Court of Oyer and Terminer, and General Gaol Delivery, commenced and holden at Montreal in and for the District of Montreal on

Tuesday 1st May 1821

Before.—

The Hon. Mr Justice Reid
Mr Justice Foucher.
Mr Justice Pyke. was absent from indisposition

The Commissions of Oyer and Terminer and General Gaol Delivery having been read, the Court was opened—

The Grand Jury having been called and sworn, the charge was given to them by Mr Justice Reid.—

The Constables were called & appeared

The King
vs
Marc Blais
&
Josette Masse

On Indictment for an assault w^th an intent that Marc Blais should commit a rape — 13. June, 1820 — at parish of La Presentation on the person of one Marguerite Cheval —

M^r. Vizé for Defend^rs The proceedings had in the former Court of Oyer & Terminer cannot be brot into this Court nor proceeded upon, they must be revived before this Court — no such proceedings could be had in England under a particular Com. of Oyer and Terminer — The proceedings must be brot before the Court by a Certiorari — but this even would be without effect as that former Court is gone & could not make a return thereto — The Security given by Defend^rs to answer before this Court can give no Jurisdiction — nor can this Court have any Jurisdiction over any of the proceedings of another and independant Court — This Court cannot even issue a Certiorari to the former Court of Oy. & T.

Sol. Gen^l The authority of O. & T. Courts here are same as in England. 2 Hale — 1 Chitty 145 — 146. —

The Court were of opinion that they had power over all indictments found by the Grand Jury of the former Court of Oyer & Terminer, inasmuch as the Defend^rs had given bail to appear & answer before this Court whereby they were constructively in the power of this Court & thereby liable to be delivered under the Com. of Gen^l Gaol Delivery under y^t this Court now sat — see 1 Chitty 145. 6 — & authorities referred to —

Margaret Cheval est agée de 15 ans — con. les Déf. Noël en leur service l'été passé en la par. de la Présentation. y a resté un mois moins trois Jours — le Déf. Blais avoit été absent pend. 2 sem. c'étoit un Jeudi — est de retour le Samedi au Soir — le mardi au matin le 13 dud. en b. Etable — le Déf. est venu la trouver, lui a proposé de jouir d'elle lui a promis de l'argent, s'est mis contre elle, a elle s'est sauvé de lui — que le soir elle s'est couché dans la même chambre avec les Déf. — Blais a couché avec sa fem. dans un lit & le Tem. dans un autre — que le Tem. a entendu dire par la fem. au Déf. Blais, va la trouver & la caresser — que le Déf. s'est levé & a été un bout de tems assis sans venir, & que lorsque la fem. lui a encore dit de la caresser le Tem. comme elle étoit en son lit — que le Déf. a pris le tem. embrassé & l'a mis dans son lit a côté de sa femme, & la voulant la violer & en lui faisant bien du mal, la fem. lui a aidé en tenant les bras du tem — & appellant son mari de venir — que le tem. a fait ses efforts & s'est echapé du lit & s'est mis derrière le poel, — que le tem. s'étoit sauvé près du lit des Déf. lorsque Blais l'a jetté dans le lit — La fem. du Déf. étoit malade dans le tems, comme il y avoit 15 Jours qu'elle étoit accouchée — que le Déf. travailloit à la main, est parti le lendemain pour son ouvrage, le tem. a resté encore dix Jours avec la fem. du Déf.

x

Demeure chez un nommé Lessier à St Hyacinthe — qu'elle n'a jamais été instruite de la maniere qu'elle devoit conter son histoire en Cour, par sa mere — qu'elle a donné sa déclaration à Mr Bruneau, Ntre — qui l'a mené chez

Mr

Cartier — on elle a fait voir partie de la declaration faite par Brunelle, comme il étoit dit qu'elle étoit embarassée, ce qui n'étoit pas vrai — Sa mere est mariée à — qui est un hom. qui travaille à la journée — a une forte famille — Sa mere a entendu ses cris — n'a pas été jusqu — L'Etable est distant environ 1/2 arp. de la maison — L'D'1 arp. du chemin — la maison du voisin est distant d'environ un arpent —

N'a jamais d'accès avec Blais — ni sa mere ni sa connoissance —

Pât Cam — La mere du tem. demeure à un demi lieue de chez Blais —

Jn B^te Berthiaume — est marié à la mere du det tem — la con. depuis 8 années — elle a toujours eu un bon comportement elle a fait sa prem^re Com^on il a 3 ans — elle a resté chez Blais, engagée pour 1 mois pour soigner sa femme qui étoit malade — elle a fait son mois à l'exception de 2 ou 3 jours — Que le Def. est venu pour faire un arrangement — la mere de la fille a fait un acc^t avec Blais — la fille l'a toujours refusé — Que Blais ne lui a pas dit pourquoi étoit l'arrangement, mais comme il savoit la plainte que la fille avoit faite, il ne doutoit pas que c'étoit la l'objet — Sa femme est malade depuis peu venu —

X

Que Mr Masse le beau pere du Def. est venu proposer un arrangement au nom du Def. et a offert 20^ que la mere de la fille avoit consenti d'accepter — L Le Def^r est venu après pour mener le tem. chez le notaire pour finir l'arrangement —

Antoine

Antoine Billanger — con. la fille Marg.te Cheval, sa mere
& son beaupere — depuis 7 a 8 ans les pere & mere mais
comme la fille a été souvent absente, elle ne la connoit
que depuis environ un an — elle a un bon caractere.
le beaupere est un honnete hom — quoique pauvre —

Sur evidence for Prosr was closed

Christophe Demarais, dem. à la paroisse con. Blais dep.
parf. hon. gens — la fem. est la fille de Mr Masse
un hon. hom.e — Blais est un bon ouvrier — conn. la
fille Marg.te Cheval — ses pere & mere sont de pauvres
gens — Que la fille a dit au tem. que Blais ne lui avoit
pas fait de mal, qu'il avoit vécu honnêtement avec elle.
sans lui faire aucune insulte —

X

Qu'il est beaupere du Defend.r —

Jn Bte Talon de Lesperance — con. les Defrs depuis plusieurs
années — hon. gens —

Verdict Not Guilty —

The Court adjourned till to morrow at
nine o'Clock in the forenoon. —

Wednesday 2. May 1821.

The Court met pursuant to adjournt

Present

Justices Reid & Foucher

The King. -
Augustin Guertin } On Indictment for an assault on a bailiff in the execution of his duty -

Pre Gauvreau, huissier de la Cour du Banc du Roi. l'automne dr. a reçu une execution contre le Defend- sur un Jugt à la poursuite d'un nommé Bender, pour une somme de £3. 7 - Le Def. retiré à St Mathias, & le Tem. s'y est rendu le 2 Nov. dr. pour executer led. writ - a vu le Def. et a demandé payement de l'execution - le Def. dit qu'il n'avoit rien & ne pouvoit rien payer - le Tem. est entré dans la maison pour saisir, et s'est mis à une table pour dresser un Procès Verbal de saisie le Def. est venu le menacer avec une hache, & après s'est saisi du Tem - & l'a jetté dehors avec ses papiers - Produit le writ de saisie -

Jas Bte Geddes, a accompagné l'Huissier Gauvreau lorsqu'il fut pour saisir ses effets, l'huissier lui a demandé payement de l'execution dont il étoit porteur, le Def. dit qu'il n'avoit rien - l'huissier est entré dans la maison, et s'est mis en devoir de saisir, et étant après dresser son P. Verbal le Defend- a pris sa hache, mais ne l'a pas levée sur l'huissier - il a posé la hache & a pris l'huissier par la gorge & l'a jetté dehors, avec ses papiers, lui disant de s'en aller

Louis

Louis Levesque, un des Prothonotaires de la Cour du Banc du Roi — que l'execution à lui maintenant montré est sortie de la dte Cour, à la poursuite de Franc Bender contre le Deftt pour £3. 7, et est addressé à Gauvreau huissier —

Verdict Guilty —

The King.
vs
Jn Bte Lorain
alias Jn Bte St Franc

On trial of Indictment for Stealing an Ox the property of Joseph Larchevesque of St Ann Recollet on 14 Decr 1820 — value £5. —

Jos: Larchevesque, dem. au Sault au Rec. le 14 Decr dr. il avoit attaché son bouf dans son ecurie avec une chaine de fer à un collier de bois — & a fermé la porte de l'etable à la pointe du Jour il a trouvé son bouf parti — couleur brun, et le cornes coupées — valoit 20 piastres — Il est venu en ville le 15, pour s'informer chez les bouchers et a été informé qu'un boucher au fb St L. l'avoit acheté a été chez le nommé Mathew Coy, et a trouvé le bouf chez lui, qu'il a reconnu le bouf pour etre celui qui avoit été volé & qui lui appartenoit —

Mathew Coy, boucher dem. fb St L. on 15e Decr last, the Pr came to house of Wr and offered an ox for Sale, as Wr understood, Wr asked the price, the Pr said 19 dollars — the Pr had the ox qt he led in a rope, the Wr upraid him & as he was not worth so much, & offered him 11 dollars — Pr then asked 12 dollrs but Wr refused to give him more than 11 dolls

the

the Pr. s. if he would give him 11 dolls in Coin a glass of rum he old. have the ox — qt. Wz gave him — it was then about 6 o'clock in the morng — Between 10 & 11 o'Clock the first Wz came to Market where he was making enquiry about an ox he had lost, described the marks he had and upon this Wz. s. he had bot an ox that morng stole from Jos. Larchevêque to go see the ox — the man went away & returned soon after saying the ox was his, and asked to take him away, the Wz s. it wd be better to leave the ox as the person who sold him might be found, as the Pr. has said that the ox had come from St. Michel that morng — the ox was left in consequence for a day & a night, and in mean time search was made for the person who had sold him the ox — they came to a house when they found the Pr — who then had not his great Coat on & the Wz was not very certain whether he was the same — but when he put on his great Coat he recognized him to be same person who sold him the ox, and by his features & general appearance — there was another person there who spoke to Pr. in French & charged him with selling him an ox that morng. which Wz was told the Pr. denied — the Wz. persisted to charge Pr. w. the fact, and the Pr. in denying it — the Pr. was arrested & conveyed to Gaol. The Pr. had a white blanket Coat on & a red Cap Thinks that 11 dolls was a fair price for the ox — By Jury — It was not day light when he bot. the ox, but when he pd. him money to the Pr. he had a Candle lighted

lightest and saw him distinctly —

That he is in the habit of buying cattle from a great many persons, — principally from Americans and not from the habitans — The Pr. did not stay above 5 or 10 minutes in house of Wr the Wr had no suspicion of ~~him~~ that he had stolen the ox — Cannot swear positively ~~swear~~ that Pr. is the same man, but to the best of his belief he is the same from his size, colour & appearance —

James Coy. brother of last Wr was present on 15. Dec last when last Wr p. for an ox he has bot. it was candle light — and according to his belief it was the Pr but will not swear positively to his identity — he has no doubt on his mind but Pr. is the person —

Defence

Amable Gaudry, con. le Pr qui a dem. chez lui 3 ans, et sorti il y a environ un an, il s'est comporté comme un honnête hom. & le tem. avait confiance en lui

Antoine Lapointe con. le Pr depuis 7 a 8 mois — l'a vu le 13 Dec. der. sur le marché de cette ville, avant couché la nuit precedente chez le tem. — a vu le Pr le 14

le Pr. était en train — avait un capot blanc — ne savait pas le moyen qu'il avait pour vivre —

Verdict Guilty

The King
vs
Michel Chorette

On trial of Indictment for Stealing privately in a Stable — a harness the property of Charles Morin, of St Benoit 28th Febr. last — value 20/ —

and

The King
vs
Michel Chorette

On Indictment for Stealing privately in a Stable a harness, value 20/ the property of Jn Bte Fortier, St Eustache — 28th Febr. last.

The Prisoner consented that both these Indictments should be tried by same Jury —

Toussaint Langlois, dem. à la cote St Louis paroisse St Eustache con. le Pr. qui dem. en la même paroisse — qu'en fevr. der. il etoit en marché de charger de terre avec le Pr —, ils sont partis tous les deux pour voir sa terre ils ont arreté chez Major Cabaretiste, ou ils ont bu — en sortant de la ils ont été chez un nommé Raimond qui dem. a environ 2½ lieues de chez le Pr il etoit alors 9 heures — il a passé la nuit chez le Pr et est parti le lendemain de chez lui — En charriant du bois l'hiver dernier en passant par la grange de Charles Cazeau il s'est apperçu d'une maniere de corps d'un collier, et en y approchant et examinant il a vu qu'il a trouvé 2 harnois 2 colliers, une bride, une paire de filtons et les couplets, croyant que ces effets auroient été volé, il les a cachés ~~mais~~ comme ils étoient,

et

et de là il a été informer Mr Choquet de ce qu'il avoit trouvé — que Choquet est venu avec lui pour prendre ces effets disant qu'il les remettroient à ceux à qui ils appartenoient — qu'en conséquence de l'avertissement que Choquet avoit donné la femme de Foster & Charles Morin ont été chez lui, qui ont reclamés ces effets & bien d'autres effets qu'ils disoient leur avoir été volé, — en conséquence Choquet n'a pas voulu livrer ces effets sans faire sa déposition devant un Magistrat, a ~~fait~~ a été envoyé demander le tem. pour prouver les effets — Qu'en allant chez le Juge de Paix Mad. Foster a menacé le Dépt. que c'étoit lui qui avoit pris ces effets, et que si il ne s'en rendoit pas coupable il seroit pris — que pour se sauver des menaces que Mad. Foster lui avoit faites il s'est avoué coupable devant le Magistrat et que c'étoit lui de Pt qui avoit volé ces effets que le Magistrat a pris sa declaration en conséquence et l'a envoyé en prison — que le Magistrat lui a proposé de prêter serment, ce que le temoin a decliné à faire, mais a dit que ce qu'il a declaré etoit la verité — que c'étoit pour ces menaces qu'il a fait cette declaration tant contre le Pr que contre lui-même, et il n'a aucune connoissance que le Pr ait pris aucunes de ces articles, ni en a fait pris lui-même. —

Verdict Not Guilty —

The King
v.
Catherine Sharpley

On Indictment for stealing in a dwelling house, a silver watch, value £5 the property of Basile Laprave, parish of Montreal on 9th Dec last

Basile Lapprave dem. en fr. S.L. le 9 Dec dr. il etoit seul dans sa maison vers 2 heures apres midi lorsque la Pr. est entré chez lui, demandant à se chauffer comme elle avoit froid — s'etoit dans la salle ou etoit le poel — sa montre etoit pendüe dans la meme chambre contre la cloison près du poel — la Pr. a resté environ 10 minutes — ~~pendant qu'elle y etoit~~ Que vers les 2½ heures, il a regardé sa montre qui etoit à sa place — que pendant que la Pr. y etoit un nommé Charles Lapierre est venu querir du bois — il l'a servi, et dans ce moment la Pr. s'etoit levé et est partie — que Lapierre n'a pas entré dans la salle, mais dans son magazin — que 10 minutes apres le départ de la Pr. il a manqué sa montre et il a fait la poursuite de la Pre — mais ne l'a pas trouvé ce jour la — Que le lendemain apres midi il a ~~trouvé sa montre~~ en connoissance de sa montre et elle a par apres lui été rendüe par M. Mondelet Magistrat — La montre maintenant montrée est la sienne, et la meme volée — il y avoit une chaine d'acier simple apres lorsqu'elle fut volée, qu'il ne reste plus de la Chaine qu'un anneau — estime la montre a 20 piastres et plus — qu'il y a 18 ans qu'il a cette montre — Qu'il est sorti de la salle pour servir Lapierre dans le magazin et a quitté la Pr. seule dans la salle

Thomas

Thomas Bates – lives in St L. Lake – is a miner – on Dec last on a Sat. he ret[d] home, & found P[r] in his lodgings, she offered a Silver watch to him she offered to sell – s[d] she had come from Kingston where she had lost her husb[d], was in great distress wanted means to live by – asked 4 dolls for it it was dark, never opened it – gave her 17/6 for it – the P[r] remained till about 9 o'clk & then went away – next day the W[s] went to his neighbours to borrow a key to wind up the watch – it was claimed as having been stolen, – is same watch now produced – W[s] deliv[d] it to Hart the Constable –

Stephen Hazleton – lives last W[s] who keeps w[d] W[s] in Dec[r] last, was present when Bates bargained w[th] P[r] for a watch before Bates came in, she had offered the watch for sale for four dollars – Bates gave her three dollars for it –

Richard Hart Constable – the P[r] was accused in Dec[r] last of stealing a watch, w[h] watch was put into his hands by W[s] Bates – he kept this watch till next day when he deliv[d] it to Mr Mondelet at the Police office –

Jn Marie Mondelet – In Dec[r] last P[r] was before him charged w[th] stealing a watch – the watch was deliv[d] to W[s] by Constable Hart, and was afterwards deliv[d] up to Lajeunesse who recognized the watch – immediately –

Guilty of stealing to amount of 20/ shillings from the dwelling House

The King
vs
James Nevens

On Indictment for Stealing a Cow the property of Hollis Fords value £5— at St Armand, 25th day of March last —

Hollis Fords, lives at St Armand, the Pr in the month of March last he had a Cow yt he had bot in Feby last of one John Coon — there was a dispute between the Pr and Coon yt had been left to arbitration, by yt it was awarded that the Cow should be restored to Coon as his property — this was about 30 Jany and on 8 Febr he bot her of Coon — he gave 18 dollars pr her — it a brindle Cow wt a white stripe on her back — On 25 March this Cow was stolen from Wt he went in pursuit of her & found her on 26th and found her in a barn in Stanbridge about 8 miles distant from town of Wt Got a warrant & found Cow in ye barn on land of one Phebe Taylor — The Pr said he had some claim on the Cow, that he had been advised by his friends to take her, but acknowledged he had been wrong in doing so —

Xd

Heard Pr say that he would not abide by the award, and would deposit the amount of the bond

bond, and this at time award was made—
heard that the Cow had been pawned to Pr for
4 dollars by Toons before this arbitration —
& the P. S. he had a Claim on the Cow and he would
take her again —

Philip McManus. 1st P. last W. on 25. March last
saw a Cow on the road side near house of ffrd
when P. came up said he had a Claim on
the Cow, and took 1st and another man witness
that he drove her away to secure his right —

Verdict, Not Guilty —

The King.
vs.
Joseph Moreau
Vultus Deselby
Michel Munro

On Indictment for Grand Larceny.
56 lb. butter — value 30/—
8 lb. fat " 4/
4 pieces tallow — 4/— 1 goods &—
Chattels of Pre Favreau — Boucherville
4 Novr. 1820 —

Pierre Favreau dem. a Boucherville — en Novr
dernier il lui a été volé 30 à 40 livres de beurre qu'il
estime a 20 sols — 8 lbs. graisse 8d — et 15, 16 livres de ~~graisse~~
suiffe qu'il estime a 18 sols — ces articles, dont dans
sa laiterie — qu'il a vu ces articles ici en Cour
depuis, 8 à dix Jours après — les croit à lui, et les a
reclamés comme à lui — Mr Hart le Constable les
lui a livrés —

Marie Senecal femme du dit. temoin — se rappli d'un vol qui lui a été fait dans la Cabane le 4 Nov dernier — qu'elle avait vu la beurre, la graisse & le suiffe le Jour avant le vol — qu'elle a vu ses effets environ 12 a 14 Jours après, connoissoit bien être a elle — qu'elle a reconnu un mouchoir qui enveloppé le suife — que le suiffe étoit cassé ce qui est la raison qu'elle l'a enveloppé de même elle a également reconnu les 2 tonettes dans lesquels étoient sa beurre — la graisse étoit dans une vessie.

Edward Ranson — lives at St Mary's Canada — about 5th Nov. last 2 persons came to his house & left some articles there, the Pns Moreau & Selby — they consisted of butter, tallow & grease — the tallow was wrapped up in a hkf — they asked of Wr. to allow these articles to remain there till Monday morng — When the 2 Prs came back on Monday the Wr had some suspn of them & refused to give up effects unless they could shew how they came by them — one P. they had brot them things from the Country, the other P they had bot them in town — and that it was noths to Wr where they had got them things & claimed them back but Wr refused & kept them — then two Prs came back in co's w the Pr Mann who claimed the things, on refusal of Wr. he P he would go to Mr Ross & get an order to have him taken the Wr gave things to the Police constable

Hart

Hart —

Richard Hart — Robin Constable — in Nov. last some butter grean & tallow were brot. to Upsir on suspicion of having been Stolen, the W. gave public notice of this in order to find out the owner — there were 2 kinitts of butter, a kf. w. tallow, and some grean — that Lavean & his wife came and claimed there things as being there property —

Guilty of Petty Larceny

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

Thursday 3d May 1821

The Court met pursuant to adjourn

Present

Justices Reid Foucher & Pyke

The King
vs
John Brenan } On Indictment for murder
1 Feby. 1821 — Montreal —

John Adams, private in 37th Regt — now in Montreal
Kings Pris. who was in same compy with Wm Jones, feby.
last Knew Dr. Mc. Degan, Lance corporal in same
Co — was in the Montreal barracks, on eve of
1st Feby last, both P. & D. were in room at time
it was near 9 before they went to bed — he slept near
the Pr — opposite sides room — one Rowe was in the
room, who made some noise in it by throwing about
bones — this misconduct was reported to Corpl Degan
who got out of bed, went for a file of men and
carried Rowe to the Guard House — there were then lights in the
room so as to see distinctly what passed — D
might have been absent about 8 minutes — when
he was gone out w Guard, he heard P. say he wd
have satisfaction before the morn for cause of Rowe's being confined — heard
nothing pass between Pr & D — when D came
back the was talking to Hays who had
care of Stoves who had charge not to allow any one to light their
pipes — Saw Pr take up log of wood before
D. came in, and carried it about a minute
in his arms, and after he came in saw Pr
strike D. over the head & shoulder with it — D. was at this
time speaking to Hays, whose back was
to Pr at time — The light was sufficient by
means of two candles to see what passed —
Heard the Pr say when The Pr when he struck
the blow ran into another mans bed, and said
"I've done it" — the stroke appeared violent
as it made D. leap from ground, & then fall
down

down — the Wr called out, Murder, and called to the men to bring a light — which was done in 2 or 3 minutes — the D. lay about 10 minutes senseless there was a great effusion of blood, and as if one had turned a cock in a barrel, and it run to the other end of the room — the D. was carried to the Hospital

The Pr appeared to be sober at the time — The D. was a quiet man, and generally liked in the Regt —

x

Knows one Toole, a soldier who was drunk, & made some noise — Heard Pr say he wd be revenged of D. before morning — Hays was in the room at the time — Wr was about 10 or 12 feet from Pr — there was a lit candle in the room at the time blow was given — is positive to say that he saw Pr wt a stick under his arm, as he passed close to Wr wt it — could see to pick a needle or pin off the floor — when D. fell Wr called for a light to bring to — saw blow struck over D's shoulder — saw Pr strike blow, & run to Patk Doole's bed — and heard Pr say, "I've done it —

Patrick Bryan private of 37th Rt. was in b. room 1 feb last night. one Rowe acts in a drs'y man. in room heard D say to Rowe to go to his bed or he wd put him in the Guard House — Rowe sd he wd not — upon this D. went out & brot in a file of men and carried off Rowe — Upon this Pr said he would complain of D. for having confined Rowe, as he D — was one of the biggest rascals of a Regiment in the Wr room a V. in His Majesty's Army

D. had s^d nothg to P^r — d heard no reply made to P^r by D — or his language — nor any violence — D. was absent about 5 minutes — came in back Serjt. that he had just Rowe'd Guard House upon this D — turned towards Hays who had charge of the pris, and told Corporal D — to put his Candle out — saw nothing pass between P^r & D — saw P. take up a log of wood come from under the Stove pipe with a log of wood in his hand and strike a blow over the head & shoulders of the D — knock him down about 2 or 3 yds of W That Hays face was towards D — but cannot say whether Hays saw P^r give blow — has no doubt whatever that it was the P^r who gave blow as he saw him leave close to him — the violence of blow made D. jump up before he fell and saw the blood flow from the head of the d — like a pool of water — D. lay senseless till he was taken up — That D — was a quiet & peaceable man — That after giving the blow the P^r ran into the bed of Todd & Tom Williams — but did not hear him say any thing — as his back was turned towards W —

X^d —

That W had been in bed about ½ hour before D. brot in the guard to take Rowe to the Guard room — That Adams was in bed at time — Hays is Stove-man and was near the Stove — There was a Candle in the room, one candle, and also a light in the adjoining room w^h enabled him to see the blow

blow given — never said to any one that he had not seen the blow given. —

John Hays — private in 37 — had charge of stores in room on 1 Feb. last — recollects D. putting Rowe under arrest — did not take notice at what passed at him as he was buried about stores — when D. put he had his candle & W. told him to put out, & he did after speaking to the Serjt of the Co who told him to put the candle out, & he did, & then found W. at stove as he was passing towards his bed — he stood opposite the W. about 4 yard from each other — at this time the D. was struck down by some one but from pos. of W. he did not see who gave it — the light was reflected into face of W. and the stove pipe concealed the person who gave it — the D. fell down — did not see what man went who struck the blow — as W. went immediately for candle — heard one Adams cry out murder — the W. upon this went for Serjt Lawler who came in shifted up the deceased he bled very much, but said nothing — The D — was a quiet & peaceable man — had heard no difficulty or disturbance between D. & Pte —

X —

There was a light candle in the room, on out of a sick child — The blow was struck between W. & D — Saw Bryan who was lying on his bed not asleep — was standing near Bryan's bed — it was light enough to distinguish the features of any man in the room — That when Rowe was carried to Guard House, the P. was going to complain

complained of D. for having confined him, when Wr. laid hold of him, and told him to be quiet and go to bed, which he seemed disposed to do —

James Moredale — sworn 37 — was in barrack room on 1 Feby. saw P. wt a large stick under his arm, while D. had gone out to put Rowe in the Guard Room — the Pr got up out of his bed, said he wd have satisfaction of Corporal Duggan for confining Rowe — saw Pr come to Chimney wt the stick under his arm, it was a log of wood, such as used for the Stove — he came up to the Chimney where Wr was taking off his cloaths, & made use of this language — he turned away from the Wr who went to his bed did not see the blow given, but heard Adams cry out murder, saw D. lying on floor, & the Stick lying under his legs — saw Pr taken out of another man's bed within ten minutes after he had seen him walking about wt the stick under his arm — he had not time to be asleep — it is not usual for the men to sleep in any bed but their own — the man in whose bed the Pr was taken was Patk Toole in the lower tiers under the bed of Pr 9 — is in the upper tiers — Ulert Toole had been put to bed ~~very~~ early, as he was very drunk —

x

That the D. stood near to Bryan's bed

and

and so near that Bryan could have given the blow had he been disposed — The D. was about 3 yds from W's bunk when blow was given It is not allowed for men to smoke in their beds

Jeremh Lawler, Sergt. in 37th Regt — at ½ past 8 was in barrack room on 1 July last — after the lights were put out the Wr did not sleep in the barracks & one John Hays came to tell him that Murder had been committed in the barracks — went there, found D. sitting on the floor his head stooping down between his legs, and the blood running very much, the wound appeared like a bruise as if done wt a log of wood — the D — spoke faintly wanted to go to bed — but the wound appd to be too serious, and Wm sent him to the hospital — Some one put a ~~stick~~ log of wood into his hand wh he deliv. to Serjt. Meyer. when he came in, he went round the room asked if any one had seen it — John Adams told Wr he knew who did it — the Wr told him to say nothing, unless his evidence could be supported, Adams said there was plenty of evidence, & referred to Mosedale, upon this the Wr made search for in bed of Pr to see if he had any arms — the Pr was not there, but in the bed of one Toule, adjoining that of Pr and seemed as if asleep with his hand across his face — it took some trouble to rouse him — the Wr pointed the Pr as a person to be confined — P. was sent to Guard House — D. was sent to Hospital, where he died

P. it was the Pr & Mosedale P. he had

The D. was a quiet inoffending man—
It was ~~his~~ duty of D— to report to Sergt any man
who behaved improperly in barrack room
and in order to put a man in arrest would
go to Guard Room for a file of men—

By Court. when P. was taken out bed he had on
a pr. of Regimental Trowsers a waistcoat
and pr. of Suspenders over it, and stockings
on without Shoes— This is not usual for
men to do who are not in liquor— that
P. did not appear to be drunk although he
had been drinking in the course of day—

William Moules— Sergt Major 37. Regt. The
last W. on 1 Feby. but twice a boy of 12 years
into hands of W. gt— he D. did D. had been
struck with— this the W. has kept till
now— The D— was a quiet and peaceable
man—

×

Knows P. Ryan— is a good Soldier— he
drinks sometimes and is then troublesome

That Bryan is a man ×× to be believed on his
oath—

Dominique Lucie was in the room 1 Feby last heard
blow given, but did not see it given— the
P— and when D. ordered Rowe into confinement
heard

heard him say that he D. wd be sorry for it before morng — and after the blow was given heard P. say "I did it" and heard him running into Poule's bed, wh adjoins that of Wr — Hee saw a leg of wood on floor after the blow was given — this the only piece of wh was out of the place where the fire-wood is generally kept —

x3

That there some men in their beds that night who were not entirely undressed, as they were in liquor — That place where D. fell was near Bryan's bed — The stick now shewn is the same he found on floor where the D. lay, he put a mark upon it —

Henry Grassel, Surgeon to the forces — was called in to see the D. about 1 o'clr last — he had a fractured skull, by a wound in the forehead, made apparently by a blunt instrument, the D. remained under care of Wr. till about 5th or 6th of March last when he died — he had no other complaint at time — Wr was called in by Dr Neil — the first 12 or 13 days D. appd to do well until about 3 days before his death — the day before he died he was trepanned — all due attention was paid to him — has no doubt but this wound was the cause of his death — on exp. the wound was found to extend before to the eye ball, and the skull compressed the brain — the injury the bone had sustained was suffr to produce the death —

x2

Mathew Neil. Hospital asst. Surgeon — the D. was brot. to Hospital on 1 Feby last — was called to see him — exd him saw a wound on forehead as inflicted by some blunt weapon, such as log of wood now shewn — sent for Dr Grassel and the D. appd to do very well, until 4th March when he got worse — on the 5th they trepanned him he died next day, and as far as he is able to judge this wound was the cause of his death — the trepanning was the only probable mean of saving his life

X

On morng of 4th March D was pretty well was walking about — about 2 or 3 P.M. same day he complained of a pain in his side — heard the deceased had given a blow from a Cupboard, but did not see any appearance of a blow

John Robertson, asst. Surgt. 37th Regt — The day after the accident to D. he had charge of him — when first saw D — the wound was severe, but afterwards thot. man out of danger — often happens that in wounds of this kind, a man will apparently get well, but still prove fatal — after the death of D., was present at opening of his head and found from the state of the wound & the bones that it was impossible for him to have recovered the bones were so much injured. —

Dr Scott

Defence.—

Jeremiah Lawler— when went into room— enq. of Bryan if he knew who gave the blow, from the state in wh he was lying, as he was near enough to have struck him himself— and also as Bryan was sober— the suspicions of Wr were not particularly of him— but of all others— Bryan said he did not know who struck the deceased— first time he heard that Bryan wd. be a wits was next day— That B— is a worthless character— a quarrelsome fellow can say nothing as to his honesty —Mr Enlisted the Pr who has been 6 years in Regt— & his character has been generally good, except when drunk, which did not often happen— It did not appear extraordinary to Wr to have found Pr in Foule's berth— men when tipsy do not always sleep when they go to bed— Bryan ~~did~~ was awake but did not seem to participate in the fate of the D—

X—

Never knew anything of honesty of Bryan, nor would he hesitate to believe him on his oath It is not usual for men to go to bed with their cloaths on unless when tipsy—

Timothy Bryan, was in bo. room 1 febr. last. saw Pr goes to bed about ¼ after 8— to Foule's bed— saw him taken out of that bed by Foule— heard Hays tell Pr to go to bed, she went. ~~Was~~— The Wr's birth was

2d—

2d. built from ~~the~~ per and did not get up to his knowledge – he might have got up without his hearg – There was only one Candle in the room – and where Wr was he could not tell a man's countenance 10 or 12 feet from him –

xd –

Did not hear D– return after Pults Rowe in guard house – & Pr might have got up without having been heard by Wr – The Wr's birth was about 3 or 4 Yards from place where accident happened – heard blow given – saw a Shadow pass going towards Pool's bed – Cannot get into upper tier of beds without some noise, & thinks, if any one had gone, he might have heard it –

Michael Callaghan – was on guard 1 Feb last was sent for to take Pr – the Wr awoke him, he appeared drowsy – asked what he wanted, Wr told him he must go to the guard house – asked for what – Wr d. he must go to the guard House – he got up dressed & went with him – Pr a man of good character –

xid

When he went to take Pr – most of men were up, from the accident that had happened – cannot say whether Pr Shannon being asleep or not –

John

John Hayes — came in wt. Sup^r. Lawler when he heard Bryan say he did not know who gave the blow, that the stick had been thrown —
Has known Pr^s. for 2 years — is a quiet peaceable man —
Verdict. Guilty —

The King
v^s.
Joseph Moreau
Victus De Selby
Michael Munro

On trial of Indictment for Grand Larceny — one boat, value £5 — 3. Nov^r. last — property of Ed. Desrivieres Beaubien —

Edouard Desrivieres Beaubien, dem. a Boucherville — vers la fin d'oct. ou com. de Nov^r il avoit une chaloupe valant £10 — elle a été volée vers la fin d'Octobre, qu'il a retrouvée sa Ch. au pied du courant 10. à 12 Jours après lave de l'eau, il a reclamé sa chaloupe, mais on lui a dit qu'il falloit faire sa disposition avant de pouvoir la prendre — ce qu'il a fait — qu'il connait sa chaloupe par la maniere qu'elle a été faite & peinturée

John Howard was in service of Plant 10^r last fall about end of October, when a boat belonging to M^r Beaubien was stolen — saw it the evening and next morning it was gone — cannot say whether boat was chained to any thing or not — that when he saw boat in the evening on end of it was drawn on shore — but any person might push it into the water —

Edward Ranson — keeps a public house at foot of Lower rem. that Moreau & Duilby came to his house in Nov. last, they said they had crossed in a boat from the other side & wanted to leave some things in poss. of Wm — one of them said he came from the Country down & the from town — they returned on Monday morng & asked for the articles they had left, they did nothing of the boat — Wm refused articles — they went away and came back again in the evening with the other Pr Munro, but they did nothing of the boat —

Cannot say that the particular boat in question was that in wh the Pr crossed the River, ~~was the boat in question~~ —

Verdict Not Guilty —

The King —
vs —
Jacques Choiniere

On Indictment for Grand Larceny — 12 bushels wheat value £3 — property of Joseph Marcoux — County of Bedford 20th Feby 1821 —

Joseph Marcoux, dem. à St. Justin — etoit chez lui le 20 fev. dr. il s'est levé vers deux heures apres minuit — il a été à sa grange & s'est apperçu qu'il lui avoit été pris du bled — croyoit que le

qu'il devoit avoir vingt minots — mais il n'en trouvoit que ~~trois~~ quatre minots trois quarts — le bled valoit 4/12 ℔ minots — il a été reveillé Jos. Lemonde son voisin et il est parti avec lui à la recherche — ils ont decouvert une piste d'hom. dans la neige qui gagnoit de la grange du dem. chez Lemonde — qu'a environ 3 ou 4 arp. de la grange il s'est apperçu des traces d'une traine, a croit que l'on avoit porté le bled jusqu'la pour le mettre dans la traine, ils ont suivi les traces de la traine qui traversoit les terres jusqu'a ce qu'ils ayent trouvé le bled caché sous la neige — il y avoit 6 poches remplie de bleds avec les balle tel qu'il etoit dans la grange lors qu'il fut volé — croit qu'il y en avoit 13 minots tele qu'il etoit — que l'endroit ou etoient le bled est environ 7 a 8 arp. de la demeure du Pr — et ils ont suivi les mêmes traces de cet endroit jusques chez le Pr —

X

Avoit vû son bled a veuille qu'il fut pris, vers les trois ou 4 heures apres midi —

Joseph Parent, a été engagé de Jos. Marcoux l'hiver dernier l'a accompagné lors que son bled fut volé pour le decouvrir qu'il devoit avoir été pris 12/12 minots — qu'il y avoit environ 11 a 12 minots de pris — ont suivi les traces de traine jusqu'à un endroit pres de la demeure du Pr ou ils ont trouvé le bled caché sous la neige — il y avoit 6 poches pleines — contenant environ 12 à 13 minots —

Joseph Lemonde — con. Jos. Marcoux — est son voisin — est

Venu

vinn informer le tem. du Vol des blés — en conséquence ils ont poursuivi des pistes jusqu'à un endroit ou ils ont trouvé 6 poches pleines de blé cachés sous la neige, que Marcoux reclamait comme à lui —

Joseph Vincent est voisin du Pr con. les marques qu'il met sur ses poches — Marcoux en fev. dernier a fait con. le vol de blés fait chez lui — a dit qu'au lorsque le blé fut trouvé dans un champs de Jos Comeau — distant environ 9 arpens de chez le Pr et ils ont trouvé une piste de traine qui — arrivoit chez Sr — Que le Pr avoit coutume de marquer ses poches avec du drap bleu et devenu jaune pour avoir passé à la lessive — que le Pr a montré ses marques sur ses poches qu'il croit que les poches maintenant montrées appartiennent au Pr —

X

Qu'il peut avoir des poches d'autres habitans marquées de la même maniere — qu'il a prêté de ses poches au tem — comme à d'autres de ses voisins — qu'il ne connoit pas de ses voisins qui marquent leurs poches de cette maniere — que le Pr a une tem à lui — & a recolté du blé l'année dernière —

Simon Vasseur, sait la marque que le Pr met sur ses poches — reconnoit que les poches maintenant montrées, sont de la marque du Pr — que trois semaines avant le P. lui avoit prêté des poches

et

et lui a montré les marques en même tems en cas d'accident de perte —

Joseph Touchette — est voisin du Pr. Dit l'hyver dernier il a vu le Pr. et Comeau venir du champs de Comeau dans une traine vers deux heures avant jour le 20 fevrier dernier — ils ont passé devant chez le temoin, mais il n'y avoit rien dans la traine — Qu'un instant apres Marcoux est venu cogner à la porte du temoin pour le reveiller disant qu'il venoit de decouvrir son blé volé — Qu'il a vu la traine devant la porte du Pr. et la piste du Cheval entroit chez le Pr. et la piste d'hom. dans la maison —

x

A eu dispute & proces avec le Pr. pour un cours d'eau Qu'il a ouvert sa fenetre lorsqu'il a entendu du bruit dans la grange de Comeau qui est à environ un arpent de la maison du tem. — a vu le Pr. & Comeau sortir de la grange & le Pr. a passer devant chez le temoin pour aller chez le Pr.

Joselte Hamel est voisin du Pr. a environ un arpent de distance — se rappelle avoir vu passer le Pr. a 2 heures & demi apres minuit le 20 fev. der. qui s'en retournoit chez lui — il etoit en traine — mentionne son habillement —

x

Qu'a 5 heures Marcoux est venu chez elle demander la porte disant qu'il courroit apres les voleurs —

Jos. Touchette bro. baeli — qu'il pouvoit avoir 2 heures avant jour que Marcoux est venu chez lui, environ ½ heure apres.

apres qu'il a vu passer le Pr

Defence

Charles Sabourin, pere du Pr que le P. a cultivé du blé sur sa terre l'année dernière et a eu 54 ou 55 minots qu'il a vu le Pr chez lui l'apres midi du 20 fevrier dernier — le Pr avoit un capeau noir, Pour aller chez Bruneau de chez le Pr il faut passer chez Touchette — Que Touchette et Joseph Hamel ont des difficultés avec le Pr

Que les habitans ont coutume de marquer leurs poches avec du Drap —

Scolastique Bruneau demeure chez son pere à St JnBapte se rappelle d'avoir vu arriver le Pr chez son pere le 20 Fev. der. y a passé la veillée — le Pr avoit un capot noir, une veste barrée un chapeau noir — et est parti de chez le pere du tems. ~~environ~~ vers les 9 heures

Le demeure

Jos. Ed. Larribault a été commis chez M. Burns, qu'il donné du Sel pour du blé — que la marque generale que les habitans ont pour leurs poches est une croix en dedans —

Defence closed.

Michel Lemonde, called to speak to character of Wm Sabourin by Crown — que Sabourin n'est pas un homme d'un bon caractere — il ne le croyent pas sous serment —

Verdict: Guilty of Petty Larceny —

Friday 5th May 1821

The Court met pursuant to adjournment

Present

Justices Reid Foucher

The King
vs
John Holland
alt. John Howley

On Indictment for Grand Larceny, in stealing 2 slaughtered pigs, value 40s. at Montreal 4th Janv. last. the property of Bowen Brewster. —

Bowen Brewster, lived in Montreal, on 4th Janv. last, on that day two slaughtered pigs were taken from his door which were his property — they had been put there in the morning and Wr saw them a little before sun down — soon after the Wr missed them, about 1/2 an hr — next day a labouring man & a Carter of the name of Longpré carried him to the house of one Burnil in St L. Sub. where he was told some of the pigs had been found — Wr afterwards was told the pigs had been found & carried to the police office, where Wr knew them to be his — they corresponded in appearance and in weight — one of them had the thigh broke and he had just marks upon the ears — the head of on of them had been taken off — The Pr was pointed out to Wr as the person who had taken the pigs, the Wr laid hold of him, and asked him where the pigs were he took from his Wr door last nt — he said he did not take any — he afterwards said he had taken the pigs

but

but that he had bo^t them from an American
Pr^ asked him to shew him where the pigs were,
the P^r set out w^t him as if to shew them, but
said the Pr must go w^t him to Lachine w^t
P^r as the pigs were there — upon this Pr told P
he must go back him to Pr house, and brot P^r to
Police office, as he refused to give up the pigs —
when there he said he w^d get the pigs immediately
and went off w^t Constable Hart in search of him
but as P^r sd the pigs were at Lachine, Hart
refused to go further and carried back the P^r to
the office — upon this a search warr^t was obt^d
by which the pigs were found — values the
two pigs at Sixteen dollars —

X

That there were a great many pigs of nearly
same weight and appearance in Market last
January for sale, such as those stolen from Pr —
and also w^t broken legs — That P^r said he
had given 10 dollars for the pigs — they weighed
something over 160^lb. each —

That one John Julia made marks on the
ears of the

John Jacob Julia, was employed to sell pork for last Pr
last 10^yr rem. in 4 Jany last Pr put out
2 hogs at door for sale about 8 o'cl a morn
saw them then about 12 o'cl — he missed them
about 6 o'cl p m when he went to put them in
stye — they weighed 320 a 325^lb — in throwing
one of them down — he broke the throat of one of
them — he slit their ears, made a cross on

the

the hogs & cut their ears off — drew them afterwards in Court House, ten. there min. exam. marks & recognized them to be same stolen —

The hogs q. Brewster had in charge to sell, belonged to one Tells, and Brewster was the commissioner merchant there were very few americans in town at time all hogs for sale —

Jn. Bte. Longpres, carter, saw Pr. last Janv. the day before he gave his dep. to magistrate — 4 Janv — he was on the old market-place about 5 o'cl — Pr. asked him to carry a load for him, to get a wr. agreed — told Wr to take them 2 hogs, q. there were at the door of Brewster — there were few people going about there — then was another man wt. Wr when he agreed to take load — and 2 dol. helped to load the sled — before taking away hogs the man who was w. Wr had gone away. the Pr. told Wr when to carry hogs, but as he did not k. place Pr. went along him to a house in the Rue. St. Paul does not ken. house — where he unloaded the hogs at the door — the Pr. pd. Wr & he went off — sup. some Brewster sent for him to ken where he had put the hogs — went & shewed the house — and afterwards meeting Pr. the Wr. stopped him, & B — asked Pr. where he had put the hogs — who told B — that he had sent the hogs to Lachine —

The Pr. said noth. about hams & bot. the pigs but Wr considered that they must be his property —

Augustin Ratté — lives in St. L. Sub. saw Pr. on 4 Janv last between 5 & 6 Cl in ev. it was dark. — at home

1

of Wr asked leave to put a hog in his house
Wr asked when it was - Pr it was near - the Wr
gave him leave to put hog there, Pr said he would
take away hog next morn - in about an hour
after Pr came back Wr a hog & Wr helped him
to take into house - the next morn the Pr did
not come at the hour he appointed between 7 & 8
Cl to take away the hog - about 12 or 1 Cl
the Pr came to house of Wr Wm Hart, constable
the Pr speaks a little french - the Constable
took away the hog w him - the Pr told him
when he brot the hog to his house that he lived near
the mountain, but had no carriage to take it
there - had seen the Pr before, but had no
acquaintance w him

Jn B. Audet lives in St L. Sab. saw Pr about 4 days
last - sold a hog to Wr for 5 dolls - & Wr
considered it to be the market price - the Wr
has pd 20 ℔ Cr for pork - the Pr said the hogs
were his property, and that it was his trade
to sell hogs - that he was an american & it
was his trade to deal in these things - that he
came from the States - next day the hog was
claimed by the constable Hart - the Pr was
Wr Hart - Wr understands a little English - the
Pr always spoke in English - the Wr told
Pr that he was the person who had sold him a
stolen hog - Pr denied it - said he had bought it -
Hart took the hog away - the Pr in selling
the hog to Wr did not receive his money, as

Wr

Wr told him he had only Upper Canada bills the Pr said it was the same thing, as he might take his time to change his bills, as he knew the house & would call again —

The Pr when he came to the house Pr had two pigs qr he wanted to leave in care of Wr but Wr declined as he had no room — upon this the Pr left the hogs & went off, & ret. again with another man, when the hogs were brot into the house, when the Wr bargained wr. Pr for the sale of one of the hogs, and the other the Pr carried off —

That it was one Charpentier who brt the hogs to house of Wr —

Richard Hart — Police Constable, was called upon on Sat. last to make Search for stolen hogs from on Brewster — the Wr obt a warrt. of Comt. agt Pr the Pr sd he had bot the hogs, but that they were at Lachine — upon this Wr being unwilling to go. sd he wd. commit him if he did not shew them — they went to house of Ratté, & Audet in St L. dist. the Pr when Pr — when he sd hogs were & found them — the Pr. when taken into custody appd to be intoxicated —

The Pr & hogs were brt to the Police Office and Brewster and his man Julia were sent for, who recognized the hogs as property of B — The Pr before going to find hogs asked Wr if he delivd up the hogs he the Wr would let him go — the Wr. said when he had got the hogs he wd be better able to tell him —

Defence

Archd. N. McLeod. Sets. Pr. has ten. here since march 1811 saw him first in London — Mr Shaw requested of Wm to hire a gardener for him — thinks he was employed in Mr Cunnings Garden before Wm had engaged him — the Gardener Wm employed for Mr Shaw told Wm he had a friend who wished to come to Canada but was too poor to pay his passage and requested of Wm to advance the for him, which Wm did, found Pr an honest man trusted him w. his property on the passage and faithfully rep. to Wm the money that Wm advanced him —

Charles Grant. Sets. Pr he lived 18 months or 2 yr as Gardener, found him always an honest man — he at one time from irregular conduct he became insane, so that Wm thot it necessary to order him to be watched — the Pr broke from his keepers & threw himself in the River and from an opinion of his being prior to his insanity the Wm parted w. him in 1813 — since that time Wm knows noths of him —

Francis Desrivieres. Sets. Pr who was gardener for 18 months Gardner to late Mr McGill, he afterwards was in employt of Wm where he remained 18 months, and Wm always looked upon him as an upright honest man —

Thos

Thomas McLean – Ws. P. at Kingston, was Gard. to Col. McLean – for 15 or 18 months prior to Augt. last – his character was that of a good gardener & a punctual honest man and Colo. McLean had confidence in him –

Henry Morin. – character of Ws Julia –

Geo. Stanley – Ws Pr some Spring 1815 – always considered him to be an honest man – has two horses at stable of Ws & Pd for them – It often happens when Americans bring fruit to market there are a great many about their sleds who are offering to sell, as they are all seemingly masters

Hypolite Guy – Ws. Pr who is now in the employ of the Editor of Ws The Pr bears character of an honest man – & from this & being a ~~man~~ good gardener he receives high wages –

John Teasdale, Engraver – Ws Pr & gave him last fall some boards to make up a Shop to enable him to sell some small groceries –

Wm Smith. The Pr bot. goods from Ws last fall in order to sell again –

The King
vs
Pierre Ducharme
alias Pierre Besse
alias Pierre Tetreau

On Indictment for Sheep Stealing
4 Ewe Sheep — value £4 — 5s
2 weather Sheep. value 4 0s
property of Victoire Sasbette —

11 Ewe sheep. — value £11 —
property of Fr. Lareau fils —
Parish of Chambly 11th Novr 1816

and also on another Indictment for Sheep Stealing
viz.
18 Ewe sheep — value £18. —
8 Lambs — £8 —
property of Noel Brew —
Parish Chambly. 11 Novr. 1816 —

The Prisoner consented that these two Indictments should be tried by the same Jury. —

Noel Brew, dem. a Chambly en 1816 à environ 1/2 lieu de l'Eglise — il a une terre 1/2 plus haut que l'Eglise — Que en Nov. 1816 le 11 il avoit 26 moutons dans son parc. 18 mere moutonnes & 8 agneaux — en la poss. de Ant. Lebé son fermier ces moutons, avoient deux oreilles coupées nette, — & une oreille chancré en dessous — Que le 15 Nov. ayant sçu que ses moutons manquoient il fut au village de Chambly ou il a sçu que des moutons avoient été vendus il a trouvé chez un nommé Porscott deux de ses moutons — ~~deux trouvés~~ chez Mr Robert, amaigri il a trouvé deux — il a trouvé trois chez Bte Aubut

dont

dont deux avoient été tués — chez Ant. Savarie un ou deux — chez Ambroise Sauvage, deux —

X°

Qu'il a reconnu ses moutons par les marques qu'il auroit été difficile pour lui de les connoitre sans ces marques. il peut avoir d'autres moutons marqués de la même manière

Antoine Sette — fermier de Noel Brou en 1816, sur sa terre en haut de l'Eglise — le 11 Nov. 1816 il s'est trouvé 26 moutons sur la terre 18 meres — 8 agneaux. ces moutons manquoient le 12 — vers 10 ou 11 heures — le tems a été à la recherche des moutons — ne les ayant trouvé il en a donné con. à Noel Brou, & ayant su que des moutons avoient été vendus au village, ils y ont été — premt. chez un nommé Prescott, ou ils ont trouvé des moutons de M. Brou — il les a reconnu par la marque & par la mine des animaux — les marques sont les 2 ore. coupés, & la droit echancré en dessous — il y a avoit 2 chez Prescott — 2 chez Robert, & cinq chez Aubert & Savarie — mais par tous il n'avoit aucune doute que c'etoit les moutons de M. Brou qu'ils ont trouvé chez ces differentes personnes. Les vieilles moutonnes valoient 15/ piece dans ce tems les agneaux 7/6 chaque —

Franc. Lareau — dem. a Chambly — chez sa mere Mad. Sabelle il avoit sept a 8 moutonnes & males — & sa mere autant. Ces moutons etoient marqués — par l'oreille gauche coupé il y en avoit qu'il a eu des parens de sa femme qu'il a contre-marqués par un fil d'archal — qu'il pouvoit connoitre ses moutons par la mine, quand on en a si peu, comme par la marque — Du le 11 Nov. ses

moutons

moutons manquoient, il a été à la recherche
& ayant su que des moutons avoient été vendus
au village, il fut chez un nommé Billgarde ou
il en a trouvé une — qu'il a reconnu ayant l'oreille gauche coupée +
un mouton noir — le mouton étoit tué, et la
peau levée — il en a trouvé aussi Chez Am. Robert — une — chez
Sauvage à la Pte Olivier, chez Savary, chez
St. Aubin — entre 7 ou 8 en tout — les moutons
valoient bien 15/ dans ce tems là, & les agneaux
autant — Que sa terre est distante de celle de
elle Breau 15 arpens —

John Taylor, lives at Chambly, keeps an Inn near
the Church — The Pr came to house of Wr
on the morns of 11 Nov. 1816, early in the
morng — before Wr was up — Pr knd at door,
saying it was a traveller — Wr got up & found
Pr. wr. a grey horse — asked for hay & oats for his horse
& after Pr gave horse water — & more oats Wr
to feed his horse at twelve o'Clk & something at
night — desired Wr to look his stable door — Pr
then asked for breakfast — the Dame was not then
up — the Wr called up his wife who gave him
breakfast — after Wr. if he knd. one Chs. Monjeon
contractor to furnish troops wt beef at Chambly
Wr P. he did — Pr, s'd he had a quantity of sheep
on hand & if he wd be glad to contract for wt Monjeon
& he could get ready money for them. Wr said
he did not think Mr. could pay before 25th a

26 of the month when he drew his money from Commissary — when Pr was going he, he wd pay Wm when he ret, perhaps that wd — or did not ret — next morng about 9 o'clock Wm saw a number of Sheep on the Common opt he thot Ian. sheep Mutton — saw several persons runng after them — went to see what the matter was — saw one at the Canton Wm Knight buy five sheep from Pr and pay 6/3 each — Wm Green bought one for opt — she pd 5/ — this was so cheap that Wm thot the sheep must be stolen — as he had bot. sheep a short time before not so good, for opt he paid 15/ each and the sheep sold by the Pr were worth the sum of 15/ — The Pr came to house of Wm Larkin for breakfast saying he had sold all his sheep called to get his horse ready as soon as breakfast was over — asked for his bill — Wm do to him it was 7/6 — which was the usual charge — the Pr gave Wm two dolls. when Wm was about to return the change of 2/6 — the Pr said never mind that I have earned my money very easy — Wm Pr. that sheep were after Wm claimed. — Never saw Pr before, and not since until about 25 Novr. last, when he was in Custody, when Brown asked Wm if he thot he could ID Pr Wm Pr he could — went into house where he was, and was satisfied that Pr was same person — There was also a man of the name of Robt who saw him — Has not the least doubt that Pr is the same person —

X drove away without it £.

He saw Pr selling the Sheep and receiving the money —

for four sheep 6/3 each –

Amable Robert, dem. en bas de l'Eglise de Chambly
mon. le Pr quoiqu'il s'est déguisé un peu
depuis qu'il a vû – est la même personne
qu'il a vû ~~la~~ 24 Nov. ~~dernier~~ 1816. – Que le
Pr avoit avec lui environ 40 moutons, & le Plt
a dem. si ils étoient pour vendre, Pr a répondu
oui – & le T. a acheté 3 meres moutonnes –
de lui a payé 10/ pr mere – elles étoient à bon
marché dans le tems – Ces moutons ont été
reclamés depuis par Mr Brew et un de Mr Lacheville
l'engagé de Mr Brew les a reconnû – Que
Mr Brew a donné les marques de ses moutons
& le tem. a reconnu que les mout. étoient veritable
la propriété de Mr Brew. –

x°

Le Pr avoit des culottes bleues, un surtout ~~habit~~ bleu
des bottes & un chapeau noir – c'étoit le 12 Nov. 1816.
Qu'il peut se rencontrer que des habitants
marquent leurs moutons à la même marque

Jn Bte St Aubin, demt à la Pte Olivier – con. le Pr pour
l'avoir vû entre 11 & 12 Nov. 1816 – Il pouvoit
être alors 10 à 11 heures du matin, le Pr avoit alors environ
24 a 25 moutons – il a offert de les vendre
le tem. en a acheté 3 meres moutonnes et a
donné 10/ chaque – Le Pr disoit qu'il auroit
eu ces moutons de Plattsburg, mais qu'en

quelque

quelques tems il en amenoit de plus beaux
Que ces moutons qu'il a acheté ont été reclamés
par Mr Brun, il a fait connoitre sa marque
il y en avoit deux à lui — & un a Mde
Lareau — il y avoient aussi les nommés Sauvage
Savary, & autres qui ont acheté du Pr — Savary en a
acheté 6 moutons & donné 12 piastres au Pr —
Sauvage en a acheté 4 au même prix — Qu'il
reconnoit bien le Pr — l'a vu l'automne passé
lorsqu'il fut arrêté & l'a reconnu alors comme
bien d'autres. —

X

Le Pr avoit culottes bleus, un surtout bleu, &
des bottes — avec un chapeau noir — Qu'il a trouvé
que les moutons se sont vendus à assez bon prix.

Defence

August. Pre Jacques con. le Pr depuis 5 ans — l'a vu
en 1816 a Plattsburg — en étoit deux. voisin —
a vu le Pr presque chaq. 2 Jours — ne peut dire si
le Pr est venu en Canada en Novembre dernier —
ne peut dire si il a vu le Pr en Novembre — Le
Pr travailloit à la boulangerie de Mr Hall. —

Franse
~~Enfant~~ Darnours, con. le Pr depuis 32 ans — n'a jamais
connu que le Pr lui ait detaché quelque chose — il
étoit souvent chez elle & auroit pu le faire — Les
Sœurs — avoient confiance en lui —

Jerome Maillé — a vu le P. a Plattsburg, faisant le
Metier de boulanger — depuis le mois de Octobre 1816
jusqu'au mois de Janvier 18 le P. demeurt
chez Mr Hall, boulanger — il voyoit le P. tous
les Jours quand il alloit querir du pain —
excepté le Dimanche —

Verdict Guilty on both
Indictments

The King
Jn.Bte. Bissonette } Ou Indictment. for horse Stealing

Amable Maranda, dem. à Lachine
qu'il a été chez le nommé Lefevre aubergiste
en Montreal le 6 Janvier dernier, il a laissé
son cheval & traine à la porte — il n'a pas été
plus de dix minutes — il a vu partir sa traine
lorsqu'il est sorti & couru apres croyant que
c'etoit un malice que l'on vouloit lui faire —
qu'il n'a pas pu rejoindre le voleur — il a
fait crier son cheval à la porte de l'Eglise le
lendemain sans effet — le 3e Jour apres il a
eu des informations de son Cheval & a été
chez un nommé Labosquiere plus bas que
l'Eglise de Verchers — et la il a trouvé son cheval
il a depeint son cheval avant de le voir.

couleur

couleur brun, à une courbe sur la jambe gauche derriere — le Cheval dans le tems qu'il fut volé valoit 40 piastres — Qu'il a trouvé son harnois à la Longue Pointe chez un nommé Jeannot à qui il a donné 5/ pour le ravoir. —

Joseph Jeannot, dem. à la Longue Pte — Le Pr. est venu chez le Tem. le soir du 6 Janv. dr. il avoit un Cheval d'une traine — Le Pr. a demandé son dejeuné le lendemain, disant qu'il n'etoit pas là pour l'amour de Dieu, qu'il payoit — et après dejeuné tirant une pinte de feuille il a dit avoir perdu un cinq-piastres — et a consenti de quitter le harnois en gage jusqu'à son retour en paiement de sept piastres que le Tem. lui avoit demandé — Que le Pr. est parti à la nuit pour Boucherville — Que le lundi ou Mardi après Maranda est venu reclamer son harnois, et on lui l'a rendu — et il a payé une piastre — Que le 10 du mois il a rencontré le Pr en ville et il l'arrêté, disant qu'il lui avoit conté des mentries lorsqu'il avoit été chez lui, et qu'au lieu d'aller en ville querir son argent il avoit pris le chemin de Boucherville — et qu'il n'etoit pas venu querir son harnois comme il avoit promis — le Pr. dit qu'il iroit le chercher le lendemain — le Tem. a amené le Pr. devant un Juge de Paix ou il fut arrêté. —

Jn Bte Labosquere, dem. à Verchères — con. le Pr. l'a vu le 7 Janv. dernier, il est venu chez le Tem. avec un Cheval d'une traine — il a proposé de changer le Cheval qu'il avoit pour la Jument du Tem. —

Que

Qu'il a été quelques tems a balancer sur le marché à enfin on a arreté l'echange — Le Pr. disoit qu'il étoit chartier revenoit de la prairie — Que le nommé Amable Marenda de Lachine est venu au bout de trois Jours reclamer son cheval, et a fait dépeint les marques de son Cheval, que le tem. l'a lui rendu — que quand le Pr. est venu chez lui il n'avoit point de harnois seulement une Selette d'une traine — et pontuie à dire que le Pr est la meme personne. Que le temoin n'a par entendu sa Jurment.

Verdict Guiltz

Saturday 5th. May 1821

The Court met pursr. to adjournt

Present

Justices Reid & Foucher

The King
v.
Rebecca Lawson
wife of Wm. Porteous
Mary Lawson

On Indictment for Stealing in a Dwelling house to value of 40/-

3 pair Sheets - value — 30/-
12 blankets — 12/-
of goods of Eliz. Babuty - Montreal
1 Decr. 1820 -

Elizabeth Babuty - keeps a boards house in Montreal the Pr. Mary Lawson was in service of hrs for about 4 months last autumn up to sometime in Decr. some other pr. sometimes in house & had permission to sleep occasionally in her house did sleep there - In the month of Octr. last, she missed some Sheets & blankets, in consequence of a note she rcd from Wm Porteous she went to his house to see if some of her property was not there - he was husbd of Rebecca Lawson - went to pr's house and found a Sheet there qr. she knew to be her property - Pr. Rebecca was present at time when Sheet was taken from her bed - Pr. rd. she thot. it was hers - but if she was mistaken wd. return it - shewed her name on it - written wt. marking ink. & done in Wr. own hand writing which she now recognizes -

the sheet is worth a shilling — The P. said she had it from her mother — the bailiff Hart found some blankets &c. she shot to be hers, but had no mark — the P. Mary was then state in service of Wr

x

Was satisfied with the conduct of Mary Lawson while she remained in her house till this accident happened — That upon being charged with the steals the things, she at first denied having taken the sheet but afterwards said she had lent it to her sister Rebecca —

Richard Hart Constable, went to house of Wm Patons last Dec at instance of Mr Babuty and found a sheet on bed of P. — at first Reb. said the sheet she had she brot from England with her, and when sheet was found, the P. S. she was in distress and had borrowed it from her sister the other P. to change her bed linen as she had none other — there were several blankets also found there but not identified

The sheet now shewn is same as found w P. Rebecca —

x —

When Mr Babuty came to the Police Office she complained of having lost a variety of articles which had been stolen from her house for nearly a Year past by her Servants — She appeared solicitous to prosecute —

That

That Mrs B— has at different times made complaints of her Servants without any thing having been found— That Rebecca the Pr said the reason she had not acquainted Mrs B— at once that her Sister had lent her the Sheets, was, that she was afraid Mrs B— wd be angry, and turn her Sister out of her place— That the Pr Reb. & her husband kept a School, and always had a good character—

Defence

William Burnet— the Pr Reb. lived in his house for about 9 or 10 months at different times, cons. her & her husband as honest & industrious persons— He notis of the the Pr was her occasionally coming to the house to see Pr— That Wm Patterson husband of Reb. is a drunken dissipated character—

Jn Marie Mondelet. Police Magistrate— has had occasion to see Mrs Baby frequently at the office making complaints of her Servants—

Verdict Not Guilty.—

The King
v
Jean Bte Jacques
Simon Audie
Augustin Jacques

On Indictment for Stealing on a navigable River to the value of 4 0/.—

Moses Hart— dont à Montreal le 11 Novr. der. a livré quantité de March. a un nommé

Sterns pour transporter a Lasp. il y avoit sept Valises, une contenant de la toile d'Irlande et toile d'Hollande — 102 verges de toile d'Hollande et de Doulass 48. verges — la toile d'Hollande valoit £6 Ste — et le Doulass 40/ — il y avoit des filles, du cotton, des plumes et autres effets, qui lui appartenant — La toile d'Hollande etoit marquée A A — Quelques tems apres il s'est rendu à la Prairie et a sceu qu'une des Valises manquoient — deux Semaines apres il a entendu dire que le Capt. Brousseau avoit trouvé une valise defoncée dans son Champs, laquelle repondoient avec la valise volée — Que les nommés Sterns pere et fils et Jeremie, lui ont montrés des coupures de toile d'Hollande et de Marlais d'autres effets, dans lesquels il a trouvé sa marque — il a vû ces effets chez l'Hussier Raymond — dans 2 des morceaux de toile il a trouvé ses marques

Andrew Stearns sworn, says, lived at Lasp. in Nov last — rem. to have seen a quantity of stolen effects sealed up in his house, same now produced which appear to be in same state as when sealed by Mr Kidd the Magistrate —

Charles Stearns, clerk au bureau de Mr Hart en Nov. dern. a reçu une quant. de mar. en ville pour les conduire a Lasp — a vû le batteau la le lendemain a coté du quai — c'etoit le 11 Novbre dernier — le lendemain on a dechargé le batteau — le Samedi au 15 apres il a sceu que des effets manquoient

Connert

con. les Prs, ils étoient soupçonnés comme ayant été vû sur le quai le soir que les effets manquerent, ils demeurant à l'fr Lieu de Lasp— à Blanfendin — Il a fait poster un warant de recherche, le 26 Nov. et a été chez les Prs qui dem. tous dans la même maison ils ont nié d'avoir des effets volés chez eux — a trouvé de la toile taillée en pieces d'autres effets dans un armoire et dans un coffre ~~dans~~ coupé en paillasse — Les Prs ont dit qu'ils avoient acheté ces effets d'un petit marchand mais sans le nommer — le tem. a transporté les effets chez Mr Reid, magistrat à Lasprairie — et de là ils ont été transporté chez l'Officier, Meunier ou ils ont resté jusqu'au lendemain — Que les Prs Jusfes Jacques Landry ont été arretés — La toile des effets ont été apportés chez le tem. ou Mr Hart a reconnu ses marques —

Moses Hart, brot. ps — après avoir regardés les march — dit qu'ils étoient dans la valise volée — Il a premierement vû les effets en la poss. de Raimond, huissier, montre les marques qu'il avoit mis lui-même sur les deux pieces de toile d'Hollande — trouve point de marque sur le Boulass — mais il est de la même qualité — trouve le fils, une paire de bas d'autres effets qu'il a trouvé semblable aux effets qu'il avoit mis dans la valise — et lui appartiennent —

X°

Ne peut dire d'avoir compté les valises après qu'elles étoient à bord du batteau — mais il y avoit 7 valises. Que lorsqu'il a su qu'une valise manquoit il s'est adressé à Sternes pour savoir où elle

étoit

étoit, lorsqu'il a reçu d'avoir reçu que 9 Valises pour transporter à Lapraire, et quand le tem. a refusé de payer pour le transport des effets, Starns a premierement refusé de leur une tonne de Roux jusqu'a ce qu'il fut payé — Le deport n'a pas fait de demande contre les Pers c'étoit Starns — Qu'il a vu les effets qui étoient retrouvés, chez L'Hussier, Qu'il avoit mis ses marques sur la toile aux Trois Rivieres — il en a vendu a Differentes personnes Que les pieces de toile sur lesquels ces marques sont maintenant devant la Cour peuvent valoir 10 a 12/—

Chas Stearns cross-examd—

Que c'est lui avoit reçu les mar. a Montreal mais n'a pas accompagné le batteau a Lapraire— Que lorsqu'il a été chez les P— ils lui ont dit qu'ils n'avoient jamais été soupçonné de vol et que les effets qu'ils avoient ils avoient achetés d'un petit marchand — Que le tem. a dit qu'il croyoit que Mr Hart s'étoit trompé en disant lui avoir donné 7 Valises n'a jamais demandé à Mr H— son argent. Que'il a dit qu'il attendroit les effets de Mr Hart pour quelque son payement — mais il ne l'a pas fait — Les P— ont été au service du Tem.

Franc Jeremie, a été avec Starns lorsque les mar-

des

des Pr. fut cherché – ont trouvé de la toile, fine & grosse – & autres articles – ils ont porté ces effets à Lafraine chez Meunier l'Huissier – ou Mr Hart a reconnu ses marques – le lendemain ces effets ont été apporté chez Mr Sterns d'emplacé —

Que c'étoit chez In.B.te Jacques, que les effets ont été trouvés – est l'associé de Mr Sterns, & comme tel se croit obligé d'indemniser Mr Hart pour les effets qui pourroient manquer du bateau —

Michel Meunier, est huissier – dem.a Lafr. Qu'il a eu un warant de recherche contre les Prs – a vu les 3 Prs dans la maison – a trouvé quantité de toile de toile, une paire de bas – une paillasse faite de meme toile – ils ont dit avoir acheté ces effets d'un petit Marchand, mais qu'ils ne savoient pas son nom – Qu'il a mis tous les effets dans la paillasse et l'ont porté chez lui, ou Mr Hart est venu visiter les effets – le lendemain il a remis les effets à Mr Mr Vey le Magistrat, & de la ils ont été portés chez Mr Sterns –

Que In.B.te Jacques est marié a une femme, & demeure sur sa terre – Qu'il passent des petits Marchands dans ces endroits qui vont des effets semblables a vendre – & qu'on ne leur demande pas leurs noms ordinairement –

Andrew Sterns – sait trouver Prs de In.B.te Jacques & Simon Audy on the quay at Lafr. le 11e Nov

last when the batteau arrived, it might be between 8 & 9 o'Clock — the batteau was afloat at the wharf — The effects found at Ps were brot to house of Wr & Mr McVey was there — they were there about 2 hours when Mr McVey made out a mittimus for the Ps and Sealed up the effects in presence of Ws —

This son lives Wt — him, but is not in partnership wt. him — his son is a transporter of Goods — The Quay belongs to the King — when the batteau arrived thinks there were none on the quay except people of batteau, who were few in number — but saw no others but Ps — There was among the men of the batteau a Spaniard who was in the Mercury Rst — one Rouillard who were among men of the batteau —

Ws that McHart asked pay[t] of some of Ws of the goods lost, and refused to pay transport of the goods to him — Saw Ps in Laprairie did not threaten them, but told him he would take care of them that night — That he tied one of the Ps told them that they deserved to hanged for having stolen a trunk from a man in whose service they had been —

The effects were not taken out of the batteau the night it arrived — when men arrived they were wet & cold, they came up to the house and

Ws

Wm sent Pre Simon to go for his horse & put him to the Cart, qch he did, and gave him to one Robert who now lives in Hemmingford — That 2 Prs Jacques & Andy were waiting at Laprairie for the Don of Wm for the payt. of wages he owed them —

Ephraim Goodell lives at Laprairie, was called to assist in execuing a warrt. agt Augte Jacques took him on the road to Chambly — found him at his mothers in law, refused to open door at first, threatened to break it, went in — asked for Augte Jacques — sd he was not there — Wm. sd he was & wd remain till he found him — after some time, a woman in the house told him he was under the floor — they then took up a board & took him out — & brot him to Montreal —

He spoke French to them — gave his name when he knocked at the door, & that he had a warrant to apprehend Augte Jacques —

That he saw the Stores of Dennie & Stearns which are open at all hours of night and day when Carts arrive wt. loading to be lodged in them

Charles Stearns — was present when Andy & Bte Jacques were apprehended — at time when search was made Simon Andie a voulu se sauver — l'autre s'est rendu —

Defence

Moses Hart — Que son frere vend des marchandises pour lui à Montreal — et son fils aux Trois Rivieres — ne peut s'il a de semblables marchandises —

Mesnier — Que Stearns pere a donné ordre au temoin d'attacher bien les ps. et que le tems n'a pas été necessaire comme il avoit des vends avec lui, & les Os. ne cherchoient point à les sauver — Stearns les a menacé qu'ils meritoient d'être pendus — & paroissoit être en colere —

Verdict. Not Guilty. —

The King
vs
Jean Lessard
Joseph Moreau

On Indictment for Grand Larceny

3 bunks	value	£	3
2 hammers	"		2 —
1 piece of Carpet			1 —
1 Square			1 —
3 morocco Skins			3
11 Locks			3 —
11 Keys			3 —
3 brass handles			3 —
6 pieces leather			3
			1. 2

on 15th Nov. 1820. at Montreal — proofs of Alured Bigelow —

Alured

Alfred Bigelow, lives in S. L. Sub. is a trunk maker
sem. that in Nov. last lost some articles, out of his shop
behind his house — the Shop was broken open
a short time before Ps were arrested — there were some
trunks taken, 4 — were worth 3/ — the hammers were worth
6d. each — a square 6d — one morocco skin & some pieces
4/ — locks were worth 6d — each — saw his effects some
in the police office — 6 pieces of leather worth 3/ — all
those articles are the property of W

X

Cannot swear positively that the trunks, the locks,
are his — the but similar ones, and believes them

Augs Sullock — recollects have seen 2 Ps on 15 Nov. last
they came to his house about 1/4 past 8 — in c/s offering
these articles for sale — one of them, thinks Morcan
came back asked if W wanted to buy a trunk, this
being refused — he went out, & a suspicion arising that
they were thieves, W went out and recognized the
P Morcan who had been acquitted in Court 2 days
before on a criminal charge agt. him — this W remarked
to Morcan, when he d. it was not him — but upon W
naming him, he acknowledged he was the person, and
upon this he arrested the two Ps w. the assistance of
the persons who were in his house, to assist in taking
the Ps to the watch house — they d. they were not thieves
but had rec. these articles, from one Hunt — W told them
they must sleep that night in the watch house
they would be able to justify themselves — when they had
gone a certain distance Lessard threw down the trunk

he

he carried and another man took it up — upon this W. ~~took~~ hold of Lessard as he was going along asked him where he had got these things, he said he had got them from one Gapier a Capt of a Goelette — when at the watch House he exd the diffr. articles which were found in the possession of the Pr. and are same now produced in Court, when in the watch house, the Pr. o. they had rec these things from a man to sell for him — after a list of the things. Moreau s. Sasse we are going into winter quarters and next Spring they'll dust our shoulders, and we'll be quits — after they had gone out of the room heard same voice qr he took to be that of Moreau, say, that he wanted to sit upon grocery store but they would not let him — That next morng he returned to the Police office —

Jean Bte Dorval. etoit chez Mr A. Tulloch le Soir du 15 Nov. der. a vu entrer une personne offrir une valise à vendre — croit que c'etoit le Pr. Moreau qui avoit une valise sous le bras point fini — on a refusé d'acheter la valise & le Pr. est sorti, ils ont ~~refusés~~ suite apres, ont vu l'autre Pr. & 2 autres valises — ils les ont conduit à la watch — que Lessard qui portoit un des valises l'a jettée par terre — à la watch Moreau dit à Lessard, dont he cast down with yt good winter quarters, & next Spring they'll wipe the dust from our Shoulders — Il. all the articles now produced to be same found with

the

the Prs

Emanuel D'Aubreville, Capt. the Gust— he says I saw
on the 2 p. on Watch the 15 Nov. Dec. I saw the 8 Ps
with the Valises & other effects which were opened by
Mr Tulloch & 3 other persons with the Prs— he saw
part one list which he gave to Mr Tulloch— the effects
were left on the Watch house until the next morning when they
were given to the Police Office— he marked the articles
& demanded on Pr Morgan on whose effects
he was told that it belonged to one named Champlain
& afterwards he was told that it belonged to one who had
given it to him— that Pr Lessard appearing
displeased the Pr Morgan told him not to mind as
that they had their quarters from the Hyper & the Spring
or else they would break their shoulders & they would quit—
that he wanted to keep a grocery, but that they
would prevent him—

Louis Marteau— That he saw all the different articles
of Mr D'Aubreville & which are now produced

Wm Trivet— was in service of Mr Bigelow twenty months
last Summer— the trunks now produced are the
property of Mr Bigelow & he has seen them
in his house & knows them—

Guilty of Petty Larceny

The King
v
James Laing
Jos: Millaire

On Indictment for uttering forged paper as true —

John Henderson lives at Mr Th. Townes's remembr. that on 20th Jany last, Jas Laing one of Prs came to shop and asked for a pound Sugar & was given to them — they offered a 2 dollr note in payt — & he found to be counterfeit. and shewd it to Millaire says it was a bad note — Mr P. it was good — the Prs took back his Sugar — Note now produced is same from a small mark or scrazze on it he observed at the time — about 20 minutes after they were both brot back w. Mr Laing and the note in his hand, saying that these persons had been arrested for offering a counterfeit note at Mr. Maitlands —

Never knew Prs before this time — Mr T's shop is very much frequented. the Prs are the same persons who came to Mr T's shop and presented the note —

James Peelan — In Jany last lived at Mr Maitlands on 12th Jany. about 7 Clk eve 2 Prs came in & asked for a pound Sugar, when P Laing offered a counterfeit 2 dolr. Note in payt Mr P. & he had got it from another

person

person, and said he would return it — That a young man came in and said the 2 pr had offered a counterfeit note a little before at Mr Torrance's — upon this Wr sent for Mr Jas Laing, and on his coming in they arrested the Pr Laing, as Millain had gone out under pretence of looking for the person who had given them the Note — they ~~took~~ carried Pr to Mr T's & found they had been there — The note now produced is same. —

That Wr is positive that one of Pr Laing is the same person, is not so positive as to Millain the counterfeit Notes are some of them well executed and many persons might be deceived, that offered by Pr was not well executed —

William Laing — sworn. Has been sent for by Court Wr on 20 Jany last went there & found Mr Laing was told what was the matter — the Note was there he found it counterfeit — is the same now produced — as he put his initials on it — asked Laing how he came by the bill, & it was none of his business — Wr told him he wd take him to gaol if he did not acct. for it — he then said he had got it by playing at Cards with one Boudreau or some name like that — wanted Wr to go to where to find this Boudreau — Wr would

our

not go before he went to Torrance's & on their way there they met with the other Pr Williams and arrested him.

The counterfeit Note is pretty well executed — Thinks Pr said he got the bill in Chalk's tavern by playing at Cards with one Bondreau or Raymond or some such name —

He asked Pr why he attempted to pass the bill after they knew it was bad he said, although one man might refuse it yet another man might think it good and take it —

Wm Reeves. Knows paper of Montreal Bank the note now produced is counterfeit can say so from filling up and signature of Mr Gardner which is not his hand writing — Note was read — & corresponds with that stated in Indictment —

Defence —

Joseph Raimond con. his Pr pour les

avoir

avoir eu 2 a 3 fois — a rencontré les Pts dans une auberge au marché Neufs ne peut dire le tems mais c'étoit l'hyver dernier, peut-être le 20 Janvier dernier, chez un nommé Bouchon ou le tem. se retiroit — il a joué aux cartes avec eux, a leur a payé un papier a d'autres fois en monnoie disent — croit leur avoir donné un billet de deux piastres — mais ne peut dire si c'étoit de la Banque de Montreal ou de Canada — ne se rappelle pas de leur avoir jamais donné plus d'un billet de deux piastres — ne sait ni lit ni ecrire — qu'il a entendu dire 6 Jours après que les Pts étoient arrêté pour avoir passé un billet qu'il leur avoit donné — Lui si on lui donnoit le billet maintenant montré comme bon il le prendroit comme tel —

Joseph Hubert — con. Jos. Millaire — depuis son enfance pour une personne de bon caractere & un honnête homme n'a jamais rien entendu contre lui avant cet affaire ci — il est d'une famille respectable —

Louis Millaire, pere de Pt Millaire, qu'il est d'un foible esprit — has occasional want of mind, and takes a man who has lost his Judgt — thinks if he was offered a counterfeit note thinks it must have been from weakness of mind and not bad intention —

Jean Millaire — same evidence —

Franc. Turiot, con. le Pr. Millaire depuis son enfance
il est
un des meilleurs caractere — qu'il n'a
jamais fait de mal à personne a sa
connoissance — il passoit pour homme de
esprit timbré —

Verdict ag.t Lanz Guilty
Jos: Millaire, Not Guilty

Monday 7th May 1821.

The King.
John Brenan } On motion in arrest of
Judgment. —

The Court overruled the motion
in arrest of Judgment. —

And then proceeded to give Judgment
of Death against the Prisoner — to be executed
on the 9th inst. — and afterwards respited
sentence to the 25th inst. —

The King
John Clenn } On Indictment for uttering counterfeit
Coin — 1 one Shilling — 2d Jany. 1821

Jane Burrell, wife of George Burrel, in
Jany last lived in Montreal, kept a shop —
rem. that on 2d Jany last, the Pr. came to her
shop and bought a pound paste for 9d he
gave

gave her a one shilling piece she ret. him 11 others in about 10 minutes after he came back asked for a Candle, offered another shilling for it, the daughter of W. looked at the shilling said it was not good the W. then tried it on the table it sounded like lead the W. charged P.r w. passing bad money, the P. said if it was bad money he did not make it — that one Stevenson gave it to him to buy a Pd pork. W. told him to go for Stevenson — he sd he would out, but did not return — next morng hearing of W. went in pursuit of P.r — and he was brot to house of W. when W. recognized him to be same person — That one of shillings now shewn appears to be same from 3 marks it had in the stamp — Has seen the P.r before, who appeared to be very smart —

George Burrel. is brother of last W. when he came home in evg of 2d Jany last, about 9 or 10 o'Clock — shas heard of the 2 false shillings — wh. had been given at his house by P.r went in search of him next morng, found him drunk — when he got the false money he had passed, he hesitated, at first, then said he had got them in the market for some cheese he had done, he named person's name from whom he got the last W. does not rem. name — said that in same house where he lived, there was one Hodges who made false counterfeit dollars — that he knew they made bad dollars, but did not think they could make such small pieces as shillings — to best of his belief the

shillings

shillings now shown are same from a mark he put upon them —

Jos. Edouard Larivault — rd. the 2 shillings now shown from last Wr at Police Office on 3d Jany and has kept them ever since —

Geo. Burnett — the 2 shillings he rd. from his wife he deposited at the Police Office the 3 Jany. last the Pr appd to be smart and intelligent boy and was under some apprehension from what he had done —

James Fitzgibbon was at house of Mrs B. when she rd a bad shilling from Pr the Pr. who is aged about 11 a 12 years of age — the father of Pr who is a Journeyman Joiner and lives about Town —

Verdict. Guilty — Recommended to the mercy of the Court —

The King
vs
Charlotte Mennier

On Indictment for obtaining money & goods under false pretences —

Thomas Philips. the Pr. saw her about 17 Jany last — was in his house when she came in to his shop — thinks it was before noon — it was

same

day in q^t a man came in w^h a bank bill to ask if it was good — she asked for some article to value of about 1/3 — while she was then on Geo. Roi came in & shew^d her a bill q^t he s^d he got from her. q^t her that it was — another person came in the evening w^h another bill & shewed him — another bill & asked if it was good & from discrip^n of woman, it appeared to be same person who had given him the bill in the morning & from circumstance of a woman such as P^r. had 2 fine dollr bills to change he had some suspicion of her, as to the bills being good — went to house of Mr Forsyth where P^r was, & directed him to keep P^r till he should ascertain whether bill was good — he found it was not, and upon this the P^r was arrested —

George Roi, il était le 17 Janv. dernier dans le Magazin de Mr Phillips lorsque le P^r y est entré le matin — et a demandé plusieurs effets au montant de 4/ — & a payé par un bill de 5 piastres sur le banq. de Montreal — Que le Soir du même Jour Mr Forsyth est venu avec un pareille billet lui demander s'il était bon — et en avait quelque Soupçon — il a donné notice de Mr Phillips qui a été faire des recherches pour le P^r — Que dans le tems qu'il a reçu le bill du P^r il a pris occasion de le regarder et de lui dire que s'il n'était pas bon il devait dans le cas de le remettre — et a observé le N^o du bill était 169. Que le bill qu'il a vu entre les mains de Mr Forsyth est de la même stampe que celui qu'il a reçu de le P^r

William Forsyth. keeps a store in St L. Lab. the P^r came to his store on 17 Janv. last & asked for a pound soap — for q^t she was to pay 7½ — she offered a five dollar bill in payt

he looked at bill & apprehensive it might not be good, sent his boy w^th it to M^r Phillips to enquire about it — M^r Ph — came down & told W^m that a 5 doll. bill had been passed in his shop that day & he suspected boy had the P^r was then in shop of W^m and from the descrip^n of person that it was P^r — P^r said she had the bill from a person of name of Peter Lazo — The note turned out to be a bad one — The note now shewn is same he rec^d from P^r from his initials being on it — & being a little torn on corner — the note was left with the dep^t he made w^th M^r Porteous — it was never out of his hands from the time he rec^d it from the P^r till he gave it to his boy to carry to M^r Phillips — when boy came back w^th it he went to M^r Griffin cashier of Bank, shewed it to him & found it was bad — he then carried it to M^r Hunts, who drew out his depos^n and it was attached to that deposition —

Thomas Porteous, Justice of Peace — That on 17 days last M^r Phillips & M^r Forsyth came before him and made their depositions ag^t P^r for passing counterfeit notes — the P^r was arrested and committed same evening — that were two notes produced before him at the time —

William Radenhurst, is employed in the bank, but has no interest in the funds of it — That the notes now produced to him are both bad and do not appear to be well imitated

That

that the signatures thereto are not those of the Griffin or the Castle —

Richard Hart — sem. that Disp. was sworn on 17 Jany last at instance of the Pb. & the Fr they bro. 2 five dollar Notes — saw them put the mark on them — the W. swopped the notes to the Disps they made, and left them in the Police Office — Notes now produced are same as were so left — one of them was marked by the Prisoner — and the other by Mr Smyths initials — the depositions were left at Police Office — one of depositions was taken at Police Office — That it is easy to distinguish a good from a bad bill, among them kinds of bills, — at least he has never found any difficulty in doing it —

John Campbell — was in Mr Smyths house on Jany last sem. have been sent by him to the Pb. w. a five dollr. note — he rets. same note to Mr S when he rets. home w. it, & it was never out of his sight — saw Mr S put his initials on it before it was given to the Constable Hart —

The King }
John Sparrow } On Indictment for uttering counterfeit Coin —

Theodore Davis, was present at Mrs Hitchcocks on the 17 in Jany last, saw P. who offered a half dollar

dollar for some article he had purchased for it — he s^d he had rec^d it in ~~up~~ change for a dollar on market place — the piece now produced is same from mark he put on it at time — Mrs Hitchcock was present — the P^r was taken up —

Eliza Hitchcock wife of — Hitchcock keeps a store in Montreal — on Saty eve 27 Jany last saw P^r come in about 7 o'clock, purchased a yard cotton cloth for 9^d — he paid 1/3 — she delv^d article to him, he offered a Dollar in pay^t — she thot the dollar bad at the time asked P^r where he had got it — s^d he had it in the market place where he got in change — Mrs Davis came in s^d dollar was bad & put his initials on it — Is same now shewn — carried it to Police Office when she gave it in at time of making her depos^n

Nahum Hall, was at the door of Mr H's store in Lany last — as he was coming up to the door saw three persons looking in at the door — the W^n went in and was told that the P^r had been passed a bad dollar there & enq^d of them what was best to be done. W^h they ought to stop the P^r wh — were done — That two of the persons he saw stands at the door of Mr H — were Jos. Frank Rice & John Gibb O'neill, as the W^n understood next day when to their names. The piece now produced is same as was then produced to him at Mr H's —

The

The Pr. said he got the half dollar from an American on the Market — That the was.

Eliza Hitchcock — says the reason she suspected the half dollar to be bad was that she was told by several persons about the door — she had rec.d a bad half dollar ~~sometime~~ about half an hour before from another boy of the name of Sparrow, and that he is the brother of Pr. as we has been since informed. —

Jos. Ed. Larribault, that he rec.d the half dollar now produced from Mr Hc — at the Police Office and has had it in his poss.n ever since until it was this day produced in Court —

Richd Hart — was called upon to take up Pr about 2 o Clock last — found him at house of Mr Hc — learned him to Gaol — arrested two persons of name of Oneill and Rice same night — they were charged w.th different offences — among others that of Coining —

The King
v.
Pierre Lanerville } On Indictment for Stealing in a dwelling house —

Sarah Griffin, the Pr. lodged three months before the loss of money now complained of that is up to March last

last – that day she gave breakfast to Pr, while the was at breakfast she took some money & put on table in order to go out & buy wood – She took 3 french ℔ Crowns & a note & wrapped the Crowns in note & put them in a childs cap – that her husband was in the house but was in bed & sen. noble of it – she turned her back to put on her hat & coat in same room – the bed in qr her husband was must be about 2 yds from table when the money was & he could not have got up to take money wt out her seeing it – she was at the foot of bed at time & must have seen him – and no person could have come into the room without her observing it as she stood at the door – when she turned round the cap & the money was gone, – when she found her money gone she called a man who was in an adjoining room – as her husband was asleep at time – the man in other room came in and said he would search for it – loud enough to be heard by Pr The other man's name was Patk Ferland –

The Pr had lodged 3 months wt W. he said he would find his own board & pay her 5/ ℔ month for lodging – that that woman he asked W for something to eat for breakfast out of charity as he had no money – Ferland said that

the

the money could not have gone out of the house & that he would search Pr. thinks Pr heard this — The Pr immediately went down stairs as fast as he could — does not know when he went — her husband's name is Dennis Griffin and this was in his house — the Pr had no room — She asked the Pr if he saw any thing of the money. he said he did not. went off immediately, and before Ireland had come into the room — what Ireland said about a search as the money could not be gone out of room he said before he came out of the room when he was & before coming in to where Pr was —

x

She occupied 2 apartments in the house, and at time the door between them was shut — she had another boarder of the name of Thomas & one Early, but they were not in the house at time — There must be about 10 minutes from time she laid the money on the table before she missed it — the money was laid on the same table where Pr breakfasted

Patrick Ireland, lodged at house of Dennis Griffin in March last — 1st Pr for 2 years past — he lodged there for 2 a 3 months — talks a little English — remembers being in the adjoining room in house when Mrs. Griffin called out to him if he had seen any money on the table, as he had passed through the room to go into the other room — & he had not seen it — she said she had lost money, & that no body had been in the house,

the

the Wr said if nobody had gone out the money must be still in the house, and that he would search for it — loud enough to be heard — the Pr went off down Stairs — the Wr went after him and found him in a public house where he saw him about 15 — minutes after two pint gin, a French crown for a chopine de Rum the Wr asked Pr if he had any more money, he said he had not — the Wr s. you must have more — the Pr prayed to be searched — which Wr refused, — upon this Murray the Tavernkeeper s. to Pr. you gave me two half Crown just now to keep for him — upon this Pr said he had got the money from the Priests — and as Wr s. he had not time to go to Priests for money he said he had got it from his master — The Pr got his supper from Mrs Griffin for charity the evening before, and she used to give him somthg to eat when he had noths of his own — That he might have been about 5 or 6 minutes in room before Mrs G. said she had lost her money —

x

There was 7/6 stolen in house some time before but Pr was not blamed for it —

Mrs Griffin That it was after Farland had gone into the other room that she wrapped up the money and laid it on the table — that the evening before the Pr s. he had no money & this induced her to give him

his

his breakfast that morn.

Daniel Murray – keeps a public house in old market place – has seen Pr several times in his house, saw him there on 27 March in the forenoon, hd Wb what he owed him about 1/ à 1/6 – by laying down a hf Crown piece – the Wr was about to give him when Pr told him to leave it, as he was going to get some drink – & the change lay on the table – Pr had drank a little before he came to house of Wr and he gave Wr other two hf Crowns to keep for him – The Pr was in the habit of leaving money wt Wr to keep when he was in drink – the pieces were 2/9 each – That Mrs. G. came in before Pr left his house – complained of having lost her money – the Pr sd he had no money – the Wr then mentd that Pr had given him two half Crowns to keep for him – The 2 hf Crowns he rcd from Pr he gave to Prenevault, constable –

Jean Prenevault – Con.ble he rcd 2 hf Crowns from last Wr which he sd he had rcd from Pr – the Pr was present, he ord them to Mrs Griffon the Pr by order of the Magistrates –

Defence –

Jourss. Peltier – con. le Pr depuis 25 ans – travaille depuis 15 ans – l'a toujours considéré comme un honnête homme ne le croyoit pas capable de detacher un Sol le personne – il est donné à la boisson –

Felix Souligny — con. le Pr. depuis 20 ans — & plus particulièrement depuis 10 à 12 ans — l'a toujours trouvée très honnête — lui a souvent donné de l'argent & lui en doit maintenant — Après qu'il fut arrêté pour cet affaire ici il a travaillé pour le Témoin — in Mars dernier il a travaillé pour le Témoin, & il lui a payé de l'argent en différens tems —

X

Ne se rappelle pas de lui avoir payé de l'argent le 27 Mars — mais il est probable qu'il lui ent payé en ecus français, comme ils étoient communs dans ce tems là —

Jean Cloutier, dit au Service de Mr Souligny, et l'a vû payer à ses hommes, & au Pr. en ecus franc.

Verdict — Not Guilty —

The King
vs
John Francis Rice } On Indictment for Grand Larceny
20r Jany — Montreal —

Zeba Pangburn, lives in St. Ans Sub. is a blacksmith. I on night of 20 & 21 Jany last his Shop was broken open & several articles taken out of it — the several articles mentioned in the Indictment were stolen — found a part of them in a house belongg

belonging to Mr Sparrow — some of the articles found the Wr can identify, one screwplate qr is broke, and a part of which remd in poss. of Pr, believes the ax to be his, is very like the one he lost — a screw box — he also believes to be his property — as well as the other articles from their appearance but will not swear positively — Mr Sparrow shewed these articles to Wr —

X

Never saw Pr at shop of Wr — and does not know him —

Ezekiel Cutter — had a quantity of tools in Shop of Mr Pangborn in January last qr — were the property of Wr & of Thomas Wintemute — a part of these was stolen, which he afterwards saw when brot back to his own Shop — the Screwplate qr belonged to Mr Pangborn — marked a Countersink which he thinks is his property — believes the other articles mentd in Indictment to be theirs from their appearance on 21 Jany last found the Shop had been broken open & these articles stolen —

X

Never knew the Pr nor suspected his having stolen the articles in question

James Elliot — sum. that on Jany last Pangborn & Cutter lost a quantity of tools out of their shop — went to house of Sparrow, when found an ax qr Wr recognized as one stolen. Sparrow then shewed them a cupboard in qr were more articles wh he said the Pr had brot there — they consisted of the articles now shewn mentd in the Indictment and several other articles — then Wr brot back to shop of Mr Cutter —

John

John Sparrow. Is the Pr who lodged in his house in the month of January last — saw Pr bring tools into the house — one day saw an axe lying on floor of his wife &c. Pr had brot home at him — That there was no one in his house who had any tools in it but the Pr, they were kept in a Cupboard without a Lock — Elliot came to house wh Panborn they recognized in particular a Screwplate, & from this claimed the goods as theirs — Has seen Pr bring tools to the house as late as 9 & 10 o'clock at night

×

The Pr generally carried backwards & forwards his tools & from the place he worked at to the house of Wr —

Jane Sparrow, wife of last W. Has seen the Pr bring in tools very frequently to house of Wr — sometimes in the evening — all the blacksmiths tools which were brot to the house were brot there by the Pr That she pointed out the tools in the Cupboard as having been brot there by Pr and Elliot & Panborn claimed several of them as their property, and they were all carried away as their property —

Richd Hart Constable — went to house of one Spencer upon some complaint, and having had information of the robbery of Panburn's Shop, he there found an axe &c — gave him suspicion that this might belong to Panborn & lead to a discovery of the theft

he

he went for Pangburn & took him to Sparrow's house when Pangburn recognized the axe, and on further search they found all the articles now produced which the persons in the house said that P. and one O'neill had brot there — these articles the W. delivered to Elliot to be carried back to Elliot's shop —

James Elliot — the articles he rec.d from Hart remained in the shop till next day when they were delivered to Louis Marleau at the Police office —

Louis Marleau — the articles now shewn were delivered to him in the months of Jany last, at the Police office & have rem.d in his poss.n ever since —

Defence —

John Jos. O'neill — a few days before P. was committed he saw him purchase an axe and such articles as those now shewn near the old market house of a man who seemed to be a black smith — but whom P. did not know — there were 2 or 3 gimblets among the articles the P. purchased, and paid 4/ or 4/6 for them —

X —

he boarded at house of one Sparrow since he came to Montreal, assisted Sparrow in the work he carried on until he could procure a situation — was in company with Rice P. when he purchased articles — knew the axe when he went to Sparrow's as the axe of P. but — in old market place —

Verdict Guilty of Petty Larceny.

The King
v
Wm Eagleson

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

Narcisse Monfort, was in the Street on evg of 23 Febr. last between 8 & 9 oClock in Co with one Pre Boisseau Bonneau, met Pr near the College he had three buffalo skins on his back. they stopped him asked where he was going with them & he was going home - he s he was come from his masters house - that he had taken these things from his master, as he wd not pay him his wages - they askd him to shew where his master was - s he went, drew a certain distance with him when he threw down skins run off - they Bonneau run after him took him & carried him to the watch house w skins - When there Prisoner s he kn Pr - that he lived at Burroughs upon this they sent to Burroughs who came to the watch house & recognized the skins as his property -

The Pr appeared xd a little in liquor but not much -

Pierre Bonneau - was with last W on 23d Febr last when they met Pr with some buffalo skins on his back, - when Pr run off, the Ws run after him. and caught him - brot him to the watch house with the Skins - appd a little drunk, but not so much as to prevents from running - That

the

the other Wt carried Skins & he took charge of the Pr—
When at the watch house, he saw Mr Burroughs
come in who recognized the Buffalo Skins as
his property—

Asa Borroughs, 1st Pr who lived wt. W on 23 feby last
as servant & had lived there about 6 weeks before
he had discharged Pr about 3 weeks before from his
service and paid him his wages at rate of 20/ pr
month— he owed him nothg when he left his service.
was at home on 23d febr. on gt. event there were three
buffalo robes were taken out of his Stable, but he had
no knowledge of this till Prenevan came to his
house & told him if he had lost any buffalo robes
as a man who had been in his service had been
taken up wt three buffalo robes— the Wt upon
this examd & found the lock of his stable door had
been forced open, and the three robes taken, upon this
he went to the watch house and there recognized the
three buffalo robes which he had lost.— values
the Skins at 10/ each— saw Pr at watch house
who excused himself by saying that he had done
this in order to pay himself for what Wt owed him &
Cannot say that he locked the Stable himself— and
does not know who broke it open —

Defence—

Henry Forrest, 1st Pr who was in service for about 5 months
about 12 months ago— he was honest active & industrious
& the only reason he had to part with him was his
being given to liquor— when he left his
employ

employ^d. he went to Mr. Mathews –

Verdict Guilty of Petty Larceny

Tuesday 8^th. May 1821

Present – Justices Reid, Foucher & Pyke –

The King
vs
Louis Lavigne

Ou Indictment for Burglary
Lake of 2 Mountains on 7 Febr 1820 –
Dwelling House of Dom. Ducharme

16 yards blue cloth	Value	£8. –
6 do do		3 –
10 do grey cloth		5 –
4 do other do		2 –
9 do Cotton		1 –
1 piece of red flannel		1 –
4 yds. Calliso		10 –
2 hats		1 –
4 pairs shoes		1 –

of goods & Chattels of s^d Dom. Ducharme –

Dominique Ducharme, dem. au Lac des 2 M. il doit en ville le 5 fev. 1820 – il est parti de chez lui le 3 fev. a connu le P^r un an auparavant – il a vu en ville le 5 fev. a demandé au dem. de lui

avoir

avancer 8 pnat. ce qu'il a fait — le Pr a demandé s'il avoit des charges a mener, le tem. qu'il ne savoit pas comme il alloit rester quelques Jours 4 ou 5 en ville Le 8 fev. au matin on est venu l'avertir en ville du vol de son magazein — il s'en fut chez lui le meme Jour, et a fait des perquisitions dans le village pour decouvrir les effets volés, comme il a observé qu'il y avoit 2 pieces de drap bleu 1 une piece de drap gris volés — Qu'il y avoit environ 16 verges dans la piece de drap bleu, qui valoit 15/ la verge — 9 verges de cotton 2/ la verge — une piece de flanelle rouge de 37 verges a 2/ la verge — 4 verges d'Indienne a 1/3 la verge — 2 chapeaux a 15/ chaque — 4 paires Souliers 13/6 la paire — tous ces effets lui manquoient — les Prs demeurant sur la Cure a environ 4 lieues de chez le temoin. Que le 10 il a obtenu un warrant de recherche qui a été executé par l'Haussier Bellair le lendemain — il a été chez les Prs — qu'il a vu ~~devant sa porte~~ près de sa maison, à qui il a dit d'entrer chez lui comme il vouloit lui parler — le Pr lui dit d'entrer, et qu'il le ouvroit — le tem. est entré d'après avoir attendu un mom. voyant que le Pr n'entroit point il envoya un nommé Dicaire de lui dire d'entrer — qu'on est venu lui dire que le Pr s'étoit sauvé — qu'en cherchant chez le Pr ils ont trouvé un coupon de drap de chaque espece qu'il avoit perdu 2 coupons de drap bleu, 1 ~~dans~~ un coupon de drap gris — il y avoit aussi 8 a 10 verges de Cotton — 16 verges de flanelle rouge, de l'Indienne un coupon — 2 chapeaux & une couverte ces effets ont été trouvés dans la Cave dans un Coffre, excepté la flanelle qui a été trouvé dans la grange — ces effets ont été remis à l'Haussier Bellair dépposé à la Cour et lorsque Renaud fut poursuivi, il a vu ces effets & les a reconnus & reclamés comme à lui appartenants Qu'après la Conviction de Renaud les effets lui ont été

été remis à l'exception d'une partie maintenant montrée — Que la moitié de piece de drap rapresmant. mont. il a trouvé chez le Pr comme aussi le coupon de cotton — il les reconnait lui appartenir Que son magazin fait partie de l'enclos avec sa maison de demeure quoique separé d'elle — Que le Pr a été arreté à Quebec à ce qu'il a entendu dire & amené ici — Que les gens du contrevent ~~d'une chemise~~ avoient été arrachés dans le magazin —

X

Le Pr dem. dans la par. de la Riv. du Chêne sur une petite terre — il avoit une femme & des enfans — il avoit acheté de la Chaux du Pr avant ce tems dont il a payé + il faisoit de la Chaux — Qu'il a couché une ou deux fois chez le temoin. — Qu'il lui avoit payé 8 piastres en ville en fev. 1820, espérant être payé sa chaux — Que dans le village il se trouvent des Sauvages qui peuvent être voleurs —

Qu'il n'y a aucune marque particulieres sur le drap maintenant produit, qui est commun, ne peut dire positivement s'il est à lui mais le croit — que le drap bleu étoit particulier par la barre qu'il avoit dont il a trouvé une partie chez le Pr

Elizabeth Dicaire, con. le Pr se rappelle avoir vu le Pr et le nommé Renaud chez elle le 7 fev. 1820 — elle demeure a environ 1/2 lieue en haut du village — que la maison de elle Dicaire est distant de chez elle environ 3/4 lieue — que c'etoit vers les 7 ou 8 heures du soir qu'il a vu les Pr & R — et ont demandé pour se chauffer — ils avoient une voiture à une poche dans laquelle il y avoit une lettiere — ont resté jusqu'vers les 10 heures — ont dit qu'ils venoient de St Benoit, & qu'ils alloient à Vaudreuil,

Bruneau

Vbruneau Decarie – le 7 Fev. 1820, il fut au village et s'en est retourné chez lui entre les 10 & 11 h. du Soir il a rencontré en chemin le Pr & Renaud, il a arrêté & Tem a parlé, ils ont premierement demandé l'heure, le P. a parlé – le Tem. a dit que c'etoit vers 10 ou 11 heures il a demandé s'ils y avoit encore des lumieres dans le village – le tem. a dit non – il a dit qu'ils devoient retourner chez le tem. dans une heure – mais ils ne sont pas venus – Que le lendemain il a entendu dire que le magazin de Mr Decharme avoit été defoncé, & des effets volés –

x2

Qu'ils lui ont dit qu'ils alloient chez Mr Linse au village pour tirer de l'argent – qu'ils n'ont rien dit de Vandreuil –

Alexis Grignon – dem. à la Riv. du Chêne distant environ de 5 lieues du Lac – con. le Pr – Que lorsque Joseph Renaud fut pris il a entendu parler du vol chez Mr Ducarme – et 2 ou 3 Jours auparavant il avoit eu un coupon de drap gris d'environ 2 aunes du Pr qui etoit en compagnie avec Renaud – Qu'il a remis ce drap a l'Huissier Bellaire – qu'il a reconnu le drap le Terme de Nov. dernier sur l'accusation contre Renaud par la coupe – qu'il n'avoit pas été coupé par le marchand, il y avoit des cornieres. il paroissoit coupé avec un Couteau –

x2

Que le Pr residoit sur une terre à la Riv. du Chêne il faisoit de la Chaux –

Belonie Lachance, a acheté du drap de Renaud – en fev. 1820 – il a entendu parler du vol chez Ducharme – avoit acheté le drap auparavant.

Narcisse Bellair, huissier dem. à la Rue du Chene, dans le mois de fev. der. il a eu un warrant de Mr Smith pour faire une recherche chez le P. de R. il y fut avec Mr Ducharme – ils ont vû le Pr près de chez lui – Mr D. lui a demandé de lui parler chez lui – le Pr leur dit d'entrer chez lui ce qu'ils ont fait – ils ont attendu le Pr environ 1 heure – et il n'est point entré, et il n'a pas été le Pr depuis – qu'il a encore entendu dire à sa femme qu'il falloit faire la recherche, ce qu'ils ont fait – et ils ont trouvé du drap gris, et bleu et autres effets dans la Cave – et dans la grange ils ont trouvé une piece de berge pour gris – que Mr D. reconn. ses effets, et les reclamoit, qu'ils ont fait un état de tout ce qu'ils ont trouvé chez le Pr il les a apporté à la Cour remis au l'office de Police – etoit témoin sur le Procès de Renaud et a reconnu les mêmes effets – que tous les effets ont été alors rendus à Mr D. – à l'exception de deux articles maintenant montrés – Que ces deux articles, le drap gris – et le cotton, ou de semblable, il a trouvé chez le Pr – que l'autre

montée

moitié de ces articles les avoient trouvés chez Renaud

Louis Marteau – Con. de l'office de Police – Qu'il a reçu plusieurs articles du dér. temoin l'année dernier qui ont toujours restés la jusqu'au Procès de Renaud en Nov. der. lorsqu'ils furent remis à Me D par ordre de la Cour à l'exception des deux articles mentt. montrés, qui ont continués en la poss. du temoin jusqu'a ce jour –

Defence

Jerome Magie – con. le Pr – a couché chez lui entre le 8 & 9 fev. 1820 – il y avoit un nommé Langlois aussi qui menoit le tem. à la Rue du Nord – Que pendant qu'ils y furent il est venu un petit marchand de qui le Pr a acheté deux pieces de drap bleu & une coupon de drap gris & deux chapeaux – Que le Pr etoit dans les Voltigeurs. & le tem. etoit dans le 10e Regt –

x°

Que le Petit marchand est arrivé environ 3/4 heures apres le tem. – le Pr a donné entre 32 & 35 piastres pour le tout –

N'a pas vu acheter ni de flanelle rouge – ni coupon d'Indienne – ni de cotton. –

Toussaint Langlois – il est de la Rue du Chene, con. le Pr qui y a resté environ 2 ans – il avoit une terre – & une famille – il gagnoit beaucoup d'argent a faire de la

la Chaux, et gagnoit jusqu'a 30 a 40 francs par semaine — A vû le Pr entre le 8 & le 9 — de fev. 1820 — il a mené Magie la le soir et ont couché chez le Pr Que le soir il y est arrivé un petit marchand — de qui le P. a acheté 3 coupons de drap — deux bleu — & un gris — & deux chapeaux — il a vû donné autour de 30 a 35 francs — n'a pas vu acheter d'autres articles —

Que le petit marchd. est arrivé environs deux heures à deux heures & demi apres eux et ils ont arrivé vers une heure apres Soleil couché —

Not Guilty of the Burglary
but Guilty of Grand Larceny

The

The King } On trial of Indictment for Petty
John Starnes } Larceny ——

On two Indictments —

The Pris^r consented that both Indictments should be tried by same Jury. —

Jeremie Beauchamps Over at Mascouche St Henry about a league from house of P^r — about 16^th Nov^r last there was about 20 p^ds butter in a tinette — worth about 9^d. or 10^d the pound — ~~three~~ two sheep skins worth 5/ — a piece of tallow 4^lb worth 10^d a pound — 8 or 10 pounds pork, all of which belonged to him — made no prosecution as P^r — but he afterwards found a piece of sheeps skin at house of P^r — of which he believes to be his but cannot take upon himself to swear it — the butter & pork were not found w^t P^r —

Ks P^r for 4 or 5 years, never ~~x^d~~ knew any thing of him.

Paul Gauthier — lives at Mascouche de Lachenaye — Ks P^r by having seen him some times — On the 11 Inst last he lost a quarter of beef out of a milk house he locked the door in the evening before about Sun down & next morning it was gone — never found his beef. —

Jean B^te Bourgouin. lives in par. St Henry Mascouche Ks P^r Saw him on 10^th Nov^r last about 10 or 11 O'clock at night go into Milk house of Jeremie Beauchamps — his son w^t him — the w^t was looking

on

on — does not kn. whether Pr knew that he Wr was there — When the Pr came out the Wr heard the son of Pr say, father, here are two sheep skins Saw Pr have something like a tinette in his arms — believes there was butter in it — as he does not think he wd have taken an empty tinette — when he put it in the sled it appeared to be weighty — Wr was at gavel end of the house and saw what passed — Thinks he heard son of Pr say somethg about pork, but cannot be positive — The reason Wr had to follow Pr was, that there was much suspicion as Pr & seeing him pass he followd him — Pr is his neighbour — It might be between 8 or 9 Clk when Pr passed — Wr goes to bed at diff hours, that night he was making a pair of shoes for himself and at other times he sat up wt his little girl — That from his house to that of Beauchamps, is about a league, & Pr went slow Wr ~~his taune~~ an old Cart so that Wr could follow him easily — Wr saw the tanned Sheep Skins — when articles were put in Court, he got into the Court & returned home — was present when house of Pr was searched in consequence of the information given by Wr — one Gauthier — saw Pr at door of Paul Gauthier some time last winter, it might be about ten O'Clock at night, the Wr was returng from setting up

up, and as he passed Gauthier's house he saw the door of Milk house open, and a sled and a small red mare qu. he knew belonged to Pre: saw Pre coming out of the Laiterie wt a quarter of beef cut in two — cannot say whether it was the fore or hind qr — was distant from P. only the width of the road — saw P. distinctly altho it was not moon light, yet by means of the snow it was easy to distinguish him —

That Wz did not give his inform. of Pre till some time afterwards as he was ~~not~~ afraid and did not ken. that upon his information the Pre could be arrested

&

The P. lives on a land of his own and in his own house — has 2 cows — never lent him any money — nor a piece of leather such as that now shewn — the Wz never lodged in house of Pre nor eat at his table, saw wheat in his house when P. was arrested — Wz P. sold a hog last fall and killed another —

Janvier Dayfer, executed a search warrant at house of P. on 17. Febry. last — found under the paillasse of his bed a piece of tanned sheep skin — qu. P. did not claim — that Beauchamps was there and claimed the skin saying it was a piece of one of the skins he had lost —

Defence

Joseph Bourgeois, Capt. of Militia in the parish of

Le

l'Assomption de Varennes the Pr for 25 or 30 Years past — Never kn. that Pr ever injured any one to his knowledge — all the fault he found w.h him his harbouring persons of suspicious characters and who were not known —

Rs. Jn B.te Bourgouin, who is said to have lived at home of Pr some time — That this Bourgouin does not live w.h his wife — has heard him badly spoken of —

Verdict. Not Guilty upon both Indictments —

—

The King
v
Arthur Smith

On Indictment for obtaining money and goods under false pretences —

George Roi, is clerk to Mr Th. Phillips who keeps a grocery Store in Montreal — knew Pr 3 or 4 days before 16 Inst. last — on that day the Pr came to the Store of Mr Ph. between 7 & 8 o'clk in the evening, and purchased some trifling article, to amount of 2 or 3/ — & Pr gave him in a bill of Montreal Bank of 5 Dollars — & pr. gave him the change in bills & specie — Pr went away — but Wr told him, if the bill was bad, he the Wr would return it to him — Pr. sd he was sure it was good — the Wr took particular of the bill so as to recognize it

it by two small marks on the back of it & the sum of it was 3191— at night the bill was put aside The next day the Wr rec.d a Second bill of— was not good, and began to have suspicion it was not good went to his lodgings in the course of evening of 17— but could not see him as he understood he was in liquor next day after, the 18th— and found Pr and requested of him to give him value for the bill as he suspected it was not good— the Pr said at three or four different times that he would carry the Wr money in a moment but as he neglected doing so, the Wr had him apprehended and on the way to the Police Office, said the Wr was wrong to have taken him up— as he wd have paid him his money, and further if Wr wd let him have the bill and let him go, he Pr would give Wr. 6 dollars for it— W.r P. was in the hands of Justice & he had no longer anything to do with him— The Pr— was examined at the Police Office The Bill now produced is same he rec.d from Pr—

Bill was read to the Jury—

Defence—

Pr had purchased articles in the Store before—

Charles Irvine, constable went to arrest Pr on 18 Jany last— told him the complaint of him— the Pr s.d he would not go w.t Wr— and had some struggle at first w.t Wr— That on the way the Pr— offered to return the money to Mr. Roi and thinks it was Six dollars he offered—

William Radenhurst, is Clk in Montreal Bank— the bill

bill now produced is a Forgery —

Defence —

John B. Woodbridge, recollects having seen Pr on market place selling articles there — and that he wanted money to make change of a five dollar note — Has known P. about 2 years past has known P. at work for Mr Cameron, a Carpenter — and has seen P. at work for him —

Ewen Cameron has known P. for upwards of three years & has had dealings with him & has sold for W. on market and always found him an honest man as far as he knew — The P. is a Carpenter by trade but occasionally sells on market for himself and for others —

George Stanley — Has seen the P. for last two winters selling on market place articles for Americans Settlers. —

Verdict. Not Guilty.

—

The King
~~Michael Hoole~~
Pierre Leclerc
& Mary Fraser

} On Indictment for Burglary —

Nicolas Gauthier, cultivateur dem. au marché neuf — Con. la Pre Fram, qui est venu chez lui le soir le ~~7 Jan~~ vendredi 8 heures du soir avec un soldat qui a demandé

une

une verre de rom pour la Pre ils ont resté 7 a 8 minutes
sont partis ensemble — Qu'il avoit fermé sa maison
porte & fenetre entre les 8 & 9 heures du soir — Que vers
les 9 heures il s'est couché prés du Poele dans la chambre
de la barre — Qu'il s'est reveillé entre 1 & 2 heures, il lui
prit fantaisie de fumer — a été à la table mais n'a pas
trouvé son boete a tabac, il allume sa Chandelle, et en
entrant dans la barre ou etoit perdu sa montre, il la
trouve partie aussi — et en regardant le boete ou il mettoit
son argent etoit parti aussi — alors en voulant monter
en haut pour avertir sa fem. il s'est apperçu qu'une des
Contrevents qui ne fermoit point, mais que l'on avoit
Coutume de pousser seulement etoit, ouvert en partie, qu'une
vitre de la chassée doit cassée, la Chassée remis, mais
point fermée comme elle devoit etre — qu'il s'est apperçu
que la porte du milieu qui s'ouvre dans la Cour, le tacquet
avoit été oté, de maniere a faire croire que les voleurs
avoient sortis par la — qu'il a reveillé sa femme, et ou
alors decouvert qu'une somme de 63 piastres consistant en
billets de banq. en piastres d'Espagne & americaines qui
etoient dans le boete en la barre, avoit été prise — la montre
d'argent — valant environ 3 Louis — un boete a tabac 6f —
une parapluie 5f — une paire de mouchettes 1f — une
vieille vidingotte 5f — les quels argent & effets lui appartenoient

Que le soir la veuille lors que la Pre est entrée chez lui
elle etoit bien mal habillée, et le lendemain en allant vers
le fauxb. il la rencontra, bien ajoustée avec d'autres habits.
il l'a poursuivi un bout de chemin & ensuite il l'appella lui
disant venez chez moi Je voudrais vous parler, & il l'a mené
jusqu'au Coin du marché ou elle se reconta avec un
Soldat & est entrée avec lui dans une auberge — ils ont

invité

le tem. d'y entrer ce qu'il fit & prit une verre de vin avec eux — alors la Pre lui dit de s'en retourner chez lui & qu'elle le suivoit dans un instant — que le Tem. est sorti de l'auberge et a attendu pour voir ce qu'elle feroit — que vers 5 à 6 minutes après il l'a vû sortir de l'auberge avec le Soldat et ils ont pris un autre chemin au lieu de venir chez lui — qu'alors il avoit plus de Soupçon contre la Pre et a pris un warrant de recherche pour chercher chez elle, il a trouvé qu'elle restoit chez le Pr. Leclair dans une maison près du marché à foin, il s'y est rendu avec un Connetable ont vû la fem. de Leclair qui leur dit que la Pre etoit sortie le matin — alors le tem. a fait connoître qu'il avoit été vole & qu'il venoit pour faire la recherche pour ses effets — et la fem. montant la Chambre de son mari, ils sont entrés — et dans un coffre on etoient plusieurs autres articles, il a trouvé la boite qui etoit dans la barre ou il gardoit son argent — il l'a reconnu immediatement — la boete avoit été forcé — c'est la même boete mait. montré — qu'il y a 24 ans qu'il a. ~~ce boite~~ — il a alors demandé à la fem. ou etoit la boete à tabac et les mouchettes — elle a dit que les mouchettes etoient dans un tiroir de la table — & la il a trouvé les mouchettes — on a ensuite trouvé un bas pas achevé — dans ce moment un des Connetables est allé chercher la Pre Fraser,

et

et un quart d'heure après il est revenu avec elle et en entrant elle s'est dispatée avec la fem. de Leclaire qui montroit les effets volés — la fem. de L. a dit que la parapluie étoit au grenier — ou il l'a trouvé — qu'ils ont trouvé sa redingotte tournée sous du bois de pool Que la fem. de L. dis'ait que son mari devoit avoir la boëte à tabac dans sa poche de la Caleçon sur lui — Que le lendemain il a vû la boëte à tabac de la caleçon au l'office de Police — Qu'en sortant ils ont pris la Pve avec eux, elle prit un couteau qui étoit sur la table disant que c'étoit le couteau qui avoit servi pour démancher la vitre qui avoit été otée de la Chassée. — Que la vitre étoit casée en plusieurs morceaux — Qu'il reconnoit la boëte à tabac comme à lui appartenant.

X

Que la boëte a tabac peut valoir ~~vaut~~ 6/ — et la Caleçon 5/ —

Que c'étoit Mary Fraser qui a fait trouver la redingotte et qui a remis au lieu. le couteau qui avoit servi pour démancher la vitre. —

Jean Prenevaut — a été executer un warr de recherche chez le P. Leclerc le 7 Decembre der — en entrant la fem. du P. leur dit que Mary Fraser étoit partie en canot pour St Martin le matin — on a premt découvert le bout ou avoit été l'argent que M. Gauthier a reconnu — ensuite la fem. du P. leur a dit que les redingottes étoient dans la chambre de la table, et ils l'ont trouvé la Que pendant que l'on cherchoit on leur a crié par la fenetre que l'on cachoit du butin dans la Cour, et en effet ils ont trouvé une redingotte ~~trouvée~~ dans un vieux pool —

pendant

pendant ce tems on a trouvé la Pe Fraser et la mené chez L. elle disoit qu'elle n'étoit pas le plus coupable – et elle leur a dit ou étoit la redingotte – sous du bois de pruche ou elle a été trouvée – Que la fem. de L. disoit que son mari avoit la boëte a tabac et le caleçon sur lui Qu'on demande ou étoit la parapluie Mad. L. leur disoit qu'elle étoit au grenier, ou ils l'ont trouvé Que le même tems il a arrêté L. chez lui, et on lui demandent s'il avoit une boëte a tabac et un caleçon qui avoit été volés, il disoit qu'il avoit ces effets comme les ayant reçus de la Pe Fraser et les a livré au tems – Qu'il ne connoissoit rien des autres choses qui avoient été toutes apportées chez lui par la Pe F. – que quant à lui il n'étoit guere à sa maison comme il travailloit pour un autre et ne rentroit que le soir – Qu'en sortant la Pe F. prit un couteau qui étoit sur la table ou de dedans le tiroir disant voila un couteau qui va tout declarer celui qui a commis le crime a servi pour arracher la vitre –

X

Louis Marteau Con. de l'office de Police, il étoit present lorsque le Con. Provencher a apporté tous les effets maintenant montrés à l'office de Police la y Dem. dernier, Les y ont restés jusqu'a ce moment –

Nicolas Gauthier Que toutes les portes et fenetres étoient bien

fermées le soir du vol — Que la fenetre donne sur la Cour haut environ de deux pieds de la terre —

Defense

Joseph Demers — dem. dans la maison avec Le en Decembre dern. depuis 4 ans — Qu'il a connoissance un Jour à matin d'avoir vû la Pr. Fr. donner un bouton à tabac à un calecon à la f. de L — et le soir du même Jour il a vû Mde L. donner ces deux articles à son Mari le Pr — Que le P. L. se comporte bien, gagne sa vie à la journée et est rarement chez lui excepté quand il rentre le soir —

x°

Qu'il n'y avoit pas de neige alors — Que c'etoit 7 a 8 Jours avant la recherche faite —

Qu'il a entendu la Pr. Frazer cogner à la porte à demander à ouvrir, et le P. L. a été lui ouvrir la porte — et le lendemain il a vû donner le bouton à tabac à la fem de L. le lendemain matin —

Marguerite Demers, con. le Pr. Leclair a dem. dans la même maison avec lui depuis 4 ans — est fem. du dern. temoin — a con. que la Pr F est venu un soir cogner à la porte chez L. le matin, et on lui a ouvert la porte — Que c'etoit Leclair qui lui a ouvert la porte — Que c'est la seule fois que la Pr. F. est venue de la nuit — que cela pouvoit etre dix Jours avant la recherche faite chez Leclair —

Connoit le P. L. pour un bon garçon un honnete homme

Elizabeth Demers, fille de Jos. Demers, demeure dans la même maison avec le P L. — elle avoit veillé bien tard

laid ce soir – jusqu'environ deux heures après minuit – que cela doit le même soir que la recherche se fit chez Leclair – que Leclair n'avoit point sorti cette nuit là – elle a entendu cogner à la porte lorsque Leclair s'est levé & a été ouvrir la porte – et quelqu'un est entré – à vu la Pr. M. Fraser dans la maison le matin – ceci doit avant les fêtes de Noel –

Franc. Papineau – con. Pr. Leclair la Pre Que le soir de l'accident il a couché chez lui – Qu'il a entendu quelqu'un cogner à la porte, et quelqu'un est allé l'ouvrir – cela doit au comt. de Decembre – Que L. a couché dans sa maison ce soir là – Que le tem. a couché dans la chamb. de Mr Demers –

Que lorsqu'il est allé chez Leclair la fille de Demers veilloit encore – Leclair étoit couché dans le tems qu'avant de se coucher il a entendu la fille de Demers a parlé a Leclair – & l'entendu répondre –

Franc. X. Bender con. Leclair près de dix ans – l'a toujours considéré comme un hon. homme – a été domestique chez lui pendant 8 à 10 mois –

Verdict – Pr. Leclair not Guilty
Mary Fraser. not Guilty
of Crime as laid in Indictment, but guilty
of Grand Larceny –

The Court adjourned till to morrow at nine o'Clock – A.M. –

Wednesday

Wednesday 9th May 1821

The Court met pursuant to adjournment

Present

Justices Reid Fowler & Kyle

The King
v
Michael Walsh

On Indictment for Grand Larceny in stealing a Silver watch the property of one Alex Taylor at Wm Henry the 4 Novr 1820 – value £2 –

Second Count – watch laid as belonging to persons unknown. –

Louis Dubord & Lalonelle. tavr at Wm H – In the months of Nov. last there was a man of Alexr Taylor in the village of Wm H –

Martin Cournoyer lives at Wm H – kept a boards house there in Novr last – about 4 or 5 in evs of 4 Nov. last a person he did not then ken. but found after to be Alexr Taylor – he had something to eat & drink in his house – & staid there about ½ an hour – saw him take out a silver watch to look what o'clock it was – remarkd. diffce between it & clock –

Louis Dubord – The Pr came into house of Wr about 9 o'clock evs of 4 Nov. got a pint of rum qt – he carrd away wt him about ½ hour after he retd it was then ¼ to 25 minuts after 9 – told Wr to go away to his barracks – Pr P. he had his Capts leave to be out – when Wr took out his watch

to

to look at home the Pr took out a Silver watch also Lobrun[e] it was 20[m] slower than that of Wr in closing it he let case fall — Wr o[n] it did not appear to be a good one — compared it two or three times wt that of Wr — That Wr lives about an acre distant from quay — That next day, the 5th Nov[r], he heard of a man having been found drowned in the river by two men Compton & Crevier — that Wr was on of the Coroners Inquest of[n] — was held at his house — the deceased was called Alex[r] Taylor — they saw the body — strip[d] it & exam[d] it — That Pr appd before the Jury on 5. Nov[r] — when Wr asked him if the evening before he had not had a watch — this was answered from it, he had (by sight) seen wt a watch in his poss. the evening before — That Pr said he had had no watch in his poss. the evening before — After Pr left house of Wr about 1/4 past 9 — he did not return.

Martin Cavanagh — Pr came into house of Wr between 10 & 11 o'Clk at night on 4 Nov[r] inst — he was very wet, heard the water making noise in his shoes — the Wr ask[d] him what he wanted — s[d] he wanted noths — ask[d] how he came to be out of barracks at that hour — d[o] s[d] he had leave from his Capt[n] — he looked very pale, was very quiet and appd confused — the place where he stood appeared ale sandy wet — he sat down on a bench between stove & male, & when he got up there appd sand wet on the bench — Wr he refused to go out Wr laid hold of him by arm & turned him out — and his clothes were very wet — Pr did

not

not appear to be in liquor when he came in, but when We went to put him out he appd so much in liquor that he could scarcely stand — next morng heard that the man Alexr Taylor had been drowned — saw him & recognized him —

xo.

It was a wet night & very dark — and the Yard at back is very Sandy — when Pr came in he appd very quiet — and not in liquor —

Archibald Smith. was acting Corporal in 37th Regt. at Leith on 4th Novr last — was in the Guard-room. & between 10 & 11 oClock saw Pr brot in there — thinks Pr had not leave to be out of his barracks that night — & that he was put under arrest for being out after hours — Saw Pr deliver a watch to Serjt of Guard next day about 12 oClock — one Morrati was present also — Pr sent We for Morrati — We heard Pr say he had a watch — in the guard room —

William Murray Serjt. in 37th Regt — saw that Pr was put under arrest on 4th. Novr last for being absent without liberty — about 1/4 before 11 oClk he was put under arrest & seemed then so much in liquor as to be unable to give any acct of himself or to walk — next morng a person Alexr Taylor was found drowned — thave heard that deceased had a watch. and that Pr had been in company with him, this We enqd. of Pr about the watch — a man, Dubard — o. he had seen the Pr with a watch the evening before — the Pr denied it; or that he knew any thing about a watch, or had any in his possessn — The Pr was searched, but nothg was found on him except some change About 1/2 past one of same day the Pr told We that he had rec. a watch from the Dr the evg before, & of Pr had given

given to Moriati to keep for him till he got out of Guard Room — upon this Smith mentions to Moriati who came in when P^r was drest to Moriati to go & get what he had given him — the W^r went w^th Moriati to his Room, when he took out a watch and took it & carry w^d him to guard room & there in presence of P^r deliv^d it to W^r — and P^r said that was the watch he had rec^d the evening before from the d^d — thinks the watch now produced is same so deliv^d to him by Moriati — there was a chain at it — the watch the W^r deliv^d to Mr Jones the Magistrate — he is certain is same now produced

Pat^k Moriati Soldr in 37 — was on guard in the evg at Jail on 4^th Nov^r last — the W^r went on guard at 9 o'Cl at night & remn^d till 11 — & when he came in saw P^r in room asleep — next morng about 6 o'Cl he went w^th P^r to look for his Cap & Belt & pr. Socks. found cap & belt in the Street but not the Socks. before returned P^r request^d of W^r to go a little further w^th him to entrance of guard yard — when he stooped down and took up a watch & appd to be buried in the sand there, & gave it to W^r to keep for him — ask^d P^r when he got it, he s^d a friend had given him the watch to keep for him, after some hesitation — and request^d of W^r to keep it for him — about one o'Cl the Sup^t came & told W^r the P^r wanted to speak to him, went to him, when P^r told W^r to deliver

to

to Serjt. Murray the thing in the Pr had been
usr. to keep for him — Believes watch now
produced to be same delivd him by Pr

David McKenzie. mason, lives at Leith — on 4 Novr. last was
at house of one Cournoyer, when he saw a stranger by
name of Alexr. Taylor, saw him pull out his watch —
some person askd Wr what o'clk it was when he
took out his watch to look upon this it was that
Taylor took out his & compared it wt. that of Wr
one of them was near an hour slower than other — it
was about 8 o'Clk in evg — Saw Taylor same evg
at one Cesar's about 7 o'clk — when he had occasion
apr to see him take out his watch — Saw same man
next day after he was drowned —

David Seco, lives at Leith — saw person at his house about
7 o'clk in evg of 4 Novr who was found drowned next day
Saw Pr and other Soldiers in his house that evg —
Wr went out & when he came back they were all gone.
next morng saw person who was found drowned
& recognized him to be the man who had been in his
house the evg before —

Joseph Comptois — lives at St Frans — was at Level on 4
Nov. last wt a batteau — at night the batteau was fastened
to Daniel's wharf — The Wr found the person drowned
on morng of 5. Novr — about day break — the Wr was
baleing out water from his boat, as it had rained the night
before — saw pocket of Dr — floating on water — was about

Lévis

six feet from his batteau, he drew him towards him and called his comarade to him — The W. saw Pr the eve before about 9 o'cl at Dubord's house — he coming out of Dubord's the Pr. follo? W. to his boat & went into it — saw a man sleeping on the quay and the W. asked P. who it was that was lying there — the Pr. s? it was his comarade who was drunk — the man who was lying there had blue cloaths on, but did not look at his face — the drowned man was dressed in the same manner and W. thinks it was the same — that had the blow been given at time he passed man on the quay the W. could not have seen it, as he did not look in his face — the Dd had appce of a blow over the eye wt a stick — after Pr had left W. boat — he went to man on quay & heard him say come — come — get up & go wt me — and W. retd wt about 1/4 hour after to take back lanthern — passed by quay but did not see the man who was lying there before altho' he looked for him — when he went into Dubord's he there saw Pr — Saw Pr next day, W. was asked if he could know Soldier who was wt the deceased — he s? he wd & pointed him out — asked Pr what he had done wt watch the Dd had — he s? he had seen no watch — the Pr also had a watch in his poss. when W. saw him second time at Dubord's it was a Silver watch — the Pr was asked why he was out of his barracks so late — he s? he had leave —

Heard

Heard the drowned man was called Alex^r Taylor

Pierre Crevier, was w^m last W^s at Seal in oct^r last was in boat w^th him — in going to the ~~about~~ about 9 o'cl^k saw a man lying on the quay — was present next morn^g when a drowned man was found, and by the cloaths he thought it was the same he passed lying on wharf — saw P^r at Dubord's when they went back looked at his watch twice — it was a Silver watch — He had occasion to observe the man lying on the wharf several times, as they were loading the batteau at the time —

Defence

William Johnson Mullen — about 13 Dec^r last — saw P at Caparaga — came there in a Sled, and P^r told W^m he has been charged w^th steal^g a watch — he had his own Commitment along w^th him which W^m heard read — W^m slept w^th W^m at house of one Leith at Caparaga — and was under no guard as he came and might have made his escape had he ~~that~~ fit

Gwyn Owen Radford

Verdict, Guilty on 2^d Count of Indictment —

The King
vs.
Frans Morin

On Indictment for Grand Larceny
Pte aux Trembles. 3 Jany last -

50 French Crowns — value £12 —
50 Spanish dollars — 11 —
1 Leather purse — — " 1
2 hf Eagles - 2 hf guineas —

of the monies, goods & Chattels of one Jos. Dubeau

Joseph Dubeau, il voyageoit de Quebec pour aller a ~~Detroit~~ ou il demeure, il a rejoint le Pt. de Masquinongé et a continué route avec lui le 2 Janv. a St Sulpice, ou ils ont couché - le lendemain ils ont arreté à la Pte aux Trembles pour se rafraichir, ils ont été abordé par 2 petits garcons qui demandoient a soigner leurs chevaux le Tem. est entré dans la maison a quitté le D. dehors qui dottoit son Cheval - le Tem. avoit un portmanteau ou etoit son argent enveloppé en linge - en piastres francoises, piastres d'Espagne et en or - que dans une omittaine il avoit deux pieces d'or de cinq piastres chaque a une demi-guinée, qui lui ont été volés - En partant de la Pte aux T. ou ils ont resté environ 1/2 heure - le Pt. dit au Tem. d'aller en avant, ce qu'il fit, ~~disant~~ etant enveloppé dans la peau - il a été environ une lieue, & regardant derriere lui, il n'a vu personne le suivre - il a continué sa route en ville et a arreté chez

un

un nommé St. Morrice, ou il a decouvert que son argent manquoit – qu'il n'avoit aucune soupçon du Pr dans le tems, et a été chez ~~lui~~ Girard ou le P. demeurant pour lui demander nouvelles de son argent, le Pr lui dit qu'il ne l'avoit pas pris & qu'il ne savoit pas ou elle étoit – Qu'il a descendu jusqu'chez Deschamps pour chercher son argent – il est revenu de la à la Pte aux Trembles ou il a encore vu les mêmes deux petits garçons à qui il a donné connoissance de la perte qu'il a essuyé – les petits garçons lui ont donné connoissance que c'étoit le Pr qui avoit pris l'argent De la il est venu chez Mr Lesperance ou il a scu que le Pr avoit montré l'argent, et a voulu changer quelqu'uns des pièces d'or – qu'en conséquence le Pr fut arrêté par le Con. Hart – Qu'après qu'il fut arrêté le Pr a declaré librement devant le tems et Mr Hart que c'étoit lui qui avoit pris l'argent et qu'il montreroit ou elle étoit, et un peu de tems après Mr Hart a rentré avec l'argent dans la main Qu'il reconnoit la bourse maint. montrée pour la même qu'il avoit perdu –

Richard Hart – went to execute a Search wart – at house of one Girard as the Pr he found Pr in the Street – he caried Pr into house of one Richelieu – Dubeau says Pr on having stolen his money the Pr denied it – upon this a long conversation took place between them, and Dubeau says Pr to understand he had been changing some pieces of money in the market place – the Pr after this went w. W. to Stable and under the

manger among some hay, after some search the Pr. produced ~~a purse with~~ the purse now shewn and a quantity of money in it — the Wr shewed purse to Dubeau who recognized it. & upon this the Wr kept the purse till next day & then carried it to the Police Office, when the money was counted —

Jos. Dubeau dit qu'il a perdu 164 piastres & quatre francs — The Pr. acknowledged he had spent a part of the money, but does not remember the Pr having asked to borrow 5 dollrs from Wr to return make up the amount stolen —

Gilbert Provost âgé de 8 ans, après avoir été questionné par la Cour sur la nature du

demeure chez son père à la Pte aux Trembles — que le tem. soit chez Beaudry à la Pte aux T. lorsque le tem. Dubeau y est arrivé — l'hyver dernier — que le Pr. était dans une autre Carriole — Que le tem. avec son Camarade ont offert leur service a Dubeau pour d'etater son Cheval — et Dubeau est entré dans la maison — Que le Pr. a resté dehors pour d'etater son cheval — il a vû le Pr. qui était après attacher un sac de Cuir qui était dans la voiture de Dubeau — que de la le Pr. est entré dans l'ecurie, & le tem. a vû tomber une piastre, que le Pr. a

mis

mis dans son Capeau – que le tem. a vû trois pièces d'or entre les mains du Pre – que lorsque la pièce a tombé le Pr a dem. au Camarade du tems de la ramasser, mais il n'a pas voulu. le Pr l'a ramassé lui-même – Que le Pr a resté un bon bout de tems dans l'ecurie – Que Dubeau & le Pr sont parti ensemble de chez Beaudry – Dubeau etoit devant –

Jos. Dubeau – cross-exam^d

Dit qu'il avoit bû à la Pre aux Trembles – mais n'etoit point enivré – Qu'il a perdu son chapeau le long de la route – que le Pr ne lui a pas rendu son chapeau, ni ramassé à sa Connoissance

Gilbert Provost – cross-exam^d –

Que quand M. Dubeau a embarqué dans sa voiture il n'etoit pas mal en train –

Paul Petit, dem. à la Pre aux Trembles – il se rappelle d'y voir arriver Dubeau et le Pr chez Beaudry – que le temoin & son Camarade Provost lui ont offert leurs services pour d'ôter sa voiture – & là dessus Dubeau est entré dans la maison – le Pr a resté dehors – a dételé son cheval – et en entrant dans l'Ecurie le Pr a laissé tomber deux pistolets qu'il a ramassé mis dans la botte de Foin ordinaire – Qu'ils ont resté environ 1 heure chez Beaudry et quand ils ont parti, le Pr a dit à Dubeau d'aller en avant ce qu'il fit – le Pr est parti en même tems – se rappelle

d'avoir

d'avoir vu Dubeau quelque tems après chez Beaudry qui demandoit des nouvelles de son argent —

Jn Marie Mondelet, Polier Magistrat — se rappelle que le Pr a été amené devant lui sous la garde de Hart le connetable — avec une bourse d'argent — Dubeau dont la d a reclamé la bourse et l'argent —

Defence —

Jacques Lafleur — con. le Pr depuis 2 ans et il a travaillé avec lui, quand il avoient de l'argent à retirer c'étoit le Pr qui la retiroit et on n'est jamais apperçu qu'il ayt detaché un sol — la toujours considéré comme un honnete homme. — ~~Dubé~~

Gabriel Girard, a été en son service pendant 17 mois — il retiroit de l'argent pour le tems, et il ne s'est jamais apperçu qu'il ayt rien detourné. et le considere comme un honnete homme —

Michel Boucher — que meme temoignage —

Verdict. Guilty —

Recommended to the mercy of the Court

The

The King
Edw^r Baird } On trial for Arson —

Thomas Peck. the elder, kept a livery stable in Montreal in augt. last — on the 31st of that month the Stable & brick house adjoins were burnt down — same afternoon in coming from mile end. the horse took fright and run off with the carriage in wch Mr. and Mr Hitchcock were — he got out of carriage and left it in charge of a man to bring him home — ~~That not~~ ~~mossd the Pr came~~ a man came to him in afternoon of same day in wch Stable was burnt a man came to demand 5 dollars for having taken charge of the horse — this the Wr refused, and upon this the man, whom Wr believes to be Pr appd very angry, and said he would have his revenge — same evening his stable took fire and was burnt down — That fire was not communicated from the interior of the house — as he was among first there, and there was no fire below — It was about ½ past ten he first observed flames — about an hour before this the person, as he thinks Pr had demanded money from Wr — the house of Wr was also burnt down — Saw Pr next day came and asked for payt. for working at the fire — this was refused — the voice of Pr — and his figure and appearce — were very much like that he had heard that had asked him for money the day before —

That Wr had left one of his men stands at the Stable door not 20 minutes before the fire — and there were two others who slept in the Stable —

That there was an opening in the stable which was left

left always open — there is a hay loft over the Stable — about 25 minutes before the Wr had occasion to take a Candle and seek for a horn in the Stable of he wanted —

Catherine Freeman, sr. Pr lives with him in augt. last as a Servant, rem. the days Mr Peck's Stable was burnt Wr had been a days or 2 in service of Pr at that time same day she heard the Pr telling his wife that he had had some difficulty wt Mr Peck for some money he demanded of Mr Peck, & that he would either have satisfaction of Mr Peck or he wd. set fire to his house — The Pr then lived on the road to Lachine n Recoll. Sub — not far distant from Mr Pecks Stable — Saw Pr go to the fire place take some live coals of it he put into a small Lanthorn, & go out wt it — he came back in about an hour, and brot back the Lanthorn ~~hands~~ with him — The Tocsin of fire was heard soon after, when Pr this went out a little and looked at it came back, when s^d to his wife that he had had his satisfaction — The Pr told Wr to say nothing about the matter, & gave her ten dollars to hold her tongue — That after the Wr gave in her depos. agt Pr the threatened first to do her an injury by saying he would fire her — and also offered her mon money to be quiet & say nothing which she refused —

That about 3 weeks before she was sent to Gaol she had some difficulty wt the wife of Pr — and did not give in her declaration agt P. till after this —

X

Says —

Says. that she now lives in Gaol under a charge of Theft — was born at Plattsburgh — was churchmd and is of the persuasion of the methodists —

Thomas Peck, Junr son of prst Wr on 31 augt. last his stable were burnt down — Same evens the Wr went for the horse and Cart &c had been left at Mr Whites, heard a person say, that there had been a reward of 10 dollars offered for that horse & she claimed it — cannot say it was the Pr There was no fire place in or near the Stable — When We left Stable between 9 & 10 O'Clock the Candle had been put out and all was quiet — he went to bed and soon after heard the cry of fire — it appd that it had taken in the loft and had run along —

Alexander Thompson — prentice to Mr White Carpenter, sworn on evs 31 augt. last the Pr brot a horse of Mr Peters to Mr Whites he was put in Mr W's Stable — about 9 or 10 O'Clock young Peck came for horse, when the Pr said there was some reward had been offered for horse, he told Pr to call down next morning she should get it — The Pr followed after the Carriage — Recog. Pr at the Police office to be same person he had seen 31 augt

It was about 9 or 10 O'Clock when young Peck came it was dark, but they had a Candle — never saw the Pr before —

Emery Cushing — on evs of fire — heard Mr Peck have some dispute wth a man about some money, believes Pr to be man — there was angry expressions passed — heard man

say

say when he left Perth, that he would be revenged — the Pr he saw in Police Office about a week ago. — then that. him to be the man — the dispute happd about 9 o'clock near the Stable — it was then a little dark & he could not be positive as to the identity of Pr — he asked 5 dollars for bringg Mr Perths Carriage & horse to Mr Whites —

Defence

Anne Leiton — Wife — Pr. lived w[ith] him in same house in Perth Sub. since 3d Augt. last — Saw Pr in his house between light & dark and remained there till the cry of fire, when she heard his wife tell him that the cry of fire was abroad when she thinks the Pr got up & went out — Pr always behaved as an honest steady man.

Lives in back part of the house & thinks the Pr could not have gone out without her hearing him

That the woman Catb. Freeman did not live in house of Pr at time of fire — she had been there for 4 or 5 days, but it was in dead of last winter — about a month or 6 weeks before Christmas —

Verdict. Not Guilty —

The Court adjourned until to morrow at 9 o'clk in forenoon

Thursday

Thursday 10th May 1821

The Court met pursuant to adjournment

Present

Justices Reid & Foucher

The King
vs
Jerome Mece } On obtaining goods under false pretences

John Gilbert, lives at Dunbarr – the Pr came to house of Wr on 2 Nov. & bot a Coat for 30 dolls and paid in 2 twenty dolls. Notes – the Pr told he would call next Saturday to get 10 dolls change – but never returned The next day the Wr went to St Armand where he heard that there were false notes in currency – upon this he suspected the bills he had rec from Pr he went to Denton & delivd them up to him & made his mark on them to know them again – the bills are same he rec he rec from Pr – one of them had the figure marked on it when he rec it from Pr There was no one present except family of Wr when he rec them notes from Pr He found Pr near the village of St Armands after this about a week – when he was at arrested, the Pr at first denied having bot any thing from the Wr but afterwards when he was before the magistrate he acknowledge the fact, and that he had passed some three notes –

Sarah Gilbert, daughter of last Wr saw Pr last fall at her fathers house to buy a Coat – saw Pr give her fr two notes of 20 dolls each – the Pr to be same man –

John

John Gilbert – cross-exam^d –

when P^r was arrested, there was no money found upon him – The P^r named one Jacob Brown and Turner Wing as persons from whom he had them notes – that these persons had a quantity of such notes of them – & he did not know how they came by them –

William Radenhurst clerk in Montauk bank – the two notes now produced as counterfeited & false – they appear to be tolerably well executed –

George Washington Stone – lives at Cutchogue – was present when P^r was brot to his house under arrest for passing counterfeit notes – P^r denied having bought a coat from Gilbert – he afterwards ack^d he was the person. The P^r told Justice & W^m there were different persons from whom such notes could be had, Turner Wing – Thomas Wing – and Jacob Brown – that the persons from whom they had them notes told P^r to be staunch, and not to tell where he got them – That the person who gave the bills dropped them in a barn of the Wings & P^r went in and picked them up. – That P^r was to have the half of what he got in passing the bills –

Verdict. Guilty –

The King
vs

The King
v.
Wm Johnson Mullen

On Indictment for Grand Larceny — and also on Indictment for Stealing from a dwelling house to the value of 40s. —

The Prisoner consented that both these Indictments should be tried before the same Jury. —

Anne Hunter, is wife of Geo. Hunter of Queb. Sub. who is a Joiner — on the 13 April as she was going to put her children to bed found the blankets had been taken away — & on looks round she perceived also that a suit of her husbands cloaths had been taken next day she made enquiry respects the theft & heard that persons had been seen pass. w. blankets under their arms — she happd to mention her loss to Serjt Laurd of 37. — who told her that one Omara had had his shop broken open & a great quantity of tools taken — Same day the Pr came in wt a bag & offered a quantity of tools for Sale — has heard of the robbery of Omara the Wr took particular notice of the Pr and what he sd the Pr offered two large planes for 2/6 — the Wr. sd they were very cheap, but that she must stop the tools as she had heard that a quantity of such articles had been stolen, and also that had been many articles stolen from herself & she suspected his being concerned in the theft the P. got angry being stopt — The Pr then sd he wd go and see Serjt Laurd, & Wr went wt him — when Pr told S.t Laurd, it was not him who took the tools, but

that

that they had been given to him for Sale – then W. then observed that P. was wrong in saying these tools were his own & wishing to dispose of them as such – The W. then req. of W. to go to house of Omara who had lost the tools – went there, when Omara charged P. as person suspected of taking the tools – he denied it, and s. they were given him for Sale & would shew them the man – upon this on the way they stopped at some houses where the P. had sold some of the tools, and got them back again – they went to house of one Crawford where the P. had lodged the night before, when the saw one Peter Dyer, & on asking if he was the man who had given the tools for Sale – the P. and all the persons of the house that Dyer had not given the tools for Sale – the P. then said that the man who had given him the tools was gone, but mentd no name – saying the man was a Stranger to him – They then left house to look after the tools wch had been sold in order to recover them they got several – they then went back to Crawford's in order to take him, as W. suspected from the discription she had had that he was the person who had accompanied the P. – The W. then made enquiry respecting her own things & was informed by Omara that he had seen a woman & boy hiding something that round under the Snow – and on looking there – the W. found her husbands Coat and trowsers – the W. then

charged

charged the P. not being concerned in stealing these things as well as tools as they had all gone same way – the P. denied knowing any thing about the Cloaths – That on the way from Crawfords house w. P. she made enquiry of the Children of the house who had brot the tools & Cloaths then gt had been told – they s. in presence of P. that he had brot the tools and that Dyer had brot the Cloaths and that they both came into the – When P. was at house of w. on way to Court – he had a pair of fur mitts on his head gt w. w. to belong to her husband – She recognises the Coat & trousers now produced to belong to her husband – values the Coat at 30 a 40/– and the trousers at 20 a 25/– are same as found concealed under the Snow –

There was a baker who lived in her house at time the cloaths were stolen – the bed-room where the cloaths were, was not locked – the baker had a wife and two children –

Michael Omara. is a Joiner & Coachmaker lives in Montreal on 13 Ap. last he lost a quantity of tools out of his Shop his tools were in Shop at night of 12th & next morng they were gone – 2 long planes. 2 Jack planes & various other articles mentioned in Indictment were missing, values them at the price stated in Indict – there were also some articles belonging to Berthe. O'connell – He met P. in custody w. Mrs Hunter on 15th Ap. – the P. took him to house of a Shelley's – when 3 small planes & a tenette saw was found – the P. ret. the money he had rec. these tools –

the

the Pr. then took him to house of one Fish, where Pr. returned money he had rec.d for a ~~two~~ two planes & 1 belonged to Wr. Two planes were brot. from Mrs Hunters all these things belong to Wr. — Was present when the Coat & trowsers were found under the Snow. —

X.D

There is a tavern in the upper part of the house where Wr lives — the yard is in common wt. the tenants of the house — and there is a bad gate to the yard —

Patrick Connells, worked wt. last — on morns after the goods were stolen, on going into Shop. he found they tools were stolen — the tools now shewn are the property of Omara —

Bartholemew M'Kay, is a butcher — saw Pr. have two planes of the bot. of him at Sinnesy's house for 1/3 ~~each~~ the Pr. appd. to have various other tools in his poss.n at time of he offered for Sale —

X.D

When they went to Serj.t Lawlers the Pr. said the tools he had sold & offered for Sale, belonged to him, that he was a Carpenter & wished to dispose of them as he was desirous to cross river immediately —

Garret Shennesy — The Pr. offered some planes to Wr for Sale in april last, and Wr gave 5/- for a small plane — Mrs Hunter & Pr. came wt. some persons & claimed the plane — & the Wr deliv.d it up to them —

Susannah Crawford, 12 years, lives in 2. sub. wt. her father & mother — the Pr. The evening before Mrs H. came wt. Pr. — Peter Dwyer gave her some Cloths to hide under the

the Snow — that both Pr and Dyer told Wr. to hide the cloaths under the Snow — The Pr brought in the cloaths and Dyer brot in the cloaths both together the cloaths were in a bundle & Wr. did not know what it contd at time —

Defence

The Pr in his defence, that he had obtained the articles in question from one Dyer, who gave them to him for Sale on his acct —

William Lamb. Wr. P. who was a Schoolfellow of Wr in Ireland — always looked on him as an honest man & who conducted himself w great propriety — he is well connected in Ireland — and Wr is much surprised to see him charged with this offence — Wr is a Carpenter & Joiner — the Pr is of no trade — has had a good education.

Guilty of Grand Larceny on Indictment for Stealing from Wells House —

Guilty of Petty Larceny on the Indictment

The King. —
vs
Joseph Lamoureux } On Indictment for Grand Larceny

Charles Strickland, lives near Quebec — is in the habit of taking fish from Mr. to Q. for Sale — in July last a man of name of Adams engaged Pr to carry a load of fish from Montreal to Quebec — the load might be worth about £7 — The Wr & Pr & another left Montreal to get there on 13th July, between 2 & 3 o'Clk — the Pr went

fast

first to Pt aux T— when W. stopped about an hour.— They left Pt. P. Mr Potter was first— the W. followed & the P. followed— saw P— for about ½ mile on turning a point he lost sight of him— it might be 5 or 6 ll— and W. proceeded on for 3 miles, when seeing P. did not follow— stopt on seeing when a man told him he had met a man taking a load of fish to Montreal— upon this the W. not got a horse from Mr Ritchot & overtook P. about five miles from Montreal with his load— the W. laid hold of P. and told him that was not the road to Quebec— he took load from him & gave it in charge to another— the P. told W. that it was the orders of his master, Mr Adams, to do so— they took the P— and delivd. him over to Constable Hart— when before Mr Adams the P. repeated same thing, but Mr Adams denied it— The P. then said the horse was not able to make the Journey— upon this Mr Hart directed same horse to be sent with load of— was done and he carries the fish to Quebec— the horse was ill for some days after wt a swelled ~~foot~~ knee.

x

The W. was sober at time— bargain was to find P. this horse on road— when he stopped P— he saw 2 gentlemen come up— does not think he stopped them. he spoke to them— The W. was about ½ hour in overtaking P— The P. at first by his master told him to bring the fish back— the W. told P. he had better tell the truth about it, & the W. do not say him about it—

Griffith Adams engaged P. last January to drive a load of fish to Quebec for the last W— the orders were for the

the Pr to keep Company wt Mr L on the road as Mr L was to pay the expences on the road – gave him no orders to return with the journey – The horse was not likely to knock up by time he got to Pts aux T – he had some time before travelled 10 leagues a day loaded The Pr return – contrary to his orders, the Wr asked him the reason – he sd that he had some words wt Mr L when the Shaft of his Sleigh broke – When before Mr Hart the Pr said that Wr had told him to return – which Wr denied – the Pr then sd as he had had some words with Mr L and as the horse was tired, that was the reason he returned –

x

He had had the horse about 3 weeks – the Wr showed horse to Pr and asked him if he thot the horse could go to Qc he looked at horse, and sd he thot he could – He knew Pr before but had never employed him – thot him an honest man or he wd not have employd him

William Potter, accompd Mr L when he was taken some fish to Qc last Lent – the Pr had charge of one of loads – they stopped at Pts aux T – about an hour – they left that the Wr was a head Mr L after and the Pr last – That a Gentn overtook him & told him that Mr L had returned after a load of his fish –

x

That at Pts aux T – Wr told Pr if he could not go so fast as he & Mr L he the Wr would go on before, and accordingly set out first –

Stanislaus Ritchote – lives at Pts aux T – saw Mr L there on 13 Jany last – he came from Montreal wt some loads of fish – That Wr was present when Mr L stopped

the

the Pr. they passed the Pr. and before coming up to them the Wr. made signs to him w.th his hand to stop – it was getting a little dark, about 5 or 6 o'clk in ev.g. the Pr. seemed to look at them, and to push his horse on –

x

The horse of Pr. was so fatigued that they put another horse to take on the load –

Richard Hart – Sworn. that Pr. was brot. to his house on 13 Jan.y last by Mr S – there were also Mr Ranson & Mr Adams another – they mentd. the circumstance of charge ag.t Pr. the Pr. said that he had charge from Mr Adams to return w.th the load from Pr. and S – this Mr Adams denied –

Defence –

Charles B. Pasteur in coming from Pr. and Ls. the Wr Strickland came up after him driving very fast he requested of Wr. to allow him to pass as he had a Pr. he then stopped and told Wr a long story of. went to say that Pr. had turned back w.th a load of fish he had entrusted to him to carry to Dudley. S – appeared either in liquor or in a great rage. from the extravagant manner in of. he acted –

John Roi – That it often happens that Carters will return after they have set out on their Journey when their horses are fatigued, & otherwise – & will set out again next day – Has often employed the Pr. and always found him conduct himself honestly –

Emanuel

Emanuel D'auberville – Ks Pr swd in Corps of Voltigeurs in same time w. Wr he was servt to one of Officers & it is generally the most confidential men that are employed in this way – Since he left the Corps he has had occasion to employ him and always found him an honest man –

Verdict Not Guilty. –

The King
v
Charles Laviolette } On Indictment for Shoplifting

Franc Menecher de Morichon, Clerk of Lymes & Worden on 6th Feby last was in their Store – br. of P. was in service of L. & W. during his absence the Pr was employed in the place of his brother – the Pr was engaged on 5th he came to the Store on 6th that afternoon told him to shut the door of the Cellar – he sd he had done it – this is an inner door of the Cellar – he sd he had done it – this is an inner door & close with a bar – upon this the Wr told Pr that he might go home – he went away as to go home – the Wr remained about ½ an hour in Store after this – it was then a little after 5 oClk in evng – when Wr came out he saw Pr at the door – on qr. Pr obsd – what youre not gone yet? as if surprised to find Wr not gone – the Wr obsd he was going to see the Charavari – the Pr sd so would he also & they went off together – the Wr lost sight of Pr – and was absent about 40 minutes, when he heard there was a fire in Mr Dillon's house, where there had been an Auctioneer the Wr thereupon ret to the Store & found the door of the Store had been forced – he went in and upon looked at the place

when –

where he was satisfied the fire had been made put there in purpose, as no Candle had been near the place the fire appd to have been put in 5 or 6 diffl places. he went down into the Cellar and found the Cellar door open - there was an opening in the floor by wch there was a communn wth appd open wch induced them to go into the Cellar, & on going there they found several pairs of Gloves wch had been dropped there & taken out of Store, upon this they observed the Cellar door not fastened wch the W. had directed Pr to fasten - & a box of candles put in a situation as to enable a person to get out - That there were two pairs of shoes wants in the Store - That Pr went to the Store next morng - That by informn he recd from the brother of the Pr That he had brot some boots to the house the W went in search of them and found the boots in house of a Tavernkeeper - this was nearly a month after the fire - one pair the W recognized to belong to S. & W. That is Edwd Palmer woolcomb & Robt Sumner the boots were in the Store for Sale, and were worth 20/ Stg Cannot say the boots were in the Store the day the fire took, but saw them there 3 or 4 days before

X.

That when the Pr was first arrested, it was not for the Larceny but for the arson - the W. was the last person in the Store before the fire took - That upon being informed of the fire, as he had the keys of the Store in his pocket, he went there immediately - They counted the gloves, but none were missing - recognized the boots from their particular make

and

and from an X & C. marked on the boots — when they heard of boots being at a Cantine they looked over the number in the Store & found there were two pairs missing —

John Summers. lives in Montreal. on last Wk on evg of 6th Feby last an alarm of fire being given in Mess. W & S Store, went there & found door shut — by a Key of Dr Loebel broke open the door — they obsvd a great deal of smoke in Shop. the back windows were shut — had been there about ½ hr when Menelkin came in — went down into Cellar wh Mr Menelkin found some gloves & Stockings scattered about — the two inside Cellar doors were open & the trap was shut but loose, so that any person could have passed through it — saw box of Candles stands under it as if to assist a person to get through the trap door —

XD

That while in the Store before he went down into the Cellar another person might have gone down to Cellar — when he saw gloves & Stockings in Cellar, it looked to him as if they had been put there more by design than accident. Mr Menelkin appd surprised how the fire could have happened — It appd that the fire had been put in different parts of the Store — near the desk when the books were — expressed his surprise at seeing the gloves & stocks scattered about in the Cellar —

Thomas Litt, is in employ. of Messrs W. & S — when they went away they left their affairs in charge wh Mr Trindle — during fire W. was absent wh Mr Trindle — they retd home immediately — never had the least suspicion agt Mr Menelkin — he had the entire confidence of Mr. M & T — & had charge of a large quantity of goods — 12 Mo. M. for a year — considers him a very good man of property good character — Sam. had taken Invt some days before when about 26 prs boots were in Store — had several pairs

prs of boots wt brass heels – after fire observed that one pair of these boots was wanting – never saw boots of this kind with brass laid in in the heels either in the country or in England, such as these boots had –

Q

That goods to the amount of some hundred pounds may have been sold in the Store after Mr Symes left the Country in Sept.

That the prs of boots now on the table may have been one of the pairs sold out of that Store in the course of the Summer –

Adelaide Laviolette, sister in law of Pte she heard of fire at Mr. W & S – she saw two prs of boots of the Pte said he had found in the yard of her house – his mother questioned him if he had not stolen them – he denied it & said he had found them – the mother put aside the boots saying if his brother Augte Ste. them to belong to the Store he must carry them back – she saw the mother deliver boots to Pte telling him take care what you do my son –

Franc. Durieu – Ks. Mr. Menechin – the evening of fire, a man told Ks in the hearing of Menechin, that the fire was in the Store of Messrs W & S – & upon this M. set off immediately to go there –

Defence –

Richard Hart. Constable – was called upon to go to the Store of Messrs W & S. next day after fire – went into Cellar saw two packages of gloves & stocks in it – there was the whole package there – & 2 or 3 prs taken out & scattered

scattered about, q[t] appr[d] to have been done more by design than accident — the principal part of the fire was in the back Store — near the railing of the desk where the books & papers were — The box he saw in the Cellar w[d] have assisted a person to escape — the fire appr[d] to have been put by a candle from the drops of grease he observed —

x

It was possible that in the hurry to get through the trap the gloves & stockgs might have been scattered in that way —

Frank Menechier — the P[r] was employed all day in the Cellar sawing wood — The W[s] left P[r] in Store at 2 diff[t] times for about 20 minutes each time — once to go to Mr Adam's — once to go to the Bank — He rec[d] $15. that day q[t] P[r] saw W[s] put into his desk —

Charles Flagg Roi Ks P[r] lived 2 months in his service — his conduct was correct & regular — W[s] kept a Store — & he often passed through it — he left house of W[s] from sickness — does not consider him capable of stealing — & afterwards puttg fire in order to conceal it. —

Louis Martel — Ks P[r] from his infancy — always considered him a boy of good character & conduct — he lived at house of W[s] & behaved well —

Hypolite St George Ks P[r] was in service of his father 15 or 16 months — & he always behaved well — he staid also at Col. de St Ours —

Come Mercier — Kns P[r] at Col. de St. Ours — he was hired by the family & had a good character —

George Stanley - was a Shoemaker & carried on an extensive trade for about 16 years - in boots as the boots has seen large quantities of sent in the Stores - has seen many marked in same manner as to the brass heels -

Thomas French - Tanner & Shoe manufacturer & has sold Shoes of English manufacture - has seen boots wt brass heels -

—

The King -
William Dorer } Ore Indictment for Petty Larceny

James
~~Dewed~~ Bryan is one of Royal Staff was stat^d at Grenville on 26 June last, saw P^r come into barrack room w^t a blue coat under ~~the~~ his arm, one Robert Clorie came in some time after & claimed the Coat saying he had lost a Coat - he came twice first time he came he s^d he had lost his coat & suspected P^r the W^t shew^d him coat the second time he came shewed it to Clorie who claimed it as his - the W^t gave the Coat to Clorie upon this - the W^t mentⁿ this to the P^r that P^r said that he had come to lie down and was in liquor and he had taken away the Coat w^t him and he

did

did not kn. what possessed him to do it — That this Clorie is now in upper Canada — Cannot say whose the property ~~is, but it~~ the coat is, it was claimed by Clorie —

Thinks that the Pr. did not know what he was about when he saw him in the barrack room wt. the Coat on his arm —

Samuel Mason Serjt. in Staff Corps, sum. a man Clorie mentd. having lost his Coat — he was in the boat wt. Pr. when he was brot. down and heard him say that he had taken the Coat, but did not know what possessd. him to do — the day he appd. wt the Coat he was very tipsy & did not certainly kn. what he was about

Verdict. Not Guilty

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

Friday 11th May 1821

The Court met pursuant to adjournment

The King
In Pr Marion

On Indictment for obtaining money and goods under false pretences.

Leandre Provost, lives at Terrebonne wife Angelique Sequin his mother, on 27th Dec. last, she kept a Store, & Wr rem. that the Pr came into the Store and purchased a hkf for 8s & gave a bill of the Montreal Bank for 20 dolls of which the Wr gave him the change deducts 8s The Wr put this bill in the drawer it was the only one in it Next day heard there were persons who were passg bad notes in the village shewd this one to Mr McKenzie and was told it was bad he put his mark on the bill, and recognizes it to be same he rec'd from Pr

X

It was between 5 & 6 in the ev when the Pr came in Wr Pr by his figure & appre

The Pr gave the bill as & for a good bill

Joseph Malboeuf, lives at Terrebonne the Pr came into store of Wr on 27 Dec last between 6 & 7 o'clock in morng he asked for tobacco the Wr had none then asked for Calico to make a gown for his wife, Cotton, and flannel, to the amount altogether 5 dolls he sd he lived at Lassomption, and that he was called Jean Bte Lacroix he offered a Bill on Montreal Bank for 20 dolls the Wr rtd him 15 dolls he then sent note to

enquire

enquire if it was good, of one Mr Lane — who told Wr. it was not worth a copper — one Buxton told him the same thing — he then made pursuit after the Pr — and came up wt. him at the house of Jn Marie Rochon, when the Wr charged him wt having deceived him by giving him a bad bill — the Pr. sd. if that was the case he had been deceived himself — he returned the goods he had rec.d and went up to a person of the name of Magoon & got fifteen dollars from him & Wr. returned him his bill
& Pr returned to Wr — in consequence of the information of the Wr gave to Capt. of Militia, pursuit was made after him and he was arrested —

Antoine Dumas — lives at Terrebonne — keeps store there — that on 27 Dec.r last, he was inform.d that a man had purchased some Calicoe & had offered a bill of 20 dolls in payt — which his wife told him she had refused, as she was apprehensive it was not good — The Wr afterwards saw Pr in company wt one Magoon, & asked if he had not purchased some Calicoe at his shop — he at first denied it — but afterwards said he wd go and pay for it — the Pr in consequence went to Wr and gave him a bank bill for 2 dollars & change — this bill he was afterwards told was bad — The Wr at first hesitated to take it, but upon Prs saying that he had got it from a merch.t his neighbour, the Wr took it — the bill he rec.d from Pr — is same now produced —

Janvier Payser, bailiff — on the 27th Dec.r last, he went in pursuit of Pr wt Mr Malbouf, and came up wt him at house of one Rochon — on seeing Pr Malbouf, he told him he had deceived him by a counterfeit note — & demanded his money back upon wch the Pr agreed to give back the goods & the money

which

which the Pr. gave back. and Malbouf rd him his note — as W. knew Pr he asked him, if he was the person called Lacroix, he said it was. — Knows the character of the Pr — he observed that it was usual to allow such persons as Pr & Mayou who appeared to be his comrade, to go at large — upon this he got assistance and after they went away, pursued after him, but did not find him — Has known Pr for 18 years by name of Jean Bte Marion — and never by name of Jean Bte Lacroix — he signed his name, Jean Bte Lacroix —

William Redenhurst is Clk in Montreal Bank on looks at two bills now shewn, says that they are both counterfeit — the one is a two dollar and the other a 20 dollar Note —

The note of 20 dollars was read to Jury —

Defence

Joseph Malbouf, Does not rem. to have sent the bill he rec. from the Pr to enquire whether it was bad or not before he gave him the change for it — The whole of the change he gave Pr was in Coin —

Leandre Prevost. That his mother did not receive any other 20 doll. bill besides the one now produced, nor was there any other in the house at the time —

Marie Vredon — Que cet hyver elle a connoissance que le Pr a reçu trois billets d'un bastonnois que l'on appelle

appelle John, que quand il a voulu les passer on les a trouvés mauvais, & lorsqu'il a voulu les rendre à la personne de qui il les avoit reçu il n'a pas pu les trouver — Que le Pr passe sous le nom de Jn B.te Lavoye. Que elle a connoissance que la fem. du Pr a reçu des argents de Mr Fraser & autres personnes

Verdict. Guilty —

The King
v.
Isabella Cornwall } On Indictment for setting fire to a house —

Robt McNabb, lives at St Eustache — 1st. Dept other burnt who have a house in the parish of St E has kn. them several years — has heard D. threaten to burn down house, several times, cft he understood to arise from a mis-understand3 between her and her husband & his family — it was a threat of revenge wh she made — On the 10th March last, saw D. go into her house — That house & Wms adjoins that of D — The D. Wms went out of turned the D. out of his family on Wm she was in liquor and was very violent — She went in to her own house — Believes there was no body in D.s house at time but 2 little girls — has heard her say often when she threatened to burn the house, it was to frighten the persons in the house — and that when she meant to burn it she wd give us warning That he myself

Cah

take his things out of his house — That day she had frightened every body out of the house by her threats and violence — the Children were going out 2 or 3 & about 3/4 hour after one of Children came to tell him the house was on fire, went in and saw the Stove door open, and observed fire burning through the ceiling up stairs — and a man who had got in before Mr. threw down a stick of wood which was on fire & burning — there was a hole burnt in the ceiling so that Mr. could thrust his hand through the hole — That the Stove could not have come fire to the place where it took — Saw D— stands by Stove, who denied having done it & said that some of the family had done it — That Mr. saw windows broken and saw D. with an adze in her hand, & Mr. that necessary to take from her to prevent accidents — That on leaving house of Mr. that day, she said she would set fire to the house — That the fire was certainly set to house on purpose Mr. knew of no other persons being in or about the house but D— & the 2 little Children —

That Mr Forbes has 2 children by a first wife one of them a boy between 16 & 17 years who very often disagreed with D— who is his Step mother & that last year D— lived 8 weeks in Mr. house

she

She had been in the morning Good from a quarrel between her & her husband — has seen the marks of seven ill usage & beating on Dispt — That Forbes has been long desirous to get rid of Dpt Understood that D— had been sick some time before this That other persons might have gone into the house besids D— from time she left house of W. till the fire took — That some afternoon W. tied hands of D— and then had been a necessity for tying her several times before that time — That the Dispt has two children — one of them aged 7 or 8 & the other 4 or 5 — years —

Did not see John Forbes, the son when W. went to house first — but saw him about time fire was exting uished

Alexander Dewar — lives near to last W. was in house of M.Nabb when fire took. D— was then & behaved in a very violent & extravagant manner — scarcely half an hour after the house was in fire — went then and saw house full of smoke, and a person had thrown down a burning stick of wood by q.r the fire appd. to have been communicated — the fire had penetrated the Ceiling so that the sparks fell through — does not think that the 2 young children were capable of having set fire to the house — That D. is often violent & her husb.d has sometimes been obliged to leave the house — husb.d a quiet man — and his son John is a fine boy and of good disposition —

Has seen bruises on D— but has seen her

fall

fall and hurt herself — D. had been quarrelling w. McNabb & people in his house, when he turned her out — When D. went in & saw D — then — she was then in liquor — she could not walk —

Donald McPherson. lives at St Eustache — ks Forbes & D. lives near them — Has known many quarrels between Forbes & D. — F. is a quiet peaceable man & never ks. him do any violence to D. ks apt when he was forced to do by her conduct — his Son John is a fine boy, is peaceable & well behaved tow. his neighbours, but does not agree well w. D — Saw McNabb & some others keeping D. out of McNabbs house, the day the fire took — she had an adze in her hand, which they took from her — saw her go into her own house after leaving McNabbs — ~~she~~ her 2 Children went in wt her — about ½ an hour after saw a person throw down a stick of fire — saw place where fire was, it had penetrated the ceiling — the Defd. was sitting by the Stove — she denied having put the fire there — ~~appeared~~ & said it was the boy John who had done it — Did not see John till fire was extinguished — understood he was at the barn at the time — when he arrived he appeared surprised, and to ks. nothing about the fire — Before this when the D. was in liquor, he has heard her threaten to set the house in fire —

Has seen Forbes wife quarrelling & fighting

and

and blows given between them —

Qr. that P. went to the Surgeon in consequence of injury wt D— is said to have rec'd — and heard Surgeon say that D— had 2 of her ribs broken & her thumb out of joint — and in such condition their Surgeon's opinion was that she was not in a situation to be sent to Gaol as she had been apprehended at time & carried before the Magistrate for having set fire to the house —

Thomas Stanley, lives wt Mr Forbes, has been in his service for 10 years — Forbes & D— have led an uncomfortable life together — and Def. was always first to excite the broil — has heard her threaten to set fire to the house & also to take her husbands life — his son John, is a quiet peaceable boy, and never has any quarrel wt any body, except D— does not believe him capable of setting fire to his fathers house — Saw D. about 3 years ago take fire out in a Shovel & threaten to set fire to the house when Mr F— had put his daughter to board — at time of fire wt was not in service of Forbes — had left it about a month before — has heard C— threaten to set fire to her house soon before this — has heard C— threaten to take her husbands life, to run after him with an axe, a knife a tongs or whatever she could lay hold of

Defence —

Duncan M'Naughton. 1st D— 4 her connections for several years — she bore a good character wt her former husband was an industrious & prudent woman — Her present husb. a man of diff. dispos. has seen appearance of blows

on

on Pt — T. has a son, John, by his first wife —

Forbes is a man of hasty temper — and knd. that first wife fled for protection from him to the fall —

Verdict — Not Guilty —

The King
v.
Joseph Millaire

} An Indictment for Shoplifting —

William Galt, lives in Montreal, is a Shoe maker, on 20. March last he went out of his shop for a short time, and on his return he met a person as coming out of his shop — at wch the Pr he had a pair of boots in his hand — the Wr went into shop & askd boy if he had sold any boots, he sd. no — and upon this he went in pursuit of Pr — who had got to a distance of 100 yds — when he had put the boots under his Capot — knew Pr. to be same person — the Wr took boots from under arm of Pr — askd Pr. to return to shop — he refused — he spoke in English made signs to him to return — the boots to be his property & made by him — worth 10s — they were exposed in his shop for sale, and were on a particular Shelf — there were four pairs — and the 4 next fellows were carried off — the Pr had a scuffle wt Wr and escaped from

from Wr but was afterwards apprehended by one Ross — he was brot back to Shop but Wr could learn nothing from him — the boots now shewn as same he took from the person of Pr

x d

There was no other person in his shops but a young man he left in charge of it, about 12 years of age, but he was not in the habit of selling for Wr that this boy is now left town Wr does not know where he is —

Alexander Ross ~~is a Constable~~ assisted last Wr about 10 March last to arrest the Pr as he was coming along the Street he saw a numb. of people assembled who called out Catch thief — and seeing the Pr the only person who was runs. he laid hold of him — the Pr endeavd to escape but a number of people came to his assistance, & they secured the Pr and took him to Mr Galt's Store —

Defence —

Franc. Turcot Wr Pr from his infancy — always considered him an honest man — since his father's death & by a long illness he is occasionally deranged in mind —

There are times when Pr is x unable to distinguish between his own property & that of another. —

Charles Lacroix, Wr. Pr for 8 years past — lived at Wr 2 years — he behaved well — never seen him do any foolish act —

Does not kn. where he lived or how he gained his living since x

Franc. Millaire — is a Shoemaker — Pr worked w. Wr for 6 months — five years ago — has worked w. others — is of a weak mind — has had long illness of — seems

Saturday 12th May 1821

The Court met pursuant to adjourn.

Present

Justices Reid & Foucher

The King
vs
Anthony Bellew } Ou Indictment for stealing in a dwelling house to value of 40/-

Lucinda Stevens, lives as Chamber maid at Mr Pomeroys, about end Feb or beg. March last about 20th/L after some things were missing in house the rooms are so open that any one might go in & take away what he found — the ow missed a counterpane 2 pr blankets 2 pr sheets 2 pillows & pillow cases — one pillow case is marked wt Mrs Pomeroy's initials — heard that these articles were at one Cornings & found some days after 2 pair pillow cases & pillows, & one pair Sheets — pr she recognized to belong to Mr P — one of the pillow cases she so found was marked wt Mrs P's initials — the pillows, pillow cases, & sheets now produced are same she found at Cornings — these things were taken back to Mr Pomeroys & kept apart, and were brt here a week ago —

Sette Pomeroy. keeps a tavern in Montreal, about end of Feb. or beg. March heard that some things had been stolen out of his house — a bed in the first story was stript, except the bed & curtains — heard that such articles as were stolen were for sale

at

at one Cornings – went there and was convinced the articles stolen were his property, and sent last Ms there who identified them – values 2 pillows & cases at 3 of – Counterpane – 10 f – Sheets. 10 f – blankets 10 f a pair – the articles so stolen were his property

William Cornings. keeps tavern in Montreal, purchased from Pr about end of Feb a beg[s] of March, a pair sheets, 2 pillows, and two pillow Cases – the Pr – s[d] he had purchased them articles at auction. the Wr was rather suspicious about buying them things, from the price ab[t] they were offered – the Pr offered to go w[th] Wr and shew him where he had bo[t] them – the Pr – at some time ask[d] Wr if he would buy some blankets – s[d] he w[d] bring them next day, but did not return – 2 a 3 days after Mr P – came & claimed the articles, but s[d] he w[d] send his servt girl to identify them – the girl came & she knew the articles to belong to Mr P – & Wr delivered them up to her – Some days after the Pr came into house of Wr – w[th] a woman & drank something, when Wr ask[d] Pr why he did not bring the blankets he had offered him for Sale Pr said he had sold them to Mr Thompson of Quebec Inn – Wr then told Pr that the goods he had sold him were stolen, & that Mr P – claimed them – sent for Pr[s] warrant in the mean time – believes articles now shewn to be same he bo[t] from Pr only that they appear cleaner & to have been washed since –

Thinks it was about 20[th] beg[s] of March, but cannot be

be positive as to the day —

Defence

Donald Sheerar, Keeper of the House of Correction
the Pr was committed to House of Cor. for three
months up to 27 Febr. he was afterwards backwards
forwards in the house of Correction till the 10th
March last, when W. got a new commitment
for Pr —
between 5. March & 15. April is certain that Pr
was out of house Correction 5 days & upwds at one
time — but cannot say that he was out of the House
at any time between 27 Febr — and 5. March —
P: was discharged from House of Cor. on 13th Febr. and
on 27. he came back to it —

Verd. Guilty of Grand Larceny

—

The King
vs
William Martin, Junr
Donald McDonell
~~Joseph Gerrard~~

} On Indictment for assisting
a Prisoner to escape. —

Saml. W. Monk. one of the Posts
of Court of K. B — issued a writ of Ca adrth
on 20 July last at Suit of Samuel Stacy Esq
of Matilda in the Eastern District of Upr Can
Trader — This writ was addressed to the Sheriff

and

and he made his return on 2 day of Oct. 1820
of Capi Corpus, & that said Alex Grant was in his
Custody –

Fredk Wm Ermatinger – he rec.d a writ of Ca. sa. rep. to
take body of – Alex.r Grant at suit of one Haney
mentd by Mr. Mark – this writ was issued on
S.d Grant same day, & W.m made a return of Cap
Corp. thereon –

Geo.e Owen Radford – Gaoler – on 20 July last he
rec.d into the Gaol one Alex.r Grant under a warrant
from the Sheriff, now produced – S.d Grant remained
in Gaol until about the 11.th Oct.r after – W.m saw
him 2 or 3 days before that – on that day there was
another p.r of name of Mc Lavish in Ward No 5
in gt. S.d Grant was confined – there was also one
Alex.r confined – One Wm Martin came to the
Gaol w.t – a pass from Sheriff to see S.d Mc Lavish
& W.m gave directions to Lam Boyle to admit him
into the Ward No 5 – he came in w.t 2 other men to
speak to Mc L – and suppos.s these men to be the
companions of Martin, they were admitted –
thinks the other two men were Donald Mc Donald
and another p.r – do not kn.w – cannot tell Mc D
but by his height – these men went up stairs together
and remained for about 2 hours – when Martin
came down alone & went out – and came back

again

again wt the pass to see Mr Favish - upon this Wr gave orders to his daughter to open the gate and let Martin in to see the Pr Mr Favish - It might then be about 3 o'Clock - they stayed till it was about dark, when they knock'd to get out, he ordered lights, and saw three men pass down, Wr saw Martin who was first Knows Mr Donnel, was the second, and a shorter person than Mr Donell, was the third - but taller than Martin - as they passed the Wr called out to his Daughter, are these the three persons you let in, he heard a voice answer in the affirmative upon this he let them pass - they went off - This was on a Monday afternoon - the next Monday the Wr found that Grant was had escaped - and has not since been taken -

x[2]-

There were several debtors confined in Gaol in same ward at that time - There are a great many persons who call at the Gaol - they may go up and down wt out his ken, but there is always some one to attend when they go there - The daughter of Wr told him when he called out if the three persons who were passing were same as had been let in, he heard an ans: yes, yes - he only took a cursory view of persons who then passed - the last person who passed had a Shawl muffled round his neck - Did not go up Stairs from 11th Dec: to 18th when it was discovered

that

that Grant had escaped

Margaret Stuart knows wt Mr Radford spoke on Dec. last
to. that a person named Alex. Grant was confined
for Debt in ward No 5 — On 11 Dec. last she was in
the upp. Hall, saw 2 men there one talking to one of
the Ps & the other sitting on an iron bar — one was
Donald McDonell now present & the other a Canadian
this was ~~between~~ some time in the afternoon — Soon
after saw Wm Martin come in wt a pass to be
admitted to speak to one Mr Lawsha pris. and
Jane Boyle came up wt Martin & let him into the
ward, when Mr. Donell & the Canadian rushed in
also J. Boyle objected to this as they had no warrt
from Sheriff but Mr L. sd they should go off as soon as they had
settled their business wt him — Wm. heard a knocking
at gate about dark, when Mr. L — sd he had settled
his business, & wanted his friends to get out — Jane
Boyle was not there in, but came in soon after &
Candles were lit & he saw 3 men come out of the
ward — He had a Candle and J. Boyle opened the
gate wt the Keys — Three men passed through,
and when they were at top of stairs heard Mr R.
call out if there three men were same who had been
late in — did not hear ans — The men had some
suits of Cloths in — Next day Grant was called
for and one Alexander said he was sick & could
not appear — When men went out, the Martin
was first, Donald Mc D — was second, & the third
& the last was the Canadian — Has often seen Grant

and

and cannot say if same night wt. Canadian, the third person had his face muffled up wt a shawl - On the Monday following 18th. it was discovered that Grant had escaped When the three men came out, they wished Mr T. good night. and all three went out together - the person wd. that was the Canadian when they came to bot of stairs, went in the middle -

x°

Does not recollect colour of Canadian Coat - Mr Dowdl's Coat was green - does not remember the colour of other, Martin's Coat -

During the 8 days before it was found out that Grant had escaped, there has been many persons up in that ward -

Jane Boyle is in service of Mr Radford Gaoler, has care of the keys at times - Sees. that when A. Grant was confined in Gaol last year - sees. that on 11 Dec. last, one Martin came wt an order from Sheriff to receive A. Mc L - a debtor in Gaol - Radford directed wt to let him in - when wt went up saw Canadian sitting on bars & Mc Donald was speaks through the bars - Mr T - wished the two Mc D - & the Canadian shd be let in not Martin, wt objected to this, but Mc Donald & Canadian rushed in before she had time to shut the gate - the Canadian passes by name of Johnson Counter - & wd know him - it might be about 3 o'Clk in afternoon - about 5 o'Clock she had

been

been out, & when she came in was told that Martin & the other 2 men wanted to come out — she opened the gate and let three men out — Martin, first, ~~McDonald, second~~ cannot say how the others followed, Wr staid to secure the grate & the men went down Stairs — ~~the~~ when John Countie came there he had a fur cap, a green surtout and his face muffled up wt a Shawl — Did not observe whether any person was dressed in this way of the three persons who passed here —

That next morng a prisoner, she understood to be John Countie, he was dressed in same manner as the Canadian she saw at the grate wt McDonald the day before — he was inside the grate, and wanted to get out — the Wr let him out without telling Mr Radford any thing of it — had no suspicion that Grant had escaped — next day after Mr the Wr asked for Grant, and was told he was sick and she did not see him —

Grant had been in Gaol since July before — the Wr had occasion to be in these Wards very often, — and persons are frequently admitted into the Hall, but never into the ward without an order from Sheriff at least she never did — She rem. to have admitted the Convict, McGrant, once — McD — had a blue surtout on — cannot say, whether he had a hat or Shawl on — had seen McD — there before — when Martin came in Wr Pass — saw Mr T. at Grate — there was one Papineau in the Gaol at that time —

Does not recollect that Mr D. asked leave to go in, upon her refusal they rushed in & she could not turn them out — did not tell this to the Gaoler — When she went up to let them out there was a candle on the stove in the Hall, so that she saw the persons who passed — Martin was first D. & M'd — was next, and does not recollect the third person — did not take particular notice of him — Did not hear Mr Radford call out to her — There was no person allowed to go into the ward the week after 11th to her knowledge — Mr Radford's daughter might have admitted some — Sometimes she exam'd the bundles &c wch were brt into the Pris'n Gaol — Grant usually wore a white Jacket & and trousers of same —

George Stanley sen. a man of name of Counter last Summer & winter — he usually dressed wt a green surtout, a fur Cap & Shawl — has seen him selling cakes about that & was understood in partnership wt Wm Martin, one of Defts he was a little man —

was not near so tall as Defd M'Donell

James R Spottswood — was in the ward in Gaol wt M'Tavish & other Debtors — he had no knowledge of transaction when it took place — saw Defts Martin & M'D — there was a third person but

Wm

does not know who it was — That same evening that Grant escaped, Wr heard of it about 8 o'clk in evening — after Grant was gone there was a Stranger left in ward, wt a fur Cap & green Surtout on — It is not unusual for a bundle wt Cloaths to pass into the ward without examination When this Stranger came in he appd to be in liquor he appd to have been asleep & when he came to himself & found where he was, he appeared surprised and dissatisfied — understood that name of Stranger was Guerin, heard him so called at that time — It was not considered at that time that the two Defendts & Guerin had been the Cause that Grant had escaped — On the Monday following heard girl ask for Grant, and understood somebody to say he was sick — Is confident that Grant could not have escaped so far on the Depts by change of dress, that in going out wt them they could not have known it —

Defence. —

James R. Spottswood — saw Mr D. at Gaol — was in the habit of calling to see Mr T. L Alexander — Has seen Martin there before also —, who called to see Alexander but never to see Grant, who appd to be a Stranger to both. was present when Martin was admitted — did not see Grant at time — he was usually dressed in light coloured cloths — Saw Mr D — and the Canadian come in — he was called Groves, Gerard — he was not called by

the

the name of Counter – he Counter, he is a diffo person – before he came in he appd. intoxicated when Mc D – was going in the girl objected Mr Mc I – requested that he might be allowed to come in & she assented – and Wyman requested that Guerin & D be admitted also – & girl consented – Saw Mc D – . Martin, Alexr. & Mc Farish in same ward & W. went in to them W. staid some time & saw some bottle of wine on the table – Did not see this Stranger in the ward – he was intoxicated & was not asked into ward – saw him lying on a bed seemingly asleep – That about 4 o'Clock in the afternoon Mr Grant came into his room and wrote a note to Miss Radford to send him in some bottles of wine which were sent in in consequence. Did not see the Defendts have any communication w. Grant that afternoon –

X –

That Grants wine was drunk in Mr Farish's room – was near the grate when the Defts came in – saw no violence whatever used by them to get in – the girl nodded assent to their going in – That the Canadian Giraup was not a stout man, rather smaller than Dr Martin Martin came in first, Mc D – second – & Canadian last –

Edward Wigham was a Pt in Gaol on 11 Dec. last & to that time Grant was confined – he generally wore

a

a nankeen coat & trowsers — when he came to Gaol he had only the Cloaths he had on — He & Mr D — who had been at Gaol several times before to see Mr Mc I — & Mr Cameron — never heard him ask for Grant nor in conversation w him they appd to be strangers to each other — Martin had been several times there also to see Mr I & Cameron & one Alex^r. never saw him in conv^n. w. Grant & appd to be a stranger to him — Saw Mr D. & McMartin come in together — that W^m. Papineau was speaks w. Guerin — He was long acquainted w. him, never heard him called by name of Courtier — not a very tall man, but rather stout, not so stout as Mr Grant a tall man — light coloured hair — was speaks to Guerard when others were admitted — he was very drunk — he went there alone — did not speak with Mr D — & Martin — is a stranger in Montreal — when Grate was spoke, Mr I requested to allow Mr. Mc D. to enter, & she then made no difficulty — upon this W^m & Papineau requested a girl to let Guerard come in, & she allowed him — Mr I — never asked girl to let G — to come in — it was upon her letting in Mr D — that W^m requested of her to let in G — & she consented — the Depo & Mr I retired to Mr I's room w. Mr Cameron — G. did not go in with them — he fell asleep on Papineau's bed, and asked P's leave to lie down there as he felt himself ill said never saw Depo have any conversation w Grant and W. was in the passage most of time — He appd

That

Bob Martin had business w. Mr L— When Mr D. & M. went out did not see them or he would have watched G— to go out w. them— Has frequently heard Grant say that for £40 or £50 he could get off Gaol at any time— he appeared very familiar with the girls of the Garden, more than other of the Dfs that is with Jane, who used to open the grate observed them often snowballing & playing together— saw her there every night come & shut the gates—

&

G— was at grate before any of the Dfs came to the grate— Martin went away for a pass from Sheriff— Mr D— remained at the grate— W. was G— all time at grate near an hour— and when the girl consented to Mr D's coming the W. requested of girl to let G— in— That Grant sent for wine and W. drank it— That Grierin awoke between 9 & 10 o'clock, long after others were gone— W. was in his room did not see when Dfs went away— It was about 1 a.m. part when G— came in he found W. W. he was very drunk & fell asleep— G— is a baker—

William Alexander was in Gaol on 11 Dec. last— His Dfs that was a man of name of Grant, dressed in light coloured cloaths that at time— came from Up. C— Mr D. was in habit of calling to see W

or

as well as Martin — M^c T. & Cameron were in same room w^t W^m — when people come in it is usual to take them to their rooms — saw M^c D speaks to M^c T. & Cameron at grate — seen Canadian there also, who was the worse of liquor — Martin had business w^t W^m & w^t M^c L — W had transactions also w^t M^c D — and cud to settle w him — was at Grants but did not see Dis^ts in room w^t G — did not seem to know or to notice him — That Martin had told W^m. he would call that day — When Grate was spread Martin went in M^c D rushed to p^e in also M^c L — requested that he might be admitted, & he was consented to — Wigham requested some for Canadian — When M^c L. left came in this room to room of W^m — remained there the whole time till they went away — Grant might come in, but did not sit down — they were busy writing letters to Martin's Creditors — did not see Dis^ts have any conversn w^t Canadian or Grant — Grant came in and took a glass of one but did not stay — When Dis^ts. went away — was present, did not see them enter into any conversation w^t the person who went out w^t them — Grant is rather a tall man — there appd. to be familiarity between him & the girl Jane — has heard Grant say if he had £40 or £50 he could get out of Gaol — has seen him often snowballing with Jane — Grant appd. to be a perfect stranger to both Dis^ts — and thinks if

he

the Defds meant to assist any person to get out of the Gaol, it wd. rather have been the wt than a person who was a Stranger to them

(Heard that Grant had sent a Note to Miss Rudford for wine after it came out — about a bottle & a half after wine was drank in the room of wt — this Mr Grant brot into the room himself requested of persons there to help themselves to a glass of wine —

The Canadian had a green surtout on and a whitish coat under it —

Knew that Grant went out wt 2 Defds he told Dft that he meant to go out with them Defds —, did not ~~mean~~ think him serious. Did not look particularly in what manner Defds went out — Grant was walking in the passage at time & joined them at the door — did not see that Dt took any notice of Grant when they went out — Grant had a green surtout on and the Canadians Cap — qt he took with him and Canadian had a hat when he went out next day — Wt visited Grant well — Does not recollect next day ~~that~~ whether he told the girl that Mr Grant was sick — says he did not — the question was never asked him next day — remembers that I came asked him in the course of the week where Grant was — and Wt thinks he answered he was in bed —

Grant had a shawl about his neck when he went out

Thomas

Thomas Torrance – Wit. Dfd. M Donald – for several years –, was in employ. of M for several years at diff. times – found him a better man than the common, was very careful and sober man – Has bn. Dfd. Martin – who lived w. brother of Wit. who was well pleased with him –

John Smith – Wit. Dfd. M Donald – for 10 a 11 years – was in employ. of Wit. as a Cooper at steam grocery shop lived about 3 years Wit. does at time his character was that of a sober, honest and careful man – and is now in the way of doing well –

James Henry – Wit. Dfd. Martin who follows business of Grocer, always considered him a sober young man and of good conduct –

Andrew Malcolm – Wit. Martin – for about 9 years gives him a good character

John Sanford – Wit. Dfd. M Donald – employed him as a Cooper found him a sober, honest careful man –

Verdict Not Guilty.

The King
v.
Charles Lozard } On Indictment for uttering a forged foreign Note –

Anne Brown, lives at the Tannery near Montreal

on

on the 15th Nov. last after Candle light. the Pr came there, asked if Wr did not know him was surprised Wr did not him, as he had worked w. Mr. Barlow — he called for a glass of Cider & 2 glasses of Rum —, he first offered first a ten dollar bill in payt — some persons in house looked at bill and seem to express suspicions of it, when the Pr said it was a mistake, and took back that bill & gave her a five dollar bill, which was also suspected being bad & she was requested to take care of Pr and not to allow him to escape — the Wr had not given any change to Pr — and the amount of the liquor he drank was only 23 cppers —

That Pr gave her the bill, she understood it was in payt of what he owed her, he s. the money was good but as it was not of the County he would allow her a discount —

Thomas McLean, was at Mrs Brown's on 15th Nov last, saw Pr there — rec. a note from Mrs Brown, which same now produced — he put a mark upon it — Wr suspected the bill was forged, ask. Pr where he got it — He searched Pr and found one five doll. bill in his shoes, one in his pocket, two & three in his hat and one he dropped on the floor, all these are notes of foreign banks — these notes are

same

+ s. he had got them from Lawyer Ross in Montreal —

same now produced — The Pr would give no account where he got the bills, and asked by authority he stopped him, or asked him any questions —

Richard Hart. Is acquainted with the american Bank note — the bill mentd in the Indictment & now exhibited to Wr is counterfeit — is enabled to say so from being acquainted w[th] handwriting of Amasa Jackson Presidt of the Union Bank of New York believes the other notes now produced to be bad from their general appearance

David Ross — does not ken. Pr and never saw him before to his knowledge

Thomas French is acquainted with Bills of the Banks ongt the bills now shewn purport to be issued, and is of opinion they are counterfeit not from the handwriting but from the appearance of the bills, the paper being very different —

Mary Williams, came into Mr Browns & saw Pr sitting on the Sofa, and as there was then a talk about the bills he had given being false. She saw him put his hand to his pocket & to his shoes, draw out several bills apparently & throw them in the stove & burn them —

Verdict. Guilty —

The Court adjourned till to Monday at ten o'Clock in the forenoon.

Monday 14th May 1821

The Court met pursuant to adjournt

Present

Justices Reid Foucher & Pyke

The King
v.
Augustin Guertin

On Conviction, for assaulting a bailiff in the execution of his Office.

Judgt. 3 months Imprisnt in Gaol & security for good behaviour for one Year.

The King
v.
Jacques Choinard

On conviction for Petty Larceny

Sentence — 6 Cal. Months in House of Correction.

The King
v.
Joseph Moreau
Michel Monro
Pierre de Selbi

On Conviction for Petty Larceny

Sentence — whipt on 25th inst — and 12 months in House of Correction.

The

The King v. Jean Tessara — On conviction for Petty Larceny
Sentence — Six months in House of Correction

The King v. Joseph Moreau — Same Offence —
Sentence — Whipt on first friday after 14th May 1822 — and 6 months in House of Correction —

The King v. Joseph F. Rice — Same offence —
Sentence — whipt on 18th inst. and three months in House of Correction. —

The King v. Wm Eccleson — Same Offence. —
Sentence — 3 months in House of Correction.

The King v. Wm Johnson Mullen — Same Offence —
Sentence — 3 months in Com. Gaol

The King v. Catherine Sharpley — On Conviction for Grand Larceny
Sentence — 12 months in Gaol —

The King v. Mary Fraser — Same Offence
Sentence — 18 months in Gaol

The King v. Louis Lavigne — Same Offence
Sentence — 12 months in Gaol

The King v. Wm. Johnson Mullen — On Conviction for Grand Larceny — Sentence — 9 months in Gaol

The King v. Antoine Bellew — Same Offence — Sentence — 12 months in Gaol

The King v. Michael Walsh. — Same Offence — Sentence — 12 months in Gaol

The King v. John Clunn — On conviction for passing counterfeit Coin — Sentence — 12 months in Gaol — Pillory on 15 June next

The King v. Jerome Mace — On Conviction for obtaining goods under false pretences — Sentence — 12 months in Gaol

The King v. Jn. B^te. Marion — Same offence — Same Sentence —

The King v. Charles Logan — On Conviction for passing counterfeit foreign notes — Sentence — 12 months in Gaol & Conviction & pillory on 15 June next

The King v. Jean B^te. Lorain & F^s. Francois — On Conviction for Stealing an Ox — Sentence — Death — 22^d June next

The

The King
v
Pierre Ducharme
alias Pre Besse
alias Pre Tetrau

On Conviction for Sheep Stealing
Sentence — Death — 22d June next

The King
v
Jnf Bte Bissonette

On Conviction for Stealing a horse
Sentence — Death. 22d June 1821 —

The King
v
Samel H. Wilcocke

On motion of Defendt to be discharged from Gaol, or admitted to bail, in asmuchas the Sol. Genl had not proceeded to try him during the Session.

The Sol. Genl having offered two affidavits to shew the absence of a material Witness, the Court overruled the motion —

E99
E7
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