the family commonly
 sit - from this room there is a door leading into
 the outer room or kitchen - W- was behind
 door of inner room when musket was fired - That
 D- was at the full distance from door - and
 W- might be about 4 or 5 feet distant from D-
 when musket was fired - The deceased P-
 held the musket when he fired it in the manner
 a soldier holds it when he comes to the charge.
 P- never complained of being ever from man -
 sees P- tremble now as paralytic person, but
 he never observed this before - That W- never
 gave information of what had passed that evens -

as at time he did not conceive the D. had been struck by the shot - but next morn^g he came up

Nathaniel Craig, priv. 37 Regt. Kn. D. - was quartered at Ford on 5 Sept. w. him - 1st P^o was at his house about 1/2 past 9 o'clk of that even^g - Supt. Shortland, com Lee and the W^r and the D. went in at same time - they happened to meet at house at same time - Went Lee went away before the D. - W^r remained - went up stairs w. Shortland - before he went up the D. & Lee were gone - a little before 12 o'Clock heard a noise in the lower part of house - did not kn. name of D. - W^r was not asleep - he came down a trap ladder followed Supt. Shortland close - Went as Shortland was near bottom the P^o opened the door of the room, and slipped back & hold^s musket in manner of a soldier at charge. 3^d I'll shoot I'll shoot you - and disch^d musket - upon this he heard the noise of D. - of he knew - said, You have done it now - upon this the W^r went off immediately - that he might be his covered being in that house as it was contrary to orders to go to that house & was liable to be tried by Court Martial & also because Officers quarters were near - did not see D. till next morn^g - he was then dead saw the wound - that he heard the P. next day

day say, that he did mean to kill the decaud
 but to frighten him, & that he was sorry for it -
 By July - says, that the P^r held the musket in
 a position as if he meant to fire on the D - and
 does not think that the musket could go off
 without being touched by hand of P^r - did
 not see finger of D - on trigger -

That it requires some degree of force to fire
 off a musket - Thinks if P^r meant to
 frighten D - he would have held up the
 musket in a more conspicuous manner
 than as he did -

L^r

That D. was a little intoxicated when he
 left house - has no k. that D. ret^d to the house
 till he heard the musket fired - that the P^r was
 about 3 feet from the part of the door where the
 latch was when he fired - That when Shorland
 came to the foot of the ladder, he saw him stretch out
 his hand as if to lay hold of the musket, but was
 not near enough to seize it, being then about a
 foot or two distant from P^r - but cannot say positively
 but is positive to say, the hand of Shorland
 did not touch the gun - Did not examine the
 musket particularly - that locks of musket
 when old sometimes are so bad in order, that they
 will go off very easily - other are very difficult
 to go off - that firelocks that will go off so
 easily

easily ought not to be presented to any body, next day heard P^r say to some of soldiers, that he did not mean to shoot the man, and was sorry for it - that it was his intention to fire up the Chimney and to frighten him - but there was no Chimney in the room where the gun was fired - that P^r did not give time to D. to withdraw, but on opening door, and saying Ill. shoot - he fired immediately - that in room where D. was killed there was no light or candle -

Christopher Carter - lives at Soul - is a Surgeon & Magistrate there - was called upon on 6 Sept but at 6 o'clock word for a murder had been committed in house of P^r - went there, he entered and saw a dead man lying on the floor in his blood - was told it was Michael Flynn a Soldier in 37 - that the P^r came & sat down at his door - that he took the P^r up. & D. was called Michael Flynn - the cause of his death was an wound of he had rec^d in the right thigh near the groin - it was inflicted with small shot - did not find shot in the wound as it had penetrated to the other side of the thigh - ~~the wound~~ there were several wounds, about the principal wound,

the

The shot was of size of duck shot - and from the appearance of the wound the person who fired must have been very close - the wound was ~~one~~^{two} inches wide - did not ex-
 the femoral artery, but has no doubt but that the femoral artery was touched & that the D died of the wound from the great loss of blood and that D- might have survived the shot 15 or 20 minutes - Took the voluntary examⁿ of P- dis some now shown and P- made his mark to it -

Here the examⁿ of P- was read

x^o -

Has lived about 30 years at Soril - the P- has frequently been his Gabriel, has been afflicted with the gravel - does not recollect his having any paralytic affection - has 2 daughters Mary & Catherine - that Cath. lived several years in service of W-

Charles
~~George~~ Myers - lives at Soril opposite house of P-
 his P- ^{will} - rem. on 5 Sept. last coming to house of W- from his baker house about 12
 o'clock heard report of a Gun - of course from the opposite side of that mar^l^{on} house

The

the W. looked out as his window, and saw some girls go round P^rs house - the house of W. is near enough to hear what passes in P^rs house - after the shot, he heard the P^r call for powder and ball to load his musket, to shoot the first who shall force open my window. -

Defence -

Mary Hogen, is daughter to P^r her husband was a Sergeant in Reg^t Reg^t - that she lived at house of P^r on 5th Lysth. Cart - that by part of the day^t came to the door and knocked the W. it was too late - as she did not them she w^d not allow them - the P^r said it was the little Sergeant who uses to come here - and the day^t said let me in to take a glass wth the old man - the day^t wth wth 3 other Soldiers - that she did not know the other Soldiers - they rem^d there & drank wth her father for about an hour - that the man who was shot was very troublesome & the others said we must take him away, which they did - and the day^t & another came back and remained in the house 1/2 - about

This

This time the man who was killed came
 back and made a great noise, as if he would
 tear down the other door, and as if he wanted
 to get in either to murder them, or set fire to
 the house - That the D- entered by the
 window shutter ^{of} he forced - he swore &
 made a noise when he got in - That the
 Sgt - put his hand on the ^{catch} clanche of the
 door, and the other soldier was by with a
 stick in his hand - heard the voice of a
 man in the outer room, who swore he
 would be in, that he would not go away
 the P^r requested of D. to go away - but
 D. swore he would not, but would be
 into the room where they were - That the
 other soldier, the Sgt & the other who were
 in the house endeavoured to ~~conclude~~
 prevent the D- from getting in at the
 window, and even struck him with the
 sticks to prevent him, but could not - that
 the D- ^s he would be for or he would
 kill every body there; the P^r told him
 if he came in to his room in that manner
 he would shoot him - the P^r however
 app^d

opp^d. to be determ^d. to enter — that the
 wife of P^r then c^d. to him dont fire — the
 P^r replied I dont mean to fire, but to
 frighten him — & that he w^d. fire into the
 chimney or out of the door — That Supt
 said to P^r: if he wont take your advice, fire on him.
 That at that time the Supt^r — let the door open
 and the P^r who had the musket on his arm
 the hand of the Supt^r — fell on the lock of the
 musket — saying to P^r — why dont you fire —
 then P^r ~~had~~ ^{asⁿ} then held the musket, it was
 pointed downwards — but by the head of
 the Supt^r falling it, it raised the musket to
 a level and it went off — there was no light
 in the outer room then — that the noise &
 disturbance of D — lasted for half an hour, and
 was getting worse — when gun was fired off
 the Supt. Soldier went off —

x^d

That she does not kn. whether the Supt^r or the
 P^r fired the musket — that she did not remain
 above 5 minutes up stairs after the Soldier came
 in — never saw D before — when he went
 away he did not appear very much in liquor
 when he went away, nor when he came back
 at

at midnight - That when P^r spoke about firing out the door he meant the outer door in the room where the D^r was - That she heard the window shutter torn off - that it was a considerable time after he came in & threatened all the people in the house - That her step mother requested of P^r not to fire in the house Did not hear the P^r asked for powder & ball to load his gun - that immedi^{ly} after the gun fired - the 10^r & soldiers went off by the window - That the soldiers had been up stairs that evening in the upper room - and when the noise began at the window they all came down -

Had seen the Supt. two or three times before but never saw other soldiers -

Catherine Berige, is daughter of P^r That she was in his house on 5th Sept. last in the night time when she heard a noise at the door as if the break^d down of door - it was about midnight - heard the person calling out, that if they would not allow him to come in he would set fire to the house or kill some one - Was then asleep
up

up stairs with her sister's children - when she
 heard the noise she came down stairs - saw
 her father wth a musket & heard her mother
 tell him I don't fire in the house - he answered
 I don't mean to fire upon him, but to frighten
 him - during this time there was some one
 in the Dutch room or kitchen making a great
 noise - calling out to open the door - the P^r
 told him it was too late to go home - the
 D. called out to w^o get in or he would set fire
 to the house or kill some one - That this noise
 cont^d nearly half an hour - heard the gun
 go off - but was not present at him -

x^d

There was no light in either of the rooms, only
 chips of - kept the fire up - cannot say how
 the gun was fired, or who did it - does not
 remember whether soldiers were in the same
 room or deceased - does not see whether they
 were in that room or any other -

That there was one bed up stairs - and a
Couchette - there 2 beds below - one up stairs
 That she was put in prison in consequence of
 this affair, where she rem^d 2 months -

Knew Serg^t - but not the other soldiers - that
 after shot fired did not hear her father ask for
 powder and shot - went off - heard her
 father

father say, that he was sorry for what had happened -

Joseph Thibault. con. le Pⁱ depuis 20 ans - l'a toujours considéré comme un hom. tranquille et un honnête homme -

Verdict - Guilty of Manslaughter

The King. -

Nathaniel Douglass

James Douglass -

~~James Wessington~~

~~William Duncan~~

On indictment for an assault ^{voluntarily} on a Custom House Officer in the discharge of his duty. -

Edward March, Landwaiter at Lacole - in consequence of informⁿ he rec^d on 29 Feb. 7 but he went on Sherrington road to stop some smuggled goods - the Depot N.D. live on that road & a Tavernkeeper had told Sweeney of Lacole barracks to meet him there - arrived at 1/2 past three in the afternoon ~~at March~~ 29 Feb. but Sweeney had not yet arrived - from what he heard

pass

pass between Woolley & Douglas suspected
 former was concerned in this matter - followed
 him & came up w. him on road & asked if
 he had seen 2 waggons - ans. no - went on
 to house of Woolley, found there 2 waggons stopped
 on road & found the loaded w. paper hangings
 & Cigars - 9 boxes paper hangings & several
 boxes Cigars - asked who was in charge - promptly
 returned Wheeler Douglas ans. It was him -
 the W. seized it as contraband in presence of
 Woolley - the prison - It was about 5 o'clock
 he left Woolley's house with the waggons to
 go to Dief's house - road bad - & on the way
~~one of them~~ ^{or wheel} of the waggons stuck in a hole
 and he was obliged to leave this waggon & go
 on to the waggon in front of - was driven by Wheeler
 Douglas son Dief - told him to stop & put
 the bridle of his horse on a stump - went back
 to other waggon to get wheel out of rut - while
 they were doing this the front waggon went
 off, found the reins of his horse had been
 taken from stump of tree & thrown over his
 neck - this induced W. to think that there
 was some intention to rescue this property -
 came on to N. Dr. & asked for the waggon
upon

upon this he returned and met the Driver and
 horses coming forward without weapon - the
 wagon stuck in the hole, but the goods in it
 were taken away - next to D I found
 Sweeney then, and upon search found
 behind Mr Hydr's barn the wagon and the
 property - he put Hydr's horses into the
 wagon & put it back to D - I placed it
 near the corner of the house opposite a window
 by this time a crowd had collected - when
 he went to N. D. to disperse the mob - the
 N. D. & they were no mob - refused to do
 it - about 3 o'clock in the morn the W. asked
 N. D. for something to eat - this he brot. then
 N. D. pressed W. to go into house as he must be
 very cold - at diff. times - he put Sweeney to
 watch for him & went into house when N. D.
 conducted him out a room about center of the
 house - N. D. came in w. him - W. sat down
 when he was called on 2 or 3 times by Supt
 Sweeney went to go out & found it fastened
 called to N. D. to open the door, as the property
 wd. be rescued - heard N. D. say open the door
 but it was not opened - at last W. raised the
 lower

Lower sash of window apt out and found
 Stryte & Sweeney engaged wth 2 men who wanted
 to rescue the property - one man s^d he had been
 sent out for the harness or the waggon - Stryte
 had knocked down the Dr^{ft}. Duncan & the
 other man - About 4 o'clk, the Stryte run
 into the house of M. P. where he had sold us
 wth him, when the people of hour run out to
 number of 16 - About 1 1/2 there had come
 a sled wth 10 people in it & he tho^t they were
 going away - as they s^d let us go home -
 they seemed however to close in upon M. and
 Dr^{ft}. Duncan struck M. who was retreating
 round the waggon, was laid hold off by a
 number of people, among whom were M.
 D. James P. & two other Dr^{ft}. who held
 him down - the 2 hands of M. D. were upon
 the breast - some calling him a murderer
 others a robber, & that they would beat him
 accordingly - J^{as} Douglass was at his feet
 M. D. s^d he would not let any one hurt
 M. but cont^d to hold down wth during
 this time the wth could not see the waggon
 tho^t he was kept so for 15 or 20 minutes -
 when the property was carried off. M.

M. D.

D. came forward and made an appearance of pushing Duncan back and assisted W^o to get up - that he app^d. to have this kind of authority over the persons there of - might have been exercised sooner had he not got - when W. got, the property in the waggon was gone - That before this when the property was yet in the waggon, the W. called on N. D. to assist him to take charge of the property - when he made a pretence, that there were no locks on his barn - and that he was poorly in his health - but he had no appearance of ill-health - and when the violence was afterwards used to W. he saw N. D. assisted to hold W. down - afterwards saw some of paper hangings and Cigars of W. taken off - The W. took precaution to read the last act of Parliament touching the enumerated articles to convince them that the surgeon was right - That next morning told N. D. he considered him as the principal in the business when N. D. said he ought to be thankful for having escaped so well - That Defend^r applied to W. to compromise this matter -

x

Rem. having heard N. D. say when W. was shut

shut up, to get out or to force open the door -
 never saw. Jas. Douglass before then - to the
 best of his knowledge - After property had
 been taken away - he went immediately
 to house of one Northams for assistance, and
 came back w. him to house of N. D. - when
 he caused James Douglass & one Duncan
 to be arrested for this offence - but did then
 charge N. D. -

Michael Sweeney - was at Laclede barracks in
 Feb. last, in consequence of a request from
 last W. he went to house of N. D. to visit
 March to stop some waggon of smuggled
 goods - when he arrived there, he did not
 find March who had been there some
 one - he came back about 9 o'clock in
 eve - N. D. was then at home - went
 w. March in search of the property which
 had been secreted & found it behind Mr
 Heyden's barn - but it to Mr D. - place
 it might then be between 11 & 12 o'clock
 & the waggons were drawn up at end of
 house

home - observed a mob gathering and
 intimated his apprehensions they wanted
 to rescue the property - He agreed to
 release Mr Marsh while he went in to
 eat something - after Marsh went in for
 a 5 people came forward to unload the
 property as we interfered to prevent
 and snapped his pistol twice at them
 one Duncan in particular came forward wth
 this intention seeming to set the W² at
 defiance - W² then called several times for
 M. to come out - he came out at a
 window, and found W² engaged with
 this Duncan & another - saw N. D.
 standing at window at time - After
 he got clear of Duncan, he heard some of
 the people saying that they would
 fix the Soldier inside or would kill
 him - this noise was in the house &
 was unobscured - that evening in
 this Duncan again abused the W²
 when he called upon N. D. to assist him
 when N. D. told Duncan to go away
 that he did not want him there -
 that

That W. endeavor'd to rouse the Soldier
 to get him away, and in coming out he
 found the door by w^{ch} he had entered
 was locked - there were several persons
 then in House - one Kelly - one Sloan
 one Howard, a traveller - upon this he
 endeavor'd to get out at the window where
 March had escaped, but these men would
 not let him draw up the window, saying
 there is time enough - upon this he called
 out to N. D. to get out, who came round
 and had a door opened, but the property
 was then gone - and he found March
 had also been liberated -

^{x^d}
 He always got assistance from N. D. when
 he wanted it, and he was always civil to W.
 cannot say that he saw him interfere in any
 thing to assist in obstructing the officer - That
 W. advised March to go on wth the property, as
 there was appearance from the mob there might
 be danger for it - March s^d he had not the
 means - That the next day on the road
 home, ~~he~~ March charged N. D. with being
 as guilty as any of the party - but had he
 not

not been there he might have been very much hurt, and even his life might be in danger.

Edw. Marsh brot. up - says, he was advised by the last M. to take on the property as it was not in safety at Dungsass' house. That Mr. had arrested two horses wh. at request of N. D. he allowed to be put into his stable on his promise to their being forth coming when required - when there was a question about moving on the property, it was found that these horses were gone & the man in whose charge they were - and N. D. told M. that as to his own horses he had not seen them since they went away in the morning - understood that D. had a care of Crijens among the things seized Miss he, D. -

Isaac Woolsey vs. Dicks N. and J. D. - was at house of N. D. - about end of July, last. That D. lent him a horse to ride home - D. D. that his son Wheeler D. was out, that as Marsh was at his house

house to let his son Wheeler know so, understood that W. D. was bumping in some property & that Marsh should not kn. any thing about it - that Marsh overtook W. on road - saw Wheeler D - at house of W. with two waggon - Marsh asked Wh. Douglass what he had there - W. D. s^d he had goods he meant to take to S. John to enter Mr O's this property is prohibited and not allowed to be imported - Marsh read the late Statute on the Subject - to show there were not among the enumerated articles. heard wh. D. say that he was to have a share in the profits of these goods when they got to Montreal -

x^d

Is a Capt. of Militia - Mr. N. D. and considered him to be in ill health at that time - he also s^d he was - app^d to have a heavy cold & had a cap on - Dept has kept a tavern for 5 or 6 years - & always kept a regular house - a good neighbor & great man. Jo. Douglass is considered a very quiet man

Thomas

Thomas Manning. Was at home of N D
 on Feb^y last - when smuggled property was
 bro^g there, it was in night time or very early
 in the morn^g - saw it in a waggon - That
 M D got W. to carry a trunk out of way
 to Galway's house, this was before the goods
 arrived - M^r D. s^d? There was no knowing
 what might be in this trunk & as M^r Clark
 might get a search warrant they might
 get into trouble - it was put into the
 cellar of the s^d? Ballou, as W. supposes
 for concealment - it was given as a trunk
 to give it to Ballou to put away -

X

Saw M D admit Supt^y Swamy by ordering
 Duncan to be off - also ordered a Canadian who
 had assaulted the Supt^y to go away -

Hastin. J^r Douglass - has the character of
 an honest quiet farmer -

Defence

Stephen Williams, was called on on 1 March last
 by W. Clark about 4 o'clk in morn^g to go
 down to house of N. D., as he had been robbed
 of a couple loads of property then I wanted
 assurance

assurances of W. & they took two other persons as they went along - they took in charge several persons, among them Mr J. Douglass - did not accuse Mr. Douglass - About a fortnight after March accused Mr. D. of having ill used him & assisted in taking the goods away - When Mr. March arrived Mr. D. seemed pleased to see him to assist him to keep order in his house -

March pointed out ^{to} Mr. Douglass immediately complained of Mr. J. & Duncan - When he arrived at house of Mr. D. all goods gone -

Edw. Wheeler Douglass - Mr. March seized a couple loads goods of hanging papers which were contraband goods - arrived at his father's house about 9 o'clock - Duncan & several other persons arrived there - heard this Duncan say he would have these goods from March - Heard Mr. father say to March it would be better for him to take the goods away as there was an appearance of a riot ensuing - was there all the night - saw Sweeney in difficulty with several of these men - ordered Duncan off, saying he did not want him there - The Dept. was ready to assist whenever he could

Clear

That about 4 o'clock in the morning some
 March knocked down outside, and heard
 March call twice to his father to go to his
 assistance - the Dept. in consequence was
 on the way when W. visited him not to go
 but he went away saying he would not
 allow a man to be murdered in that way
 & heard his father then commenced swearing
 the name of the thing - Next morning was
 present when March was ^{at} not withdrawn
 and took several persons into custody
 among whom were James Quinlan, who
 March said he believed was among the number
 but made no charge of his father - That
 after the goods were taken away, the W.
 father came in & sent W. to go to his Uncle
 to come & assist him to keep order - One
 Gardener who was there took a horse & went
 off for uncle of W. and ret^d. in 15 or 20
 minutes - did not see his Uncle James
 that evening before at house of his father -
 but came there soon after Gardener came
 back -

x^o

Rem^d in the house whole time, cannot say
 what passed when March was ill-used

Does

Does not know what has become of this property - That the Defend^t had a knowledge that W^r was coming in that day with a load - never rec^d any intimation from D^r That after the property was rescued M^r March was let go - and he pursued after the property - That one of the span of horses in one of the waggons was the property of W^r and he could dispose of them as he pleases - W^r lives wth his father and works for him when at home -

That W^r requested of M^r March not to tell his mother of the seizure, as it would make him uneasy -

John Gardner - was at N. D. on 29 febr. last, He there was seized for property bro^t there - saw assistance given to ser^g. by N. D. - was always ready to give assistance when req^d - There were a great many travellers there that night - about 6 o'clk in the morn^g was sent by N. D. to go for James Douglas passed March on the road - found home of J. D. - all shut up - he saw J. D. - was lying ⁱⁿ ~~under~~ bed - he got up - & followed W^r in a short time after - Was about the house in the course of ev^g. did not see J. D. there all that evening -

Joseph

Joseph Balony - went to N. D. w. Williams
 when Marsh accused the persons concerned
 in the affray about the goods - that upon
 that occasion Marsh made no charge
 ag. C. D. -

George Wright lives at Burtownville, lives
 near to Marsh - saw him on 1st March last,
 that Marsh told how the affray happened
 touching the goods he had seized - how he had
 been locked up in the house & N. D. had
 directed him to make his way through doors
 or windows as he could - that Capt D
 had come to his assistance had ordered the
 mob to disperse in the Kings name and that
 he owed his life to Capt D. -

Verdict - Not Guilty

The Court adjourned till to morrow
 at nine o'clock in the forenoon

Friday

Friday 10th Nov^r 1820. ce

The King
John^r Weightman
John^r Whittman

On Indictment for stealing in
a dwelling house to the value of
40s. &c. —

John Russell, lives at St Andrews Quay of Argentines
a few minutes before 10 o'clock ^{on 27 May last he} went out of his
house to go to his stable & locked his bar door
the bar is about 3 1/2 feet high — there was no
person in the room but P^r and another man —
was absent about 10 minutes — When he came
back, met his suet girl at the door who told
him that the P^r was in the bar — the W^r went
in and saw P^r stand at his desk with the bar,
in this desk there was a silver watch & money
when W^r went out — the W^r jumped over the
bar or counter, dashed P^r what he was doing
then — he made no ans^r. ^{up} his desk found
his watch & money gone — there was an
american of Eagle, three dollars — some half
dollars and different kind of pieces to amount of
four pounds — W^r asked P^r for his money, he
s^d. he knew nothing of it — the W^r searched him
after some struggle, and found the watch &
the money on him — is same watch now produced

is worth 25/- This bar is in the dwelling
house of W^r and the property stolen & found
was his - the dollars & half Eagle were in
a bag, when W^r left them on the desk, and he
found the same money in the same bag on the
P^r

x^o

The P^r pretended to be in liquor when he was
questioned by W^r the P^r was standing up and
not liquor down

Bella McAllum - was in service of late W^r on 27 May last
rem. that he went out to go to his stable, and
shut up his bar - Mr Russell heard some noise
directed W^r to go and look who it was, the W^r
went in and saw P^r inside the bar - saw
P^r drink rum out of a bottle - saw him also
go to Mr Russell's money drawer, but did not
see him take any thing - W^r went to inform
Mr Russell and met him at the door - she then
went to Mr Richards to tell him to come over
and assist - when she ut^d they were trying the
P^r

x^o

Is positive that P^r is the person whom she
saw in the bar -

Guy Richards - lives at St Andrews - about 10
or

or 12 rods from house of first W^r man. that
his serv^t. girl came over about 10 o'clock at
night requests him to come over to the house
this was in May last - That the P^r is the
man he saw in Mr Russell's house who was
charged with the felony -

Defence

Benjamin Douglass - was in the house of Mr
Russell first W^r, when the P^r was bro^t. into
the house very drunk - they laid him down
on the floor - soon after Mr R^r - went out
when P^r made an attempt to get up, but
fell down again near the bar & partly inside
of it - then he lay till Mr R^r. came in when
he struck P^r wth. his feet & asked him what
he was doing then - he struggled wth. P^r
and in the struggle they got inside the bar - here
the W^r heard Russell charge the P^r with having
stolen his money - the P^r was still on the ground
& Russell jumped upon him & abused him very
much -

x^d

Thinks the bar door was not shut & locked
by Mr R^r. when he went out - did not see
the little girl come into the room - but she might
have

have come in without W^d seeing her will swear that P^d did not get over the bar during W^d Russel's absence - & that when Mr R. came in P^d was lying in the bar way part in & part out of it, - Mr R. went up to P^d asked him what he was doing there and kicked him - the P^d attempted to get up when R. knock^d him down & leaped on him - saw all that passed - it was about 5 minutes after R. came in that he ordered W^d to go off - heard W^d Russel abuse P^d for having taken money from him - did not see Russel take a watch or money from P^d but when P^d was down behind the bar this might have happened - That P^d is now in Jail charged on Indictment with stealing in a dwelling house

V. Guilty of simple Grand Larceny

~~The King
Benjamin Douglass } An Indictment~~

The King }
 Jacques Gilé } Ou Indictment for uttering
 Counterfeit Coin.

Francois Piché, dem. à St. Sulpice, étoit en ville le 3 du cout sur le marché, y a vu le Pⁿ le ten. avoir de l'estoffe à vendre - le Pⁿ a demandé en achetez, et on a achetez 3 aunes, et a donné en paiement une demi-cuise, qui s'est trouvé pas bonne - et a offert ensuite au nomme' Sr^o Gareau qui a trouvé la pièce mauvaise - cela étoit dix minutes après - Qu'il a été la recherche du Pⁿ et il a trouvé environ une demi heure après, et en lui parl. de cette demi-cuise, le P. a renié d'avoir rien achetez du ten. ou de lui avoir donné une demi-cuise - cette pièce il a deposé à l'offic de Police - Qu'il n'a reçu que cette pièce d'or et n'avoit aucune autre pièce pareille en sa possession ce jour la - Qu'il ne connoît pas le Pⁿ auparavant, mais le reconnoît pour être le même de qui il a reçu la pièce en question

Fran^o Gareau. se rappelle d'avoir vu le des. ten. sur le marché neuf vendredi dernier - il avoit achetez un harrois complet d'une selette apart pour 6 parties & demi, et il lui a donné une demi-cuise contrefaite, avec une partie & demi en paiement - Qu'il dix minutes après il a regardé

regardé cette pièce & l'a trouvé pas bonne
 & a été toute suite trouver le d^r Piché & la lui
 a rendu - Piché est parti aussitôt - chercher le
 P^r de qui il disoit avoir reçu cette pièce, &
 est revenu avec lui - le P^r disoit qu'il
 n'avoit ni acheté de l'stoffo de Piché, ni
 donné cette pièce - Que cette pièce a été
 remis entre les mains du magistrat - Que
 la pièce maintenant produite est la même -

Charles Mondilet - Que le trois du cour^t.
 il a reçu la pièce d'or maintenant produite
 du tam. Piché - est la même - Qu'il a
 reçu en même tems un gant dans laquelle
 il y avait deux autres pièces pareilles
 fauses -

Louis Marteau - con. le P^r pour avoir été arrêté
 vendredi dernier pour avoir passé de la
 fausse monnoie - Que lorsque le P^r fut
 arrêté il avoit des gants semblable a celle
 qui est est maintenant produit, ce gant le
 tam. a trouvé le lendemain pres de l'endroit
 ou le P^r étoit arrêté le jour qu'il fut amené
 à l'offic de police, avec deux autres fausses
 pièces

pièces de la même espèce qu'il celle qu'il
 avait passé - mais ne peut dire que ce gant
 appartient au P^r

The King }
 Benjⁿ Douglass } An Indictment for Stealing
 in a dwelling house

John Scott lives on hay market in town
 of Montreal, on 22^d Aug. last about 9 o'clk
 at night - he was in kitchen wth his wife - a
 few minutes before he had left his room & shut
 the windows - that having heard from one
 Johnson that some person had put his hand in
 at the window and stolen something out of
 the house, the W^r run out tow^{ard} the yard
 and saw p^r about 2 yds from the yard door
 and found on the P^r a child's round
 tippet, which is his property & is worth 6^{cts}
 there were other articles found belong^{ing} to W^r but
 he does not kn. where -

Jane Scott, wife of last W^r, was at home on 22^d Aug
 last when something were taken out of her
 house - when Johnson spoke to her, she saw

hand withdrawing from the window of the
 kitchen - to get to that window she must pass
 by the yard - in this window there was a basket
 and a testament - did not see anything in
 the hand - went out immediately - & found
 the P^r near the yard gate, on his breast found
 the Child's ruffet now produced - the P^r
 was put in the Custody of the watch & was
 searched, they found a pocket book and a
 book - a new testament, which ^{lastly} she recognised
 to be the property of her husband - the testament
 is worth 6^s & the

x

Found the whole of articles now produced were
 found on P^r Saw hand of P^r in the window

Verdict. Guilty of Petty Larceny

The King
 S. H. Wilcocke

Our Defend^r mo. to obtain a copy of
 the bill of Indictment signed by
 the Grand Jury -

The

The King. — }
 Samuel Edson }

On Indictment for obtaining
 money and goods under false
 pretences. —

Hypolite Ninet, lives on old market place, keeps
 a store there — saw P. there 29 Aug. last. he
 came to W. store & wanted to buy of W. if he
 would take any bills on Plattsburg Bank
 W. s^d he w^d take them if good, & on allow^d
 a discount — W. proposed to P. to go with
 him to Mr Taylor to ex. Note — went there
 & found two Clerks, who said they tho^t the
 bills good — W. then told P. & another man
 of the name of Wm Taylor to return to his store
 and take what they wanted — they then
 bought to value of £3 14-8 the W. folded
 up the articles, when the P. & s^d Taylor gave
 him two bills of Plattsburg of same W.
 and for 5 doll. each, that attempted to find two
 bills of same number, went out to enquire
 respecting them — Defend. said that the bills
 were good & that they had rec^d them from
 one Barkow for whom they had been working
 that when W. went out & showed the bills he
 had rec^d from P. who told him the bills were
 good for nothing — at this time the P. had
 taken

taken away then goods I gave to the house
of an Allen when W^r followed them, and
laying hold of his goods told P^r that he
must give him better money for the goods
he had sold him - upon shewing the bills
the P^r said there were not his bills - but
at another time he acknowledged he had
purchased the articles from P^r - The P^r was
carried to Police office, where the notes W^r rec^d
from P^r were deposited - That ~~notes~~^{bills} now
produced are same as those he left at Police
office and q^t he rec^d from the P^r

x²

That it was ready made clottes & necessaries
the purchas^r from W^r before purchasing
he told W^r he had only plattibury bills
which W^r agreed to accept if they were good
the P^r said they were good & that he had
rec^d them as such from one Barbera for
wages - That when W^r proposed going to
Mr Taylor's to enquire into their validity the
P^r did not seem to like the proposal - but
agreed to go - and W^r told P^r for what
purpose he was going to Mr Taylor - I saw
two clerks in the office, to whom P^r showed
~~the bills~~ one or two of the bills he had -
bonds

bendes there the W^r saw three more bills
 in poss. of same kind - sold to P^r for value
 of £ 2. 14. 8 - & in pay^t of wh^{ch} he rec^d. 2 bills in
 question from P^r - It was at Mr. Allan's
 that he asked the P^r his name - that he saw
 he had worked for Mr. Barlow and the bills
 from him - when he first addressed P^r tells
 him to give him other money for the goods,
 the P^r denied at first having purchased
 any thing from W^r - & that then being a
 bailiff present he told him to do his duty, upon
 this the P^r told him if he would take his goods
 back he the P^r would take back his money
 that Mr. S^r it was too late & ordered him up
 to Police office - That the other man who was
 with P^r made his escape by the kitchen in
 the back part of the house -

Thomas Barlow, lives at Godmanchester - he S^r
 on 28th Aug^t last saw P^r at Lachine, who
 tendered a bill to W^r for change - but told P^r
 as he was going to town he would ascertain the
 quality of note - that P^r then rec^d. no note
 from W^r - that he worked for W^r in July 1829
 but W^r did not pay him in Plattsburgh bills

There is a man of name of Barlow on head
 of Chateauguey River - & that Taylor & Tyler
 work

worked for them - That P.^r he came to town to purchase pork & some other articles for this Taylor & Lyles, and showed the money he had rec^d to buy the articles -

That P.^r was a hardworking man when he lived w^r. Mr and rather a poor man -

Ralph Taylor - lives in Montreal, is in habit of discounting bills on Plattsburgh Bank in the United States - is generally able to say when these bills are genuine - It is not usual for any Bank to have two Notes of same number - That the Notes now shown are counterfeit - is enabled to say this as well from the Circumstance of the N^o as from the appearance of bills - That his Clerks are little acquainted with the nature of these Notes - That the 3^d Note now also produced is counterfeit

P.

Judges from the general appearance of these bills that they are counterfeit - & badly & carelessly diswound

Charles Mondelot - The P.^r was took before the father of Mr. in regard of counterfeit bills - he was searched and one 5 doll. bill of Plattsburgh Bank

Bank was found on him - there were also
3 five dollar bills of same bank produced
at same time by Mr. Vint - and are
the same now shown -

Defence.

Fred^d Diganard - 100 P^r for 2 years past, as an
industrious handworking man - he resides
at the head of Chateaugueu River at work there
He is an honest man, and may gain from
12 to 15 doll^s per month -

Objected by Boston Council P^r as Stat. Geo. 3
made the issuing counterfeit bills in Eng^t. a misdemeanor
the present indictment could not lie - This was over-ruled

Verdict - Guilty.

The King - }
Manuel Firmin }

On indictment for stealing
privately in a shop to the
value of 57. -

Francis Metchler, clerk in Montreal
and keeps a shop in St Paul's Street - was in
his shop on Saturday 4th inst - when P^r came
in between 6 & 7 O'clock in ev^g - the W^r had
2 great coats hung at the door for sale - the
P^r asked for fine black cloth - it was shown, he
said it was too dear at 8 doll^s - offered 6 and
went

went away - That about a minute after he was gone, Binette the neighbour of W^r came in and said there is a man who has robbed you I believe, and upon this W^r observed that one of the Great Coats at the door was gone - he described the man to Binette who had been in her shop. I said it was same - The W^r went in search of P^r but could not find him - That about 9 o'clock in the evening the P^r was arrested on another charge and the great coat of W^r was found in his possession - That the P^r had by that time entirely changed his dress - but W^r recognized him then then saw to be same person who had been in his shop that evening - the P^r denied the fact of having been in the shop of W^r - That from some informant he rec^d. he went on board the Steam boat where the effects of P^r were shown in his presence in a bag, all the things were taken out till they came to the bottom where the great coat was, this the P^r s^d he did not kn. how it came there - the P^r denied having any kn. of the Coat or having ever seen it before the went on board the Steam boat - W^r recognized Coat to be his.

his property immediately - and shows mark
on it by of - he now recognizes to be his - is
worth £5.10 - That at first P^r said he
did not know how it came there - and then
he said he had bot. it of a boy - and lastly he
said if it be yours - you may take it -
x^o

That the P^r did not remain above 2 minutes
in the shop - but W^r is sure that P^r is same man

Ebenezer Meier - Clerk to last W^r was in Mr M^r Shop
on 4th mt. at the even^g about 4 or 5 o'clk when
P^r came in - asked to look at a brown Coat
which was shown, like that now on table -
which he recognizes to be same - P^r tried the
Coat, but did not buy it - P^r went off - did
not see P^r return a second time -

x^o
W^r Metcher was not in shop at time
& did not come in 'white P^r was there & there
was a little boy present - that there were
other persons who called at the shop that even^g -
That this Coat was in part covered by another
Coat while it hung up - does not recollect
that P^r looked at any cloth - Does not
think P^r rem^d 1/4 hour in shop - Did not
examine the countenance of P^r - nor can he
recollect

recollect all the dress he wore - thinks P^r
 is the same man - There was no particular
 mark upon the Coat - There is in this Country
 only since 10th Oct last - had been about
 a month in Mr. M - 's employ^t - and
 found the Coat there when he went there,
 there was no other Coat of the kind in the Shop.

Hypolite Vinette, ^{next door} is neighbour to Mr. Metzger - that
 between 5 & 6 o'clk and a person of the figure
 and colour of W^r called at Shop of W^r for
 fine cloth - that the P^r had a coat under
 his coat w^h he folded up, and g^o it struck
 W^r was stolen - he immediately gave notice
 of this to Mr. M - who missed his coat -

Fred^r Dignard - constable - that about 6 o'clk in
 afternoon of the 4th inst. he arrested the P^r at the
 instance of our Bond - that while the P^r was
 in custody at Bweights, Mr. Mettcher came
 up and said this is the man who stole my
 coat - the P^r was then asked for his bundle
 of things, he s^d he had put in on board the
 Can - but the boat had gone off at 3 o'clk
 that day - that W^r s^d he suspected it was
 on board the Calidonia, took P^r then off
 h

he had taken his passage on board, and Capt said he had no goods on board to his knowledge - search was made on board but no bundle was found - after some time Capt. Mr. Dault pointed out a bag, w^{ch} was exam^d. after it had been recognized as being the bag of P^r - he took out all the things in the bag and in the bottom he found the Coat of M^r Mitchler claimed - the P^r observed that he did not know how such a Coat came there, as it was not his - that he afterwards he said he remembered having bought that Coat from a boy for £3 - a £3. 6

x^d.

That Coat now produced is same as that he found in bag of P^r from piece he cut out of at the time -

Defence.

In Mr. Bell, témoin ambroge, le P^r est venu chez lui & a demandé a rester quelques Jours chez lui - et paroitroit avoir alors de l'argent en papier qu'il vouloit faire

changer, & comme le P.^r n'a pu prouver
 point le fait il est parti pour aller
 à la Banque & à son retour

George Maillié - Il a con. vu le P.^r à resté
 chez Mr. Bell, quelques Jours - de témoin
 lui a confié sa montre - il avait confiance
 en lui & l'a regardé comme un honnête
 homme - Il paroissoit avoir de l'argent
 sur lui qu'il a vu en différents lieux -

Verdict. Guilty of Grand
 Larceny

The King }
 on }
 Ann Lewis } On motion (return of Habeas
 Corp. ad Subj^{na}—

Grant for P^{na} no charge in the commitment
 to warrant the confinement of P^{na}
 3 Hawk. 236

The Court adjourned till to morrow
 at nine o'clock in the morn^g

Saturday 11th Nov^r 1820.

The King }
 on }
 Ann Lewis } The Defendant was ordered to
 be discharged, it appearing that
 no sufficient charge or accusation
 was contained in the warrant,
 and also by consent of Sol^r Gen^l

The King }
 Neil McMillan } On Indictment for Grand Larceny

Elizabeth Ker, wife of Wm Ker, is about 3
 months from Scotland, took home in the Sub

became acquainted wth P^r in this country —
 her husband went to U. C. about 3 months ago
 the P^r came to get a room to lodg in her house
 and had been about 3 weeks in town when the
 accident happ^d he was in the habit of coming in
 to her room, ev^{ng} after he had been, directed
 her letter for her, and was very friendly — about
 24 Sept. last she had occasion to send a bank
 Note to her husb^d wrote her letter on Saturday
 ev^{ng} — had ment^d to the P^r before that she was
 going to send this money to her husb^d & that
 she w^d write him at same time — the P^r told
 her she must put her letter into the post office
 on Sunday as the Post went off at 4 o'clk
 on Monday morn^g — that she was folding
 up the letter on Sunday morn^g wth the Note
 when P^r came in took the letter from her & she
 was folding it improperly, & folded it up
 for her, and addressed it to her husband
 Mr Wm. Keen, Kington — her letters were
 usually addressed in this way, by the P^r —
 the P^r then w^d as he had a letter of his
 own to carry to the post office, he w^d take
~~her as he was going to Church and put it~~
~~into the post~~ that it was needless to take
 them there before Church, as the post would
 not

not be open for the receipt of these letters
 before twelve, the P^r then gave W^r his
 own letter of - she locked up in a drawer
 with her own - About a few minutes after
 the P^r s^d. to W^r as they were about going to
 Church. You may as well give me these
 letters and I will put them in the Post office
 when I return from Church - the W^r gave
 him the 2 letters, and they went to Church.
 She did not see the P^r afterwards till
 late in the evening service of the Church
 when he came into W^r room s^d. he had
 put the letters safely into the post office.
 That in consequence of some advice she had
 rec^d. that it w^d have been better to have got
 a draft for the money, she tho^t. of going
 to the Post Office in order to get a receipt
 for the money - the P^r hear^d this proposed
 to go w^r W^r - but s^d. the post would be
 gone, but W^r said she had been better
 informed that the post did not go off
 before 10 - 11 o'clock - the P^r then s^d. he must
 have been wrongly informed - but tho^t. there
 would be no danger of the letter going on
 in safety - That P^r went along w^r W^r

upon

upon this went w. W. to post office a few minutes after 9. The P. went into the office and asked if the Post was gone he was told not & then asked for a letter of had been put in the day before for Mr Wm. Kim Kingston - Clk. said that he had not yet opened the box, upon this the box was opened and the letter examined, but no such letter was found - The P. then said that the letter contained money in it and must be found and stated that he had put it into the office with his own hand with this one, showing a letter addressed to some person at Quebec which he had put into the box at same time - after looking in every direction, no such letter was found - The W. observed to P. that had he put the letter in with the other it must be found w. it - he said that it might have been taken out of the box on the Sunday but that he was positive he had put the letter in the box, first the one & then the other - The letter never was found - Is positive to say that the note was either of the Montreal or Canada Bank, but cannot say which, but was for fifty dollars, - thinks it was
 on

on the Canada Bank - has had occasion to pass notes of same description & always rec^d. value for them - That the remaining notes she had in her possession were carried by her to one of the banks & she rec^d. value for them immediately - That she is certain as far as she can believe her husband that he never rec^d. it - That after letter was folded up, she gave it to her daughter to put a wafer in it, she took it away and put it back sealed with a wafer & then that state it was deliv^d. to P^r.

That she took the note from her husband's trunk, from among some others her husband had, who had deposited his money in one of these Banks and took notes for them. -

That about end of week she had communicated her intention of sending money to her husband to Mr. Hettich, & spoke to him about getting a draft for it - Cannot say that she examined particularly the address put on the letter by the P^r. Is certain that it was at P^r's own request that the letter was carried by him to Post Office that when P^r's o^r that steps must be immediately taken

taken of the Postmaster, that she expressed her doubts as to his right as the Postmaster, as she never found that the letter had been delivered into his custody - she then began to suspect something as to the P^r, particularly when she considered his anxiety to carry her letter, & his information as to time of the post going off - That Mr was advised to obtain trunks of P^r in order to obtain satisfaction from P^r - she was afterwards ordered by Judge of the Court to deliver up the trunks, as P^r came wth a Constable and took them away -

The order contained in the Note was a 50 dollar bill such as she has shewn - has no personal knowledge how her husband came by the Note -

Jesse Her, is daughter of last Mr, rem. that on 24 Sept last she got a letter from her mother to go & get sealed - saw P^r fold up this letter & deliver it to her mother - who deliv^d it to Mr & she went out got a wafer and put into the letter - during all this time the letter was never out of possⁿ of Mr nor opened by her she deliv^d back the letter to her mother, who put it into a drawer with another letter & heard P^r say, that as he was going to the office wth his own letter, he would carry her -

f^o

That

That P^r was in habit of direct^{ly} letters for
 Mr Ker - was about about 1/4 hour we letter

Mary M^r Grege, is servant to Mr Ker, rem. that
 on a Sunday about the end of Sept last
 saw P^r fold up a note in a different manner
 from what it was & fold it up in the letter.
 but does not rem. to have seen it deliv^d back to
 her mistress -

Frederick Williams, is Clk in Post office, takes out &
 sorts letters. The Kington post goes out at 1/2 ten
 o'clk in morn^g. That outlet door to admit the
 putting letters into box, is open from morning
 to dusk - That on a Monday morn^g in Sept
 last between 9 & 10 Mr Ker came along for
 a letter for Mr Wm Ker, Kington. W^r asked when
 it had been put in, ans^d the day before - he s^d
 the box of - had not yet been opened, but did
 not find it - P^r was w^h he & asked for letter, he
 s^d. it was addressed to Wm Ker Kington - ex^{pt}. the letter
 twice over but did not find it - showed a single
 letter addressed to John Ker, but P^r s^d that was
 not the letter - P^r was positive in saying he had
 put it into the box, saying that he put in first a
 letter of his own to Col. Ready of Quebec, & then
 that to Mr Ker - the box is perfectly safe
 and

and a letter so put in must have been perfectly safe - it must have gone to the bottom of the box, had it stopped on the way he must have seen it* - The letter carrier sometimes narrows to this box - that morn'g it was the first time anyone had gone to the box & was still locked - key hung in office - Post had not yet arrived & it is the first occasion generally for opening box - Almost every day receives such notes from bank - they are deliv'd by a Clerk of Bank into the hands of Mr for greater safety - That he made a second search for the letter to satisfy the P^r who said he was sure he had put it into the office -

X^o -

That W^r generally receives the letters & takes them out of the box, & is fixed inside the door w^o an opening out side - key of it is kept hung up in the office - The outer door is generally left open - Does not think it is possible that a letter could be picked out of this box by means of a pair of pinners - unless the box were very full - That it has happened that a small letter has fallen into the fold of a burse one, but this cannot happen without his observing - Sorted letters
for

* there were not many letters that day -

for the United States mail that day of left
 town at 2 o'clock - never goes to office on Sunday.
 That it has happened that letters addressed
 to one place have been sent to another in the
 Post office - That no letters put in this box
 have ever been lost to his knowledge - That
 Mr Williams's servant goes to office when required
 as well as the Drummer - That Mr Reid
 the Saddler, keeps the key of the Iron outer door
 and the W. keeps the key of the inner or office door.
 This key he keeps with him in his pocket or locked up
 in his desk - That Mr Williams did not go to
 the office that Sunday - That W. had the key all
 that day - The P. appeared rather surprised
 that the letter was not found in the box -

Re-ex. by Sol. Guck that several Posts
 arrived that morning -

That there is a cellar under the Post office
 & a trap door of - opens into the office - cannot

John Hettrick - W. Mrs. H. - That on a Sat^y about
 end of Sept. last she told W. that she was going
 to enclose a 50 dollar bill to her husband

William Reeves, is Clerk in the Canada Bank

in the habit of never requiring out notes
 of a note such as that now produced were
 presented it would be paid to any person
 This is a 50 dollars note of the Canada Bank.

That the Montreal Bank have refused
 to take the bills of Canada Bank - That
 this bill is payable out of the funds of the association
 another - That there are forgeries of - have
 been found out on the Canada Bank

That this paper is of general currency in
 the Country & passes from one hand
 to another for the value it expresses

James Jackson - is for in Canada Bank &
 such a note as that produced would always
 be p^d. This is a 50 dollars bill on Montreal
 Bank -

These bills are considered as ready money
 generally speaking & pass from one hand to another
 for the value they express -

Jr. Maria Mondelit - proves exam^r of Pr taken
 before him -

Exam^r. Read

James

James Williams, is Post Master, that Fred^d Williams has been in his employ. for several years he has charge of the letters - always found him trust worthy - he keeps the key of the office - Mr W. never goes there on a Sunday was not in office on 24 Sept. last - That servants never have access to office unless when Mr W. is club on there - that monies are sometimes entrusted to the office -

That the letter ^{x^d} carrier sometimes assists in ~~carrying~~ sorting the letters - it is his opinion that no letter could be picked out of the box - on the outside -

Defence -

Mr. Ellondillet for Pⁿ the paper stated in the Stat. - a warrant for the pay^t of money - is not made out by evidence of bill produced -
 Bill not a promissory note - not so alleged nor in law have they the essentials of such
 No action can lie on such notes -

Grant for Pⁿ word warrant, refers to Public boards - for pay^t of money - no order here for the pay^t of money - No felony in this case as it came to his hands by the consent of the
 proper

Woods v. East. 693—

Sole Quest. 1. The word warrant, implies in a right to receive the contents of a bill or order — it is a guarantee, for pay^t. of money —

2^d. The intent must be judged of by the Jury —

Boston. In reply — no felony can arise from such a delivery as that to P^r here —

— The instrument here declared on, is of no avail — neither a bill of exchange — nor a promissory note, nor a Bank bill — nor can any recovery be had on such an instrument —

— Warrant is an order from an official character for pay^t. of money — this is no such warrant — but a promise to pay. —

— Exactness requisite to support Indebtedment.

— No action ag^t. Cashier or Teller —

Joseph Leidyay. resides in the City of Montreal,
 In Nov^r. last he put a letter into the post office
 containing bank bills, of £- was lost - That the
 Post master upon enquiry told W^r. that he
 had never seen this letter - at that time the
 young man William W^r. was in the
 service of the post office - was present
 when the made enquiry of postmaster about
 this letter - the postmaster & the young
 man said that if such a letter had been
 put in the post office it would have been
 found - that W^r. put in the letter himself
 and it was never found - cont^d £50 -

x^d
 The letter was never found, - it was addressed
 to Drummondville ^{Island} - The Post master said
 if the letter was put in to this box it must have
 been forwarded and lost in some other office
 The Post for Drummondville ^{Island} goes first to ^{Point} ~~Point~~
 Barre and is sent from thence to Drummondville
 Island - W^r. wrote to all the Post offices to get
 information in regard of his letter, but never got
 any acct^s of it -

Julius Quesnel - That about three weeks ago he
 went to the post office and saw the letter in the
 box

stick^{ing} out in such manner that he could
have taken out two or three of them - that
he pushed down the letter and put in his
own -

x^d

Thinks that this might have arisen from
the box being too full, or from a large letter
stretching across the box - the letter he sent to
office with the bill of Exch. was never heard
of -

Benjamin Holmes - That he entrusted a letter
to Mr Gneveay to be carried to Post office

James Gneveay - rec^d. a letter from Mr Holmes to be
carried to Post office, of wh^{ch} he kept a memorandum
date addressed to a Mr Stone of Boston - this
was put into post office by Mr - some time
within last 18 months -

Bury^{er} Holmes - the letter he sent by Post, was
admitted, he made no enquiry about it, as
he understood no satisfaction could be got in
case of this kind -

Alex^{ander} Martland - that he was informed that a
letter had been sent to him from Coleau de
Lau

Letter to W. in Montreal, which W. never received - Mr Taylor the person who sent it, went as he understood to Post Office in Montreal but got no satisfaction - This was last winter.

Cannot say where ^{x²} letter was lost

William Hunter - Lornie, has ex^d. the letter box at Post Office - the opening is about $\frac{3}{4}$ inch wide and about 6 inches wide - is of opinion that letters can be taken out of it - went there this morn^g and could have taken out one or two letters -

Went in and ex^d. the box, it was not quite full - by introducing a pair of pincers he could draw letters out of that box - but thinks that an instrument must be made in purpose never saw such a one - If there were few letters in the box thinks a person could secretly use such an instrument without being seen -

James Patterson, lately from Scotland, W. P. who came from that Country last summer was acquainted wth. P. in Scotland - was an offic. Lt. in the Cuyreshire Militia, a
 Hand

stands' cups - always considered a respectable man, and of good family - from his kin. of him, he w^d. never suspect him to be guilty of steal^s -

James Linnery came from Greenwich on board same Ship w^t P. last Summer - he was considered a man of good character, and behaved as a Gentleman on board the Ship, was the only labor passenger on board and from his general conduct would never suspect him of stealing -

John Deyross - Came out in same Ship w^t P. from Scotland last Summer. he considered himself always as an honest upright good man -

Verdict. Guilty -

The King }
James Thompson } on indictment for stealing
in a dwelling house -

John Davis, lives in Montreal, labourer

is in Montreal for 3 weeks past, that
 when some cloths, was in a tavern in Montreal
 kept by one Careful. on the 20th inst. he left
 the pub. house about 20' took in a bag in
 it - there was a pair of blue pantaloons worth
 2/6 a coat worth 1/6 of a shirt 5/- pair nankin
 trousers 5/- 4 hsefs. one silk & 3 cotton worth
 1/- each & some other small articles - ~~on same~~
 day he met the P^r the day after he lost them
 who asked him to go into that house, pursued
 some of his cloths on P^r the blue pantaloons
 and a shirt - there we challenged as his
 the P^r said if we wd not scandalize ^{in Montreal} him, he
 wd tell P^r where the cloths were - the M^r said
 if did not return his cloths immediately he
 wd have him sent to Gaol - the P^r run off
~~through the jail & wd did not see him till~~
 next Monday - on Monday he met P^r
 wd some of his cloths in Montreal & challenged
 the cloths on him - the P^r was then in town
 near the market & sd? he wd go wd M^r to some
 place & deliver them to us - instead of this the
 P^r run off through the Crowd when M^r stopped
 P^r as a thief, and carried him to Police office
 wd the cloths on him - the M^r gave in his
 deposition ag^t P^r the cloths were left in Police
 office - the other things he never found -

for about a year - he kept a School
 a very respectable one - never knew any
 thing of P: there nor considered him as
 a respectable man, and was received into
 respectable houses there - Thinks that the
 contract under which he had engaged being
 finished, he gave up the teaching business -
 Thinks that P^r must have had about fifty
 dollars coming to him at the time -

James Lane, Jurymen - P^r applied to W^r to be
 employed in the print's business - he did a
 job for W^r but he did not employ him
 further as he had no occasion for him -

Verdict. Not Guilty

The King }
 vs }
 Mr Tolkit } On Indictment for assaulting
 and obstructing a Constable in
 the execution of his duty -

Charles Irvine, is a Constable for Montreal,
 was directed on the 10th Oct last to apprehend
 a woman of bad character, by order from
 a

from a Magistrate, he had taken her into
 Custody in a certain house where P^r was at
 same time - the P. asked him what business
 he had to take her up, was sure it was to
 exact money from her ds? he w^d not let the
 woman go - the M. laid hold of woman
 to take her away when P^r laid hold of the
 M. and w^d not let him take her out, went
 out to get assistance - spoke to a Sergeant
 opposite who refused to interfere - the M.
 then was about returning to house when P^r
 told him if he went into the house again he
 would beat him till use him & that he
 sh^d. not take the woman before a Magistrate -

Verdict. Guilty

The Court adjourned to Monday next
 at nine o'clock in the forenoon.

Monday

Monday 13th Nov^r 1820

The Court met pursuant to adjournment

Present

Justices Reid & Foucher.

The King }
 Anthony Bellew } } Oe Indictment for Grand
 Larceny.

Christie M^c Donald, is wife of Alex. Chubbolm
 on 28 Sept. last was absent from home, left
 it about 10 o'clock in morning & came back about
 3 - found that a chest in house & a drawer had
 been broken open & she missed 3 gowns a pair
 of Curtains, in all worth about 6 dollars - missed
 also a bonnet out of a basket - light grey beaver
 was worth 15/- Saw P^r before she went home
 and saw P^r with a bonnet of - one Jane M^c Donald
 told her a man had a bonnet very like that of
 W^r - the W^r went after him, he then began to tear
 the ribbon off the bonnet - the W^r dother woman
 took the bonnet from P^r - he s^d he had bot. it,
 & was unwilling to give it up - saw at same time
 a bag of - she recognized to be hers & was in the
 bottom of her drawers - P^r s^d he had bot the
 hat

from another man a little farther on, who had the rest of her things - the W^d did not kn. what he meant by this - and being then alone, did not follow him - the P^r was taken to gaol - ~~the P^a~~

X²

Has no particular marks on the bonnet nor on the bag of - she found on the P^a - the door was shut wth a stick, but not locked -

James M^r Donald, was washing with dust wth at the river side on 28 Sept. last & saw P^r pass with a bonnet in his hand, that the bonnet looked like M^r W^r Galloway's told her of it - who went after the P^r - he had nothing in his hand but the bonnet - believes that is same now shown, from having seen M^r M^r C. wear it before -

X

There is no mark on the bonnet by which she recognizes - ~~was near when~~ - that W^d was near when the bonnet was taken -

Angus M^r Gillivray was requested by last two W^d to assist them to apprehend P^r - M^r M^r G^r - then had the bonnet in his hand - the P^r said he had never taken the bonnet - the P^r was carried to Police Office wth bonnet - P^r said

h

he had bor. the bonnet from another man, for
his sister at Lachine -

Guilty of Petty Larceny. -

The King
Joseph Devault }
alias Tobias Burke } One Indictment for Grand
Larceny. -

Louis Desnoyers, lives at Lanoray, rem.
having lost sundry effects on the night of 3 Nov-
vint - among of them were 3 window Curtains
value 10/- three pellicots, value 10/- children's
frocks, aprons worth 5/- eleven shirts - four of
flannel worth 1/- each 2 cotton. 2/- all of - belonged
to Mr saw all these articles the evening before -
in his milk house - next morn'g early these things
were missing - all that had been washed - found
the things in a bag - Mr P^r saw him next day
about 12 o'clk, he was on the highway w. a bag
on his shoulder well filled - the M^r d Alexis
Desnoyers was followed in a ^{Carr} Calash the P^r was on
one side of the road, as when he saw M^r follow
he began to go off road & go down the bank - saw
P^r here throw the bag among a parcel of pickets
the M^r went on a head of P^r when he left the bag
and took to flight - the M^r told him he had found
his bag - the P^r s^d he had none, M^r told him he

certainly

had as he said him throw it down - said it was not his - he afterw^d said he had found it on the road - the P^r upon this run off, and the W^r followed him - the W^r overtook him near the wood, when he told W^r there was no necessity to run after him as he had not stolen any thing - the W^r put bag into press. of a person near where it had been thrown while he pursued the P^r and on opⁿ the contents of the bag the W^r found his property in it, opⁿ was still in a wet state as it had come out of the wash but all the things stolen were not found in the bag - found 3 pulicovals - 2 or 3 aprons - 2 or 3 shirts - these things he recognized to be his property, and on some now produced. the P^r was present when W^r recognized the goods opⁿ were put back into the bag & were bro^t. to town wth the P^r

Alexis Desrosiers, accomp^d last W^r in search of the effects opⁿ he had lost, came up wth P^r on the road about mid day, he had a full bag on his shoulder - when they were about 1 ac^{ts} from he threw down the bag among some p^rckets - he cont^d his route, when last W^r asked him why he left his bundle, P^r s^d he had no bag - and took to flight and ran towards the wood - the last W^r followed him - and when he came up to him

asked

asked of P^r why he fled he s^d he was forced to fly
 as they were like a parcel of dogs after him - he
 s^d the bag was not his - that he had found
 it on the road - they bro^d back the P^r to the
 place where the bag had been left, where it was
 examin^d. and last W- recognized the effects in it to
 be his - That this was on the 3^d or 4th inst. the
 day after the effects had been stolen -

Verdict. Guilty -

The King }
 John Howell } One Indictment for Grand
 Larceny. -

John Cartlow, he had a quantity of
 30 bushels of barley cont^d in ten bags which
 he had put into the River to steep in order to
 make it into malt - he put in on the 17th Oct^r.
 the barley was worth 2/9 bushel, and the bags
 2/6 each - On the 19th Oct^r. the barley was
 missing - found 8 of his bags in the house
 of one Nilmaire in S^t. L^o. Sub. - W- had informⁿ
 that the corn had been sold to this man - the Ws
 recognized the bags - one of them in particular
 from its having been wove in one piece - the
 others were flour bags. - thinks there might be
 about 24 bushels in the 8 bags - all the bags
 were

were brot by M^r from the old Country -

Derouard &

Michel^r Vilmaire, lives in Sed. Sub 145 fr. as we
 saw on 19th Oct wth another man on the beach
 of the River near Mr Munn's - when he
 went to the beach there were 3 men taking
 the bags out of the water, but the P^r was not
 there - and were putting them into a Cart -
 one was taking them out of the water & the others
 were loading the Cart - the P^r came up and
 told these men not to take the barley, that
 he had seen the barley under the planks & it
 belonged to him more than to them - they then
 threw the bags down from the Cart - the
 Cart^r s^d he must have a bag for his part & went
 off wth one of the bags - the young man then
 put the bags back into the water, say^{ng} as he wou^{ld}
 not take them away, he w^{ou}ld put them where
 he found them - When w^e saw bags in water
 he asked 1st if he would sell him the barley
 he s^d as it was good, provided he w^{ou}ld sell it
 it was the other man & not P^r who spoke
 they asked 15/ for nine bags at first - reserved
 to themselves four empty bags - does not know
 whether P^r understood what was s^d or whether
 he speaks french or not - That M^r agreed
 to

to give 15 livres & return four empty bags,
 after bargain made, the P^r then aided to
 draw out bags from the water - they helped
 to load the Cart and went to house of W^r wth
 the bags - it was between 9 & 10 o'clock in the
 morn^g - W^r spread the barley in his yard
 when it was claimed next day by lack W^r
 1st. Price of barley when not wetted - but
 as the goods q^{ty} are lost, they may be sold
 cheaper - the other man rec^d the money &
 does not kn. whether P^r had rec^d any part
 of it - the last W^r claimed the barley &
 as his do^r he knew the bags -

Edward Cartellou - recollects his brother lost
 some barley in Oct. last - the P^r was there
 and advised the other man Watkins to deliver
 up the barley - said he knew nothing about
 it and had rec^d no part of the money

Verdict. Not Guilty. -

The King. -
 Joseph Moreau
 Michel Monro &
 Vertus de Silbé

On Indictment for Grand
 Larceny -

Jean

Jean Louis Giroux. lives at the Cote des Neiges - on the
 7th inst he had a parcel of leather - 18 sides
 of leather spread out on his fence, next morn
 he missed 4 sides of which were worth 14 & 15 dolls
 he had banned this leather himself - found
 after and ~~two~~ ^{one} side at house of Mr. Dumier
 & A. Dub. and ~~two~~ ^{one} another at house of
 Ant. Naveu - another side he understood had
 been sent to banneux to be blackened - found
 one side ~~at~~ ^{with} Goujon, cut up into shoes - The
 leather so found was sent to the Police office -
 one of sides now produced he found at Dumier
 another at Naveu's - the cut pieces he found
 in poss. of Alexis Goujon - He these pris^{ns}
 The leather was taken between the Tuesday & Wednesday
 & found it on Thursday - found P^{rs} all together
 wth three others in a small house in the meadows
 of Mad. Chabouiller - That the P^{rs} Hartis
 & Selby Joseph Moreau had the leather for sale
 & being charged wth theft & he wth had them to
 the persons from wth he had the leather for sale
 upon this he went to this small house where
 the other prisoners were & some other persons &
 J. he had got the leather from them for sale
 they said they knew nothing of the leather

&

That

That one of the persons in the house, who has since made his escape, proposed to us to settle wth him for the leather - and to pay him for it - the wth s^d whatever Mr Mondell should determine he would abide by - upon this the s^d person made his escape -

Alexis Gougeon - the P^{ro} saw them on the 9th inst^{ce} that the P^{ro} Moreau offered some leather cut up into 6 pairs shoes for sale for 10. 10. the wth saw the leather had been badly cut, & asked the P^{ro} where he had got it - as he had heard that leather had been stolen at Cole or Mays St. P^{ro} s^d he had bot. it of a man in St. Ant. Sub. & had paid 1/2 \$ pair for the shoes - the wth told P^{ro} he must go and show him where he lived & he wth pay him - the P^{ro} then went to a house in a meadow behind St. Ant. Sub. where he found the 2 other j^{rs} and two other persons I pointed out. P^{ro} Munro as the person from whom he had red the leather - Munro denied this - but Selby ~~and Munro~~ ^{and Munro} ~~had got on~~ the road to the police office said they had got the leather from one of their uncles - That one Larvgen, who is gone off, & who was also taken up, then proposed to Gougeon to settle with him for the leather -

Antoine Neveu, lives in St. L. Sub. No. 2 for Mercant & De Selby - That Selby & the P^o who is escaped came to house of W. on the 9th inst. and offered him 2 sides of leather for sale - agreed to take the leather in exchange for a harness & saddle - That the man who is gone made the bargain and got the harness - when they came in each of them had a side of leather - Selby s^d he had no occasion for a harness, the other side if you don't want it, I do - He then 2 sides of leather now produced to be same - That the P^o then gave no acct. of the leather but afterwards when he went to the house where the P^o lived the one who went off said he had got the leather from one of his friends - Does not remember what the others said -

J^r Messier - keeps shop in St. L. Sub. That on the 8th inst. he bot. 2 sides leather from some persons but does not know the P^o

J^r J^r Julien, is sent to Court No. 2. On 8th inst. there were 2 young men wth leather to sell into the shop the P^o Selby was one of them - they sold 2 sides of leather for 13/9 - this leather was afterwards claimed by Giroux as his property & each of persons Selby & the other man had a side of leather

leather on their arm - That the day after
 the same 2 persons came to the Shop and
 offered two other sides of leather, when Selby
 s^d. they had the leather from one of their uncles
 the W^o refused to purchase it - That
 it was Selbi who rec^d the money -
 That De Selbi s^d. it was not worth the
 while to sell leather at this rate -

Marie Schpees - the 10th by having come to her
 house on Thursday the 6th Munro came in
 first and asked to rent a little while his
 companions should arrive - about 3/4 hour
 after other two arrived - the man who is gone
 off & De Selbi - Munro & the man who is
 gone off went away & de Selbi staid behind.
 Munro & the other ret^d soon after with each
 a bundle - there were 8 or 9 p^{rs} of shoes -
 cut ready for makes up - That Munro
~~gave and the one gave~~ gave several pairs of shoes
 to the P^r Moreau & the man who is gone off
 to go and Tell them - These two were about
 about an hour - on their return they were
 taken up -

Verdict Joseph Moreau, not Guilty
 Michel Munro & Vertus de
 Selbi. Guilty. —

The King
Joseph Moreau
Michel Munro
Vertus or Silbi'

On Indictment for Grand Larceny

John Bower lives in St. Louis
Sub- had a great coat in his yard on the
2^d Nov^r. last, saw it about mid day: it
was hung up opposite the window, it was
afterwards stolen - found it at the Police
office in the poss. of the P^r Vertus Silbi' - he
knew it immedi^t - is same now produced
values it at £2 - The P^r had rec^d it
from another person who had run away

P^r said the other had given it to him, &
that he had not bot^t

John Schreer - the P^r Silbi' - saw him at his
home on Thursday last with some others -
saw P^r put on a great coat when he
went away - that the person who
has since run away was then present
had no great coat -

Verdict, Not Guilty

The King

Antoine Berny Augé

Jm B^r RaymondJm B^r Cadoret

Our Indebtedness for

Grand Larceny

John Kay, is in partnership with Zabbul Thayer - in July 1829. had a number of earthen bowls for sale - about 20 or 23^d he missed a parcel of them - exam^d and found that a basket had been opened and 60 dozen taken - originally there at 24 - found about 20 dozen under boards in a new building - told his clk Kottlinger to see if he could not find out any of these boys who go about the street selling small articles - if he could not find them - he told in P. Augé who had a parcel, & who he had bought them bowls of two other boys - he in consequence showed him the other 2 P^s they & they had only taken bowls twice, & that it was Augé who showed them the place - cannot say which of the two said so, but all three were present - that he used no threats to induce them to acknowledge this, on the contrary he had not time to speak to them when they made this

This acknowledgment - Augi' asked them if he had not bought them bowls of them but we does not recollect what answer they made - Cannot swear to the property but resembles what he lost - Pr Augi' also went and shewed several persons to whom the other pr^s had sold out articles - the others is nothing but crid -

David Hollmeyer, is clerk to Messrs Kay & Thayer he was first to observe the bowls were stolen saw P. Augi wth some such in his hand and considered them part of the property stolen - Augi' s^o he had got the bowls from two boys in the market and went ~~showed~~ to with Mr Kay to shew them -

In Marie Mondelet - Proves examination of the pr^s - Augi' denies having stolen any of the bowls - In M^r Cadout - says that he took a part of the bowls at the request & solicitation of Raymond - And Raymond says that he did not take the bowls alone but was aided by the pr^s Augi' & Cadout -

Verdict. Guilty of Petty Larceny
The

The Court adjourned till to morrow
at nine o'clock in the morning.

Tuesday 14th Nov: 1820

The Court met pursuant to adjournment

Present

Justices Reid, Foucher, & Pyke

The King
vs
Samuel Hull Willcocks

} On Indictment for
Grand Larceny

Thomas Thain, is a partner in the house
of Mr Favish at Golders Green, the names
of the persons are Amos G. S. M^cG. & N
M^cL. Th. Thain & H. M^cL. - P^rintend
their service in Spring 1817 from London by
introduction from their P^r in London - engaged
for 3 years at £250 p^a an. & all exp. p^r sent
& left to his conduct for an addition to his Salary
when he first arrived was employed as
correspondent & sent and other confid^e papers
That Mont. Bank was established in Nov
1817 - their whole funds were lodged there

and

and all their pay^{mt} were made in the form of checks on the Bank - it is N^o - dated & contains an order on the Bank to pay to such a person or order, & is signed by W. in the name of the firm - these checks are bound up in a book and cut out as required & counter part of the check remains in the check book which in whose favor & on what date - it is drawn - It was the particular duty of P. to fill up these checks & to put the correspond^{ts} statement in the margin of the check book - the person in whose favor the check was drawn was left in their count's hands till such person called for it - the P. had no right to touch any monies under such orders - nor any monies whatsoever belong^s to the B. nor to give receipts for monies - The Bank book was always in poss. of W. he carried it to the Bank himself & had entries made there - The P. ~~examined~~ made entries from the check book, & was in fact a copy of the Bank book as they kept no such in Home - and the different entries in the

Check.

Check book corresponded with the entries
 in the Bank & Cash book - the monies
 rec^d from Bank were put to the Credits
 of the Bank Book & the deposit to its
 Debit - The O^r copied the Cash book
 from the original check book - At the
 end of every month he carried the Bank
 book to the Bank to get the Checks of
 that month entered in it if he had been
 paid - this book was out a few days
 after w^h the statem^t entered in the Bank
 book, and the Checks which had been
 so p^d. during that month - this ^{Bank} book
 and checks the W^r gave to the O^r to compare
 with the Cash book if he kept to compare
 them & see all was right - This was done
 by O^r and it was duty also to report all
 the checks if he were out standing & had not
 been p^d. during the month at the bank, as
 the Bank book cont^d. only such checks as
 had been p^d. there - Upon all occasions
 the O^r reported to W^r that all was
 correct - and the O^r had orders to deposit
 the

The checks so drawn paid returned along
 with other Cash Vouchers in a place of
 security in the Vault — By the
 understandg wth the Bank the Checks
 when p^d were to be crossed or a file
 passed through them to show they were
 paid, and returned in this manner so as
 to prevent their being paid a second
 time — This practice however does not
 appear to have been regular observed
 at the Bank, and since the P^r has
 been discharged — has found out that
 a great many of these checks have been
 paid p^d to a comp^{an} — Till full 1818
 the P^r conducted him^{self} wth satisfaction of
 Mr In the course of the last Summer
 the wth was desirous that P^r should
 be discharged in June last, he however
 cont^d till Mr M^r G. ret^d from of Portugal
 his inf. found P^r in Apr or May — 1820 — &
 cont^d till Oct. last in their service — He
 was told in Sept. last that he would be
 discharged on 30 Nov. next & might
 leave

leave their service sooner if he pleased he was then much in their debt, and seemed to regret being obliged to leave their service - About the 13 or 14 Oct. he requested leave to go down to Quebec on his particular affairs - ^{of} was granted - About upon this the W^{ark}ed him if his ^{copy} book for the month of August agreed with the Bank book - The P^r & S^r yes, both ac^ts agree - S^r he proposed going off to Quebec on the Monday morn^g. after the 16th - told P^r to call on that morn^g & take charge of a parcel of letters to Quebec - On the Sat^{dy} ev^g rec^d. a note from P^r that he meant to take advantage of the Sunday boat - so that the letters were not sent by him - In the beyond after with the W^{ark} gave charge of the Cash book and Check book for Sept. to Mr Tait, desired him to report if the Cash book and check book agreed for the month of Sept - Mr Tait reported that it was not correct, ^{of} alarmed W^{ark} who then ordered a further enquiry into month of Aug^t - they reported that they did not agree in the month of Aug^t - then desired them to go into a further examⁿ

examⁿ a number of errors, omissions
 and checks twice paid in the books
 up to Dec. 1818, when the books were settled.
 My W^r - found inaccuracies up to that date -
 That the checks now exhibited are signed
 by W^r - Check was - N^o 592 - Montreal
 29 Nov. 1819 - £ 20. 13. 4 - Pay to G. M.
 Monk, Esq. or bearer twenty pounds thirteen
 shillings & four pence, Curr^y & change to act of
 To the Cashier M^r Farnuk M^r Lillierays & B
 of the Montreal Bank

N^o 583 - Montreal 27 Nov. 1819
 £ 5. 2. 6 - Pay to Sundries or bearer, five
 pounds two shillings six pence Curr^y or act
 of M^r Monk
 To the Cashier of
 Montreal Bank

That the check in favor of - M^r Monk was
 in favor of one of pay^r of L^{td} & W^{ts} for a
 purchase of land in St. Henry Marcoube &
 the other was in pay^t of an acc^t for sundries
 &bursements about the office - This
 check was given to the P^r to carry to the Bank
 himself, as being considered as cash to him -
When

a discharge
 given on Dec

when the P^r rec^d his salary or was p^d any money it was always in checks on the Bank - These checks were returned in the same manner & disposed of in the same manner as other checks - That he understood that both these checks were paid at the Bank. That the P^r has in point of fact at times rec^d monies on acc^t of his employers, but this was contrary to his general orders -

X^r

That the P^r enjoyed confidence of W^r till Nov^r 1818 - had considerable literary occupations in the C^y - That he rec^d more than one part of monies through hands of P^r from house of Girard &c - That it happened that many of these checks were spread out & lying about on the desk when ~~the~~ P^r was employed - This was contrary to orders of W^r and he was dissatisfied with it - P^r never went to Bank to receive back the checks after month, by orders or consent of W^r - That P^r s^d after he ret^d from Quebec, he meant to go to Kingston - That a Civil action was brought against P^r for the balance on his own acc^t but not for any monies he may have thus drawn from the Bank by means of any drafts -

Re-^{ex}

That the checks, when cut^d from the Bank are considered as waste paper & are never re-issued unless by unfair means - That the first time he saw these two checks, after he had signed them was in hands of

William Dupuis, is employed as book-keeper in Montreal B - since Nov. 1819 - The House of M^r & Co keep Cash w^t. Bank & draw occasionally ^{in the books of Bank} from there - That it is his business to enter the checks when paid by another person - In the books of the Bank in³ Dec. 1819 - the check N^o 583 for sum £5. 2. 6 was p^d as drawn by M^r J. G^r and on 10 Dec. N^o 592 was p^d being over £20. 13. 4 - When these checks were paid there was a hole punched through them, as paid that before the present event had a check been presented a second time without this mark it would have been paid - Has a kn. that checks have been p^d a second time from House of M^r & Co^u more than once - but never from any other house to his knowledge - The last of this description of^t was p^d was on 23^d Aug^t last - That the two particular checks referred to had they been presented a second time w^d have been paid previous to the knowledge of

after this transaction - and Mr. had he been told
 we have pd. them - had they been put to the
 Mr. as clerk they would have been int^d in the
 books accordingly - That he always used the
 bank book kept by Mr. T. & Co - from Mr. Thain
 w^{ch} he made his entries -

That he deliv^d the checks pd. ~~either~~ to Mr.
 Thain, except on one occasion he deliv^d them
 to Mr. Stetrick, & cannot positively say w^{ch}
 of these persons he put the int^d the 2 particular
 checks in question -

That in Oct. last year pd. No 419 £25 -
 a similar one had been pd. for £20 in July
 preceding -

X^d -

That the moment a check is pd. - it becomes the
 property of the bank - and as a voucher for the
 pay^t. of the money - these checks were generally
 preserved w^{ch} a hole until about 12 or 15 months -
 These checks may be cancelled in different ways -
 If the Bank Book of Mr. T & Co were lost, the
 books of the Bank w^{ch} them be the only voucher
 for the pay^t. of the money - That a double pd.
 may be given by mistake -

The Mr. on examⁿ. his notes states that on Oct
 14: the Bank paid No 481 for £200 and
 an

on 28th Aug^t previous a Check for same sum
of same N^o had been paid —

James Jackson — Is paying teller of the M. Bank
in rec^d Checks & gives value for them — That
N^o 583 for £5.2.6 p^d on 30th Dec 592
£20.17.4 p^d on 10th Dec — These checks
were not p^d by Mr. but by another teller —
Had these checks been p^d presented a second
time he w^d have p^d them — as they contain
no mark of being cancelled — That it was
not the duty of Mr. to cancel the checks he paid
altho' he often did so — That has a key that
checks have been paid a second time that by
Mr. when a check has been omitted to be
cancelled, he considers it still to be of value
submitted to pay^t — That checks are negotiable
like bills of exch. or a bank note — That
every person of decent appearance presenting
such checks rec^d the pay^t — The checks are
deliv^d at the close of the day are deliv^d to the
book-keeper to enter, and to be returned to
the owner — the check itself is the voucher
for the pay^t — and the entry in the book —

X^d

That Mr. w^d never have paid any check

a second time, had he seen. it had been paid before - understands it is the duty of the book-keeper to cancel the checks paid - when checks are paid it remains on a voucher in Bank till rep^d to the owner -

Henry McKenzie - is Partner in House of M^y & C^o after the P^r left their service in Ash last he went in pursuit of him & found him at Burlington - Thursday last past night - The P^r was arrested on a Civil Suit - he accom^p^d W^r to this Province, without any objection - bod. him to Montreal - deliv^d his trunks & papers to Comtable Hart - The P^r s^d. it wd save much trouble if the P^r were allowed to point out any particular trunk when any papers were wanted - no threats or promises were used to him - P^r described a particular writing desk etc. was among his baggage - when he s^d. the papers s^d. he found - That W^r states to P^r something about the papers & checks which been ^{were missing & had} been ^{at} the Bank. the P^r s^d. that unfortunately he was the only person who was concerned in going to the Bank when he said he had destroyed all the checks that were missing, except two, of^l - unfortunately

were

were in his possession - & when he alluded
 to his points out the trunks when the papers
 were the W. understood the P. alluded to the
 two checks upon him of - had not been paid
 The P. opened the desk himself, and in presence
 of W. then two checks were found - rem-
 the one N^o 592 payable to Mr Monk was
 handed to W. The other check was handed to
 him at same time, of - W. - out^d to Mr Vanderhuy
~~The W. asked of P. if he had any more~~
~~checks, the P. said he had no more~~ - That
 Mr V. who exam^d the ~~bank~~ desk said
 there were other checks in it, but W. did not
 see them -

X^d

Was in Montreal when P. went away - was
 informed that P. had been sick^d - followed P.
 and obtained a writ for £12.10 of P. without
 any affidavit at Plattsburg - That there was
 another writ issued of P. at Burlington, but
 cannot say for what sum, in of - was included the
~~draft~~ checks of - were missing, but cannot say
 whether the 2 checks found in his desk were
 included in it this suit or not - The P. was
 arrested and was taken on board a sloop in -
 Burlington Bay - on the Thursday evening -

That

That Mr. V. went on board this Schoof w
 M. and Hart the bailiff - That after the
 Pⁿ had had considerable conversation w. P. P
 had disclosed himself to M. the W. s^d. he w^d
 never be a public informer of him -

That the checks found w. P. it was
 apprehended he would negotiate them in the
 United States, that was one reason why M.
 went for after the Pⁿ

That the conversation w. P. & Mr. V. an
 ditch was the evening before the P. had com^m
 w. Pⁿ

Benjⁿ. Holmes - is one of the Tellers in the M. Bank
 that it is his bus. to receive checks & give
 value for them - he p^d the check No. 592 -
 £20.13.4 - Had that check been presented
 without any suspicious circumstances attached
 to it, he w^d pay it again -

Cannot say to whom he p^d it - There is a
 regulation in the bank by of the Book keeper
 of the Bank is obliged to cancel the checks
 deliv. to him - Has never seen a check kept
 back for above a month, except one -

Ent^d Check when p^d and deliv^d it to the
 Dupuis book keeper -

Jasper Vandersluis - accompanied Mr. McKim
 in pursuit of Saw P: first on board the
 sloop - when 'saw him first' - he spoke
 w: P: in Dutch, but it did not regard the
 object of their search - Heard no threats used
 towards P: by anyone - was present when
 the P: unlocked his writing desk and pointed
 out a particular parcel of papers, among of
 he found 2 checks were produced - these
 checks were put up w: other papers found
 in this desk of P: he deliv: to Comtable Hart.
 Saw these drafts afterwards at Police Office
 when he broke the seal he had put upon the
 key -

X^o

Never used any promises or threats to P: and
 never said he would use his influence with the Partners
 of House of M: J. McCabe in his favour. e

Richd Hart - Comtable accomp: Mr. McK. & last w:
 to Burlington last Oct - arrested P: there -
 and P: w: every respect - P: app: surprised -
 was present when his papers were examined
 that w: demanded keys of P: of he gave to Mr.
 The two papers now shown - 2 checks - and
 were found in a desk or some trunk of P:
 and were by him deliv: at Police Office -

X^o

In an American - State of New York - is a
 Constable - went in pursuit of P^r had
 process at Montreal & P^r found P^r at house
 of one Stoward, Tavernkeeper - sent for P^r to
 speak to him - had a waggon at door into of
 P^r was put after he had arrested him - told him
 he was going to take him before a Magistrate
 and did not say what Magistrate - after he
 was in waggon told him the Magistrate was not
 far off - when he came to the side of the Lake
 he ~~took~~ ^{helped} P^r out and also helped him into a boat
 on the lake - The P^r said he was very much
 deceived in the situation he then forced himself
 The P^r was taken on board a Sloop in the bay
 of M^r had hired subject to his orders - when the
 P^r was put on board the sloop he sent on shore
 to Mr. M^r - and Mr. V. to let them know that
 P^r was on board - brot him to Montreal -

Thomas M^r Corl. Police Magistrate - The P^r was
 brot before him last day of Oct. The two
 Notes or Checks now produced were taken out
 of a blue bag sealed - of Mr. V. - he had
 sealed up across his seal - Mr. M^r broke the Seal,
 took out the two Checks of - he recognizes
 from having put his initials upon them at
 the

The time -

When the case on part of the process
was closed -

1. Distinction of poss. given by Master to his
servant - and that the possⁿ ofⁿ is given
to the ~~servant~~ servant for the master -

The delivery here, was not clear whether the
possⁿ came here to P^r from Mr Thain, or
from Mr Stettrick - This not clear & must
be in the favor of P^r -

also case about Marzley's case -

2^d East.

2 But allows poss. to have been in Mr Tarrish
& Co^s - Checks of no intrinsic value -
their value became extinct the very moment
they are paid - also Clenden's case -

Sol. Gen^l - 1. also case of Paradise - delivery to C^o

2 If property was available - Mallowby's case
might have been re-issued - and therefore was
of value to Mr T. M. G. & Co

The Court held that delivery to the prisⁿ
by Mr Stettrick, the Clerk of Mr Tarrish & Co
could not be considered as vesting any legal possession

that form of the checks in question so as to charge
 the P^r with larceny in applying them to his own use
 but that the delivery by Thain necessarily would
 if the checks had been an object of larceny -
 That on the other objection taken by the P^r the
 prosecution must fail, as the Court were of
 opinion that the checks in question in the State
 in q^t they were found on the p^r were not in
 themselves of any value so as to be objects of a
 criminal prosecution - That these checks having
 been paid by the Bank, their end and intention
 of drawing them had been answered, and they
 ceased to be of any value from that moment, and
 were so considered, as by the evidence adduced it
 appears that as soon as they were carried into the
 Books of the Bank they were considered as waste
 paper, and returned to the Drawers as such - and
 unless these Drawers had communicated a new
 value to them by re-issuing them, they could
 never have any new value - That the taking of
 such paper, had it been from the poss. of W^r & Co
 could not charge them with the monies q^d might be
 raised on such checks at the Bank, as it ~~was~~^{would} only be
 using a fraudulent means to get the monies of
 the Bank into the poss. of the party, but this could
 not in contemplation of law, more than in point
 of fact be considered the monies of W^r & Co, nor
 could

could the apprehension that such checks might be used in this way, if taken from the pass of Mr. T. H. create any value in them, as the value in the thing stolen must be inherent in itself without any such casual quality annexed to it, nor can value be annexed to any instrument by the application of fraudulent means to create such value —

The Court thereupon charged the Jury to acquit the P.^r without calling upon him to make any defence, which they did by a verdict of Not Guilty —

The Grand Jury came into Court and handed in a presentment ~~touching~~ ~~concerning~~ ~~relating to~~ ~~touching~~ touching the State of the District — They at same time made a request for leave to publish the charge given to them by the Court on the 2^d inst which the Court agreed to — There being no more business before them they were discharged

The Court adjourned till to morrow at Ten o'clock in the forenoon —

Wednesday 14 Nov. 1820

The King
William Tollet

On conviction for an assault on a
Constable in the execution of his duty

Judge - That he be imprisoned in
the Common Gaol during the space of
three Calendar months - and that he be then
discharged

The King
Samuel Edson

On conviction for obtaining money and
goods under false pretences

Judge - That he be imprisoned in
the Common Gaol of this district for
during the space of three Calendar months
& put on the pillory on 1st Dec^r in the market
place for one hour.

The King

Henry Kellan
alias Henry Mc Dowall
alias John Kelly

On conviction for obtaining money and
goods under false pretences.

Judge - That he be imprisoned
in the Common Gaol for three months
and on Friday 24 Nov^r int^r - he be whipt
by the Com. Ex^{mp}.

The King
Jacques Gilet

On conviction for uttering counterfeit coin

Judge - That he be imprisoned in
the Common Gaol for 12 Calendar months
and be set on the Pillory on 1 Dec^r for one
hour

The King }
Thomas Marr }

An Indictment for stealing in a dwelling house to value of £. 0. 6. —
Convicted of Petty Larceny —

Judge^l — That he be imprisoned in the House of Correction for ~~Commence~~ ^{Six} 12 Calendar months, and on Friday 1 Dec. next, he be set in ~~and upon the following~~ ^{the} ~~for the space of one hour~~

The King }
Mary Damody }

An Indictment for Grand Larceny
Convicted of Petty Larceny —

Judge^l — That the Pror. be confined in the House of Correction & kept at hard labor for Six Calendar months

The King }
John Martell }

An Indictment for Gr. Larceny
Convicted of Petty Larceny

Judge^l — That he be confined in the house of Correction & kept to hard labour for the space of three Calendar months, and be whipt on the 19th inst. —

The King }
 Wmⁿ Harrison }

On Indictment for Grand Larceny
 Convicted of Petty Larceny

Judge That he be imprisoned in the
 Common Gaol of this District for three
 Calendar months —

The King }
 Benjⁿ Douglass }

On Indictment for Stealing in
 a dwelling house —
 Convicted of Petty Larceny

Judge Confined in the House of
 Correction & kept to hard labor for three
 Calendar months, and be whipped on
 Friday the 24th Nov^r inst. —

The King }
 Anthⁿ Bellis }

On Indictment for Grand Larceny
 Convicted of Petty Larceny

Judge That he be confined in the
 House of Correction and kept to hard
 labor 6 months —

The King
Ant: Benjⁿ Auze
Jm Bth Raymond
Jm Bth Cadout

On Indictment for Gr. Larceny
Convicted of Petty Larceny -

Judgt. That the P^r be confined
in the house of Correction & kept to hard
labor for the space of one Calendar month
and be whipt on Friday the 24th inst.

The King
Josephⁿ Chatted

On Indictment for steal^s in a
dwelling House to the value of 40/-
Convicted of Grand Larceny -

Judgt. That the P^r be confined in
the House of Correction and be kept
to hard labor for 12 Calendar months
and be then discharged

The King
Jm Bth Mousseau

On Indictment for Burglary
Convicted of Grand Larceny -

Judgt. That the P^r be confined
in the House of Correction and kept to
hard labor for the space of 18 Calendar
months -

The King }
 Josephⁿ Rose }

On Indictment for Steals in a Dwells
 House to value of 40/-

Convicted of Grand Larceny

Judge That he be imprisoned in
 the ~~Common House of Correction~~ ~~and kept~~
 to Common Gaol for the space of
 12 Calendar months -

The King }
 Fredⁿ Heibelack }

On Conviction for Grand Larceny

Judge - House of Correction
 for 18 Calendar months -

The King }
 Josephⁿ Renaud }

On Indictment for Burglary
 Convicted of Grand Larceny

Judge - Confined in House of Correction
 for 12 Calendar months -

The King
 v
 Frank Mathurin }

Recor^d.

On Indictment for breaking & entering
 a dwell^r's House in the day time no
 person being therein, & steal^s to the
 amount of \$7.—

Convicted of Grand Larceny.—

Judge Confined in the Common
 Gaol for 12 Calendar Months

The King
 v
 John Wrightman }

On Indictment for Stealing in a
 dwelling House to amount of \$40.—

Convicted of Grand Larceny.—

Judge— Confined & kept to hard
 labor in the House of Correction for
 12 Calendar months.

The King.—
 v
 Manuel Firmin }

On Indictment for Stealing privately
 in a Shop.—

Convicted of Grand Larceny

Judge Confined and kept to
 hard labor for 12 Calendar months.—

The King

Joseph Perrault,
Tobias ^{alias} Burke

Convicted of Grand Larceny
 Judgt Confined and kept
 to hard labor for 12 Calendar months.

The King

Michel Munro
Vertus de Silbe

On Conviction for Grand Larceny
 Judgt Confined and kept to
 hard labor for 12 Calendar months.

The King
John Binzle

On Indictment for Murder
 Convicted of Manslaughter

Judgt— Bound in hands and
 confined in the Common Gaol for
 12 Calendar months.

The King. - }
 Peter^m Gardiner

Convicted of stealing in dwelling
 House to value of 40/-

Judge^t Deatto - upon 22^d Dec

The King }
 Joseph^m Morandi

On Conviction for stealing in the
 dwelling House to value of 40/-

Judge^t Deatto - upon 22^d Dec next

The King }
 Jmth Miville

On Indictment for Burglary
 Convicted of stealing from the dwell^g
 House to value 40/-

Judge^t Deatto - upon 22^d Dec. next

The King. - }
 Jmth Lajeunesse }
 Louis Cote. & }
 Doyons. —

On Conviction for a Highway
 Robbery

Judge^t Deatto - upon 22^d Dec

The King v
 Saml. Hull Wilcocke }

On motion on the part of
 the Defend^t - that he have
 a copy of the Indictment
 returned by the Grand Jury, and also
 of his trial & acquittal on another Indictment
 v Chitty. 302 - The original bill cannot be
 produced - Gilb. on Evidence - Chitty
 on Criml. Law. 1 Leach. 27. - Granted only by
 order of the Judges - 1 Bl. Rep. Morris v
 Kerry - 14. East. Leggat. v

Mr Ross on behalf of the Crown resists
 the application - admits it is in the discretion
 of the Court to grant - There are still 4
 Indictments against Wilcocke - the case tried
 yesterday shows the nature of the cause of
 proceeding against him, altho' in point of Law
 he was acquitted - That there were no
 Indictments found against the other persons
 nor are they named in the Indictment which
 was presented against Wilcocke -

The Court adjourned to the 20th
 Dec. next. -

Wednesday 20th Decr 1820

The Court met pursuant to adjournment

Present
Justice, Reid Toucher & Payne

There being nothing before the Court
it adjourned till to morrow at 11 o'clock

Thursday 21st Decr 1820

The King
vs
McMillan

on hearing on objection to conviction
in this case

Mr Boston for P^a - The indictment is
defective, it states merely a warrant for the
pay^t. of money - the instrument itself if it was
given in evidence should have been particularly
stated - 1 Blacken 63 - the charge should be
clearly and fully set forth in the Indictment -

That

That there is great uncertainty in the Indictment - not said, that at the time of the felony committed, the note in question was the property of Mr. Ker - but is stated in terms just - 2 Leach. 643 - 3 Chitty. 967 - Cr. Cir. Rep. Hale 183 - greater certainty in an Indictment for felony than trespass -

That in Indictment on a Stat. when particular words are used, they should be followed, and not the general words. 1 Stark. 187 -

187

The instrument given in evidence, cannot be considered as a warrant - it was a bank bill and it can be considered only a warrant by implication a construction of law - no evidence to prove that it was a warrant -

The Bankers Co. here is no corporation, and their notes cannot be legal when made, not in their natural but assumed capacity, not warranted by law - same as if a warrant had been given by a married woman, it can be no value in the hands of the possessor - The Bankers Co. cannot prosecute, nor be prosecuted - on such an instrument - and it is therefore not an available instrument -

The Instrument does not come within the Statute under any of the descriptions of the Statute, and a warrant is different from what this paper contains - a warrant is an order from any person or body to another person for the payment of money -

a promissory Note is a promise from the party giving it, but is no order, warrant, or authority to a third person, & is the object contemplated by the Statute -

1 Chetty 583 - when the instrument is defective altho' apparently good, yet it cannot be a ground of a criminal prosⁿ -

Mondelot. 1 Leach 95 - can of Lockart - the words warrant or order are synonymous - Fubis Crown Law 119 - it implies some right or authority to or upon a third person -

No proof of the signature of the parties to the Instrument -

Is payable conditionally - if no fund, - if it failed it was of no value -

The Bank of England alone can authorize their Agent to sign out notes -

Tross vs Prossⁿ - The indictment is sufficient and the property sufficiently laid as belonging to Mrs. H. -

1 East. C. L. 672. § 37. The charge must be based within the Statute. Croven's Case -

The Instrument here must be considered as a warrant from the nature of the Instrument itself an undertaking to pay money -

Thurs v. Lockell - a forged ~~man~~ note is an order for the part of money, altho' it is of no value -

The paper is good altho' signed by President & Cashier - May bind the concern - so in regard of an order by a married woman - when she commonly acts for the concern -

The case of Mary Wetherell cited by Mr. Mondlet does not apply - as it was in the discretion of the party to pay or not - here the undertaking is absolute -

Boston in reply - The Canada Bank not a Private Company - Corp - as the act of one cannot bind all, - not bound but to a certain extent - The Instrument here is worth nothing - it a warrant - must be an order from one person to another to pay money or do some act -

The Court adjourned to Saturday
next 23 inst. 10 o'clock

Saturday 23 Dec. 1820

Present
Justices Reid Foucher & Pyke

The King
vs
McMillan

The Prisoner being put the bar
Mr. J. Reid delivered the opinion of
the Court on the objections taken
to the Conviction of the P^r

By the Court -

The questions raised to the sufficiency
and legality of the Conviction in this case, are
of two descriptions - first, as regards of the
Indictment -

Indictment - and 2^d in regard of the Instrument given in evidence to support that Indictment, ~~in regard of its being~~ considered as a warrant for the payment of money -

The objections taken to the sufficiency of the Indictment, ought to have come before the Court in the more formal shape of a motion in arrest of Judgment - as they ~~now~~ in the manner they are now brought forward, they can be considered only as suggestions to the Court to induce it to look into the sufficiency of that proceeding - These objections are two - 1st That the stealing of a warrant for the payment of money, is not sufficiently descriptive of any kind of security, but that the Indictment ought to have stated and described the nature of Instrument or security which was taken showing it to be of that kind and description protected by the Statute, viz^t a warrant for the payment of money - But this objection is not founded - a warrant for the payment of money, is description of an Instrument or security within the St. 2 Geo 2. ch. 25 - , which it was made felony to steal, and this was all that was necessary to state

state in the Indictment; to have gone beyond this would have been stating the nature of the evidence to be adduced to support the charge, & is not requisite as in cases of forgery - it was for the Jury under the direction of the Court to determine how far the evidence supported the Indictment -

The 2^d objection to the Indictment is, that it is vague and insufficient, in as much as it is not alleged therein, that at the time of the felony committed, the warrant in question was the property of the said William Ker, or that the monies thereby secured and ^{unclassified} ~~unclassified~~ belonged to the s^d Ker -

This objection seems better founded, for according to all the precedents on this Statute the allegation, & statement of the owner & proprietor of the thing stolen, at the time it was stolen is an essential - This is also requisite in all Indictments for Larceny, - for altho' it is stated in general terms, - "which said warrant was the property of William Ker", yet as it is not alleged, to have been so, "at the time of the felony committed" - nor by adding the words "then and there", to connect the taking with the ^{time}

time & place laid in the Indictment, it is a material defect, because the word "was" as here stated, refers to some past time, at which the warrant belonged to the 8th Wm. Stur, which may be true, ~~and~~ yet the stealing of it be no larceny at the time laid in the Indictment, because it ~~might have~~ ^{it might} have belonged to another person, in regard of whom only the larceny could have been committed — The Indictment seems equally defective in not stating, to whom the money, "secured & unpaid" upon the said warrant, was due or belonged, which might have cured the preceding objection, had this latter part been sufficiently explicit. Upon these objections therefore the Court think that the Indictment is not sufficient to support the Conviction —

But as the material grounds of objection to the present Conviction have been made to depend upon the nature of the evidence adduced to support the charge contained in the Indictment the Court conceive it right that their opinion upon this point should be known, that the question may be ^{now} settled, whether these Bank notes ~~can~~ be considered as warrants for the payment of money, —

The

The objections in this respect are two - first. That the Bank note, or instrument in question, given in evidence to the Jury, is of no value, and no security for the payment of money, and cannot be considered as a chose in action under the Statute, of which a larceny could be committed -

To constitute a chose in action under the ^{above} Stat., it must be an available security in the hands of the party from whom it is stolen - that is, - it must give that party a right by law to demand and receive the amount of it - or in other words - it must be in the eye of the law of the same value to the party robbed, as if it had been the monies or goods of that party, to the amount or value stated in that security - What is the case here - Wm. Ker gave a valuable consideration for this Bank-note and thereby became the proprietor of it - The value he so gave was secured to him in no other manner than by the delivery to him of this note - this is the usual mode of transfer of this kind of paper which passes from hand to hand as ready money - Now in case of any doubt as to the sufficiency or validity of this note - ~~what right~~ could the owner of it have any action in law upon it? there can be no question but that he would be entitled to recover the value he had given for this note from the person who had rec^d. that value, whether the Bankers Co^y or any other description of person, had the note even been a forgery - It is not necessary
for

for the Court here to say what kind of action could be maintained against the Bank's Co in regard of such a note, it is only sufficient to say, that if they issue such paper, under whatever name, or under whatever form, and thereon take the money of individuals, such Bank's Co must be accountable & answerable for all such monies - were it not so, ~~they would be permitted to defraud the public by~~ it would be a fraud on the public, were they by this or by any means to induce Individuals, to give credit to a security for which there was no responsibility - These notes therefore may be well considered as an available security and a chose in action in the hands of the owner -

The next and most material question is, can this chose in action be considered as a warrant for the payment of money?

At the trial of this case the Court were influenced by the opinion held in the case of Welloughby, when the warrant for the payment of money, was considered as a voucher to the person paying it - and upon the evidence of the Cashier of the Bank's Co that upon such a note being presented to him, it would be ~~immediately paid~~ a sufficient authority for him to pay the ^{amount} ~~value~~ of it to the holder, & such notes had always been paid by him when presented without difficulty, the Court left it to the Jury, on this principle, that as Bank notes were so considered & paid when presented they might well be considered as a warrant or voucher

for the payment of them; and if they were satisfied on the other facts of the case as to the Larceny, they should find the Pr. guilty upon this Indictment — But in looking further into the point the Court are now enabled to say, that a warrant for the payment of money, bears a somewhat different interpretation —

A warrant in its general and legal import, is an authority, from one person to another to do some act, whether it be in the nature of a Command or a request — and in this sense warrants may be as various as the Circumstances, or the nature of each particular case ~~cases~~ ^{may} require — In this sense an order for the payment of money by one person to another in favor of a third has been considered, as a warrant, or authority, or voucher to the person paying it — and hence we find that a "warrant," or "order" for the pay^t. of money, ^{is} considered in many cases as nearly synonymous terms, — they are so laid in Indictments and so recognized by the Court — see Clinch's Case, 1 Leach Ca. 544 — May Mitchell's case cited by the Council, — Walsh's case, 2 Leach. Ca. 1055 — and Willeughby's case above referred to — It would therefore require something very clear and decided, in the face of these authorities, to enable us to alter this signification, so as to or to make it apply to the ~~instrument~~ ^{instrument} before us, ~~which~~ ^{this instrument} cannot be considered in any point of view as a warrant for the pay^t. of money — it is in its nature, a promise,

Bank bill or note
of R. has been given
in evidence to
support this
Indictment

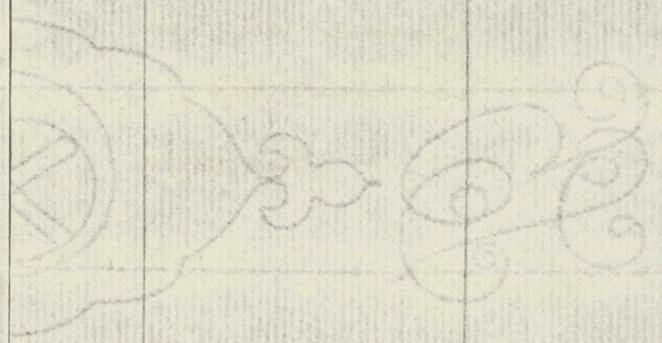
or undertaking by the Banking Co. to pay a sum of money to such a one or bearer - the Banking Co. are here the Debtors - and as Debtors, ~~no~~ warrant could be necessary for them to pay what they owed - it was an obligation by which they were bound, and could be compelled, to pay the amount of it - and if at all within the Statute must be comprehended within that class of Securities which carry on the face of them an obligation ^{by the debtor} to pay, without the order, request or warrant of ~~any~~ ^{another} ~~person~~ ^{person}

~~And~~ ~~the~~ The Court are therefore of opinion that the Conviction on this Indictment cannot be supported, and that the Prisoner must be discharged - and he was discharged accordingly

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Court closed
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(1074)

(495)



(296)



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EXHIBIT
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