March Term 1829.

Monday 2d March.

Prest.

Ch. Justice Reid
Mr Justice Boucher.
Mr Justice Uniacke

The Grand Jury being called and sworn they were charged by the Court, and retired to consider of the matters laid before them.

Several persons having been called upon their recognizance — the Court adjourned till one o'clock in the afternoon.

Monday 2d March. One o'Clock

The Grand Jury having returned into Court several Bills found by them — the Prisoners were thereupon arraigned and their trials proceeded

Tuesday 3d ~~February~~ March 1829

Present
Ch. Just. Reid
Mr Justice Foucher

The King
Julie Archange
Daigneau

On Indictment for stealing privately in a shop above the value of 5/- —

Alexis Laframboise, Marchand de Montreal — on 12 Novr last, on his return to his shop from dinner he saw the Pr in the shop, & his clerk told him & that the Pr had stolen a piece of ~~cotton~~ calicoe, Indienne — the Pr appeared in liquor, he told her to go away & come back again — she had then on her another coupon d'Indienne, qt. Wr took from her — On the friday or Saturday after the Pr came back again & wanted to get back again her ~~pr~~ coupon d'Indienne the Wr had taken from her — on this the Wr had her taken up — values it at 10 1/2

Hector Morin, Clk to last Witn — was in his store on 12 Novr last, when the Pr came in, he observed her stoop down & suspected her having taken something and he observed a piece of Calicoe fall from her Cloaths, she denied having it — she had besides two pieces of Calicoe in a hkp — Wr took up the Calicoe — the Pr denied having stolen the calicoe values it at 14 or 15d Pr yard — there are 25 yds of it. Knew the Calicoe from the mark on it. Sis the same now shewn —

Ledger

Ludger Duvernay — was in the Shop when P^r came in & the last Wit^s told him he ~~wants~~ missed a piece of Calico. he accused the P^r of having taken it, she denied it — Morin laid hold of her & made her move about where the piece of Calico fell from her —

The Evidence being closed, the Prisoner called no witnesses —

Verdict Guilty —

The King
v^s
James Moore } over for trial to 5th

The King
v^s
Pierre Ledoux } On Indictment for Pitty Larceny —

1 purse — 1
1 pen — 9
4 ¼ dolls. 4.6

Edward Hartley — lives in town — he had a pocket book locked up in a desk in the Counting house of Moore & Murray — about 20 Dec last — the desk being broken open — the purse was missed — it was a leather purse & closed w^t a clasp — he was a Clerk in the Store — had the key of that desk for his own use — he had a piece of Italian Coin of Silver value of about 10^d — ~~there were about 4 pieces of quarter~~ cannot say if there were any trente dols in his desk — values the purse at 6^d — its original value might be 2/6 — When the P^r was carried to Gaol — he was exam^d & they took out of his pocket the purse of the W^s — the W^s i^d that ~~there~~ should be

be two pieces — one of silver, an Italian piece, & a copper piece resembling a hf doe — there were other silver pieces in the purse to yt. the Wits cannot swear — but can swear to the purse & to the above two pieces of coin as his property —

X

Had not missed the purse until it was found on the Pr — as the articles in the desk had been tumbled together on the floor — but was in the habit of seeing his purse every day — he cannot swear positively that the evening before the purse was in his desk he had laid it aside in the desk under key, so that it would not be taken away without his knowledge. Is positive he left coin in it when it was in the desk but cannot say of what kind, except the two pieces he has mentd — which are not of the Current coin

He never saw the Pr before to his knowledge — That there was pork stolen from the store, yt one Barnard was found to carry away — & the persons who carried away the pork might have lost other articles stolen

James Murray — he occupied the whole of the lower story of the Presbyterian Church as a store — has seen the purse stolen from the desk yt belonged to Cart Wits — it was not then locked — Was present when Pr was arrested, went wh him to gaol — & was present when he was searched, and saw the leather purse taken from the prison of Pr — it contained a dollar bill 5 pieces silver & one Copper Coin

value

values the silver piece at 10d & has seen ~~the~~ a similar piece of coin in possn of Hartley —

Adolphe Delisle high Constable, arrested the Pr on 20 Decr last & searched him there & found in one of his pockets the purse claimed by Hartley, & before opening it, Hartley gave him the description of two particular pieces of Coin yt ought to be in it — on opening it — these pieces were found & answered the description given of them by Hartley — the Pr did not say how he came by the purse

James Prest clk in Police office — the Hold Constable & Hartley put into his possession a purse yt he now produces & are the same he recd from Delisle — with the Coins found in it —

Adolph Delisle the High Constable says the purse & Coins now produced are same he took from the Pr —

Edward Hartley, recognizes the purse now produced to be same he lost —

The Evidence on the part of the Crown being closed, — the Pr was called upon for his defence but produced no witnesses. —

Verdict. Guilty. —

The King
v.
Michael Tought } On Information for encouraging a Soldier to desert —
The Defendt withdrew his plea of Not Guilty and pleaded. Guilty to the Information

The King
v.
Fr. Alav. Boucher
Augn. Brisette

On Indictment for an attempt to commit the offence of house breaking —

Michel Déguiert, dem. à St. Martin — con. les Prs qui sont ses voisins — ~~ils sont~~ Boucher est venus un Jour chez lui & ils ont parlé ensemble & il a proposé au tem. d'aller voler avec lui — le tem. a refusé — quelque tems après il est venu proposer au tem. d'aller dans une place où il avoit trouvé du butin dans une laiterie — Il a proposé au tem. d'aller avec lui chez Sauriaul le tem. a refusé — alors Boucher a dit, si tu ne veux pas, je prendrai Brisset — il ira bien — qu'il avoit proposé d'y aller pendant que Sauriaul seroit à la Messe — Que le tem. a prevenu Sauriaul — & lui a dit le projet de Boucher — Que ceci etoit vers la Toussaint Que le tem. a entendu dire que les Prs avoient eté reellement essayés de voler chez Sauriaul —

Julien Sauriol — Dem. à St Martin — Que le 8 Nov. der. Déguiert est venu chez lui l'avertir, de ce que Boucher avoit proposé de voler chez lui le lendemain pendant qu'il seroit à l'Eglise Que les Prs ne sont pas venus ce Dimanche mais le Dimanche après ils sont venus —

Que

Que le tem. est allé à la Messe & a laissé son frere dans la maison pour garder — & il a sceu que les Pns sont venus pendant son absence ~~dont~~ defoncé la Chassée —

André Sauriol, frere du dit tem. — qu'il a été commissioné de garder sa maison pendant son absence à la Messe le 8 — il y fut — mais personne n'est venu — il a encore été demanche le 16 Nov — & vers les dix heures ~~venu~~ les deux prisrs — sont venus, Boucher avoit une hache à la main — le tem. etoit à coté d'une Chassée dans la maison — il a forcé la Chassée, et alors le tem. s'est presentée avec son fusil, le Pr s'est sauvé, & le tem. a tiré sur Boucher mais l'a manqué — alors il a vu filer Boisette et le tem. a encore tiré un coup de fusil sur lui —

The Evidence for the Crown being closed the Prs adduced no ~~testimony~~ on their behalf —

Verdict. Guiltz — agt. both Prs

The King
v
Gilbert Bernard } On Indictment for Grand Larceny —

James Murray, is in partnership w. Mr Moore & they rented the lower part of Prisbgt Church in Dec. last to store goods in it — about 20. — 21 Dec

last

last he perceived the door had been broken open and on examining they missed 16 hams — value £5 — about 60 or 70 lb pork worth 4 or 5 dollars it belonged to Wm Blackwood — the hams belonged to Moore & Murray — 3 kegs of butter about 68 lb each worth between £4 & 5 — there was also some money missing — the butter belonged to archd McEwen in N. Caledonia — That 2 drawers had been forced open — one of wch had the key of the other Mr Moore had the key — There might be about 10 or 12 in copper & other pieces of coin — In the course of the day some pork was found under some wood, wch led them to suppose that the person who had put it there would come for it — & watched it — on the 2d night one of the Prisoners was found as the prisoner who had been found come to take away the pork He went to the house of Dr with Lafreniere about 9 O'Clock in evening and on search they found one ham and part of one — he recognized the same to be one of those stolen — there were a great many holes & marks on it, by having been much eat by the mice in the store —

X

John Kennedy — In Dec. last was in the service of Allan & Murray, on 22 Dec. last about 7 O'Clock in morning when he went to open the store he found it open — on opening the front door, he observed the back door open, & in going through the office he observed the things scattered about on the floor — he informed

Mr

Moore, who came & on exams. found about 60 lb
pork wants 16 hams. 3 kegs of butter — they then
examined in the back yard, and found some pork
concealed under the boards to amount of 40 lb he also
found 8 pieces of pork qt had been thrown over the
fence as if with intention to come afterwards & take it
away — they left the pork under the wood suppose
the thieves would come for it — they watched the
night of 22d but no person came — on the 23d he
watched again, and about 6 o'Clock, when a man
was found coming over the fence into Murray &
Moore's Yard — when the man saw them men — the
man was about making his escape, by the gate of
the yard & was then arrested — the Wks & Law went
up to the bag & found 4 pieces of pork in it — the
Pr would give no account of himself — and he
was sent to Gaol — Saw the ham that was found
in the house of Pr qt Lam he thinks he had seen
before hanging up in the Store of Moore & Murray —

Hugh Law. In Dec last he was employed as a
labourer in the Store of Moore & Murray — he left
the Store about 5 o'Clock on Saturday evening & on
Monday morning when he went there about 18 o'Clock
he found it had been broken open — he was shewn
some pork concealed in the year — he sat up on the
night of 23d W. Kennel & another — when about 6 o'Clock
Wr was apprized that there was a man had come over
the fence & was taking away the Pork — the Wr went
up

up to the place & saw the Pr. making his escape by the gate — but before he got ~~up~~ the gate opened the Ws. laid hold of him — & he was secured — he went afterwards to the place where the pork was and found a bag wt. 3 a 4 pieces in it — they put the whole into the bag & brot. it into the office asked Pr. if the bag was his — but he would make no answer —

John Kelly — was employed as a labourer by Moore & M. in Dec. last — has a kn. that their store was broken open — he left the store about 6 o'Clock in the ev. & found it broken open on Monday morns — between 8 & 9 o'Clock when he went there — He saw some pork yt had been found in the yard — watched on Monday night no one came — watched again on ~~Sunday~~ night with Law & Kennel. with was at a window and saw a man coming over the fence — from Dongami's wood yard — Ws. saw Pr. conceal himself under the boards where the pork was — the Ws. then gave the alarm to Kennel — & Wsh. went & secured the gate that Law went over the fence near where the pork was, and the Pr. was arrested — saw the bag in to the office by Law and Kennel & it was shewn to Pr. who shook his head but wt. did not understand that he said anything —

Adolph Debile — was sent for & found Pr. at Hartley's office — Ws. asked Pr. where he had taken that

pork

pick, speaking of the pick in the bag then in the office — he 0d he need not ask him, as he might see himself — the Pr. pointed out a place of his residence very different from the true one — Sts went to the house of Pr. and then found a ham. which Murray recognized immediately as his — it was much injured & cut by the mice —

The Prisoner produced no Witnesses —

Verdict — Guilty of Petty Larceny in stealds to amot. of 15 f as laid in the Indictment —

Wednesday 4th March 1829

Prest
Ch. Just: Reid, Mr Justice Foucher &
Mr Justice Uniacke. —

The King
Jn Bte. Johannet } On Indictment for Burglary —

Bazile Lapierre, lives at St Michel — chez son pere le hangard a été defoncé le 10 Decr der. dist. de 15 pieds de la maison — & renfermé avec la maison par la meme cloture on a coutume d'y mettre la provision pour la famille — a été defoncée vers les 9 heures du soir — et a entendu

du

du bruit, il s'est approché du hangard & a vu une fenêtre du hangard ouverte — a vu une égoïne qui étoit près du hangard — il a crié au voleur — & il a vu le voleur sortir — & se sauver — Que vers une heure après le Pr. a été ramené à la maison par le nommé Vannier — Qu'au commencemt. le Pr. a nié d'avoir entré dans le hangard, mais après il a dit qu'il y étoit entré mais sans dessein de rien prendre — Que le Pr. avoit une traine près du hangard, que le Pr. disoit lui appartenir —

Que ce soir vers la nuit couchant, la fenêtre & autres ouvertures du hangard étoient fermées —

L'égoïne appartenoit à son père & valoit 5 f — que cette égoïne étoit dans le hangard le soir du Vol —

×

Que l'aveu du Pr. qu'il étoit entré au hangard étoit sur ce que l'on lui disoit qu'il seroit mieux pour lui —

Jn Bte. Lapierre — St Michel — vers le 17 Dec. dér. vers les 9 heures & demi — on a entendu arriver une voiture & on a entendu parler du monde — a vu une personne qui gagnoit le bois, et l'autre restoit dans le chemin avec la voiture — que son fils a crié qu'il y avoit du monde dans le hangard — a vu une personne se sauver — Qu'il a été ramené par le nommé Vannier — et le Pr. a alors avoué d'avoir été dans le hangard et qu'il avoit pris l'égoïne dans la main & l'avoit jetté dehors — Qu'il gardoit ses provisions dans le hangard — Que la fenêtre avoit été condamné & a observé qu'elle étoit bien fermée ce même

son —

soir, la porte du hangard etoit aussi bien fermée
ce hangard est a 18 pieds de la maison d'habitation, et
dans le même enclos — et le tout lui appartient —

X

Que les gens de sa maison avoient souvent affaire
dans le hangard — que le Pr. paroissoit avoir fait
fraction, et entré dans le hangard —

Jn Bte. Vannier, ven le 17 Decr der. il a entendu crier au
Voleur — il a couru et a vu une traine à Morand
dans la maison de Lapierre — Lapierre lui a dit
de poursuivre celui qui ~~avoit~~ s'etoit sauvé du coté
du bois — il a pris la voiture pour poursuivre après
de chez David, il a vu venir le Pr. a qui il a
demandé s'il avoit vu un homme — non qu'il avoit
veillé chez Roussel, ensuite il dit avoir seulement
passé à la porte — il l'a arreté à revenant dans la
voiture — le tem. l'a demandé s'il avoit été chez
Lapierre — il a dit oui, qu'il avoit eu la curiosité
de regarder par la fenetre —

Qu'en chemin pour amener le Pr. en ville le lendemain
le Pr. lui a prié de prendre pour lui, et de le lacher, et
qu'il n'y retourneroit plus — alors le tem. lui a dit
qu'il etoit hors de son pouvoir, que si le Pr. lui avoit
~~et~~ avoué le vouloir d'avoir été dans le hangard, on
auroit pu peut etre lui faire du bien, mais qu'a present
il ne le pouvoit plus — alors le Pr. a avoué qu'il avoit
été dans le hangard de Lapierre ce recueillé —

Que le Pr s'avançoit tranquillement dans le chemin lorsqu'il l'a rencontré près de chez David —

Defence

Jn Bte. Lapierre — ne connoissoit pas le Pr auparavant — Que il n'a jamais promis au Pr de le lacher —

Jn Bte. Bertrand, dem. à St Laurent — le Pr est venu chez lui le soir et a cogné à la porte, disant qu'il avoit été chercher du bois — que le Pr est sorti aussi le tems d'après il a entendu que l'on faisoit la poursuite d'un Pris — et que l'on avoit arrêté le voiture — le Pr a reconnu que c'étoit son Cheval — alors il fut arrêté —

Que le Pr est un hom. marié. a gagné sa vie en charroyant le cendre —

Le tém. est Cousin du Pr —

Verdict — Not Guilty —

The King
vs
Jean Duclos
&
Louis Miron

Ou Indictment for stabbing from a vessel on a navigable River —

John Castello — Ks. a man of the name of Chas Adsopp — who in Oct last was a passenger in Steamboat New Liverpool — he had

a

a bundle of cloaths on board — when the boat was arriving at Montreal, W & Alsopp were in the devant of the boat, saw ~~Alsopp~~ Duclos take ~~the~~ his bundle ~~[illegible]~~ on board the steam boat & hand it over to another young man on board the Brig close by, cannot identify Mirion, as the young man — Alsopp S. he had lost his bundle — the steam boat swinging round from the Brig the W. said he would look for the bundle when he got on shore — the W. went on shore, & saw the young man wt. a bundle on a stone — saw Duclos come out wt. a bundle gt. he called his own — & went up to the young man & made sign to him to follow him, & they went together into Dolland's house, & ~~took~~ handed his bundle to the woman of the house & requested her to take charge of it for him — the W. then took Duclos Pr. the Pr. laid hold of W., but he made pr. of both & carried them to the Police Office — with the bundle gt. he delivd. to Clerk

The articles in the bundle appeared to be new, and values them as stated in Indictment —

x

The bundle gt. Duclos delivd. to the other man did not resemble the bundle gt. Duclos brot. on shore wt. him —

James Prest — Clerk in Police — in Oct. last. the W. brot. a bundle of Cloaths wt. the Pr. Duclos, gt. was put into

the

the possn of Wm values articles as stated in the Indictment — the bundle was opened & examd — That Chas Alsopp was present & swore to the property —

David Ross. Chairman of Qr Sessions — that in Octr last Castello brot a bundle of Cloths to the Police office wn Duclos — as stolen by him same as just mentioned — Alsopp swore to the articles being his & they were delivered them up to him — There was a bundle also produced, as he thinks, belonging to Duclos in a bag — as there was no question of that, the Ws did not examine it —

Defence —

Jos: Ledue — character to Mirron —

Verdict. Guilty of Petty Larceny agt Duclos —
Not Guilty agt Mirron

The King
Mathew Comerford } On Indictment for stealing above value of 40s in a dwelling house —

Hall West — In the month of October last he lodged at Provendier's tavern wn Pr —

Ws

Wr had a trunk wt his money & effects in it
gt he found one day broken open, & he suspected
the Pr who slept in the same room wt Wt
He in consequence went in search of Pr who
he had left the house of Provendier same day —
he found him in another house, but he denied
having taken the money — but there was a Shirt
gt wr knew to be his, and which Wr found in
the hat of the Pr values it at 2/6 — he had five
a six bank notes of 5/ besides divers monies mentd
in the Indictment — When the Wr found
the Shirt the Pr began to cry & said he had
broken open the Wr trunk and taken out
his money and the Shirt

F

There were nine persons who boarded at the
house of Provendier at the time —

In Bt Dupuis — Knew last Wrk to lodge at Provendier's
when his trunk was broken open — he went wt West
in search of Pr he found the Pr near the Creek
asked him what he had been doing — he denied having
broken open the trunk — after he was arrested, he
acknowledged having broken open the trunk and
o. at first he had taken 12½ Dollars out of it &
another time 11½ — was present when West found his
Shirt in the hat of the Pr gt West ~~acknow~~ recognized

recognized as his property —

Believes it was in Sept. last — There were different persons slept in the same room where the trunk was —

The wife told the Pr. that if he would confess the theft the Wr thought that if he delivered up the half of the money he thought the owner would let him go —

William Kir — Keeps tavern in Montreal — recollects that West and Dupuis lod. the Pr. to the house of Wr with a shirt in a hat &c. West said was his — they charged the Pr with having broken open the trunk, the Pr denied it at first, but when the shirt was produced he acknowledged having broken the trunks & taken out 2 dollars out of it —

That when the Shirt was found, Dupuis told Pr that if he would confess to the taking the money they would pardon him —

Wm Boatenridge — The Pr after the shirt was found, he acknowledged having broken the trunk & taken the money — & this was without any promise of forgiveness if he should

acknowledge

acknowledge it — That Her was not present at the time —

Verdict. Guilty —

Thursday 5th ~~January~~ March 1829

Present

Ch. Justice Reid
Mr Justice Foucher

The King
vs
Edward Dilsie } On Indictment for Grand Larceny

Emery Cushing. in Sept last he had a Dutch boat & an iron anchor in it, value 10 dollars — it was missing out of the boat, he saw it in the evening saw the anchor in the boat next morning it was missing — he in 5 days after he heard the anchor had gone over in the Steamboat to Lasparie — afterwards found it with Mr Lesperance in Montreal — Lesperance returned the anchor to the Writ

X

Knew the anchor so returned to be his & the same he lost from the mending on it & from its general appearance —

Henry Lesperance lives at Montreal — In Sept last. the Pr offered him an anchor for sale — went to the foot of the Current, saw the anchor there — Pr asked 7 dollars at last agreed to let Wr have it for 5 dollars — The

Pr

Pr said that either he or his partner fished up in the River at the Cross —

That a few days after Wr met Mr Cushing, & from what he heard he told Mr Cushing that he knew what he wanted as he had heard he had lost an anchor yt he had bought — described the anchor which Mr Cushing knew to be his & Wr directed the anchor was returned to Cushing —

To the best of his knowledge, it was the Pr who sold the anchor to him — has heard he had 2 other brothers the elder he has seen but not the younger — the elder appears older than Wr

The anchor was openly exposed to sale on the beach — where many persons were passing —

This anchor had been broken & mended in two places —

Verdict. Guilty —

The King
Jamesr Walker } On Indictment for stealing above the value of 5/ in a ware house —

Joseph Wallace — is a Clerk to the firm of Moffat Gillespie & Co in Novr last they were in possession of a quantity of white paint, & in Decr last a quantity of 28 Kegs were missing — Robt G. Alex G. Geo. Moffat & Cameron & Gillespie Jr — Ws on 15 Decr missed some of the Kegs & looked at the books to see if they had been sold —

on 8 Nov

There were 33 kegs in all — on 15 Dec. he perceived some wants but without ascertd how many — thinks they might be about 14 a 15 kegs then missing On the 16th he saw there were only 5 remaining at 12 O'Clk — On same day about 1 a 2 he saw two of the 5 — laid in the passage — and saw the Pr as looking at the paint, & upon his seeing Wr went away, but came back again about 1/2 hour after & looked into the door of the passage 2 a 3 times — this gave Wr suspn agt Pr — he went to inquire if any of it was sold — and found that Mr Wm Barton had bot about 10 kegs pure Pr saw the kegs, and knew them by the marks to belong to Moffat & Co — Went to Ls Dumas where he found to have bought 2 kegs — of same mark — The Pr was arrested on 17th & when at Police office, refused to give his name —

x

Paint had been in stores of Gillespie & Co all summer to extent of 100 kegs — it had been sold to different people up to 8 Novr when there remained 33 kegs — all the kegs had the same mark & all the same quality of paint — Did not observe the No. of kegs between 8 Novr until 15 Dec — but none of that lot were sold during that time —

Has frequently seen people in the passage where he saw the 2 kegs — never saw the Pr there before the 16 Nov — this passage is always open in the day time The paint lay in the store adjoining this passage — the passage to the store may be 10 a 12 yards long —

The paint was sold partly at auction and partly at private sale — but there was no sale after 8 Nov. of any of this paint —

That Wm sometimes sells & sometimes others sell but no one sold between 8 Nov. & 15 Dec. — This paint was a consignment, by a man named Richards — and every week the state of sales was entered up in the Consignment book —

The office is up a pair of stairs from the passage there were six persons employed in the office and 2 men employed about the stores & passages all these persons are mostly always about the stores & offices —

The Pr. called himself Millet — Turner, & Harper —

Re-ex —

Never sold any paint to the Pr. nor had any business w. him — Pr only asked for one Peter Dunn —

Wm Boston — is a Painter — in 3 Dec. last the Pr offered to sell 10 kegs of paint to Wm on that day Wm bot. 3 at 9/ — he came back a day or two after saying the other kegs were partly sold but if not pd. for he would let Wm. have them and eventually bought 9 kegs from Pr — Wm told Pr he knew the paint & part of it had been sold at auction — the Pr did not say how he came by the paint, but understood that he had got it in payt — of his labor from Wm

Attwood

Atwood — That when Mr Wallace saw the paint in the poss.n of Ws — he knew it to be part of what had come from stores of Gillespie &c.

X

Has seen Pr several times — first on 3d Decr — when he offered to sell him some paint — Pr sold 3 kegs on that day — he generally came to see Ws between 12 & 10 Ck — and brot the paint openly in his hands without any covering — & came thro' the public Streets — appeared to make no mistery about the paint, or shew any signs of alarm or apprehension

The paint was of a very inferior quality — the highest price of that paint at auction was 7/9 p Keg — heard that about 100 kegs of same kind of paint had been sold before this — Ws could not have distinguished one keg from another of this paint —

— Pr brought paint to house of Ws 4 different times — the last time was on 13 & 14 Decr

Charles Gall painter in Montreal — between the 3 & 10 Decr last the Pr brot 2 kegs of paint offered for sale sd he was anxious to sell them as he had taken them for a bad debt — W. gave him 10/ each for the 2 kegs — the Pr sd he had more, but Ws refused to purchase more from him — Pr came about 3 days after with 2 more kegs qt Ws refused to purchase —

X

There were 200 kegs of same kind imported & Ws saw them on board Dew drop qt W understood were consigned to Gillespie & Co — all their kegs resembled

resembled each other & one could not be well distinguished from another —

William Ayers — painter in Montreal — about 17 Dec last the Pr came to his shop about 10 or 11 Clk & offered paint for sale — Pr he had sold 12 kegs to Mr Galls for 10/ — Wr was surprised that Mr Gall should pay so dear for his paint when he imported it — Pr that he had only 3 kegs left qt he would let Wr have for 9/ — told Pr to bring in a keg — on seeing it, Wr refused to take it — but offered to give him 5 dollars for 3 kegs — Pr Pr it was the last & would make no difference & agreed to take the 5 dollars — Wr Pr he regretted having taken the paint at the price —

Never saw the Pr but once — & will not swear that he is the same man who sold him the paint — but thinks he is Pr brot paint openly in his arms to the shop —

David Ross, Esq. Police Magistrate, recollects the Pr was brot before him on a charge of felony, he gave his name as Harper —

It is possible he might have given his name as ~~Harper~~ Walker —

Verdict Guilty —

The

The King —
v.
Fran^s Rozer
the Younger

On Indictment for stealing privately from the person —

Robert Simpson, lives at St. Andrews — in Novr. last he passed by St Martin on his way home he stopped at the ferryhouse kept by the father of the P^r — where he slept on ant^t. of the bad weather. He had a pocket book of black morocco value 2/ with 55 dollars in Bank Notes — all in in 5 dollar notes except five in 2 & 1 dollars — he had it in the pocket of his pantaloons — he slept by the Stove without stripping off his cloaths — he saw P^r. there — a little before day, the father of P^r. called to P^r. who got up & made fire in the Stove — he was feeling about where the ~~P^r~~ lay, but he thot — the P^r. was feeling for his Socks — he got up soon after and found his pocket book & money gone — he had it in his pocket when he ~~went to the~~ lay down at night by the Stove — W^k. gave notice that he had lost his Pocket book — search was made for it without effect — That Wits suspected the P^r. and told his father of it, and requested of him to return him his money — That the pocket book must have been taken out of his pocket, or while it was lying by his side while in bed. —

That he thinks he took off his Sash before going to bed, but is not sure — cannot say at what hour he

he went to bed, they set up for some time before going to bed — The Pr he thinks slept in another apartment from that where Wm slept — He saw the Pr when he got up in the morning — Wm was awake when Pr was feeling about the stove — he felt his hand touch his legs — but not his pocket — had he felt his hand at his pocket he would have been on his guard — That on getting up Wm felt his pocket book was gone — That next day when he traversed the river, he looked at the ferry house on this side, where he is sure he had his pocket book

Franc Tassé pere — lives at St Martin, about 3/4 league from Roger's house — some few days after Simpson had lost his money, the Pr came to his house & bot some articles & gave him a 5 doll. note in change ~~Simpson came then~~ Simpson the Pr came then soon after 4 or 5 days, after & asked for the bill. Jos Wit had in the mean time got another bill of 5 dollars & could not recognize the one from the other, — Simpson said he would take them both, qt he did and gave Wit ten dollars in Silver for the two bills —

Gives a good character to the family of Roger

Amable Dauphiné fem. de Jos. Quenneville — heard of Simpson's having lost his money — that the Sister of the Pr had a bill qt she asked the wit what that bill was. the Wit saw it was a

bill

bill of 5 dollars — the Pr at same time presented another bill, which was also a bill of five dollars

In Bn Chauret — de St Martin — heard of the loss of Simpson's money — after this on the 15 Jany — he found in the hay loft two bills ~~of~~ 5 dollars wrapped up in a piece of paper with hay round it — he brot this to the mother of the Wks who took the bills and shewing them to the Pr — there's what will condemn you, if it appears, the Pr then acknowledged that he had ~~taken~~ Simpson's money+, and appeared sorry for it — That the same evening the mother of Pr asked Wk what he was going to do wt that paper & advised him to burn it — he sd he would rather make wadding for his gun of it — she took the paper qt wrapped up the bills & threw it in the stove saying — brule crapeau tu ne me fera plus de peine. She then gave the 2 bills to the Wk and told him never to speak of it to any body — That Wk never spoke to any one except Jos. Legault & his father until he appeared before the Gr Jury —

+ that he had found

X

The Pr said he had Simpson's money, and that he had found that money, before the door — cannot say whether the Pr alluded to the whole of Simpson's money, or only to the 2 bills then shewn —

That Pr said if he could get clear of that affair he would never take again to the value of a pin's head.

The Wk asked Pr where the Portefeuille was, the Pr he had ~~it~~ not seen it —

Defence

Josette

Josette Roger — femme de Bte Chaunet — ~~went~~ when her husband brot the money into the house yt he found in the hay loft — & shewed it to her brother the Pr the Pr said, it was money he had found, but never said he had stolen it nor the portefeuille of ~~the Pr~~ Simpson —

Franc Roger, père — father of Pr was in his house when Simpson came to the house — he slept in the stable the Pr slept in another room — when Simpson got up in the morng went out & came in again — & said, that he had lost his portefeuille for had the cellar door opened — S went to the stable & searched for his portefeuille when he had fed his horse — S spoke of his loss to Michel Goron & to Valiquet — he went after to Montreal & came back, but never accused any person of having taken it — he said he was not anxious about the money, if he could get his portefeuille — That Simpson s. that his name was on the bills — on this the Pr asked him to go to Routier's to get the bills read, but he refused —

That the evening on going to bed, tied his Ceinture round him —

Michel Goron — lives at paish of St Laurent — saw Simpson pass by his house the morning after as if he was looking for something — he said he

he had lost his portefeuille & as he had passed that way — That he said it was hard to accuse any person — but he was sure he had his portefeuille at night when he went to bed —

Verdict. Guilty of Simple Grand Larceny only recommended to the Court

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The King. }
James Moore } On Indictment for Larceny —

Adam Handyside, is propr of a Distillery near town — in 25 Augt — he discovered that barley had been taken out of his granary — & that from the traces observed it had been carried on to Mr Grant's farm — he was suspected the Pr — he heard that Mr Tiffin's cart had been used to carry away the barley. & about 10 o'Clock same morng saw the Pr return w: the horse & Cart — he took 2 of his men & followed Pr — & asked him what he had done with the bags & barley — he denied having had any bags or barley in his possr — he observed grains of barley in the Cart — Beaudry saw Cart — said that Tiffin never used it to carry grain in it & Tiffin & same thing — caused Pr to be arrested & carried into Distillery yard — after much resistance they effected this. & he wanted to strike one of the men — Pr went in search of further evidence — & found that Mr Connochie had seen the Pr with the Cart & horse & who had rented Tiffins horse & Cart

Found the barley had been sold by Pr. to Williams ~~& total~~ values barley at 2/4 pr bushel, and considers the quantity taken to be about 7 or 8 bushels —

That there are two of the bags to which he can positively swear to as his property — these empty bags were in the granary empty in same room with the barley —

The Pr had been in the employ of Wr about 2 years & had been discharged before this — He was for a length of time a good & faithful servant, but as he did not continue so he was discharged — Had about 20 persons in his employ at that time — they all have access to the Granary during to day — The Brewer is the only person who has the key —

Had the heap been levelled up as it was, he would not have discovered the loss —

Might have had 250 bags at that time — cannot identify all of them — but two of them qt Pr had he had ordered particularly for his own use & are of a particular description —

Miles Williams brewer in town — about 8 o Clock in the morns of 25 augt last the Pr. trot him 3 bags of barley — two of these bags were made of linen of old Country — sd he thot he had 9 bushels, but wished it measured as one of the bags had been torn — after barley measured — asked Pr if he came from a distance, he said he had come too far —

The

The wit. saw the same horse gt. prest. bro. the barley in the possn. of Teffin afterwards —
That the bags now shewn were such as those gt. Pr. brot. wr. the barley —

The greater part of the bags made here are made of imported cloth, but not of same quality —
Believes Pr. to be the same man — went to see him in prison — & recognized him —

William Teffin lives in the neighbourhood of the distillery of Mr Handyside — that his horse & Cart were taken from his premises on morns of 25 augt, he went to town in search of them — about 4 o'Clock in morns Pr. came to get a jar to put some rum in — Witt observed to Pr. who had taken down the barriere, Pr. sd. it was here & he would put them up again — When Ws came up to town he went to where Laprairie steam boat ~~lodged~~ landed — saw nothg of his Cart — on coming up the Street he saw his Mare in his Cart, & saw Pr. come out of a Store — he asked him why he had taken his Mare & Cart he sd. if he had asked him he would not have lent it — he then made Pr. take Ws home in the Cart — thot. it was to get on faster — went to house of brother of Wit. where he bot. some articles got into the Cart & went home — Ws. stopped on way in mean time Pr. was arrested — understood from Beaudry that bags had been found they were produced & Mr Handyside claimed them

them as his —

Wit. brd. his mare to town to enable Williams to see her & identify her as the same the Pr. had when he carried the barley to his house —

The Pr. was in the service of Wit. — That he told his wife the day before to give a dollar to Pr. qt. was due to him —

Wt. wished to persuade Pr. not to go to town to buy rum — but Pr. says, he would not lose time, and would be back in time —

Wt. saw neither bags nor barley in the Cart The Pr. bought some articles at brother of Wit. & he wanted some coppers to make up the price —

Re-exd.

Never used his Cart for carting barley in it —

James Mc Connochie lives at the Cross — saw the Pr. about 9 o'Clock on 25 Augt. last with Mr Tiffins horse & Cart — knew Tiffins mare the Pr. was lying in the Cart in liquor & the mare going along by herself — the Wit. stopt the mare — when Pr. got up & threatened to strike Wt. — saw cloth like bags in the Cart — Wt. the kind of Cloth Handyside's use for bags, & it looked like such cloth —

Henry Beaudry — lives near Handysides Brewery — On 25 Augt. last saw Pr.

coming

coming home with Tiffin's horse & Cart about 8 or 9 o'Clock — Wm went up to Cart, and observed grains of barley in it —

Knows that soon after some bags were found in the barn — Handyside — recognized 3 of these bags to be his — the bags were in the same barn from qts horse & Cart had been taken —

That neither he nor Tiffin were borrowed bags of Handyside —

Pr is a day labourer & without means of having barley for sale —

xd

That he & Mr Handyside looked into the Court — the Pr was then arrested and carried to Handyside's premises —

That he saw the brewer and Peter ~~there at the same time~~ — who came & examined the Cart afterwards —

He cannot say that no one from Handyside had been there to see the Cart & put grain in it before he saw it —

That the Pr had time to untackle his horse before he was arrested — but he was so drunk, that Ms. was obliged to assist him —

Knew Pr for 2 months he lived at Tiffins —

William Tiffin - brot. up again - never knew that Pr. had any barley for sale -

Verdict - Guilty of Petty Larceny

Friday 6th March.

Prest.

Ch. Justc. Reid

Mr Justice Foucher.

The King
vs
Jn Bte. Marcoux
&
David Lefevre

On Indictment for Sacriledge -

Augustin Chaboillez, Curate of parish of Longueuil, in that Church several articles were ~~bound~~ found missing - 2 Silver fringe of 4 ~~feet~~ yards long of the value of 20/ destined for the use of the Church There was also ~~several~~ 5 other pieces of Silver fringe used for ornamenting another, alter, valued altogether at 20/ There was a piece of gold fringe of 8 feet long of value of 20/ & another piece of the value of 5/ ~~These~~ things belonged to the Fabrique of the Church of Longueuil, and were in his possession as Curate of the parish

x

x

These articles appeared to have been taken about the 11th Inst last after vespers—

André Potevin, beadle of the Church of the parish of Longueuil — That about 12e a 13e Inst last several articles were missing out of the Church, such as 4 Yards of silver fringe of value of 20/— & other quantities of fringe of the value as stated in the Indictment — These articles were used in the Church and belonged to the Fabrique of the Parish of Longueuil, and he had them under his charge as bedeau—

x

These articles were in a box, in the Church, but it was not locked — The Ps were still at the village on Monday—

Charles Monjeon is a tavernkeeper at Longueuil — the Ps came to his house about the 8e a 10e Inst last and remained 5 days, they exhibited dancing while in the house — That while in his house they worked at putting on fringe & lace on the dress of their boys, they said they had purchased the fringe & lace at Montreal —

x

Knows the Ps for 4 a 5 years — never heard any thing of their character — That after they had left the house of Wm Jn Boucherville he heard there were some things missing out of the Church — Wm saw no gold fringe in the possession of the Ps — The Ps & they were going to Boucherville & said they would perhaps return to Longueuil — they went

to

to Church the grand Mass and to vespers, and he has no recollection that they went out of his house after the came home from Vespers — They had an amusement in the house that evening until a late hour, and he does not think they left his house after the entertainment was over —
It appeared to Wit. that the Prs endeavoured to gain their livlihood in an honest way. —

Ve-exd. —

There are 4 rooms in his house — 3 beds in one room, and 2 in another — that while the Wt was asleep the Prs might have gone out of the house without his knowledge —

Adolphe Delisle high Constable — In Jany last about 15. he had a search warnt. agt the Prs he went to Longue Pce to house of Archambault, & while there the Prs came in, and he arrested them — he told them of what they were accused — he searched Marcoux, but found nothing on him — he told the Prs of what they were charged, they said they had bot. such things of a stranger, — that on Lefevre he found a piece of silver fringe about 7 or 8 inches long — and in a trunk of wh Lefevre had the key, he ~~had~~ found several pieces of silver & gold fringe & lace — he sd he had bought these things for a dollar at Longueuil in the house of Mr. Monjeon —
Wt then went to Boucherville, and in the possession of one Alexis Pichette, he found the rest of the articles, he was the person who played

on

played on the violin — the bedeau claimed the articles as belonging to the Church at Longueuil The Pr also told the Wit — that they had purchased some of the lace at Montreal, a part of which was not claimed as belonging to the Church —

Marguerite Frejeau — lived at Monjeau's in Jany last when the Pr came there — the dress of the boys had when they arrived had ~~no~~ gallon but no frange, but 2 or 3 days after she saw them employing frange for the dress of their dancers —

Ks. Marcoux for 7 a 8 yrs — never heard any thing agt. his character — while at Longueuil they exhibited every night, publicly, and had gallon on their dress — That she saw gallon & dentelle on one of the dresses, before she heard of the robbery of the Church — they used to sit up late — and on the Sunday night she heard the violin players to a late hour — thinks the Prs went to bed after her — there is no key to the outer door which is shut by a crochet —

Alexis Pichette — was player of violin in the service of the Prs at Longueuil — they went there the 8th Jany last to Monjeau's — When they went there he saw no frange d'or nor d'argent — After they left Longueuil they went to Boucherville, where he saw Lefevre in particular employed in putting on frange d'or & d'argent on their dresses — they said that they had bought gallon blanche in town — but before they went

went to Longueuil he saw no frange in the poss of Prs

That Delisle found a quantity of ornaments of Silver & gold qt. Wr. received to take charge of from Marcoux.

Ks Prs particularly Marcoux for several years — he has played for them for 2 a 3 months & knows that they have dresses for that purpose — Before this they had dresses with spangles on it. but not with fringe or gallon before they went to Longueuil — Saw the frange, about the 10e January on a Saturday as he thinks saw them at work making up their dresses with it, and there were others assisting them.

Adolphe Delisle brd. up again — the bundle now produced, he found in the trunk of Lefevre at Longue Pointe — What is in the bag now produced he found in the possn. of Pichette, at Hardes at Boucherville. —

Alexis Pichette brd. up again, says — that the articles in the bag which he now examined, he received from Marcoux, & qt. were seized by Delisle — in his possession —

Adolphe Delisle, says these articles he shewed to the Bedeau & to Mr Chaboillez, which they claimed

claimed as belonging to the Church at Longueuil —

James Prest — clerk in the Police office — says, that the articles now produced he received from Mr Debrle ~~are~~ in the same state as now produced —

Alexis Pichette — Xd —

Augt. Chaboillez — The dentelle d'argent on the dress now shewn was used to dress the autel violette the dentelle d'or was on another autel — then he considers as belonging to the Church —

The fringe now produced, was on the autel noire and he has a piece of the same fringe, gt. remained on the autel, to shew the identity — and by the smell of the incence, they appear to belong to this autel —

Shews several other pieces of fringe of gold & silver which he says belonged to the Church of Longueuil —

Xd —

Is positive to say, that the dentelle & frange he has now shewn, belongs to the Church — that the Nuns may have similar for sale — That since he has been Curé of Longueuil for 23 years their effects were in the Church —

frange d'argent
frange d'or
dentelle d'or.

That on the 14 Janry last he was informed that the Pry had the dentelle in their possession —

Frans —

Franc. Trudeau — Marguillier last year of Parish of Longueuil — was present the 2d day the Prs exhibited at Longueuil — he then saw no silver fringe on their dress — He went afterwards to Boucherville with a part of the frange which had been stolen & compared it with the frange on the dress of the Prs and observed that it was the same —

David Ross. Police Magistrate — says — That he received a note from the Pr. Marcoux, dated 19 Jany — in Gaol requesting to see him — he went there & saw Marcoux, who told him — that he acknowledged having stolen the articles wl wh he was charged in the Church. that he was sorry for his fault, yt was the first he had committed — that he belonged to a respectable family, and wished that he might be admitted as evidence for the Crown ~~The wit~~ as he had been sollicited to the commission of the offence by the other Prisoner Lefevre — The wits. sd he would promise him nothing, but would communicate his request to the Atty Genl who would do what he saw fit in the business — & he communicated to him accordingly —

x'

That wits did not consider the application made to him by the Pr — as made to him in confidence as an advocate —

Defence

Adolphe Delisle — never said to any of the Prs

that

that they would be hanged — they appeared anxious to know what would be their punishment if they were found guilty — he sd they would receive sentence of death —

Justine Monjeau, con. les Prs as dancers & comedians when she first saw them, they had gallon blanc on their dress, — but no silver lace dentelle they told her they had bot. gallon d'argent in town — That on the Sunday night they were up late, — & when she went to bed, they were still up —

Joseph Bourdon — Ks Pn has seen them play — thinks he has seen them play with silver fringe on them when in Montreal — such as persons of that description generally use — This was long before the robbery at Longueuil —

Frans Viger — Ks Prs was at Mongeons all the time they were there — arrived on a thursday — saw them with with gallon jaune & frange such as shown — but did not examine it particularly —

~~Then~~ saw them at work on a small robe on the Saturday, they were taking part off & changing the ornaments on it —

Ws slept about 10 feet from the room where the Prs were that on Sunday evening they sat up late — it might be near one o'clock when he went to bed —

~~William Graves — C~~

Charles

Charles Rodier – never sold lace

Jean ~~Mot~~ Meunier & Lafleur – Ks Prs are comedians, Rope dancers – they lived at house of Wr in Montreal last fall he has seen them make up dresses – he has seen them use gallon, but not dentelle, also des espinglettes –

Ks. Marcoux for 10. or 11 years – he always had a good character – from his occupation he would not be surprised he should have ~~gallon~~ pump d'argent in his possession –

John Peebles – Ks Prs lives in town – his wife sells goods – is in the habit of selling a sort of lace has a knowledge that his wife sold some spangles

has seen some gold tinsel such as that now produced, yt his wife had for sale and also, some ~~tinsel~~ silver tinsel such as that now shewn –

Has been at the Circus, where he saw the actors wearing such articles as that now shewn

Margaret Peebles – Ks Prs saw them acting – they had spangles on their dress – & something like gallon She has sold tinsel lace, to the Comedians – She has had besides some gold lace gallon d'or which she sold to Curé of Chambly & Pte Olivier

She

she has sold to several persons all kinds of this lace to Curates and to ladies for their dresses — remembers having sold spangles to Prs but not lace —

x

Never sold any silver fringe such as that now produced —

Amable Morigeau — saw Prs play at Contrexeur at the Curé's — That about the 12 a 13 Jany. last he met a man between Contrexeur & St Denis, who had something like gold & silver lace for sale & ~~that~~ said that he had sold a great deal of it to different persons —

James Gibson — Knows, that on a Saturday about 1 o o Clk in the day, a man came to the house of Morigeau where the Prs there were, and sold to Marcoux, a quantity of gallon d'argent — saw the man produce the gallon d'argent twisted round a piece of silk. there was gallon d'or & d'argent & — that Marcoux immediately began to make up a dress which the Wr wore — Has seen the gilet now produced, it was made by Lefevre — That Marcoux never shewed him any thing bad, on the contrary has taught him his prayers —

x

He is in the same room in the gaol with the Prs. All the people in Morigeau's house saw the man come in wt. his bundle & lace for sale —

the man carried the lace in a hkf —

John Deliste There is no bill of Indictment agt last Sept —

Verdict. — Guilty agt both Prs

—

The King. —
vs
Joseph McFarlane
otherwise called Joseph
Charlie —

On Indictment for horse stealing.

Frans David, lives at St Michel in the month of Sept last he had a horse stolen from him — the horse was at the time in his field and was hoppled — he had used him the day before — did not perceive his horse was missing till next evening — he got his horse advertised — and he heard that his horse was in Mr Deliste's possn — values his horse at £10 — he got his horse from Mr Deliste — It was a gelding of a bay colour. — The distance from his house to where Pr lives is about 3 leagues — H

H The horse that Mr St Germain saw in his hands qt he got from Mr Deliste is the horse that was stolen from him

Does not know the Pr Ex

Jean Barbier, lives at The Tanneries, last fall he lived wt the Pr — The evening before he saw a red house

horse in the Stable of Pr— he proposed to the Wt to go with him to get a deer— The Pr— went away about nine o'Clock in the evening— but said noth: about a saddle & bridle— The second evening after the Pr— came back in the night time, Wt did not see him arrive— but next morng he saw a bay horse in the Prs Stable— Pr told Wt to trim the horse's mane to sell or exchange him—

Wt is brother in law to Pr— at this time he lived in the same house wt Pr— the house belonged to the ~~father~~ heirs of the Prs father & wife of Wt is one of them— Bt Decarry lived in same house also— Wt had a room in the house, but every one had acess to it— and Wt had access to the other rooms— there were disputes sometimes in the house— Wt is married fr 14 years— Wt has 1/4 of a half of the property— this he has enjoyed since the 23d Septr last

In Bt Decarry— Ks Pr— In Septr last he lived in same house wt Pr— having married one of old McFarlans daughters— That Pr— asked Wt to go with him to fetch a horse— did not understand he meant to steal a horse— but Wt did not go with him— Does not know whether Pr took a bridle & saddle with him— That Pr returned in the night— the second night after— That next morng early

Wt

the Pr. shewed him the horse — sd he could sell him and pass the winter — some time after he heard that David lost his horse — The horse was brot. to town —

x —

On 28 Sept. last he lived wt his father in law, with his wife & family in the same house The Pr. had a horse at the Cote St Paul — but this was not the horse the Pr. shewed him — Cannot say whether it was a mare or a horse qt the Pr. brot. wt him. —

Bernard St Germain — In Septr. last the Wits had obtd the land of old McFarlane by deed of donation — he was advised of his risk in going there — That Decarry & Barbier came & told him there was a stolen horse in his stable & that it was the Pr. who had brot. him there We went there to see what horse it was — this horse was at the stable door — & was brot. to Mr Deliste's by Wm & he saw same horse in the hands of David afterwards —

Adolphe Deliste — The red horse stolen from David was brot. by St Germain & put into the stable of Wm this horse was claimed by David as his property & claimed by him as such 2 days after —

In Bn

In Bte Decarry brot up again — says he did not see the horse — brot by S Germain to town —

Maximillien Lafresniere — the horse which ~~Wr~~ S Germain brot to Delisle was the same horse that was taken from the stable of the house where Pr lived — Wr went with S Germain to arrest the Pr —

xd

That S Germain took several persons with him to arrest the Pr — as this was necessary from the threats given out by the Pr —

Defence —

Alexis Ouellet lives at the Tanneries — Ks Pr for 5 or 6 years — once lived in same house w him for a month last year — Wr was then there as farmer — Pr had his father à rente —

Has heard that Decarry was not an honest man, and he would not have confidence in what he would say — The Pr always acted very correctly towards Wr —

Marie Angelique Giroux — Ks Pr — since last Summr — Ks Barbier for an honest man — Ks Decarry never saw him do any thing wrong, but has heard he had a bad character — ~~but cannot say whether~~ that she would not believe him on oath. —

~~John~~ Peter Jackson

Trans

Simon Hebert, is a Prisoner with Pr about a month & a half — was present when a conversation took place between Deseary & Barbier and the Pr — when they both declared that ~~they~~ the Pr had no knowledge of the steals of the horse in question — Knew them before they spoke with Pr in Gaol and he spoke with them before he was arrested & before the Pr was apprehended — they offered a sum of Work a sum of money to undertake something of the Pr in order to destroy the Pr that is to take his life — to shoot him through the body — and this in order to have the prisoners property —

From the conversation he heard in Gaol he understood that it was there orders themselves who had put the horse into the Stable of Pr —

X

He is in prison for stealing a horse, and is in the same ward with the Pr — but never spoke to Pr about his business — he knew Pr & Deseary & Barbier before he was put in prison —

There 2 men Deseary & Barbier were on the out side of the Grille & Work & Pr were on the inside of the Grille, there were none others present at the time — They came at different times

times to the Gaol to see the Pr

That in the Barn of Pr in the month of Sept last these 2 men made the proposition to Wr to shoot the Pr — Wr had gone that day to get some money from the Pr he owed the Wr — They s. it was in order to get his property —

Joseph Brisset, lives in Montreal, Student at law wd Mr Labadie — Knows Decarry & Barbier — the Wts last fall before the Pr was confined, they would be pleased if the Pr was put into Gaol —

That they said this when settling the affairs of the family when this was spoken openly in Mr Labadie's office — on account of his bad character & dangerous conduct — That Wr has heard that Pr was a man of that character & the Wts was not surprised at their expressing themselves in that manner —

Frank Thomas — Heard the 2 Wts Barbier & Decarry say that Pr had no occasion to be afraid on acct of the horse in question, as there was nothing to be apprehended, or he was not the person who had shut up the horse that this was done merely on acct of their property

This took place about the beginning of Jany —

the wives of Barbier & Decarry were there, and several other persons present at time

Franc. Minau de St Pierre was in same ward in prison wt Pr has seen his brothers in law speak with him in Gaol — they said that the horse had been shut up in the stable without his knowledge — and that he had no occasion to be alarmed on that account as nothing would be done to him on that Bill — and that it was done in order to get his the Prs property —

This was said in xd January last — That Mr Thomas was present at the time — That Decarry & Barbier were there alone and their wives were not there —

closed

JnBte. Decarry — called up agt. again says — he was twice in Prison to see the Pr wt his wife his brother & his wife — that on the Pr said he was afraid, the Wife said he had no occasion to be affraid as perhaps nothing would be done to him on that ~~occasion~~ account — but never said that it was not him that had shut up the horse in the stable —

Does not know Simon Hubert, and never proposed to him to kill the Pr nor any other person — never offered him any money to this effect

and

and never met with Simon Hubert with Barbier in the barn of the Pr.

Jean Barbier – brot. up again – has been in prison twice & thrice to see him wt Decarry & their two wives never told the Pr. it was not him who stole or shut up the horse –

Does not know Simon Hubert – never offered him £5 – to take the life of Pr.

Charles Rolland. Ko Bte Decarry one of Witt. he bears the character of a good quiet & honest man & he would believe what he would say on oath.

Jn Bte Turcot of Tannines – Ks Witt Decarry since he was born – always considered him as an honest man, whom he would believe on oath –

Alexr. Ouellet brot. up by Pr. – saw Simon Hubert who was brot. up as Witt – he was hired by Prs to cut the hay, but Witt. sd he would not have him

Verdict – Guilty

Saturday 7th March 1829

Prest.

Ch. Just. Reid.

Mr Justice Foucher

The King
vs
Amos Clement
Kimball

On Indictment for horse stealing — The Prisoner withdrew his plea of Not Guilty — and pleaded Guilty to the accusation. —

The King. —
vs
Henry Germain
otherwise called Louis
Germain, otherwise called
Louis Charbonneau

On Indictment of stealing above the value of £15 Stg in a dwelling house. —

Franc Benoit, aubergiste en ville — le 6 Octobre der. il avoit eu portefeuille avec plusieurs billets de Banque au montant au moins de £50 — principalemt de Montreal de 5 piastres et deux Checs — un pour £6 — de Mr John ou James Brackenridge — d'un autre de John Molson pels pour £2.10 — le portefeuille valoit 2/ — Il avoit son portefeuille a 8 heures du soir dans sa maison dans sa poche gauche de ses Culottes — et environ 5 minutes apres il mangeoit — le Pr etoit autour du tem. dans ce moment la — c'est un

un hom. qui se retiroit quelques fois à la maison — dans le tems le Pr lui devoit de l'argent & ne pouvoit lui payer — Le tem. a dit immediatemt avoir perdu le portefeuille, & on l'a cherché — le Pr venoit toujours à la maison de tems en tems — & 5 Jours apres il est parti de la maison — Il a donné avertissement de sa perte dans le Papier, Minerve — Apres que le Pr fut arrêté à Beauharnois on lui a rapporté le portefeuille — et a vu le Pr à l'office de Police environ 8 Jours apres —

Il y avoit au moins pour 50 louis de billet de Banque — les Cheques de Mr Molson, etoit en faveur d'un de ses hommes, pour £2 10 — & l'autre signé de Mr Brackenridge en faveur de Mr Holcomb pour £6 — Il avoit le portefeuille dans un tiroir du Bureau sous clef & l'a pris de la pour mettre dans sa poche de culottes — Il sortoit de la maison pour aller à bord du Steam boat, lorsqu'il a senti que le portefeuille manquoit. Le Pr avoit vu le portefeuille à la mai~~son~~ du temoin plusieurs fois auparavant —

Le Pr signe son nom — ne peut dire s'il sait lire — a employé le temoin de lire un billet qu'il avoit reçu de Quebec — Il y avoit plusieurs personnes dans la maison au tems qu'il a perdu le portefeuille — et des etrangers —

Jacques Michel, dem. a Beauharnois — en Oct. der.

et

il a vu le Pr. chez lui le 13 Oct. un Lundi —
il est arrivé avec un nommé Pre Reid en sa
voiture, à une auberge d'un nommé Lapensée — a
vu déposer dans la salle un Coffre d'un fusil —
à vu oter une portefeuille rouge avec un agraffe
~~Rouge~~ d'acier — Le Pr. a demandé où il trouveroit un
chapeau a acheter — il a ouvert son portefeuille
a pris un chez de l'argent, a remis le portefeuille
et parti et revenu avec un chapeau de un coupon
de drap — disoit qu'il avoit payé un chez —
qu'il a donné un chez à Grbeau — pour
acheter quelque chose de lui le fait changer le
Chez — Que le tem. a dit a Reid qu'il ne
croyoit pas qu'il connaissait son argent —
Quels ont su que Mr Benoit avoit perdu
son portefeuille, et on a examiné l'avertissement
dans le Mercure où on a vu qu'il répondoit
au portefeuille qui avoit le Pr. et fut arrêté
et on s'est emparé de son Coffre et le portefeuille
Que Mr Lapensée a remis le portefeuille à un
Connaissance à l'office de Police avec le Pr —

X°

Qu'il y avoit plusieurs personnes présentes
lorsque le Pr a montré le portefeuille et
l'argent qu'il y avoit dedans — Que le
Pr n'a pas lu les chez, comme il paroissoit
ne savoir lire — Qu'il croit que le Pr a
payé un des chez pour son chapeau de drap
et une de l'argent chez Mr Brisson —

Que

Que la designation donné dans le Minerve repondoit avec les Checs. N° 406. & N° 66 — et avec le portefeuille — un de £6 — et l'autre de £2.10 —

Que le Pr. a refusé d'ouvrir son coffre, ou de donner le portefeuille — Qu'en vertu des ordres de Mr Brown Commissaire, il a pris le portefeuille et la clef du coffre du Pr — Le portefeuille etoit dans le coffre — que le Commissaire a remis le portefeuille à Mr Jobin, et il l'a remis au temoin au tem. qui l'a apporté à l'office de Police — Que le Pr. a dit avoir trouvé le portefeuille sur le pont de Mr Lafine pres de la maison de Mr Benoit

Eustache Masson — marchand a Beauharnois. En Oct. dis. le Pr. est entré chez lui demander a acheter un chapeau, il l'a eu — et a demandé alors du drap — le tout montant à £3 — alors il a montré un Chec — que le tem. a refusé de prendre — le Pr. a dit qu'il etoit bon — qu'il avoit eu de Mr Molson pour un cheval qu'il lui avoit vendu — alors le tem. a pris le Chec pour 10 pentres & lui a changé un bill de Banc de 10 piastres — Alors il a sçu que le Pr. avoit eté arreté — dans le moment Mr Jobin qui etoit dans son Magazin a dit que Benoit avoit perdu son portefeuille, avec des Chec d'argent & dans alors le Pr. fut arreté — et il a vu le portefeuille sur la table avec quantité de billet de Banc

x

+ Que c'etoit un portefeuille rouge — 6

Que le tem. n'est pas positif a dire que le Pr est le mem — mais croit que c'est lui —

Re-xd

Que la personne est le mem qui a paru devant Mr Brown et qui a eté envoyé en prison —

Verifies the check now produced to be same Pr gave him —

In Bte Gibeau — marchd a Beauharnois — le Automne dern. le P est venu à son Magazin lui demander des articles qu'il n'avoit pas — il fut chez Mr Masson — il a rapporté du drap de chez lui — le tem. a dit qu'il le trouvoit Cher — le Pr a dit qu'il avoit payé avec un ~~billet~~ chec de Banc — le tem. a proposé de lui en vendre — il est venu chez le tem — a acheté 3 aunes de drap — il lui a donné un Chec de £6 — & le tem. lui a remis 17 piastres en argent — alors on a eu soupçon contre le Pr & et a sur du gendre de Mr Masson que Mr Benoit avoit perdu son portefeuille avec de l'argent — le Pr fut ~~arreté~~ alors arreté. le tem. a vu le portefeuille avec beaucoup d'argent dedans —

Portefeuille rouge — xd Que le Pr disoit, que l'argent qu'il avoit gagné — il n'a pas voulu montrer le portefeuille — disant qu'il n'avoit pas de compte à rendre à personne —

James

James Prest, Clk in Police office — the Pt was brot there w/ a pocket book at same time — were brot there by S Michel in a box — the portefeuille — 2 Checks and a waistcoat — which now produces

Franc Benoit — the portefeuille is the same he lost & is his property — the 2 Checks now produced are the same he had in the pocket book — the vest is also his property —

Jacques Michel, verifies the portefeuille and two checks to be the same found on the Prs pass.r & which he delivered to Mr Prest at the Police office — he recd the Portefeuille in the evening from Mr Brown —

James Prest — wits. received 119 dollars in bank notes from Michel besides the 2 checks —

When he recd that money he put in the Cupboard of gt he keeps the key — & found there those notes — he has not produced those Notes to the Court, & many of them are different from what he received, they have been changed, but he does not know by whom — the key of the Cupboard has been out of his possession since he got those notes — sometimes he left it at home — he never gave the key to any person except the persons in his own house — he has at times left the key in the door of the Cupboard in the open office — the money might have been taken out of the Cupboard without his own knowledge he himself has changed some of that money, without the

the directions or knowledge of any person — That this money was not sworn to as stolen — considered it as to secure it and restore it to the right owner, or the value of it —

Geo. L. Brown Justice of Peace — lives at Beauharnois the Pr. was brot. before him on a charge of theft from Benoit, on the informn. of Masson & Gibeau — went to house of Lapensée, where he saw the Pr. told him of the 2 checks — asked Pr. where he had got it — as to Molson's check sd. that it was for sale of a horse — & the other for his inheritance — that he was going to Detroit — Why he had not changed them in town — Mr asked for his portefeuille — he refused to give it — ordered him to be searched found the portefeuille in his trunk, same now produced, wt. name of Benoit —
The Pr. sd. he had found the money on Pomb a Collier — & that all he found belonged to him — He found 119 dollars in Bank notes in the pocket book — & qt Pr sd he had found the money wc Pr. he committed to charge of Michel the bailiff —

Defence

Frans Benoit. after the pocket book was missing he sought for it in the street, as he was not sure where he had found it, cannot say where it was lost

he

he cannot say that the Pr put his hand in his pocket to take the pocket book —

Cannot say whether he lost the pocket book in the house or out of it —

Verdict Guilty of Grand Larceny as laid in the Indictment.

The King
vs
Simon Huber } On Indictment for horse stealing

This Indictment having been brt before the Court by Certiorari, and there being no Caption to it, the Court could not proceed thereon, and the Pr was acquitted —

The King
vs
Pierre Chastrand } On Indictment for Grand Larceny. —

Lambert Tessier dit Lavigne is a blacksmith in town — that one morng last fall he found a quantity of iron had been brt to his shop — ~~taken~~ there were 27 bars as his apprentice told him — this iron remained in his possession for some time — the Pr came there & asked if Valiquet had any iron there — W. S. yes — the W. showed it to him, when Pr. s. there were 2 bars of wooded iron among it — that Pr. s. either he or Valiquet would come & take it away — another man came & looked at it that some time after the Pr came with a Cabriolet & asked to take away Valiquets iron — W. denied

his

his apprentice to deliver it, & it was delivered to him accordingly — That while the iron was in the carriage Valiquet arrived, & asked what iron that was — they S. it was his iron —

That in taking down the iron they broke a pane of glass, wh the Pr agreed to pay —

x

Christian Wintele Is clerk to Mr Thos Haven, Merchr that last Autumn a quantity of iron was landed at the port from the Hercules, it was — English Iron in bars, 1428 bars — values ~~each~~ bar at 15/ ℔ Cwt. — does not know when they were landed, but when he heard of it he sent Carters to bring it up — & Pr was one of them — they began between 4 & 5 o Clk on 10 Novr & finished about 10 o Clk at night — When the iron was counted in the yard 51 bars were missing — Has seen some of this iron since in the Vaults of the Cour House 4 or 5 of them bear Mr Haven's marks — but did not examine the whole he cannot speak to more — the mark was the letter H on the iron ~~in~~ paint —

1428
51
1377

x

The mark H. is the only mark on the iron that by the bill of lading there were 51 bars were missing — There are several merchants in town, whose names begin with H besides Mr Haven

~~Haven~~
Paul

Paul Durocher – Ks Pr – he ~~brot~~ in Dec last came to Ws and asked him if he would buy any iron – he said he had some yt he had recd from a merchant who owed him & who had failed – on this the Pr took the horse & track and brought 26 bars of iron – The Pr said that the iron was at Lambert Lavigne's Ws asked why Lavigne did not keep it – he said he had sold some to Lavigne suited to his purpose but that the rest being fit for making axes would suit the Ws better – Pr asked 4 dolls on acct – but his wife told him he could iron for work – and he then got 5 J & gave Pr – That on this the Pr took him to a tavern where Valiquet came there and the Pr divided the money with him –

That one Voyer told Ws that one Budden had lost a quantity of iron & told Ws – not to pay the rest of the money – The Pr & Valiquet came back for the rest of the money – the Ws sd he had none, but they might weigh the Iron – ~~they sd~~ asked if they had stolen it – they said no – or they would not be selling it to different persons, as they had sold some to Lambert – after this the Pr never returned – the Iron was afterwards claimed by one Budden The Head Constable took away the Iron & brought it to this House & Ws has seen it there –

The Pr sd that he & Valiquet were in partnership that he wanted money for his part – but that he might pay Valiquet in work –

£ –

Saw no marks on the iron – did not examine if there were any letters painted on it – there was

a

a bar of Swede Iron, qt. had the mark on it —

Christian Wurtele — there are ten bars of the iron below qt belong to Mr Haven — of different sizes — there may between 2 & 3 Cwt. of them qt they sell at 15/ ⅌ Cwt —

Adolphe Delisle Ch. Constable, was reqd. in Dec last to remove a quantity of iron 26 bars from Durocher's to the vaults below, and are the same that were examd. by him just now with the Wm. Wurtele —

There are some of the bars marked T & some H —

James Barnard, is Clk to Mr Budden, last spring he lost a quantity of Iron — cannot say that any of it belonged to Mr Budden qt is now in the vaults below —

That the Pr. carted a quantity of iron for Mr Budden last spring & some of it was wanting —

Defence

Franc. Chartraud uncle of Pr. that last fall he was employed to carry some iron for Valiquet from Lavigne's to Durocher — & this on aut. that Valiquet had no horse of his own — saw no marks in paint — but saw stamps on it —

That

That valequet was there at the time —

Joseph Globensky — Ks Pr for 3 years is a Carter he has 2 horses a Cart and truck — he is a man who appears to gain — he always bore a good character

Jos: Perrault — Carter — Knew Valequet the Carter — he had one horse about the close of the navigation, yt W. thinks he sold, & he went away from this place at the first snow — That in general carters have two horses — & when he has not ouff he employs his fellow carter — Ks Pr for 10 years — gives him a good character — has a family — & appears in tolerable circumstances —

Jacques Dauphin — Ks Pr from his infancy — he is a Carter — has 2 horses 2 trucks & a Cart for a length of time — speaks of character as good.

James Wright — Ks Pr nearly 4 years — lives in the same house with him — his wife is a washerwoman & washes many valuable articles —

Verdict. ~~Not~~ Guilty of Simple Gr Larceny recommended by the Jury —

The King
v
Willis Pelton } On Indictment for Grand Larceny. —

James Curry, lives in Sugr of Beauharnois in Decr last he was at the shop of Kentwell & Nicoll

at

he then had in his pocket a bank note of 5 dollars & some plugs of tobacco in his right waistcoat pocket — Wm. had been in the Pr. shop, who is a Shoemaker & from thence went into Kentwell & Nicoll's Store when he first observed he had lost the bill — the Wm. mentioned this & it was said the persons — present should be searched — Pr. was at the door but went back to his Shop — Wm. went over to Pr. having heard it said that he had the tobacco, asked him for the tobacco, the Pr. said he had the tobacco, but had not seen the Note — Wm. had shewn the Note to Pr. in his Shop before Wm. went over to the Store — Not having found the note the Wm. obtd. a warrt. agt. the Pr. — who was arrested — That after he was arrested about 3 a 4 hours the Pr. brot the Note to Squire Mannings — who asked him why he had not delivered it up to Wm. the night before, he said he kept it to oblige Wm. to pay him bitters —

& then had his note in his pocket

X

The Pr. when looking at the note, said it was a bad note — others considered it as good —

Did not see the note after he left Pr. house — supposed he had it in his possession —

Wm. had been drinking that day — that he said he had lost the note since he had left the Pr. Shop —

Wm. Craig Wm. last Wm. — Wm. he had the note the day before he lost it —

Benjn.

Benjn Caleland — Saw the note in Curry's hand at Prs before he went over to the Store of Kentwell & Nicoll the Pr. saw the note — it was represented as not a good bill — but Ws that it was good — Curry put it in his pocket — & they all went over to the Store — on getting there Curry sd he had lost his note — Ws. said he had perhaps lost the note at Prs. Curry sd. no, that he had the note about his fingers when he came out of Prs That Sampson told Curry that Pr had picked up the tobacco — went to Pr & asked him if he had picked up the tobacco — he said he had — he was asked if had picked up the bill also — he said he had not —

x

Observed particularly the no of the note at Mannings after the Pr was arrested — When he went over to the Store Curry was before him — & Ws was follows him and the Pr came after him — does not think the Pr could have heard what Curry said — That Sampson sd he had seen Pr pick up the tobacco — That Curry sd he had his finger about the note where he left the Prs shop & had not lost it there —

Wm Brother — In Decr last the Ws & some others were in Prs house. & from there they went over to the Store, when Curry turned back and said he had lost his note — one person sd he had seen Pr pick up the tobacco — he returned the tobacco, but said he had not seen the bill —

Was present when Pr was arrested, he said, that

Curry

Curry had done very foolishly in arresting him as he intended to have given him up his note next day, he only kept it in order to make him pay him a glass of bitters —

Verdict. Not Guilty

Monday 9th March 1829

Presd
Ch. Just. Reid
Mr Justice Foucher

The King
vs
Bazile Barbeau } On Indictment for House-breaking

Pierre Alexandre, millar at St Eustache, lives in a part of the mill with his family — on the 11th Jany last, he left his house, & no body in it — on his return he found that a window on the back part of the house qt had been opened — found the buffet defoncé & the articles scattered about on the follows — 4 p dollrs were stolen — there were in this money French & American Jf Crowns. at least 2 or 3 of each, thinks there were 30 Lbs also — this money was in the buffet — one of the French Jf Crowns had a mark on it — Mr gave information of his loss to his neighbours — they followed the footsteps of the person — gave information to different persons of the mark on one of the pieces of money he had lost —

X

X –

That at times people come to his house on the Sunday The mill is in the village – and there are many children in the village – In follows the piste it led under a saw mill & from thence to the chenail du Nord –

Jn Bte Bouffard – Alexandre acquainted him with the robbery in his house – came to Us requested him to go to his house, Us went there saw the footmark near the house – the length of the foot was 8 inches –

Michel Fournier – merchd St Eustache – on 12 Jany last the Pr came to buy some articles, & gave a French fr Crown marked wt a particular mark – sent fr Alexandre who had give him notice to stop such a piece if it came to his possn – Alex recognized the piece – immediately as his property –

Produces the piece of money –

X –

The next morns the Pr returned wt a hf ~~Crown~~ dollar & brot some other articles –

Pierre Alexandre called up again, says, that the piece now shewn & produced by Mr Fournier is his property he had recd it on Saturday & it was in his buffet when it was lost –

X

Is sure the piece was in the buffet – no person had taken out any money from the ~~money~~ buffet – without his knowledge –

Defence –

Bazile Laplante, lives at St Eustache – That the day of the

vol

Vol the Pr came to the house of Wm about half an hour after the Messe had begun - and remained there until after the Messe was over — Ids. the family of Pr

Seen about 4 arpents from Mill —

Marie Dubé — The Monday & Tuesday after the robbery she sent for the Pr and gave him a 3t. 6. and on Sunday a half dollar to go to the Merchants store to buy what she wanted — the Pr went and brot back what she ordered — returned the change There is now 13 or 14 years she let Pr family who always enjoyed a good character — She did not take particular notice of the money & cannot say whether it was marked or not —

That it was in the morning she gave the money to the Pr — and he came back soon after she had rec° 12/6 from her son. —

Luc Masson Ks Pr this family — always bore a good character —

Wm Thompson — Ids. Pr family for 15 years — always passed for an honest man —

Verdict. Not Guilty

The King

The King
vs
Samuel Smith } On Indictment for Murder

Catherine Radiger — lives at Sabrevois, wife of Thomas Jones who keeps tavern there 7½ miles from St Jones — on 25 Nov. last, the D. was brot to her house by Pr in his train — The Pr asked D for his fare for having taken him half way — understood the Contract was to take him to Maudes's seven miles further — her house being half way — D. s. he would not pay till he got to Maudes's — Pr s. he would not carry him any further, must have half his pay or he would leave him there & go back — Pr. s. that if D. did not pay him he would give him another leather eye, as D was blind of an eye — Pr then beat D on head with the but end of his whip — gave him about 5 or 6 blows, one over the back — the rest on the head — third one Ryan was there & stopped the effect of the blows on the head — D. s. nothing but. for God's sake, Sam dont kill me — D. did not fall, but they took him & set him on a chair & he bled much from the head and nose — on this Pr s. dont give him any water — he wont die — Wr brot water to clean D — they laid him on the floor — they then led him out of doors to take the air — Pr was going to leave D. there, to wh Wr objected, that Pr must take him away or him & to take him to a doctor. The Pr agreed to do so and to pay all expences till D. should recover, as he was before he was beat

That D. made no resistance whatever — the Dr split the handle of his whip on the D. and then D. if he did not pay him then he would break the other side of his whip upon him — one of the blows went into the eye of the D — The D — had a sickly appearance when he came to the house & said he had been sick 16 weeks — thinks if he had not got the blow on the eye he might have resisted — the D. said that he felt the ague fit was coming on him —

Thos. Regan was in the room all the time — & so was wife & heard & saw all that passed the Dr & D. had two glasses of gin — the Dr had some rum — she put the gin & a bottle of water the Dr drank 8 or 9 glasses of rum — there had been people in & went away —

— When the Dr & D. arrived they appeared to be friendly — While the people were there the D. was lying down near the Bar-door. & then heard nothing said by D. to Dr — D — lay for half an hour & then got up & was ready to go — The Dr refused to go further until he got half his pay — did not hear D. tell D. that when he got to Mandego's he would get a good beating — D — was a man of a small size — but stout made & short — he had a

sickly

sickly appearance — The people in the house called the handle of the whip called, white oak — thinks it was longer than her thumb — Does not think that a blow from such a whip would produce death — there was one end of it thicker than the other. Has seen it since — When Pr struck at D. Ryan was between W & D — the Pr struck on front & back part of the head — after the blows the D had his senses about ½ hour after they left the house — P. said, that he would carry D to a Doctor — & they appeared to be good friends before he left the house —

W told Pr that he must not leave the D. there, but must take him away, as he brot him there —

The D. bled considerably from the head and nose — That the whip of Pr did not touch Ryan — saw P. strike D. in the eye — it was on the eye-lid, ~~but not~~

Heard the D. tell Pr that he would forgive him if he could see out of his eye again — that after this some one lifted up the eye-lid & the D. said he could see a little light —

Has known Pr for 2 years —

Thomas Ryan lives at Sabrevois — was at Jones's tavern saw Pr & D. there — there were several other people there — W. drank some wine with Pr — The D lay down on the floor near the Bar room near fire — after the other people went away W remained with Pr & D — heard Pr demand of D. of 3/9 for his fare to Jones's — as one half fare to Maudgo's — The D

and

said that he would pay him, & handed out some money to Pr — Ps. s 13 — went out — & came in again & s to D — pay me or I'll knock your eye out, you have got one leather eye & I'll give you another he twisted the thong of the whip round his hand & struck the D — a pretty sweer blow. & asked D — another blow across the head — on this D — went off a little, when Pr. struck at him again w his left hand — thinks that in all he struck the D. 5 or 6 times on the head — which D. was thus beat — he cried out, I'll pay you — I'll pay you — the blood proceeded from the head of D. and from his nose — people by this time came in & they laid him down & brought some water to him. The D — while he sat in the chair, appeared to be in a sickly state —

That D. offered no resistance to the blows —

Saw D — next day at Fletcher's dead — saw the blood on his head — and the wound on the eye —

X

The Cut was right on the cheek bone & eye swelled up — appeared to be a rather stout man —

The Pr. s. if he would pay him hf his money he wd go back —

Understood that D. said that Pr — would get a beating when he got to a certain place — this was before any blow was given — cannot say whether understood him or not — The Pr went out after this, & ~~brot~~ his horse across the road —

he

he came in again & demanded his money, and appeared to be angry—

It was a small white oak whip — about 3 or 4 feet long — a common sized whip — did not think it was an instrument to produce death, it might have more effect in being applied to particular places of the body

Thinks Pr struck D. 2 or 3 times before W. reached the W. got hold of his arm, when Pr struck Pr with his left hand —

Heard D. say after this — he wished to put his coat on in order to go to the Doctor — then he sd he wished he could die —

Thot the Pr had taken too much liquor —

Re-ex

Saw D. was sitting by the fire when he said something about a beating —

George Jones is brother of Thos Jones, when accident happened saw Pr & D. there about 2 o'Clock — W was in an upper room, they called to him to come down — he came down & saw Pr striking D. on the head w. the handle of the whip — the but-end, over the head — 2 or 3 blows — they were not given w. violence as Pr defended D — D — rec'd the blows without resistance — heard him say — Sam spare my life, dont kill me — the D. appeared to cake — saw blood proceed from his forehead & nose — his eye was shut up — & D — sd he could not see any — The D — appeared to be sickly — sd he was so — Saw D — between 9 & 10 next day at Fletchers, dead —

~~saw Dr Roe~~

x

The Pr whip was small about 3 feet long & rather bigger than his thumb — The blows were in a great measure weakened by Ryan — hurt thumb D head —

Thinks that D said he forgave Pr and went on wh Pr to Mandeyo's The P. said if he was afraid to go on wh him he would hire a man to go with him —

The D. appeared to have the use of his arms & legs after — he tried to open his eye & said he could see a little light — Pr offered to take D — to a doctor, the D — declined & said he wanted to go to Mandeyo's. —

Thinks the whip now produced is the one used by the Pr —

John Fletcher — Innkeeper at Sabrewois — the Pr & D. came to his in the evening of 25 Nov. last the D was bleeding & had a black eye — the Pr said he had beat the D — that the reason he gave, was because the D. had not paid him half his fare at Jones's, as D. insisted he was not bound to pay him till he got to Mandeyo's — The D. said he was too ill to go further & stopt at house of Wm & Wr assisted him to the bed side — The D — appeared as if he had been drinking & also that he was the worse of the blows he had received

Nathan

Neither of the parties seem to care much about it & said they had made good friends — the Pr called for 2 glasses of rum — P gave one to D — a second was called for & D — had one of them — thinks that D — drank some of each glass but cannot say how much —

That on D — saying he would go no further, the Pr. sd. he must pay the expences — Pr. put up the horse. Wr led D. into the yard — sd he would go to bed & took a glass of water — took up him to a bed room — Wr was called down — told Pr — to go & arrest D — he did. About an hour after Wr heard a noise in the bed room — at this moment Wr was called out again & gave directions to P. to see what noise there was in the bed room — That about 11 O'Clk at night Wr saw D. in bed, he appeared to be asleep — & was breathing — The Pr took another bed — & Wr left the bed-room — About 3 O'Clk in the morns. Wr was told that D — was dead — went there & found him dead — That an inquest was held on the body — the day after the 27. the head of D — was opened by Dr Roe and some other medical men — Wr observed a wound on the back part of the head, at time of Inquest.

x

D. is rather an undersized man —

The noise he heard in the bed-room — he thinks was like the falling of a person in the floor — the Pr — at that time was in the room below — told Smith Pr — to go & see what it was, and he was preparing to go when Wr was called out —

He found that the head of D. was ~~#~~ the pillow and a little across the bed — at eleven o'Clock When he went up on hearing he was dead he found him lying with his head on the pillow The Pr. requested that Dr Hall should be sent for, it was done — & he was present at the inquest —

John Hill Roe, 'Doctor & Surgeon & practises at Nogan Ws. examined the body about 27 Novr. the external appearance shewed no wounds — there was a blackness about the eye — as if it had proceeded from a blow — on the back part there was the appearance of a bruise — but understood it had been cut by Dr Hall — Wr. opened the head, & there appeared a considerable determination of blood to the brain, and perceived ~~about of 1 p ounce of~~ an effusion of the blood to extent of 1 p ounce on the brain + — his ~~internal parts~~ abdominal viscera were considerably diseased, & he could not say at what time his death might have taken place — the Kidney presented a lived appearance & was considerably enlarged —

ventricle of the brain.

+ qr. ~~might~~ would have produced death —

Cannot say how long a man might live after such an effusion of blood on the brain as that he perceived in the D —

That violent blows on the head with such an

an instrument as the whip now produced, might produce such an effusion of blood as that he saw in D— this might be more or less easily produced according to the disposition of a determination of blood to the head at the time —

x²

That concussion to produce the effusion of the blood he saw, ~~might~~ must have been violent ~~to~~ so as to produce ~~it~~ immediate death — or might not he has not with. Cases when this effusion has been produced from slight concussion —

Would not consider that a blow from the whip now shewn would produce the effect of such an effusion of blood —

~~Had~~ he not seen the effusion of blood in the brain — he would from the state of the viscera sufficient to account for his death —

That apoplexy is often the consequence of the state of Viscera, such as he saw in D—

And the use of ardent spirits would greatly promote this — and a bleeding at the nose for some time previous would be strong proof such disposition of a determination of blood to the head —

Court That from the state of the Viscera & the effusion of blood, he would not take upon himself to say, from of them cause Death proceeded — but that blows inflicted on the head wt such an instrument would hasten

Parker death from the State of the Viscera —

That the State of the Viscera is a predisposing cause to apoplexy, ~~and this may~~ + produce an effusion of blood in the brain —

That the diseased state of the Viscera here was such as might ~~for~~ have produced apoplexy —

Horatio May — was present when Roi opened the head of the D — they found the blood vessels rather turgid found a quantity of coagulated blood on each side of the head — the external wounds appeared superficial — there were marks about the eye — Thinks this effusion of blood sufficient to occasion death — the subject might live 10 a 15 hours after such an effusion of blood — that blows on the head would be a suffi. cause to produce such an effusion of blood —

That when there is a determination of blood to the head, a slighter cause would produce such an effusion of blood —

That it is not likely that blows on the head with such an instrument as that now shewn, will produce an effusion of blood on the brain — but when there is a great predisponig cause, even slighter cause might produce this effect —

If there were no other known cause for the effusion of the blood, than the blows from such a stick, the rational conclusion would be that these blows did produce such effusion

D

X —

Has seen several subjects opened, where they died from apoplexy. Found the liver greatly enlarged — 2 or 3 times above natural size — apoplexy would be a natural consequence of this — and increases a determination of blood to the head — & would produce extravasated blood in the brain —

Cannot say, whether the extravasated blood alone or the state of the viscera alone, produced the death — but both together did produce it —

Cannot say that D — died of Concussion —

That without concussion sufficient to produce paralysis there may be an effusion (rupture of small vessel in the brain) of the blood in the brain —

Uriah Laughlan was present with Drs Rae & May when head of D was opened at Hunsgrith on 27 Novr last — There was extravasated blood found on the left side of the head, between 1 & 2 ounces — & on the other side a lesser quantity — this must have proceeded from the rupture of a blood vessel — blows on the head will produce such a rupture — the force of such a blow would depend upon the state of body of the person — ~~& the~~ & so deceased subject having a predisposition to apoplexy a slighter blow would produce this than in a healthy subject —

On examd his viscera — they found them in a bad state — & is one disposing cause to apoplexy — in the absence of any other cause the blows from a stick such as that shewn might produce such effusion of blood on the brain —

X

The diseased state of the Viscera, would be a predisposing cause to apoplexy — but such a state of Viscera would produce death by slow degrees — cannot say, that the blows alone produced the death, but was the exciting cause which brt on the death — The long habitual ~~[illegible]~~ drunkenness might be an exciting cause — and little would occasion this effect —

Does not think the whip in question would produce a concussion sufficient to rupture the vessels in the brain without fracture of the skull —

Defence

Patrick Ryan — tavern keeper at St Johns, has lived there 4 a 5 years — knew D — on the evening of 16 Novr last he came to house of Mr & remained there to 25th — he was much addicted to liquor he generally drank on an average 20 glasses of spirits a day — has seen him drinking in other taverns besides — he had a frequent bleeding from the nose — and complained of lightness in his head — used to sleep much every day — he used to drink spirits at night also — While at house of Mr he had a kind of convulsive fit breathed with great difficulty — on recovering he called out some drink — he wanted spirits

but

but would not give him any – on this he went to Hanna's another tavern – he told W. he had a liver complaint, a pain in his side – & a Cough – he had a short neck – & a little bloated in the face. He said he did not expect to live long – He left house of Wr on morning of 25 Novr. last – in company wr Pr has known Dr for 5 years, always found him a quiet and peaceable man – he hired him to carry D to Mandys's –

X –

The D. had a violent fit, cannot say, that it was a fit of the apex or not – Can say he drank at least 20 glasses of Spirits in the 24 ~~days~~ hours – says he made a deposition before Judge Pyke, but does not know that he? he did not said that he had drank any small quantity of liquor –

Sarah Hanna – lives at St Johns keeps a tavern there for these last 9 months – knew D – he has seen him at Pat Ryans in Novr. last – he used to come to house of Wr frequently – and always had some spirituous liquors –

About 22d. month, he told Wr that he was sick that he had had a violent fit – & if he had such another he should never get over it –

He Pr – never heard any thing of his character

Jasper Chaffey – lives in Vermont – was in Fletcher's Tavern on 25 Novr last about 4 miles from Mandys's – It was a little after 7 o'Clock at night – saw Pr there

they had some supper – while there, he heard a noise like a heavy fall on the floor above – Wr asked what it was – the Dr the Wr & Mr Bowen went up stairs, and found a man reaching to get up into bed – there appeared to be blood about 3 or 4 feet from the bed where he had been – the Dr asked him why he was there – but he appeared insensible, and made no direct answer* – they put him into his bed – the Wr went to bed about 10 or 11 o'Clock, passed the bed of D – but did not observe whether he was alive or not but observed his head off the pillow –

About ½ past 2 o'Clock in the morning the Dr tapped at the door & told him the man was dead – Wr got up & found he was dead –

* he breathed like a person who had not long to live.

~~D~~

Cromwell Bowen was with last Wit – at Fletcher's Tavern while in the room he heard a noise in an upper room – it seemed like something heavy falling on the floor – the Dr & Chaffey went up and saw D. near the foot of a bed on his knees, & had got hold of the bed cloths trying to get up the Dr asked him what he was about – he appeared senseless and not to understand what was said to him – they helped him into bed – there was blood on several places on the floor some near where D. was – Wr went to bed after 10 o'Clock – observed that the D. had his head off the pillow – slept in same room with last Wit to

and

and told them the man was dead — the Pr. got a candle and called up Fletcher & his families — the hight of the bed from the floor on qt D slept might be about 3 feet —

x

John Leonard Fletcher — was at his fathers house when D. & P. arrived there — saw them drinking together — they both agreed they had had a quarrel together at St Johns the D seemed to think lightly of it — as they were now friends —

The D. slept in an upper room — heard a noise there after D went to bed — The Pr. came down, who slept in same room, & called on Mr & said the man was dead — Wm & his father went up & found him — dead — The Pr. seemed anxious that an investigation should take place —

x

Saw blood on the pillow & on the sheets & near the bed where D. slept —

William Caldwell — Physician — thinks that the use of ardent spirits, and the fall from the bed, such as described by the witnesses, would be the most likely cause of the death of the D — owing to the state of his viscera & use of so much spirits — That had the D — died immediately or soon after he recd the blows from the whip — he would have attributed his death to that cause from the extravasated blood in the brain — but as he had his senses

fun

for some time after and had walked about he would sooner attribute his death to the Cause he mentions than from the blows from the whip —

+

Was requested by the Pr Counsel to attend as Witd —

Cannot say, that a man who had taken 20 glasses of rum per a month, at what time he will die — nor from a fall from a bed, unless he knew the effect of such fall —

That in a diseased state of the viscera which might predispose to apoplexy, a rupture in the blood vessel in the brain might be produced more readily from a blow on the head than in a healthy subject —

A violent blow on the head without fracture of the Skull might produce a rupture of the blood vessel, but its effects would be immediate

Cannot say whether the whip in question would or would not produce a rupture of a blood vessel in a subject so predisposed as the D — appeared —

But if the rupture took place at the time of the blow given, does not think the person could not lived 6 or 8 hours after in a State of sensibility

Cannot say how long a man may under a rupture of a blood vessel retain his sensibility — —

That the extinction of life is generally instantaneous where there is a rupture of blood vessel —

There is no certain opinion to be given as to the time a man may ~~live~~ & retain his senses by a very small extravasation of blood, to the smallest extent — but my opinion is that immediate insensibility would take place from the smallest extravasation of blood from a blood vessel in the brain —

Robert Nelson — He would suppose the death to have arisen from apoplexy — the state of Viscera is a predisposing cause to apoplexy —

Does not think that the whip handle could have caused the effusion of blood in the brain —

Without fracture, there could be no concussion suff^t — to cause a rupture of the brain —

a bleeding of the nose in a man addicted to spirituous liquors are more subject to apoplexy —

Thinks extravasation from blow must have been after fracture & produce immediate insensibility

When there is a previous disposition to apoplexy a fall from bed might cause effusion of blood on the brains

No rupture of blood vessel can take place from external violence, without concussion. —

violent blow on the head ~~may~~ will produce rupture —

Thinks that a much stronger blow is requisite in a sound subject to cause a rupture than in a diseased subject ~~having a predisposition to~~

That ~~insensibility~~ ~~will~~ effusion of blood from the brain, however small the quantity, must occasion an

an immediate insensibility, which may last for a greater or shorter time according to circumstances

Verdict. Not Guilty.

Tuesday 10th March 1829.

Pres.

Ch. Justice Reid
Mr Justice Foucher
Mr Justice Uniacke

This day the Persons under Conviction were brought up for Judgment —

The King
vs
Michael Toughe

On conviction for enticing Soldiers to desert —
Judgt — one months Imprisnt in Gaol and one hour on Pillory —

The King —
vs
Marie anne Daigneau

On conviction for stealing privately from the shop, above value of 5/—
Judgt — 3 months in Gaol

The King —
vs
Pierre Sedoux —

On conviction for Petty Larceny —
Judgt — 6 months in Gaol —

The

The King
vs
Franc. Xav.r Boucher
Augustin Brissette

On conviction for an attempt to break into a dwelling house in the daytime with intent to Steal—
Judgt— One hour on Pillory—
Boucher 6 months
Brissette 3 do
in Gaol—

The King
vs
Gilbert Bernard

On conviction for Petty Larceny
Judgt. — 6 months in Gaol—

The King
vs
Jean Duclos—

On conviction for Petty Larceny
Judgt— 3 months in Gaol

The King. —
vs
Mathew Comerford

On conviction for stealing from Dwelling House—
Judgt— 6 months in Gaol.—

The King
vs
Edward Delisle—

On Conviction for Grand Larceny
Judgt— 6 months in Gaol

The King. —
vs
James Walker—

On conviction for stealg above value of 5/ in a vessel—
Judgt— 6 months in Gaol—

The King
vs
Franc.s Roger—

On conviction for Gr. Larceny
Judgt— 1 month in Gaol—

The King
vs
James Moore—

On conviction for petty Larceny
Judgt— 3 months in Gaol—

The King v In Bte Marcoux David Lefevre	On conviction for Sacriledge – Judgt – Death – Ex. 24 April –
The King v Joseph McFarlane	On Conviction for Horse stealing Judgt – Death – Ex. 24 April –
The King – v Amos Clement Kimball	On Conviction for horse stealing Judgt – sentence of Death recorded but not pronounced –
The King – v Henry Germain	On conviction for Grand Larceny Judgt – 6 months in Gaol –
The King v Pre Chartrand –	On conviction for Gr. Larceny Judgt – 3 months in Gaol –

Court of Kings Bench. Three Rivers.

Friday 13th March 1829.

Present
Ch. Justice Reid
Mr Justice Bedard.

The Court not being competent to proceed to the dispatch of Criminal matters, the consideration thereof was continued until to morrow, none of the other Judges having arrived, owing to the State of the weather and of the roads.—

The Court proceeded to receive the returns of process and to hear the matters on the Civil side.

Saturday 14th March

Prest
Ch. Justice Reid
Mr Justice Pyke
Mr Justice Bedard

The King
vs
Luce Bourgeois } On Indictment for stealing above the value of 5/- in a Shop.—

Louis Benjn Badeau, mercht. in town — missed sundry articles out of his Store the 14 & 15 Jany

h

he missed a Shawl — asked if his Clerk if he had sold it — 3 gloves — 20 Sols — 2 peignes — 4 Sols — a purse — 1/ — eight or 10 prints 4 Sols — un mouchoir de Soye rouge — & 2 autres — 6/ — 2 coupons de Mousseline 13/4 Verges — These articles were in his Store the 14th — on information went to Madᵉ Drummonds to enquire for the Pʳ — as he had heard she had a red Shawl qᵗ Mr Missed — Madᵉ Drummond produced several articles qᵗ she sᵈ belonged to Pʳ — she was arrested and there was found on her un coupon d'Indienne 3/ — un mouchoir de Cassemir rouge — & un mouchoir de Soye de poche —

×

These articles were in his store on the 14ᵉ Janʸ last the 3 gloves — there was a small mark on the gloves of a cross qᵗ he put — there was his mark on the purse — has no mark on prints — cannot swear to them — speaks to mouchoir rouge, from some ink that fell on it when marking it — that there was no mark on the Coupon de mousseline, but believes it to be the same — The Indienne — has no mark on it but thinks it to be a part of what he lost —

Never made any presents to the Pʳ —

That the Cellar is in Common between Madᵉ Drummond & the Mrts — & a person may go thro that Cellar to his Store — it was not shut on the 14 Janʸ last —

Susanne Drummond — the Pʳ was a servᵗ to Mr Mr Badeaux called on her to know when her servᵗ the

Pʳ

Pr. was — told Wr. he had been robbed — Wr. sd. that she had left some articles in her house on going away — Some time before the servant who took place of Pr. brot 3 gloves to her — Wr. shewed them to Made Belrose — who said that the Pr. must have left them — Mr Badeaux claimed the gloves as his property — Some prints were produced by the boarders, gt. Mr Badeaux claimed as his also — 2 combs were found in the Kitchen gt. he also claimed as his —

There was also some calicoe & ~~pocket~~ neck hkfs were found under the bed of Pr. before this, by the tort. — then the Pr. took away wt. her — the Pr. had left the service of Wr. some 3 or 4 days before Mr Badeaux came to claim their articles —

Xd

Thinks she saw some of the articles in the Pr.'s bundle at the time she left her service —

The Pr. did not keep her things in the Cupboard when the combs & the prints were found — but in her own room —

Mary Anne Griffin, lived wr. Mrs D — the Pr. was there as servr. she gave 6 prints to Wr. — & said she had them from her Sister, who got them from the School mistress — has seen the Pr. have in her possession — the articles similar to those now produced — saw also the 3 gloves in the possn. of the Pr. — the purse also. —

Cecile Bourgeois — Sister of Pr. — the Pr. gave her the muselin now produced, to her in Jany last — also un mouchoir de soie rouge — now produced —

Marie Lacroix — lived wt Mad. Drummond in Jany last — she found 3 gloves in the Cupboard — delivd them to her Mistress —

John Kemble Fearon — In 25 Jany last, Mr Badeaux delivered to him the several articles now produced —

Badeaux — identifies the red hkf wt ink on it — gt he had in his shop on 14 Jany last — missed the shawl now produced — had similar purses — coupons d'Indienne, as 1½ yard were wants — a pkt hkf of silk — also a silk hkf of Lilac gt was in his shop on 14 Jany — found in her bundle in the Church — the 3 gloves — also —

1. 3

2. 6

2/6

F —

Knows the hf hkf from Crown on it, ~~it~~ a the Pr might have bot the Combs on other Stops —

Defence —

Michel Hyacinthe Belrose — mercht in town — has in his Store several articles similar to those now produced — it wd be difficult to identify them without some mark — The Pr was in his service

F

He never sold similar articles to the Pr —

James Peebles — Was a mercht in town — had articles such as those now produced — Does not think that he could identify any such articles without some particular mark on them —

Verdict. Not Guilty. —

Mr

Mr Justice Bedard being unable from the state of his health to sit any longer in Court, and there being no other Judge to take his place, the Court was adjourned to Monday next at nine O'Clock in the morning. —

Monday 16th March 1829

Pres.
Ch. Justice Reid
Mr Justice Taschereau. —

Mr Justice Pyke and Mr Justice Bedard, being both unable to attend Court from their bad state of health, no Criminal business could be done, and the Court in consequence, proceeded to hear the Civil matters and afterwards adjourned the Court till to — morrow morning at nine o'Clock

Tuesday 17th March 1829

Pres.
Ch. Justice Reid
Mr Justice Taschereau
Mr Justice Bedard

The King
vs
Franc. Pepin } On Indictment for Sheep Stealing —

Joseph Turcot, lives at Gentilly — about 28 Dec. last he missed 2 Sheep — Fr Pepin & Hudon came to home of Wm. & Pepin told him he had lost 2 sheep — that he was an ocular witn & had carried the Thief there — he had got Beaulieu's carriage — & stopt wt Pepin at the bergerie of Wm — whs sd he had two sheep there, & Pr took two sheep out there — That he told Wm he had been required to acquaint Wm of it — Wm found that two of his sheep were missing — values the sheep at 10/ each The robbery had been committed 2 evenings before

X

The Pr himself gave the information of the robbery

Bazile Hudon & Beaulieu — about 26 Dec. last Bezot veillé'd at ~~his~~ house of Wm — Bezot his wife & Children, the Pr was in the house also — they all spent the evening there. — after this the Wm went to Bezots — the Pr came in there — Wm staid there about 1/2 hour — it was about 9 o'Clock — That Witn had agreed to lend his horse & train to Bezot — Wm returned home & left the Pr at Bezot's and the Pr did not come home till about day break — That ~~next~~ after the theft had been found out, the Pr told the Witn that he had carried Bezot to the place, where Turcots bergerie was, & then Bezot took the reins out of his hand saying. I have business here — he went into the

bergerie

bergerie, brought out 2 sheep & put them in the the train yt they brot. home —

×

That Ws. understood that it was accidental for the Pr to drive the carriage & not done purposely —

— That he d. he that that Bezot had business with Turrot —

— That Bezot told him that Turrot owed him 2 sheep for work he had done —

— That Pr. appeared to conceal nothg. but to tell the truth as it was —

— That it was Bezot who caused the Pr. to be arrested

— That he has known Pr. 3 years — & always considered as an honest man — is married to his wife's sister —

Marie Gabrielle Durand femme de Jean Bezot —
le 2e. fête de Noel le Pr — & Bazile Hudon — were at her — after passing her evening — Hudon got up & d he would go away — the Pr — instead of following — came back & sat down, & began to drink again — went out with her husband for some time — came back — & the Pr. came back with the voiture of Hudon — they went off — & when they came back — the Pr came in & brot in a sheep & threw it down. — & then a second — and d the white one is for you & the black for me — the Pr. went for his knife — he took the white sheep & killed it — he dressed it — put it up in the garret he then killed the other — he left it there, saying he

would

would come back for it from Becancour — he took the entrails & carried them them & threw them in the water —

That the next day instead of coming for his sheep he caused ~~the~~ her husband to be arrested —

x

She is the wife of the other Pr — & always had a good understanding wt. him —

Geneveeve Bezot — on 2d feb Noel the Pr & Hudon de Beaulieu were there — stayed there till late they asked the voiture to go for rum — that the Pr ~~came~~ went for the voiture of Beaulieu, & went away wt. her father — they came back. and the Pr brot. in 2 sheep — & sd the white one is for you — the black for me — the Pr went to Beaulieu's for his knife — & killed the 2 sheep — killed the white one first — told them not to mix the fat of the two — he dressed both — sd he would call for his one when he came from Becancour next day — he carried the entrails & threw them in the water told her brother to throw the ears into the fire — there will be no reprise

x

She is the daughter of the other pris.r —

Narcisse Bezot — the Pr was at house of Bezot on 26 ~~[illegible]~~ Dec. last — they asked Beaulieu for his voiture to go for rum — that was awoke in the night & saw the Pr dressing a sheep, when he said, that the one he was dressing was better than the other by 1/3 —

x

Court of Oyer & Terminer & General Gaol Delivery begun and holden at Montreal in & for the District of Montreal on Monday the 17th day of August 1829, before Ch. Justice Reid, Mr Justice Pyke and John Richardson, three of the Commissioners

—

Monday 17th Augt. 1829.

Present—
Ch. Justice Reid
Mr Justice Pyke
John Richardson

The Commissions of Oyer and Terminer & General Gaol Delivery, and a Commission appointing John Delisle, Clerk, were read—

The Grand Jury being called over, Austin Cuvillier Esquire, was called up to take the oath as foreman of the Grand Jury—he proposed his inability to attend on account of private occupations, which the Court would not allow—he then proposed as an excuse & exemption, his being a member of the House of Assembly, which the Court would not allow—and he thereupon was sworn—

The Grand Jury being sworn, were charged by the Court and retired to consider of the matters laid before them.—

The Court adjourned till one o'clock in the afternoon—

Monday 17th Augt. at one o'clock
The Court met pursuant to adjournment when the

the Grand Jury returned several bills of persons in Gool who were sent for and arraigned —

The King vs Benoit } On Indictment for Burglary —
Ordered for trial to morrow

The Court adjourned till to morrow at 9 o'Clock. A.M.

Tuesday 18th. August 1829. —

Pres.t
Ch. Justice Reid
John Richardson. —

The King vs Morcau } On Indictment for Assault & battery
The defend.t pleaded Guilty. —

The King vs Benoit } On Indictment for petty Larceny. —

John Robson, is a Shoemaker. the Pr was on his former trial in March last — he entrusted him with 3 pr of Shoes to be bound — on 23d March he sent the shoes to a woman to be bound — he stopped on the way, & sent down to the woman — did not find his shoes there — pursued Pr to Laprairie, & found him in a tavern there much in liquor — the landlord of the tavern gave him 3/ on part of the money for which the Pr had sold the waist — brot Pr to town

and

and was then committed to prison – value the shoes at £1. 10 – the Pr told the Clerk he had sold the shoes to a pedlar –

Patrick Gallagher, lives in Montreal – he met the Pr in March last, he had 3 pr shoes, in a traverse – the Pr offered the shoes for sale – W asked him the price he asked either 7/6 or 8/ a pair for them, Pr insisted on the W buying the shoes – he bot them for 9/ – asked Pr where he got the shoes – he sd that he had them from his brother in order to sell – W said he would leave the shoes at M Harricks in case the Pr wished to get them back again –

Louis Marleau – rec'd 3 pair of shoes from the Wr Robson – in march last – W is keeper of the store of effects sent to the Police Office – produces the shoes –

Patk Gallagher
John Robson } identify the shoes – as the same which had been entrusted to the Pr & sold by him

The Pr called no witnesses – The Jury without retiring from the box returned a verdict of Guilty, as the Pr –

The King –
John Mannafield } On Indictment for burglary –

Louis Chs Provencher, lives at Isle aux noix near Montreal – on 28 July last found Pr in his house – had been robbed several times before, stopped a string

strung to a bell, by qt he was awoke, he opened the window, immediately over the air hole — the trap door must have been opened from the bell ringing — told boy to watch — & went for neighbours Potoin, Sanchagrin — went into the Cellar by the trap door. w then persons, found the Pr in the Cellar, whom he tied — the Pr said he had been brot there, to get whisky & something to eat — to steal all he could get & deliver to the man who brot him there who was to stand at the outside and receive the effects as stolen — It is certain that the Pr must have raised the trap door in order to get from the cellar into the bar-room from the bell ringing —

John Stevenson lives at Mile end — about the end of July last he was called in the night time by Provenden who sd he had got thieves in the house went with him into the Cellar & found the Pr in it — the Pr sd he came there with another person who stood outside & was to receive whatever the Pr could find in the house — that he was to lift the trap & take what he could get there — that when he was lifting the trap he heard the jingling of the bells, he went back into the cellar —

Frs Potevin, lives near Provendiers — remembers that about the end July last about midnight Prov. came

to

to his house & called to him to come & assist him as he had thieves in the Cellar — went there & found the Pr. concealed in the cellar — the P was asked what he was doing there — & he was looking for, he & he wanted something to eat — & there was another man with him, who shewed him how to get into the cellar, & told him that what he could get in the cellar, he would take from him, & that he would get up by the trap door into the house — that on endeavouring to raise the trap door he heard a noise, & then went back into the Cellar —

Verdict. Not Guilty

In this case Mr Driscoll, as amicus Curiæ suggested that there was not sufficient evidence of the breaking to constitute the felony, as the trap door was fastened merely by its own weight without any other fastening, and cited case where this had been held in case of an outer door as not sufficient. —

The Court however inclined to think, that as the trap door had been closed down in the usual and ordinary manner, and as no particular fastening was used for securing it on other occasions, that the forcing open this trap door must be considered as a breaking — see cases. Rex. v. Callan. Russ: & Ry. Res. Ca. p. 157. Rex. v Brice. Id. p. 450 — & Rex. v. Haines & Harrison. Id. p. 451. — but as nothing had been clearly ascertained how far this trap door had been opened, or whether opened at all beyond what might occasion the jingling of a bell attached to it — The Court left it to the Jury to say whether there had been a sufficient breaking in this respect, to constitute the burglary

—

The

The King
vs
Thomas McKevey } On Indictment for stealing privily from the person.—

Louis Benoit lives at Longueuil — was on the market in Montreal on the 5 June last — he had a purse of Shamois leather in his pocket, in which he had a piece of hf a Crown — some shillings — more than one, and some coppers — the purse & money belonged to him — he had pease to sell — the Pr asked
2.6 Wt. to sell him a hf bushel — Wt sd. he sold only by
2.— 2 bushels — his wife told him to go for a hf bushel & they would sell him a hf bushel — Pr sd nothing but continued near the Wt in front of him — the Wt. stooped down to pick up a bag, the Pr went behind him, when he felt something in his pocket & perceived a hand — on this the Pr. run off — & Wt after him, & laid hold of him — when he saw the Pr. throw away the purse — his wife was following him & picked it up — knew the purse on seeing it — the Pr was arrested & committed to prison

Marianne Ureau wife of last Wit — was on the market w^e him when the purse was taken — saw the Pr take something out of the pocket of her husband & immediately run off — on this her husband pursued the Pr & laid hold of him — when she saw the Pr throw away the purse — thinks it was her who took it up, knew it to be her husband's purse — the Pr was committed

Verdict Guilty of Petty Larceny —

Wednesday

Adjourned till to morrow.

Wednesday 19th Augt 1829

Prest

Ch. Justice Reid

John Richardson

The King
Franp Lecomte } On Indictment for Grand Larceny —

David Stansfield, lives near town in March last lost some effects — for a year before the Pr had worked for Wm as a day labourer — the 2 flannel shirts ~~were~~ the property of Geo Richardson were first missed — these articles were seen by a little boy under the bed of Pr on this Richardson went to the house of the Pr and therefore the articles belonging to the Wk as charged in the Indictment & of the value stated — these articles he had seen a few days before they were stolen —

Joachim Mousseau in March last lived in same house with the Pr knows the Pr had the articles charged in the Indictment belonging to Mr D. Stansfield, in his the Prs possession — was present when Geo. Richardson came to Prs house & claimed 2 shirts which belonged to him these shirts were found in the Prs possession — the other articles belonging to Stansfield were also found there —

Louis Malo, Constable — arrested the Pr on his way to town the Pr acknowledged having stolen these articles from Mr Stansfield's house —

The Jury without retiring from the box returned a Verdict of Guilty of Petty Larceny agt the Pr —

The King
v
Mary Redden.—
Betsey Kennedy.—
Elizabeth Belleau.
Jane McKay—

On Indictment for stealing privily from the person.—

Wm Thompson Richardson— merchl. in town on 15 July last he had a poket book with bank notes of different values 1 & 2 of 5 & 10 dolls to amount of £110— principally of the Banks of Montreal & Quebec— there might be about £25. in 5 dlls notes £50. in 10 dolls— the others in one or 2 fifties & in ones & twos— he went to the house where pres.rs lived, being a house of ill fame— ~~he~~ about ten minutes before he went into this house he had the pkt bk in his pocket w the notes in it— found all the Pns in the same apartment— he did not leave that apartment— he had not been there above 10 minutes, when he missed his pkt book— he was some time before saying any thing to see if he could discover any thing— he addressed the three first on the subject— they all denied having seen his pkt book— and afterwards one of them threw it down on the floor— there were besides 2 men in the room— and a man of the name of Yule went into the house with him— is not certain whether it was the one of the Pns or any other person in the room threw down the pkt book— that one of the women went into the house with Yule & Watts— Wts. left the house without getting any further information— went for Constable Lafresnière—

and

and took him to the house — it was then found that a certain sum of money had been deposited that morning in the house of one Baron — values the wallet at 1/— all the pris^rs were present when the pkt book was thrown on the floor & the other three men. —

X^d —

It was about 9 a 12 o'Clock at night — he had taken some wine, but was not drunk — he ex^d his pokt book the same wind before he left home — He put this money into the wallet about 5 a 6 o'Clk & he did not open it afterwards — he carried it in the pkt of his pantaloons — has no recollection of having taken it out of his pkt book before he missed it — He met Yule near the bridge in the Recollets Sub in company wt the Pr Redden — & they walked together to the house — cannot say which of the women now at the bar was the person he found with Yule — the pokt book was small & he carried it in his side pocket in his pantaloons. —

Jn Bte. J Coule on 15 July last he met last W^s about 9½ at night. he was alone — went together to house of P^rs that a girl part, where R. called her — & after speaking to her some time & gave her some money — he then laid hold of W^s. & told him to come along wt him — they went into this house. & after talking wt one of the women he sent for a pint of Rum — it was Redden who went into the house wt them — was present when R. missed his pkt book — the P^rs were there & two other men. St Louis & one Mailloux — That the R. addressed himself to

Redden

Redden, if she had his pkt — she said she had not taken it — R — persisted that she had taken it — on this the Wr. told St Louis, that if any one had taken the property it must be returned — That R — remained there until near day light — that Mary Redden, who had a candle, observed to R — that his pkt book was on the floor — that before this this Pr. was seated near R — and was talking wt him — that R — himself picked up the pk book but there was nothing in it — That Mr. R — was near enough to R. to have put her hands into his pkt — that from the moment R — lost his pkt book he became sober — but when he went into the house he was in liquor —

That 45 dolls were found at Mr Barons, qt had been deposited there by Mary Redden —

X —

Is a butcher — saw R. on bridge, who first addressed the Wr — That R — was much in liquor — they stood on the bridge about 1/4 hour — a girl passed and R — spoke wt. her some time & then gave her some money — & then laid hold of Wr. to go along wt. him ~~to~~ house of Prs — Wr was in liquor himself or he would not have gone to that house — then R — sent for a pint of Rum — & Wr had some of it That Mary Redden was seated alongside of R until the time he said he had lost his pkt book. That during the evening before R. sd he had lost his pkt book the Pr. Redden had not gone out of the room — There was no candle in the ~~room~~ chamber, but in the Salle —

That

R. on leaning agt. a table gt. was broken, had nearly fallen, by the table giving way —

Therese Garreau, wife of Chs Barron — the Prs live near him that Mary Redden, deposited 9 five dollar bills col the 10s — That about 15 minutes after she heard that money had been stolen — that it was about 4 or 5 o'clock in the morns — and about 15 minutes after Lafresnier came in search of the money — the Pr did not say where she had recd. the money, nor how she came by it — That once St Louis gave her 50 dollars to keep for him. —

Antle Lafresniere. Constable — had a search warrt. agt. Prs on 16 July last — for money gt. had been stolen — went to house of Betsey Kennedy where Prs lived — he searched there, but found nothing — was told that one of the girls of the house had gone early in the morns to house of Baron — ~~& was told~~ asked if any Bank bills had been changed there — they d. no — returned agt to house of Prs & still found noths — that he returned agn to Barons & recd. 9 five dollar bills which had been deposited there by the Pr Redden — The Prs were arrested —

It was about ½ past four in the morning after the evening Mr R — had been there —

Louis Malo — was employed to search for bank notes lost by Mr R — that after the Prs were arrested, he was ordered to search them — & found on the person of Mary Redden 34 dolls — in 6 five dollar notes & two notes in 2 dolls each this was after she had said she had no notes in her possession —

Adolphus Delisle — Head Constable — was present when the Prs were searched — did not see any Bank notes found† — it was Malo who found two papers or notes on the person of Mary Redden —

† but saw a small parcel rolled up like an egg taken from her person

Evidence for Crown closed

Wm Th. Richardson — says his name is Wm Thompson Richardson —

Louis Malo — does not know by what means the Clerks of the Bank discover bad bills — but he knows good bills from bad ones —

Verdict agt Mary Redden of Petty Larceny and of not Guilty as to the others

—

The King
v
John Mannafield } On Indictment for an attempt to commit a burglary —

The Prisoner confessed the facts stated in the Indictment, reserving to move in arrest of Judgt —

—

The King
v
Jos: Flamand
alias Jos. St Louis
and
Franc Meillour } On Indictment for stealing Jewelry from the Person —

Verdict Not Guilty

The King
vs
Chas Charpentier } on Indictment for Grand Larceny —

Jos. Parenteau — is a huckster — on 20 July he sold some articles to one Vanarnum — who gave him a bank bill of 10 dollars, & he could not get changed — on this the Pr came up & said he would get it changed, snatched it out of the Wits hand & said he would get it changed & run off with it, but did not return with the change — the next day the Pr was arrested he said that he had given the change to Vanarnum the evening before, & Vanarnum denied —

Verdict Not Guilty. —

The King
vs
Jerome David } On Indictment for petty Larceny —

Thomas Ryan, was employed as a workman at the new parish Church as a Joiner — on 5 Augt. last he put his hat on a niche with his hkf in it in the afternoon — about 7 o'Clock he found his own hat gone & an old shaw hat in the place of it — on the Thursday following he was at Mr Lees when he told him what had happened to him, & saw there the shaw hat to belong to David the Pr — on which the Wits watched for David & found him in the street with his hat on & a piece of crape tied round it — he stopped him

&

and brot him up to the Church — when all the workmen knew the hat the Pr had to belong to the Wife — the Pr would give no account of the hat —

Louis Game, beadle of the Church — The 10th saw Ryan wt a Straw hat on when he asked him why he had a Straw hat, at the same time said that the Straw hat belonged to the Pr David ~~on the Saturday~~ and gave description of him — On the Saturday after he saw Pr — who ran off into the St Urban Street, so that We could not see him — Ryan ran ~~off~~ after him and laid hold of the hat, the Pr did not say how he came by the Hat — but denied having the hat — the Pr was seen wandering about the Church all that day. —

Verdict Guilty. —

The Court adjourned till to morrow at nine O Clock A. M. —

Thursday

Thursday 20th Augt 1829.

Prst

Ch. Justice Reid

John Richardson

The King
vr
Jane Haliburton } On Indictment for stealing above the value of five shillings from a shop.—

Narcisse Ducondre, a merch.t in town — on the 21st March last, he left his shop for about minutes & was told that a woman had been seen coming out of his shop w.h Something under her cloak — he missed about 10 yards blue cloth — went in pursuit, but did not overtake the Pr.r — soon after the Pr.r came into the shop & ~~wanted~~ enquired some articles — but she offered so low a price he suspected she might be the person — sent her to another shop — one Cavallier — he went then & had her arrested — he charged her with stealing the cloth — she denied it — he caused her to be taken before Mr Ross & she was committed to Gaol — when she saw the warrant of Commitment made out she told Mr. if he would let her go she would return him the cloth — the place where

the

the cloth was an open shop where articles were exposed to sell — the cloth is his property & is worth £4 —

x —

It was about 3/4 hour after the Pr came back and cheapened some flannel, the description he had rec. of her and the low price she offered for the flannel led him to suspect she was the person who had stolen his cloth — the Pns said if the Wit. would go to her house she would return him his cloth — after the Pr was in gaol the Wt went there saw the Pr in a very sorrowful situation, crying much, & said that she had not eat any thing since she had been in prison — the Wit pitied the Pr & offered to give her money for her subsistence on her returning the cloth, or telling where she lived — but she refused to do this — & the Wt did not give her any money. —

Phillip Benoit, clerk in a store — near that of Mr Durondeau — on 21 March last he saw a woman go into D. store during his absence, she had a blue cloak & a black hat — she came out of the shop, looked up & down the street went in again & came out again & went off quickly — the Wt went over to D's store to see if there was any one there, but found no

one

one — he ren to acquaint D — that he had seen this person come out of his shop & his suspicions D — came to his shop & found a remnant of blue cloth missing — they then went to look for the woman but did not find her —

After the Pr. was arrested in Cavallier's store he went there & recognized her to be the person he had seen come out of D's store a short time before —

That the same day the Pr was in shop of Ws before she went to Decondre's & cheapened some linen of the Country — gt. she did not find fine enough from his shop she went into Cavallier's store —

Fran^s Olbortie contable — on 21 March last about 4 p. o'Clock D. came to request him to take into Custody a woman who had robbed him of a piece of cloth — Ws went to a store near D's where he arrested the Pr — he took her before Mr Ross she denied having taken the cloth — a warrant was made out for her committ^n — when at the prison door the Pr. S^d. if they would let her go she would return the cloth — this the W. said was out of his power and left her in Gaol —

X —

When he arrested the Pr she denied taking the cloth — before going to Mr Ross' D — S^d. if she would

would return the cloth –

Defence

Louis Malo – Constable – was present in the gaol on the Sunday afternoon when D– had some conversation with the Pr– but cannot say what he said –

Geo: Stanley – Crier of the Court – Ks. Pr. for 20 years & upwards – first knew her at Quebec lived in his service before & after her marriage she always bore the character of an honest & industrious woman –

Verdict. Guilty. – recommended –

The King
v.
Wm. Motz

On Indictment for Grand Larceny

John Athanse Delisle, is pursuer on board the Steam boat Waterloo, on leavg Quebec in May last, he was in passn of 12 bank notes. 8 of 5 – 2 of 20 – & 2 of 10 dollars – left Quebec in evening – kept his money in a trunk in a Stateroom, in a pocket book – the trunk was locked – left Quebec about

5

5 in evens the Pr was a passenger on board for Montreal — The Pr saw this money in the trunk, from shewd some hkfs he had in the trunk — on this occasion Wm shewed Pr the notes he had in his pktbook — After leaving Wm Henry he exd his trunk found it open & the pkt book & money gone — the lock appd to have been forced — The Pr left the boat at Wm Henry — sayd he was going by Chambly River to the States — The Pr being the only person on board who knew Ws had this money — he got a warrant agt him on his arrival at Montreal & he was arrested on board St Lawce Steamboat, and a quantity of notes & money found on him to amount of about £23 — When arrested he asked the Constable what the consequence would be if the money was not found on him — the Constable sd he must search him — among the bills bound was found a note of 20 dolls. No. 1189. dated 1 June — there was another 20 dolls bill found on him wt sundry pieces of Coin — That at first the Pr denied having taken the money, but afterwards acknowledged that he had taken it out of the trunk of Ws —

Was formerly acquainted wt. Pr — left Quebec

on

on 29th May — the lock of trunk was not broken — When Pr acknowledged having taken the money, he said it was in joke — and on the way up from Quebec he offered five dollr bills to change, gt Wr changed for him —

The Pr followed from Sorel in the St Lawce Steam boat to Montreal — & about an hour after his arrival the Pr was arrested — Wr was very intimate with the Pr —

Delisle H. Constable — about end Mars last arrested the Pr on board the Steam boat St Lawce at Montreal — searched his trunk — on his person he found one of the bills described in the warrant — a 20 dollr bill — found also another bill of 20 dollrs & some 5 dollar bills, besides some money in Coin to amount of about £23. —

The Pr Sd he had taken the notes out of the trunk of Wr Delisle before leaving Quebec. & that it was his intention to have returned him the money on his arrival at Montreal — & that he had given some of the notes to Ath. Delisle on his way up

to

to change. — Gave the Notes & money to Mr St George

Hte St George Dupré clerk in Police office the Constable Delisle on 25 May last put sundry bank notes into his possession which he now produces — are in same state in which he received them —

— The Note No 1189. for 20 dolls found in this parcel being shewn to John A. Delisle — he says it is the same he had in his pocket book at Quebec on May last. —

Received these notes & money from the Constable on 27th May last —

Defence

Jos: Nickless — Capt of Waterloo Steamboat, Ks Pr who ~~was~~ had been purser on board the boat about a month — Pr was a passenger on board boat from Quebec — from conversation we had with him understood he was to stop at Sorel & to follow up in the St Lawce He left at Sorel, saying he was going to the State by the way of Chambly — He was entrusted with much money on board the boat as Purser — & he was always considered as an honest man — ~~with~~ We thinc that Pr was possessed of money

and

and it was with difficulty he could induce him to take the wages due to him as person — There was a great familiarity between Pr & Delisle, and he would have considered the taking of the money as a joke he meant to play on Delisle, & he would sooner have suspected any other person on board to have stolen it —

Verdict — Guilty — recommended

The King.
John Timmens } On Indictment for Grand Larceny —

Antoine Caspelle, one of the watchmen about the 2d of this month a fire took place near the St Ant. Sub. — he saw the Pr who was in charge of one Alberti another watchman at was after 11 o'clk at night, the P. had a feather bed a counter pain & sheet — the Pr was carried to the watch house w the effects then articles were claimed next day by Auberton

Fran. Alberti — one of the watch — on night of 2d inst he arrested the Pr near the hay market Wr saw the Pr with a bed on his shoulder qr he S. belonged to one of his Cousins — he was accompanied by one of the firemen, who told Mr

to

to see when the Pr carried it — on this the Ws asked Pr why he carried the bed so far as there were persons who were for taking charge of the property — he accompanied Pr till he met wt another watchman — the Pr then threw down the bed & would not carry it further the Ws then took him to the watch-house —

xd

Went with the Pr as far as the bridge at Pointe a Callière, where he threw down the bed & would not go further —

Leon Aubertin — Lomer — is one of the persons whose house was burnt on 2d mst — on that occasion he lost much of his property by persons who carried them off & did not return them — He lost that night a feather bed worth £4 — a Couvre-pied £1.10 — & a sheet 6/ — found them next day at the watch house —

The Pr is not a cousin of Ws nor relative to him —

Adolphus Delisle — was present at the fire — the effects saved were carried into an open field opposite to the burnt houses under charge of persons — it was not the proper course to go by the hay market to convey the effects to that field —

Defence

Thomas Dempson – lives near where the fire took place – saw Pr at the fire – there was a great crowd & confusion, & persons carrying effects in all directions – the Wr went to his own house – The Pr brot a feather bed to house of Wr saying he would leave the bed there for the owner of it till the fire was over – the Wr would not receive it & on this the Pr took it away –

That the house of Wr is about ~~1/4 mile~~ 4 acres from lower part of hay market –

Wm Ker – Ks Pr for 20 years – lived 4 years wl Wr always conducted himself honestly, but was fond of liquor –

Verdict. Guilty. –

The King vs Pierre Lesiege } On Indictment for Burglary. –

Noel Deshautels, lives at longueuil at the cote noir – in March last had a quantity of fowls in his fowl-house gh is at some

distance

distance from the house — in the night of the 11th & 12 March last a number of them were stolen — 7 Turkies value 18/ — 15 ~~fo~~ hens & a Cock 2/6 a couple — 2 Geese 5/ — he came to town in hopes of finding them in town — he found them in the possn of the Pr — he asked him the price of them, in examg them the turkies he recognized his mark on the feet — he went to acquaint Mr Leprohon of the circumstance — during which time the Pr went off to the old market with the turkies there were some of the fowls qh had 5 ergaux — two of this kind among those qh the Pr had in his possn — all found wh Pr were 3 Turkies & 4 fowls —

un ergau chaque patte coupée en dehors — le Pr disoit avoir acheté les volailles d'un habitant —

Rosalie Ste Marie. That on 12 March Deshautels enquired of her if she knew any one who had a quantity of fowls for sale, she said no — the next day he found them himself on the market place — D — described the marks, and on the 13 — when the Pr wanted to sell them she recognized the marks — That while D — went to the Weigh house the Pr set off & went to the old market

That other fowls might have the same marks as those described by Deshautels —

Louis Malo Constable — he was charged with a search

wanst

warrt and found the rest of some of the fowls such as plumats & some of the feet on which there were five claws or toes —

Noel Deshautels, says, their claws & wings were ~~claimed~~ part of the fowls he lost & belonged to them —

Defence —

Christine Lampson — Ks. Pr for 2 years — considers him as an honest man — that on the 11th March last she knows the Pr bot. 6 turkies & 5 fowls on the market place — does not know from whom he bot. them —

By Jury — the fowls were plucked & dead

x

Lives wr. one Richot in Q. Sub — it was about 6 o'clock in the morning — The fowls had wings & feet when he bot. them. —

Jos: Archambault — Ks Pr for 9 or 10 years — always considered him as an honest man —

x

Wr is a painter —

Antoine Grisé — Ks Pr for 2 years — considered him as an honest man & of good character —

Ev. closed by Pr

Noel Deshautels — on 13 he found his fowls in the possn of

of the Pr. he said, he had just bought them that morning from a habitant. —

Verdict Guilty of Petty Larceny. —

The King. —
Joseph Couvillon
& Noel Bertrand

The Prisoners being arraigned on an Indictment for stealing two mares severally pleaded guilty.

—

The King
Simon Hubert

The Prisoner being arraigned on an Indictment for horse stealing, pleaded Guilty.

—

The King
François Marié

On Indictment for stealing above the value of 40f in a dwelling house. —

Martha Moore, wife of Wm Simpson — In July last a silver watch, a steel chain, seal & key was taken from the house of her husband values the watch as stated in the Indictment the watch belonged to ~~Francis~~ Quintin Moore, — The

watch

watch was kept in the bed room, & was missed about the 4th July last — The Pr had occasion to go often to the house, but had no right to go to the bed-room — the Pr being charged with stealing the watch said the Wt had spoke too quick, that he knew who had the watch and all about it, and he also ~~knew~~ said he knew the marks on the watch —

The watch was kept in a trunk, in which several articles were kept — yt was open at times — Never saw the Pr in her bed-room nor does she know that the Pr knew she had a watch — Wt was about from home on 2 July & left a little girl in the house and it was during her absence the watch was stolen — when she returned she was told by the little girl, that on her return she found the window of the house open

William Simpson — lives at St Catharine — In July last the watch in question was missing from the house — is employed by Mr Gray — was told by his wife that she missed the watch on the 6th July — that it was some one about Mr Gray's house who had taken the watch he told one John to enquire of the Pr about

the

the watch – on this the Pr charged the Wr with having made away wt the watch himself – That on another occasion he understood that Pr had said that he knew where the watch was – & wd requested of him to say where the watch was and he would release it & pay the Pr for his trouble – but Pr refused – Said he knew where the watch was, and who took it –

John Hanna – lives in Mr Grays service – when the watch was missing Simpson & his wife told wr of it & said it must be some of Mr Grays Servants who took it as being best acquainted with the house – on this the Wr told Pr if he knew any thing about the watch at another time he said he knew who had the watch and all about it – but it was then at too great a distance – but if he was let alone till he left Mr Gray's employ he would endeavour to get the watch and bring it back –

Louis Malo – constable – he arrested Pr who told him at the time, that if he was let alone, he would tell where the watch was – it was one John of St Therese who had it –

Defence

Defence

Basile Leonard – Ks. Pr. from his infancy – he was always considered as an honest man –

Joseph Ethier – Ks Pr. for 3 or 4 years – was always considered as an honest man during that period –

Verdict Not Guilty

Monday 31st Augt 1829. —

Prest
Ch. Justice Reed
Mr Justice Pyke
Mr Justice Uniache.

The King
v
Bouthillier
Eusebe Carter

On motion in arrest of Judgt

Mr Sweeney for Defendts The first Count charged Defendts with a joint offence, which from its nature was several — the speaking of words defamatory of a Justice of the Peace in the execution of his duty — the speakings of one cannot be the speaking of the other —

3 Archd. Crimt. pleading — case of perjury cited qt. is in point —

1 Chitty Cr. Law. p. 268 —

Com. Dig. vo Indict. letter F. p. 511. in notis —

Altr Genl — The words used were to effect a particular purpose — the slandering the Magistrates — & where the offence is joint, several Defdts may be joined —

King v Benfield & Sanders — Bur. 980 —

Sweeney in reply — the publication of a libel, is not analogous to the case in hand —

The King
Jos. T. Payfer

On motion in arrest of Judgt —

Grant for Pr — The verdict is irregular & uncertain, no certain sum or extent of Larceny ascertain — cites. Com. Dig. Pleader (T). 243 —

Str. Rep. King. Westpeen. 1133 —

King. v Kayt. Raymd. 141 —

Bac. Abr. 1o Verdict.

The Court cannot supply the defect of the verdict as to the extent of the Larceny found 4. Hawk. 463. sec. 9. —

The Attr Genl — in answer — the verdict not special — but general — the verdict negatives only the steals in a Shop — as to the rest all the rest is found as charged in the Indictment. The extent of the Larceny, is not ascertained, but as Larceny is found — it may be construed in the milder sense & at the lowest grade of petty Larceny — If verdict so uncertain as to be null a new trial must be had —

Grant in reply — Larceny is found — but not stated what kind of Larceny —

Statement of proceedings had before the Court of Oyer & Terminr. Augt. 1829

Bills found by the Grand Jury — 52.
Ignored — 24 — 76

Crimes & offences charged

Felonies —
- Petty Larceny. — 19
- Gr: Larceny & other higher crimes — 40 — 59

Misdemeanors —
- Assault & Battery. — 2
- assault wt. intent to commit a Rape — 3
- assaults on pub: Officers in Exn of Duty — 6
- attempts to commit Burglary — 2
- Conspiracy — 3
- Digging up & carrys away dead bodies — 3
- Having in possn. & passg Counterf. notes — 4
- Obtaing money under false pretences — 1
- Compounding felony — 1
- Extortion — 1 — 26

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Court of Kings Bench Criminal

Tuesday 1st Sept. 1829

Presd.

Ch. Justice Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Uniake

The Grand Jury being sworn and charged retired to consider of the matters laid before them by the Attys General

The King
vs
Wm McKenzie
Etienne Guy
Patrice Guy

On Indictment for a Riot, breaking the windows of the dwelling house of one Benjn Hart & assaulting & beating his son Aaron Philip Hart a Minor

Aaron Philip Hart, son of Benjn Hart of Montreal, in the night of 21 Jany last — had been passg evs wt his mother & sister at Monks — was returns home in a Cariole, on way, met his father who sd the windows of house had been broken, & that he was in pursuit of the persons — then told Burn to

stay

stay wt his father, took home his mother home & found 2 chassis in front broken — even the bars of the windows — met 2 watchmen whom he took wt him & took them to place d'armes where his father was — who sd he had lost sight of the persons but gave a description he sd he recd from one of the watchmen — they then took a turn round in the Cariole & near McGill street & the St Ant. Suburbs — met there Mrs Davis Servant who told him there was a house there where dissipated persons assembled — went there saw a Cariole in the yard — thought this Cariole might belong to some of these persons — set Burn to watch — went after the watch & brot. him to this house — & on proceeding to the hay market heard a noise — when a Cariole came out of the yard of the house near Bethelet with 3 persons in it & followed by Burn — they crossed to go to Notre Dame Street — when watchman said there are the persons — these persons all at once stopped in consequence of seeing watchmen who were in Notre Dame Street — one of them got out of the Carole McKenzie, whom he knew after, & speaking to the father & wife who had called to them to stop, McK. said, I will teach you what it is to stop Gentlemen — they then

turned

turned their horse whipped him on in St James's
Street — Wm pursued without knowing them
who these persons were — further than by the
discription given to the watchman — They ran
down from the Bank to the Creek & turned
towards St Ant. Sub — Wm pursued — at a little
distance — they went up St Ant. Sub — at full
gallop to house of one Cotard — when they stopped
Wm called out to them that he wanted to speak
to them — they then pushed on further to about
near Mr Lorraines — & struck wt their sticks
at horses heads of Wm — in turning a corner of the
street his cariole overset — & Wm was entangled in
the apron of the Cariole & fell to the ground
here he rec.d a blow on the back of the head
wt a stick, he got up & rec.d another blow over
the head — he got hold of the stick & then knew
the P.r Wm M'Kenzie — Wm endeavoured to get
the stick out of his hand, q.n Wm was struck
by M'Kenzie wt his fist — on this Patrick
Grey came up & took him by the back of the neck
when M'K — struck him again wt the stick
a little after this he heard Patrick Grey s.d to Thomas
Grey who was in his Cariole, come quick, or they
will kill him — on this Et. Grey came up and
stood between M'K. & Wm as if to prevent him
from striking Wm still however M'K. struck

him

him again — on this Et. Guy sd. dont mind this, as you know M.K. is drunk — go home as fast as he cantd — on this they went off & Wm. went home — Wm was very ill in consequence & was under the hands of Dr Robertson for 2 days —

X

Thinks it was after 12 o'clk at night when he returned from Mr Monks — it was moon light — That Caspille the watchman told him that he had seen a man in a cariole holds a horse and two other men with sticks breaks windows of his father's house — that one of the persons had a light Jacket — the cariole was a light one, with a seat in front — the horse large of a dark colour —

There were 4 or 5 watchmen wt the Wit. when in McGill street —

Recd. blows on different parts of the body — Thinks that when his cariole overset in turning the Corner that M.K. could have been upon him so soon, unless he had watched him at the Corner of the street & made the horses of witness shy off & overset the Cariole never struck M.K. wt a whip or stick at any time & it was only after having been struck by M.K. that he struck M.K. wt his fist —

Never apologized to M.K. for having struck him —

John Burns. was servant to M.B. Hart last Winter — on coming home one night with Mrs Hart — he met M.B. Hart, who said that 3 young men had been

been at his house & broken his windows — told young Hart to go home wt his mother, while Ws remained with Mr Hart — saw some watchmen — Young Hart returned wt Cariole — Ws remained at hay market while Harts went in search of ~~Constab~~ watchmen, while he was in hay market — he saw 3 young men in a Cariole, called to them to stop, one of them made a blow at him ~~at~~ wt a stick — & passed on at the gallop upwards to town — on this Young Hart pursued in his Cariole at gallop —

Antoine Gaspelle, one of the watchmen — on night of 21 Jany last was near Mr B. Harts house — on the hay market he heard a cariole going down St Pierre Street towards Nunery — on returning to his post he heard a noise in the direction of Mr Harts house — went that way — at the corner of the Street he saw a Cariole near the corner — saw a man wt a stick in his hand breaks open a door of a brick house & holds horse by the rein — & another wt a stick breaks windows of Mr Harts house — one cried there's a watchmen — & saw two persons throw themselves into a Cariole — a third might have been in the Cariole — the Ws ran in front of the horse to stop him, when one of them, whom he points out, who was driving the horse threatened to strike Ws wt his whip — and they escaped — they had a berline, or low runnered — he could not

not distinguish any others but two — That Mr Heart came out of his house & inquired who had been breaks his windows — the Wrs. Sr. he knew them but could not tell ~~them~~ their — told Hart they had taken the direction of the the recollects suburbs — Hart asked Wrs. to go wt. him to meet his Carriole, in order to pursue after these persons — The Wrts. heard these persons coming in the direction of the hay market — they cried out to them to — stop, but they went off full speed — and Mr Heart after them — when Wrs saw the Carriole, he then told Mr Heart there were the persons who had broken the windows, on this Mr Hart Jr. pursued — that some time after they met young Mr Heart who was returning without his Carriole & complained he had been much beat — he asked Wrs to go with him to look for his carriole robes; but could not find them —

That one of the Guys, requested of Wrs. to go with him to Mr Grant their lawyer to make some — arrangements, but Wrs. refused to go —

×

Defendt. Guy, passed at distance of 8 a 10 feet from Wrs. at the time Wrs. recognized him — and also when he was striking at the door, at distance of 20 a 30 feet & holding the reins of his

his horse — They passed Wells quickly — It was moon light. and the moon light struck clearly on the Defend — Knew him by his features, although he did not know his name — he had a great coat on of white flushing —

That on the complaint of these persons for fear driving their horses too fast — he never said that he did not know any of these persons — on the contrary he said he knew it was the same persons who drove their horses whom he had seen breaking the windows at Mr Hart's, altho' he could not tell their names — but he could identify only the one who drove the horse —

That when he saw the Cariole again in the hay market, he told Mr Hart, it was the same persons there were three three of them in the Cariole —

By the Atts Genl — When he saw the Cariole on the hay market he recognized the Defend Etienne Guy whom he saw holding the horse & knocking at the door near Mr Hart's some time before

Wm Robinson — Doctor — attend Mr A. Hart on 22 Jany last he had several bruises on the head & on the arm, he told him & told him to keep his bed for a day —

Evidence closed by the Crown

Defence —

Louis Marteau Notary pub. on 21 Jany last he dined at Defts Guy — arrived there at about 7 o'Clock in evg & remained there till ~~about~~ next day — was in company with Defend till about 10 o'Clock — that Beatrix Guy & W then went

went to Tannery on foot & returned back about 1/2 hour after — The other 2 Defds were then gone — & before they came back he was in bed — went to bed about 11 o'Clock & left Patrick Guy there — That was present when Et. Guy & McKenzie left the house, they had a carcole & small bay horse —

That Et. Guy & Mr ~~Lakin~~ McKenzie had left the house before the Wts. set out for the Tannery —

Jn Bte Jacomely — is a confectioner — lives in Notre Dame Street Ks Defds — ~~They~~ two of them McKenzie & Et. Guy came to his house ~~on the~~ night in Jany last between 10 & 11 Clk at night — & remained there till about 12 o'Clk or a little after, when they left his house — there were other persons with them Mr Lakin & one Robertson —

It was about the 19 or 20 Jany last, will not be positive as to the day —

Andw Robertson — Ks Defds was in Jany last in the company of Et. Guy & Mr McKenzie at house of Jacomely — went there about 11 o'Clock — heard next morns that windows of Mr Hart had been broken that night — Staid there about 1/2 hour or 3/4 hour & went away about 1/4 before midnight — went with Mr Et. Guy & McKenzie in a berline & a dark coloured horse — a good sized Canadian horse — about 1/2 hour or 3/4 hour after Wts. parted company wt. these persons — Did not see any sticks in possn. of Defendts —

John

John Deleste Clerk of Peace — the Defend.s were tried for having driven their canoe too quick before the Justices on the 5th Feby last —

Thos. A. Turner J.P. — That Wm Garpelle was sworn before him on a complaint touching the driving by Defend.s their canoe faster than allowed — That on that occasion Garpelle swore that he did not recognize any of the persons who were in the Berline. —

Verdict of Guilty agt. Wm McKenzie on last Count in the Indictment. the other Defend.s not Guilty

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Wednesday 2d Sept. 1829.

Prest

Ch. Justice Reid
Mr Justice Foucher
Mr Justice Pyke — "
Mr Justice Uniacke

The King
v.
Thomas Sheppard } On Indictment for assaulting & beating one Joseph Covey, & biting off his under lip. —

Joseph Covey, farmer at Broome — In July last 1828 he attended a review of Militia at Broome — the Defdt was there — he was struck by Defdt who then laid hold of Wm and

threw him down, laid hold of his private parts and bit off his lip — He had before this some words wt Defdt one saying he was as good as the other — it was then the Defendt struck the Mr as states — That his lip was considerably mangled and a small piece bit off, of the size of the tip of his finger — That a medical man attended him for some time and he was laid up for about a fortnight — his mouth has been considerably altered by this means —

X

He had had words wt the Defendt before this, and Defendt had said he would take care of Hr — That after the muster several persons there wrestled together for amusement — Does not recollect that he calls on the Defendt to wrestle wt him in this manner — but he did wrestle with Defendt — in this way about half an hour before he lost his lip — the Defendt then threw Hr but did him no hurt — They met shortly after — Hr had been drinking some at Cooks before the assault made on him — cannot say how much he drank — but had his senses about him. — Is not sure whether he challenged the Defdt to fight him —

James Gillan — lives at Broom — was at a review of Militia there on 5 July 1828 — saw Cooey & Defdt there — some difficulty in words arose between them — the Hr went up to them — they were both talking about fighting & the requests of them to go home peaceably — they agreed to do so, went off about 60 or 80 yards where the Hr was. when Hr observed the parties again in difficulty, when Defendt struck Cooey wt his fist — Hr Hr then ran towards them, when they had clenched each other, & they fell. Defendt Cooey cried out that Defendt had hold of his private parts — the brother of Shippard

stand

dared Ws to take Defdt off Coocy — he went for Magistrate who ordered Ws to separate them — he saw Coocy lying on his back, and a piece of his lip wanting — saw the piece drop on the ground — produces the piece of the lip, which he has kept in his possession ever since —

x

That Coocy & Sheppard had both been drinking, & Coocy appeared a little in liquor, but Sheppard was not —

Ezra Wilson — lives in Broome — was at Muster of Militia in July 1828 — saw parties there — heard hard words pass between them — he passed them — & when he looked back the parties were down — Coocy under — they were struggling, Defendt lay hold of Coocy's private parts, & heard Coocy cry out — they continued to struggle — saw Coocy's arm round Sheppard's neck — saw the lip of Coocy in Sheppard's mouth — this he saw when Sheppard was drawn up from off Coocy, & saw the piece of the lip fall on the ground. — they were then separated — That Defdt was absent in the State after this for about 3 or 4 weeks. —

x

Heard Coocy say to Sheppard — will you — or dare you — fight me —

Defence

Peleck Sheppard — Ks parties — recollects the difficulty between the parties — they first wrestled together — saw them after go into Cellar Wm Gillan — heard Coocy say to Sheppard he need not ask any favors — they were then for settling & going home — after this Ws set out to go home — sat down on a log — Coocy there — when Sheppard came up — Coocy slept up and saw, will you fight or not, — after some words

they

they agreed to fight, and it was Cooey who was the cause of it and excited the other to fight, as Defdt. had left it to choice of Cooey to fight or not That Cooey was the first to raise his hand, in order to commence the fight, but cannot say who gave the first blow —

Saw marks of teeth on trowsers of Sheppard & saw Cooey's mouth there — but cannot say whether Cooey had hold of the skin —

Has heard Cooey talked of as a man fond of fighting —

x^d —

~~Thinks that~~

Did not see Cooey up after he was thrown until he had lost his lip —

Richard M Smith — K. parties — & mustr at Broome in July '28 — there was a quarrel between the parties — That Cooey came along & asked Sheppard if he dared to fight him — Gillan slept in between them — took them to drink & make it up — After this Cooey asked Sheppard, if he would go & fight him behind Cook's shed —

They after this came to blows — the Ws was not present when it began — they fought hard —

Saw Cooey attempt to lay hold of Sheppard's privy parties — heard him cry out, but cannot say whether Cooey really laid hold of Sheppard in this way — Saw Cooey endeavour to bring down Sheppard's head who was lying over him — & they snapt at each other like dogs —

Heard Cooey that day say to some person, that he intended to whip Sheppard that day —

Benjn —

Benjn. H. Sheppard — lives at Broome, is brother of the Defend^t — after militia travels over — Coocy asked Defend^t if he would fight — heard Coocy say, that he would whip him before he left the ground — Gellan came up, took them to Cooks Cellar & then they agreed to make it up — Coocy ~~was~~ went there as far as Cooks Pearl-ash — & refused to go further till he had whipt Thom — when Sheppard came up Coocy got up & asked if he would fight him Shepp^d said he would not — then asked him to go back to Cooks — they went together there — when they came back from Cooks — Coocy asked D — Thom will you fight me — The other left it to his choice — On this Coocy said then raised his arms in a position & near enough to strike, and immediately began, and if any thing the first blow was given by Sheppard — several blows were given before they fell grats were made by Coocy to lay hold of Sheppard w^t his teeth — Sheppard laid hold of Coocy by private parts — & finally Coocy lost his lip —

Rich^d. M. Smith, called up again as to character of Coocy has the character to be quarrelsome when in liquor — Never knew that Def^t — ever quarrelled with any one before this general w^t Coocy — Would believe Coocy on oath

Rheuben H. Moorehouse — no parties — Coocy is a quarrelsome man when in drink —

closed

James Gellan — called up by Crown — has called Coocy seven or 8 years — he bears a good reputation —

Verdict Guilty —

The King
v
McNaughton

On motion by the Attr General for trial of this cause by Special Jury & that a Venire facias do issue for that purpose —

Mr Cherry for the Defendt denies to know upon what principle that this motion is founded, as the Attr Genl will have the last word —

The attr General stated the general principle of law

Mr Cherry — This case important, not as regarding the Defendt but a general principle touches the administration of the Criminal law of the Country — The laws of the Country have not provided for a trial by Special Jury — How ought the Special Jury to be formed — 2. It ought to be drawn from the lists given to the Sheriff drawn from each County — in this Country there is no such list — the Legislature of this Country has not made provision for this — The Stat. 3. Geo. 2. ch has regulated the manner of making up

No day fixed for trial under notice given — Impey Prac. p. 394 — fifteen days notice required p 374 — by Stat. 1st Geo. 2 — The practice in this Court has not been settled in the ~~Country~~ Country particularly in cases of Special Jury — in regard of which all the formalities ought to be complied with — Such notices have already been given on a former occasion by the Attr Genl —

There must be 15 days between the test & return of the writ of Venire facias — Bac. Abr. tit Trial — p 237. Hale's P. Cr. p. 260 — This has already been decided in favor of the Defendt

Mr Denis Vigé for Defendt — The motion of the Attr Genl cannot be divided — The motion made without notice — no such practice allowed by the Courts in this

Country

Country — The notice is necessary & has been so held by the Course in England, according to which we must be guided it is a security for the subject which cannot be neglected —

Atty General in reply — The trial by Sp. Jury is a right given by the Com. Law of England before Stat. Geo. 2. — As to notice of motion — there is neither law nor practice in this Country on this Case — the regulations referred to by Defts counsel refer to particular Courts & under particular Circumstances — qt. do not apply here — The circumstances of each particular Case have always guided the Court even since its institution — As to the delay between the teste & return of the writ of venire facias does not apply here — Chitty 487 — states a general proposition but in 488 — the restriction is stated & the ground for it given. — ~~Trial par pais~~ p. 58. — Complete Juryman. —

Thursday 3d Sept 1829.

Prest.
Ch. Justice Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Uniacke

The King
vs
McNaughton } Mo. of Atty General Granted

The King
vs
~~Junvier Payfer~~
&
~~Fran^s Olav Payfer~~
Jos: Tancred Payfer

On Indictment for Burglary. —

Robert Watson, merchant in Montreal lives near place d'armes — on the night of 24 July last his shop was broken open & a number of articles stolen — 3 days after he saw the articles at the Police office — his shop forms a part of his dwelling house — the doors & windows the evening before were shut — he cannot swear that the bolts of the window may not have been shut. the doors were locked — thinks that the persons must have come in by the window, which may not have been shut — there were stolen. 9 pieces of Irish linen 117 yds worth 1/6 ⅌ yd — 5 pieces hair cord Cambric. 60 yds value 1/1 ⅌ yd & other articles mentioned in the Indictment & of the value there stated — all which articles were his property & were in his shop the evening of the 24 July & were missing next morning — he found several of these articles at the Police office

+

13 7
11 7 in 1/6
58. 6
175.
8. 15.

Found 9 pieces Irish linen — £8. 15. 6 — Three pieces hair cord Cambric. 36 yds at 1/3 ⅌ yd £2 5 — Five pieces plain Cambric muslin 60 yds value £3. — Two pieces 24 yds each printed muslin 1/1½ / £2. 10 — Six doz & 11 Cotton stockings & hose, 8/ ⅌ doz. £ 2. 15. 6 — Four worsted Shawls £1. 12 — Thirteen doz & 4 mourning Shawls value £4 —

£4.— one piece 24 yds dimety 2/3 ⅌ yd — £2.14 —
One piece dicid Cambric 16/ — 8 Bandanna hkfs
or 10/ — Four printed Robes or muslin £1. —
4 doz & 8 prs Cotton stockings 8/ ⅌ doz — & one Worsted
Shawl value 7/. — were found by him on the
30th & 31st July at the Police office —

Antº Lafresniere, Constable — on 30 July he searched the
house of Payfer the father — for goods stolen from
one Rolland — he found the articles which were
claimed by the last Witⁿ These goods were
in the bed room of Payfer pere — Madᵉ Payfer
was present at the time — these effects were in the
trunk now produced — This house is occupied by
Payfer pere, & in which Frᵒ Xav. Payfer his son also
lived — That the Pʳ lived also with his father
until May last when he went to live in another
house — The Pʳ requested of Wᵐ for Gods sake that he would
leave the goods of Mᵉ Watson in the trunk and not
to carry them to the Police office, and as to the
complaint of Lucie Rolland he would get rid
of it the best way he could — but Witⁿ refused to
leave the effects Wᵗ Pʳ as they appeared to him to
be stolen property — That while the Wᵐ was in
the house of the father, the Pʳ came in, and addressed
himself as above to Wᵐ at different times, begging
of him for Gods sake not to carry away these effects

X

There was then no accusation of the Pr for stealing any of the goods of Mr Watson —

Louis Malo — Constable, assisted in search at the house of Passer pere — on 30 July last — on entering he found sundry articles in the room Defendant was then before him — saw the goods in the trunk now produced in the bed room — Wt also found 3 pieces linen in the garret — Before leaving the house the Pr came in, and begged of them not to carry the goods to the Police office, but only those that belonged to Lucie Rolland, as that accusation of him was enough — this he repeated to Wt several times — on finding the effects of Lucie Rolland — the Pr said You have found the effects of Lucie Rolland, that is enough, make no further search, if other property be found, it may do me damage — this was said to Wt before he knew that any of the other effects were found which belonged to Mr Watson — all these effects were carried to the office of Police — The house in wh these effects were found was possessed by Passer father of Xav Passer — the Pr lived in his own house some days last —

Did not see the Pr come into the house when the Pr prayed of Wt not to persist in the search further

The

the Wit asked what it was. — the Pr. sd. it was merchandises,* — at this time the effects had been found by Lafresnier — The Ws found 4 or 5 pieces of Linen under the paillasse — he then went up to the Garret — 3 pieces of Linen — 2 qt had been wetted & the 3d. in a tub of water —

* & that Lafresnier knew it.

Emanl Xavier Daubreville — ~~arrested at the search~~ after ~~the~~ a part of the effects of Watson had been found Ws went to house of Payfer pere — That Malo came in after Ws and continued the search & found linen in the Garret qt. had been wetted — The Pr. had been in the house & came out into the yard where Ws was — he was arrested & under charge of Ws he wanted to go away but Ws would not allow him — the Ws then went into the Kitchen when Malo told Ws that several other effects had been found, the Pr. requested of Wts. to beg of Malo not to search further for other goods. as there was enough agt him already — in alluding to the prosecution of Lucie Rolland — Ws then asked of Pr. what then goods were, the Pr. sd. it was nothing — only he ought to have given notice when he found them goods, in the bottom of his father's Garden —

x.

There was no other accusation agt the Pr. but that of Lucie Rolland at that time —

That before the Pr. was arrested, the Ws advised him to go away, but he refused, saying he was not afraid he was not guilty — the Pr. then knew there were effects found in the house of his father —

On question by Atty Genl
The Pr. asked of Wits in the yard to let him go. gt Ws refused — the Pr then asked of him to let him go for his own sake and the honor of his family —

Hyp: St George Dupré. Clk or Police Office, on the 30 July last, a trunk of effects was brought to office by Lafresnier & Malo — which were left wt. Wits — to make an Inventory of them. when this was done — he delivered them over to Ls Marteau who has kept them since —

Louis Marteau. Constable of Police office — on the 30 July last he recd. the trunk & goods now produced from Mr St George, & they have been in his possession ever since —

Robert Watson — brot. up again & the effects now present produced to him — says — 6 of the nine pieces of linen he now produces, as his own — the three others he took away to dry, as they appeared wet. — shews private mark on the pieces —

3 pieces hair cord Cambric Linen — wt his mark — which is his property & was in his shop on night of 24 July last — 6 pieces Cambric Muslin — same mark —

6 pieces printed muslin — mark torn off, but saw it at office

6 doz. Cotton stockings & 7 — wt. mark on them —

4 Worsted shawls — also his property
13 doz. & mourns Shawls — no marks —
1 piece diced Cambric — wt. mark —
8 Bandanna hkfs — there were 10 & 11 on the piece —
1 piece hair cord Dimity — mark on it —
10 doz. & 7 Cotton Stockings — all which articles he recognizes to be his property and were stolen from his shop on the night of 24 July last. —

X

The marks were put on the linen by himself — & he could recognize even those qts were partly effaced
Shews a hole in one of the pieces of Muslin, which he recognizes — & was folded up & on same Shelf wt the other pieces.
The Stockings are all marked by dozens —
The Shawls are not marked.
A piece of Bandanna hkfs commonly contains 18 — they are called by some Britannia — by others Bandanna

Antº Lafressniere — called up again — says, that he took off the paper marks from some of the goods here produced, which were claimed by the Wit. Watson as part of the marks on his goods. —

Samuel Harvey, Soldier in 68th Regt. was sentinel in the Rear of the Commissary's ~~Office~~ House — he was put on at 12 o'clk & remained there 2 hours — while there 2 men passed him, going towards Great Church in the direction of ~~the~~ Mr Watson's house — they asked him the hour, he sd. he thought it was about 1 o'clk

one

one of them was taller than the other - about the size of the Pr - went to see the Pr in Gaol - he is about the size & height of one of the men who passed him that night - cannot say which of them spoke to him -

The person who spoke to him, spoke in English - Two men were shewn to Wr in Gaol - in the same story in wh Gaoler lives -

The Store of Watson is at a little distance from the Commissary House - not in same street -

Defence

Charles Martel - Ks Pr for 2 years - he possesses a house of his own since May last - he has always had a good character -

Benjamin Reeves - Ks. Pr for 2½ years - he lived about a month in house of W - has a good character -

Joseph Surgeon - Has known the Pr from his infancy until about 3 or 4 years - he always enjoyed a good character while he knew him -

Chas. Malbeuf - Ks. Pr for about 15 years. always considered him to be an honest man -

Jean Robitaille - The Pr lives in his own house, & keeps a Grocery Store - since last Spring - always considered him as an honest man -

Verdict. Not Guilty.

The King —
v.
Olivier Boucher } On Indictment for obtaining money under false pretences —

Catherine Dufour — wife of Joseph Boucher, about all saints day last the Pr came to her house at St Thuese, and asked her to go to the village for her — & she would on being paid — agreed to give her 5s — and told her to go and get a five dollar bill changed, ~~and~~ he then gave her a bill saying it was a five dollar bill, and asked the Dr. McCallum whom she saw at his door, if the note was good, he looked at it, and said it was not good. — when she knew this she returned home again & gave back to Pr his bill — the Pr. S. she had not been at the village — & the person who lived in the house w. her told her to go to the village & she would thereby gain her 10 coppers — the Pr then gave her back the bill — she went to Porteous's & asked him to change it, telling him at same time that the Dr had told her it was not good — the other Clerk came in looked at & said it was good — He then drew out his till to give the change, but on looking at his money, found he had not money enough — she took her bill & went to Mr Maxwell's shop, and asked him to change it — he agreed to take it, and gave her 5 dollars in money which she brot back & gave to the Pr That next day

Mr

Mr Maxwell and the Doctor came to her house and asked for the man who had given her the 5 dollar bill, as it was bad — the Pr. had gone off early in the morning —

The Pr. purchased a pair of Trowsers of Mrs. the Pr. must have had other money besides the 5 dollr. bill, as he had some pieces besides the ten coppers — but after the Pr. got the change of the bill the bargain for the Trowsers was concluded, and the Pr. pd her out of the change — Has never seen the note since. — cannot read or write

James Maxwell — keeps Slow at Sr Therese — last fall the last wits came to his shop to get a 5 dolle bill changed — it was about 6 or 7 o'Clock & he had just lighted a Candle — Mr changed the bill — Next day Dr McCulloch came to his shop & asked him if he had changed a 5 dolle note for Cath Dufour — sd he was afraid it was a counterfeit — the Mr examined it more closely & found written on the back of it — counterfeit — On this they went to house of Cath. Dufour to enquire for the person who had given her the note, she told them that it was the Pr. that he was gone — she had sold him an old pair of trowsers & he pd her out of it — they then pursued after & the Pr. & found him

n

in the village and caused him to be arrested — The Pr. was brot. before the Justice, when he produced the bill, and the Justice wrote upon it the initials of his name in the presence of the Wit., and from this, he believes the note to be the same — only the words counterfeit appears larger than he it was when he first observed it. — He has no doubt but it is the same bill he got from Catk. Dupont

X

Catk. Dupont did not say from whom she got the bill when she offered it to be changed — Thinks it was in October last she went there — Next day she told Wit. when she got the bill, — Did not say she had been at Parkins' — when he got the bill he put it in his pocket book on which he had several other 5 dollar bills — he put it on the top of the others, & when there was a question about it next day by the Magistrate he took it from the place he put — the bill was had a comma off, and torn half way down — and he knows it again — he just had occasion to look at the bill on Dr McCulloch coming to ask him if he had changed such a bill, when he looked at it & replaced it in the same situation it was before —

Michael McCulloch, doctor, lives at St Thomas — in Oct. last he met Catk. Dupont going to the village & asked the Wit. his opinion about a note she had, whether it was good or not — seeing Counterfeit written on it, and understanding she had got it from a beggar, he suspected

suspected it & said it was not good — understood that Maxwell had changed it — went to him, he shewed him the same note he saw the evening before in the hands of Cath. Dufour — They went w. Maxwell and found the Pr — who was arrested — went before the Magistrate & saw the Note produced there — Believes the note now produced to be the same —

Cath. Dufour Q. she had got the note from a young man at her house — When he asked Mr Maxwell about the note — he does not remember whether Maxwell recognized this note in particular — it was the Girl who pointed it out — the note was among other bills in the pocket book of Maxwell — Cannot swear positively to identity of the note, but believes it to be so — from the word counterfeit written on it — but this may be written on other Notes.

Did not examine all the bills in the pkt book of Mr Maxwell, don seeing this one with the word Counterfeit written on it he took that bill as the one — Thinks that Mr Maxwell did not himself know the bill & would not have pointed it out, from not having taken particular notice of it when he took it —

James Maxwell — he might have to the extent 5. 6. or 10 Notes in his pkt book, of which he had seen at different times

times! but on none of them was the word counterfeit written on them, before this bill qt. he received from Catt: Dufour —

Samuel Gerrard — was at one time president of the Montreal Bank & signed his name to Bank bills as such — & that the signature to the bill now produced is not his signature, but is a counterfeit note —

Benjn Holmes, Cashier of Montreal Bank knows the signatures of S. Gerrard & of Mr Griffin the Cashier are familiar to him, & they are forgeries. —

Defence

John Deleste. Clerk of Crown — says nothing —

Verdict. Guiltz

The King } On Indictment for Petty Larceny —
vs
John Higgins }

James Huddel — There was a fire in Grey Nuns Street on 1st March last — on that occasion his effects were taken out to save them from the fire — among other things there were sundry iron pots, and he was told that one of them had been found in the possession of the Pr — values the iron pot at four shillings —

Wm was sick during the fire, and he was unable to attend to the care of his effects. Several other persons had their effects moved out in the same way on that occasion —

Charles Aldcaton, Constable — Knows that he was assisting in the preservation of the effects at the fire, & trains & carioles were employed in saving the effects of Huddel, & many of them were taken to the Mansion House — He was told that a man had taken something out of the train — the Witness pursued after the Pr and took away a pot he had — did not see him take the pot from the train — that Mr Stanley came up and took charge of the Pr & the pot —

There were a great many articles in the train cannot say if this pot was in the train or whether it may not have been put out of it

Wm Slack assisted in loading the train, thinks there was an iron pot in the train — he assisted in arresting the Pr who had an iron pot in his possn — did not see him take the pot — The Pr s. that he did mean to steal the pot, only wanted to borrow it for a while — he had the pot under his Coat — he was about 20 or 30 yards from the train —

Geo: Stanley — has a knowledge of a train being loaded w Huddle's effects to save them — heard one cry out there's a man taking away something out of the train — W. ran after Pr — asked him what he had there — he said nothing — the W. laid hold him & struggled w him, & he would have got the better of the W. had not Wm Slack come up — he took the pot from under the coat of Pr — who said he did not want to steal it —

Does not think the Pr was not in liquor —

James

James Huddel brot. up again, says, that he believes the pot to be his he had a similar one which has been missing since the fire —

+

Wm Costigal, lives in Montreal, is a blacksmith, who works for 13 or 14 months in this Country and he knew him before he came to this Country, always understood he was an honest man & always found him to be such —

The evidence being closed, the Jury retired to consider of their verdict, and did not return into Court during its sitting this day —

The King
on
Charles Vidal } On Indictment for Extortion

cont.d till to morrow

Friday

Friday 4th Sept. 1829. —

Prest.

Ch. Justice Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Uniacke. —

The King
John Higgins } The Jury came into Court and returned a Verdict of Not Guilty agt the Prisoner —

The King
Charles Vidal } on Indictment for Extortion —

Pre Jos: Chevrefils — Knows that Mr De Martigny was a Justice of Peace in 1824, & is acquainted with his handwriting — proves signature of Mr Martigny to the warrant now produced — The warrant was read — which was a warrant to arrest Marie Martel and her children for an assault on Bte Masse a bailiff in the execution of his duty. — dated 8 Dec. 1824. —

Marie Josette Martel, wife of Jos. Daigneau of St Damas — That in Dec. 1824 the Pr & Masse & Bte Carpentier & Frs Menard Belrose & Ambroise Frichette came to her house, they made her prisoner, and five of her children, Paul Daigneau, Frs Daigneau, Hubert, Julienne, Isabelle — the eldest 21 — the youngest 12 when arrested they told her if she rebelled, they would tie her & throw her in a Corner — they then said, quick, quick to Gaol — she was troubled — & asked to take her to Mr Perlier J.P. — they S. no — they would take her

before

before Mr Rouville who would order her immediately to Gaol — then Vidal told Belrose to advise the Wr to settle the matter — the Pr. Masse & Belrose then went out, and coming in told her that she must pay him 40 dollars — to release her — she said she had no money — the Pr said he would take effects — Pr asked her to prepare supper for five men — gt she did — they then went to bed, the Pr staid up, and after they had been in bed some time the Pr came to her & told her ho' to Gaol. the Wr said she had no money to give them — they then went to look at her Cattle — they took a Cow rate £3.10 and 7 or 8 sheep 12/6, 20 bushels pease, 2/1 to 2/6 4 or 5 pounds wool 12/6 — two ducks 2/6 — 1 couple fowl — & 10/ in money — these articles they set up at sale & bid them off to one another — these articles she gave from fear and necessity, and in order to gain her liberty — the Pr & these people went away a little before day break & carried off these effects with them —

3. 10
4. 7. 6.
2. 1. 8
12. 6.
5 —
1. 8
10
11 " 8 "

×

That it was the Pr who asked for the money, and not Masse, that Masse wished to withdraw, but Pr insisted upon Masse remaining in order to get money from Wr —

Paul Daigneau, son of last Wr was at his mothers house when Pr came there in Decr. 1824 wt a warrant — there were wt him Br Masse, Ambroise Frichette, & Br Carpentier, & Frans Menard & Belrose — it was about

about 11 or 12 o'clock when they arrived — the Wr and his ~~family~~ mother had been at Parlier's that evening, and the Pr had been at the house before the Wr & his mother arrived — the Pr & his people came soon after, and Belrose called out to open the door, as they meant to do them no harm — the door was opened, & they all came in, they arrested the Wr his mother & his brothers & sisters — in all five persons — the youngest was about 10 or 11 years — having arrested the Wr they would not allow him to go out and put ~~off~~ up his horse — The Pr told his mother, she must go to Gaol immediately — Belrose took Wr outside and ~~advised~~ pretending to give friendly advice told him to get the matter settled, and to advise his mother to settle, as it would cost her 100 dolls if she went to Montreal, & that she might settle it for 50 dolls — the Wr spoke to his mother, & she consented to an arrangement — but said she had not the money — the Pr observed she had effects to make up the money — That on this Belrose told Pr he ought to be satisfied with 40 dolls to gt Pr consented — and as Mrs D — had no money, he would take whatever effects she had to that amount — they went & examined the Cattle & effects about the house, — but the Pr objected to the price put on the Cattle — but said if the price was reasonable he would take them — went & shewed the Pr the pease — after the Pr had taken possession of the Cattle & other effects he divided them with Masse & Belrose — his mother also gave the Pr two dollars in silver — the Pr said he took those things in payt & to exempt the Wr & the other persons from going to Gaol —

The

The Pr & these persons supped there & about 4 o'Clock in the morning & carried all their effects & Cattle with them, and the Wr was obliged to assist in conveying the Sheep to the Pr where he left them —

The Pr appeared to be the head man, & to conduct the matter, the arrangement was made with him & Masse together —

Ambroise Trichette — in 1824 he lived in parish of St Hyacinthe the Menard requested him to go wt Pr as a record, to assist in apprehending Made Daigneau & her children — it was between 11 & 12 o'Clock at night — They went to the house of Daigneau, where the Children were, as Made Daigneau & her son were at Mr Perlier's — it was between 11 & 12 at night — Wr & Carpentier went first to the door & asked to go in & light their pipes, but the Children refused saying their mother & brother were not there & they could not open the door — They on this withdrew & went to a neighbour's house, when they heard Mr D. & her son going home — they went again to the house, when Menard begged of Mrs D — to open the door as there was no harm intended — on this the door was opened, the Pr arrested the whole party — The Pr said they must go before a Justice of the Peace — Mrs D — requested him not to do so, but to make some arrangement — the Pr o. this might be done, but it was not his duty to do so, unless before a Justice of the Peace,

and

and that she must go immediately — heard that Mrs D — wanted to go before Mr Porlier — on this the Pr said he would go as soon before Mr Porlier, as before Mr DeRouville — at last it was arranged that Mr D — should give 40 dolls — but that she had only effects to give & not money — The Pr agreed to take a Cow, some sheep — some pease — 2 Ducks & a couple fowl — & some wool. — heard that some was given besides — they then set up an auction to divide the articles among them — That next morng the Ws carried away all the articles by order of the Pr he took the Cow for Menard — The sheep & pease were carried away in the train of Daigneau for the Pr —

X —

That the next morng the Pr told Mrs D — if she would go wr him before Mr Porlier — whatever he would allow him he would only take one half

In Bte Carpentier — assisted the Pr as his record to the house of Mrs Daigneau on Dec 1824 about ½ ten at night to arrest her & her family — The P. arrested the woman & his children — the Ws was ordered to allow none to go out — That the Pr sd Mrs D — that he would take her before a magistrate, who would either admit her to bail or send her to Gaol as he should see fit — That it was agreed between to settle for 40 dollars — the Pr said if she had only 8 dollars to give Masse, he would see his part

part take effects — finally the Pr took a Cow 7 a 8 sheep — a couple fowls — 2 ducks — 10 a 20 bushels pease, 4 lb. wool — and some money — The next day, the Pean were carried to the Pn they went away next morning from Daigneau's house about Sun rise. —

Pr P. he must have 8 dollars to give to Masse as for his part he would take effects — Recollects that next morning something was said at by the Pr about going before Mr Perlier — and that whatever the Magistrate allowed him he would take the half & if he allowed him only five dollars he would take nothing —

Louis Malo — In the year 1824. the Pr acted as a bailiff of the Court of K B. for this District. —

Verdict. Guilty. —

The King
Antc. Aussin

On motion of the Attg Genl for an order on the Sheriff to produce his book to select a Jury for trial of this Cause by Special Jury —

1st What a Special Jury — is nothing more than a select portion of Jurors for trial of a particular cause — The course previous to statutes made in this respect, was to call on the Sheriff to produce his general book of Jurors before the Officer of the Court — for the selection of the Special Jury — The particular Statutes in England on this subject, are local and do not extend to this country —

provisions under Cours Law & by Stat. are the same.

7 & 8 Wm 3. ch. 32 — The Sheriff the only Officer who furnishes the

the Book of Jurors — This was the Common Law of England and has been introduced into this Country by Stat. 1774
The Stat. 7 & 8 Wm 3. ch 32 made for the case of Jurors — and to put checks on the Sheriff as to the mode of furnishing the lists of Jurors to the Sheriff to make up his book — this is a provision of a local nature & can apply only to the Courts for which they were enacted, as by Sec. 4 — They cannot be considered to extend to other Countries where the Criminal law of England was to be administered —
The subsequent Stat. 3 & 4 An. ch. 18 — & 3 Geo. 2 ch. 25 — are equally to be considered as providing local remedies for the particular Courts therein mentioned — Before this latter Stat, a trial by Sp. Jury could be had only in Banco, but not in the Counties without consent of parties — this inconvenience was removed by allowing such trials in all cases, where by law Special Juries could be had — The Court must therefore to be guided by the Com. Law

2d The Com Law having made the Sheriff the only officer who can return a Jury, we must look to the local law on the subject — The Ord. of 1787 made for criminal matters is the only law — it was made to obviate an inconvenience experienced in regard to the requisites by the law of England as to the qualifications of Jurors —

The Jurors cannot be taken here from the body of the District, otherwise trials by Petty Jurors cannot be legal — the local State of the Country, since the Conquest has been such as not admit the summoning Juries beyond the limits of the Towns — The King here calls for a Special Jury from such body or mass of Jurors such as that by which Criminal Justice is daily administered — The Sheriff here, is in the same situation as Sheriffs in England before the particular Statutes referred to. He alone

is

is the only person who furnishes the list of Jurors, & for this purpose he must keep a book of Jurors who are liable to serve for this purpose —

Mr. Cherrier for the Defendt — It would be an innovation upon the admin.n of the Cr. Law to introduce the trial by Sp. Jury — it would be changing the Cr. Jurisprudence hitherto used in the Country, and in contradiction with our local laws —

There exists no such list of Jurors in the hands of the ~~Jury~~ Sheriff as that stated in the motion — the law recognizes no such book of Jurors — and in fact no such list exists — If the Sheriff keeps a book, it can have no authenticity — not legally known or acknowledged — We have but one list of Jurors known by law, which is known, for trial of Civil Causes — A special Jury, is a Jury chosen from a General list of Jurors, which general list or book we have not —

If the Stat. referred to as made in England do apply here ~~do apply~~, they are not observed by the Sheriff If they do not apply — then there can be no list in existence legally known or acknowledged — because the Sheriff's books are known & regulated by those Statutes — The Ordr. of 1785 in introducing the Jury in Civil Causes, have found it necessary to say, also that there must be a Special Jury, without which there could have been no Special Jury, because there was no means or provision existing for its being formed had they intended to extend this to Cr. Cases it would have said so — By Stat. of 1787. a Jury is given qt. one half of which must understand the language

of

of the Defendt — how can this be obtained in the selection of a Special Jury, as there is no means of knowing whether the persons selected know this language

That there is no certainty that this book of the Sheriff contains a list of all the freeholders of the District. yt the Defendt has a right to ye his trial — The ordr of 1787 does not dispense the Sheriff from making this list — The Precept to the Sheriff directs him to return a Jury from the body of the District — in the District of Quebec Jurors have been called from the body of the District and Lists are now preparing to extend this further —

The Sp. Jury trial, is not favorably considered, & it ought to be had with all its advantages to be chosen from all the free-holders of the District — Their object is to diminish the future of particularity the Sheriff might have, but more especially when the number is considerable Here we know not what the Sheriffs' book is compound of — no body is entitled to see this list in the Sheriffs office to know its imperfections — That all suspicion of particularity must be removed from a Jury

Mr Walker of counsel for Defendt — The opinion already given by the Court on a former appln for a Sp. Jury go to determine the question now raised & to reject the motion, the intended application is calculated for the purposes of oppression —

Special Jury cannot be had in this Province. —

The doctrine maintained that by an Stat. 7 & 8 Wm 3d the Sheriff was the only person to return lists of Jurors is novel — & that the Sheriff here is in that situation — By the Statute it was the duty of the Sheriff to have ~~the~~ lists of Jurors ~~[illegible]~~ the law pointed out the persons duly qualified to be returned as Jurors —

Without some restraint on the Sheriff, he may leave out or insert upon his list the names of any persons he pleases —

4 Chitty. Cr. Law. p. 501 — the names of all persons — within the Bailiwick of the Sheriff must make the list of Jurors —

3 Bl. Com. 351 — where the form of writ directed to the Sheriff is given long before the existence of the Statute shews that nothing was left to the discretion of the Sheriff —

In England the Special Juries are generally applied for by private prosecutors — it is rare the Crown will put the Country to that expence —

In this Country there are no limits to guide the discretion of the Sheriff in making up a list; if the Eng. Stat. are not to guide him — and then Statute as far as they are applicable ought to be followed & in so far as regards an impartial & full list of Jurors from the body of the District —

It never was the intention to introduce Sp. Juries into this Country — The ord. of 1785 provides for a trial by certain description of persons in Civil Causes — and without similar Special provision for this kind of Jury cannot be extended to Criminal Jurisprudence — for if the entire Jury System had been introduced into this Country, ~~by Ord. 1785~~ was introduced there was no ~~necessity~~ to provide for a Special Jury by Ordr of 1785 —

3 Bl. Com. 357. gives reason for introducing the Special Jury System — q. may hold good in Civil matters but the reason will not apply in Criminal Cases —

This

This Court of K. B. is limited in its sittings to
10 days. & the Sp. Jury system cannot be introduced
without observing all the necessary forms used in
the several Counties for trials at Bar — & there is no
time for such trials before this Court —
3 Bl. Com. 353. 4 — the Court relies on the book of the Sheriff
at Nisi prius for the persons of Jurors as provided before the
making the Statute in question —

This Sp. Jury System is assimilated to a trial at Bar
in Civil Cases, as may be seen from Blackstone — which shows
that the Legislature never meant to extend them to this Country
as inapplicable to the Constitution of the Courts — and the
party entitles to avail himself of all the delays under
practice in England in Westminster Hall — without
this the subject would not have the same benefit here
as in England, particularly if the summary mode of
proceeding necessary to be observed in this Court in its
short sittings of ten days is to be followed —

If Grand Juries are called from the body of the District
on a much stronger ground ought the petty Jury to
be called from the body of the District also —

Mr Grant for Defendt refers to words of motion

Atty Genl in reply states, that the objection last
made is without foundation, as in the motion he
has used the words of the Ordr of 1787, as to the persons
qualified to act as Jurors —

If Trial by Sp. Jury is to be had, the Jurors can be
obtained only in one of two ways, either from the
last

list deposited by the Sheriff under the order of 1785. or from the lists in the hands of the Sheriff from which the lists under order of 1785. is taken —

There is no distinction as to petty & Sp. Juries referred to by the Defd.s counsel cannot be admitted for if the Jury returned for trial of felonies as returned by the Sheriff be sufficient, so also it must be sufficient in case of Sp. Juries — If the books of the Juries do not extend to the whole District it may be a cause of complaint agt the Sheriff yet the persons returned are no less persons qualified as Jurors, and no challenge on this account could be admitted to the array on this account —

The Sheriff's book is treated as not an authentic book — Down to the 7 & 8 Wm 3d. the discretion of the Sheriff was the only guide for making up the lists of Jurors — and the keeping a book is incident to the discharge of his duty in this respect.

The Jurors at Quebec have been lately taken from some parts adjoining the town & banlieue of ~~Montreal~~ Quebec, but still this does not extend to the District & the same objection will lie there as if they were only taken from the town & banlieue —

Under the Stat. 1774 — the Com. Law of England is introduced into Canada — the Stat. of 7 & 8 Wm. 3 are evidently local and the persons for preparing the lists of Jurors do not exist in this Country — if these Statutes are to be strictly followed, no criminal trial of any kind could be had in this Country — The Com. Law of England

must

must therefore be followed here as the only rule to be followed —

The distinction of Sp. Juries in Civil Cases by Ordre of 1785 will not apply — the Law of the Country did not know Juries & it was necessary to introduce a suff enactment in this respect as to Civil matters was necessary but as the whole Criminal Law existed in the Country there was no necessity to make any provision for Special Juries —

In all trials before this Court, a venire may issue immediately & there can be no difficulty on acct. of the delays of admitting Sp. Juries —

The present question not touched by the Judge of this Court in Septr. last —

Saturday 5th Septr. 1829

Prest.
Ch. Justice Reed
Mr Justice Foucher
Mr Justice Pyke —

The King
vs
André Jobin } On Indictment for assaulting Louis Malo a bailiff in the execution of his duty —

Francis Perry, was a clerk to the late Sheriff Ermatinger knows that a warrant issued from the Sheriff's office in the fall of the year 1826+ thinks that when the money was levied the warrant was returned also, as this was universally the case this warrant has been lost or mislaid, as he has searched

+ to levy a fine on Defts.

for

for it & cannot find it –

Louis Malo – is one of the bailiffs of K. B. was so in 1826 In that year he was charged with a warrant to levy a fine wh had been imposed on Defdt – W. went then shewed the warrant to Defdt who read it – & on this he asked for the fine wh was 10/ & costs – Defdt offered 10/ – wh W refused without receiving the costs also – the Defdt then offered 2/6 for the costs – the costs were 7/6 – the W made his report to the Sheriff in consequence – the Sheriff ordered him to go back & to seize Defdts property – W went back to him this, and was told by him to do as he pleased – W seized a long wooden seat & as Defdt refused to give a Guarden the W was about to carry away the article seized when Defdt took hold of him by the hand to make him let go his hold, but he failed in this, & Defdt thereupon either pushed or struck W – so that he fell over the seat – W. told him he would leave the article & make his report – that on this Defdt locked the door so that he could not get out – but door having been opened afterwards by some one – W made his complaint to Mr Gale – the Defdt afterwards paid the fine & Costs – wh wh the W produces the Receipt from the Sheriffs Office –

Has not the warrant, he returned it to the Sheriff after levying the fine, on paying the money – as is – usual in such cases – The fine was 10/ – there were 8 persons fined – and the costs of the warrant 5/ wh made 7½ for the part of each – there was no observations as to the Costs – his orders from the Sheriff were to receive 5/ for himself & 2/6 for his record.

Paul Montanari – assisted Mr Malo in Novr 1826 when he went to levy a fine on Defendt. The Defendt offered Malo 10/. for fine & 7½ for his part of Warrant. Malo refused to take this & demanded his Costs 7/6 – on this Defendt offered 2/6 for the Costs, gt Malo also refused & said he would make his report – Malo did so & he told Ws to seize – Ws went a second time to Defendts to seize, the Defendt still refused to pay the Costs demanded – in consequence Malo seized a wooden Sofa – & asked of Defd a Guardian, & Defdt offered himself as Guardian, when Malo sd he could not accept him – & on this they were about taking out the Sofa to carry it away when Defdt went behind him & pushed him & made him fall over the Sofa – Malo stated to Defdt that his conduct was improper & he would make a report of it – On this Defendt went out & locked in the Ws & Malo, but on their threatening to break out, he opened the door & they went away – The Defdt afterwards paid the fine & Costs –

Francis Perry brot up again – the fees usually allowed to Officers making seizures are 7/6 – besides the charge of the warrant – that there is no tariff for this, but it is what is usually allowed in Civil Causes –

Louis Malo – has been bailiff 8 years – was told by Sheriff that 7/6 were the reasonable Costs – Closed

On objection taken by the Defendt that the secondary evidence of the warrant Defence was not sufficiently made out, either as to the signature or authority under which the bailiff acted.

On this the Court called up the Officer, and asked him,

what

what was the nature of the warrant under which he acted — he answered, that it was a warrant of Distress, signed by J. Delisle, Clerk of the Peace & under seal, and was addressed to the Sheriff

Louis Malo — Defence Knows of no tariff on any warrant of distress — it is usual on such warrants to act under the Sheriffs directions. —

John Delisle. Clerk Peace — Knows of no rule in regard of the Costs of officers on warrants of distress — cannot say whether 2/6 would have been sufficient to the Bailiff on this occasion or not — The service of a Summons in town w. a return to it is 2/3. —

Verdict Not Guilty. —

The King vs Louis Duteau } On Indictment for assault with intent to commit a Rape —

Margaret Boulet, femme d'Alexis Cantin of the parish St Cyprien — In May 1828 — she went to her father's about a league from her husband's house — and was coming home she passed on the land of one Thomas Carlonguay, she observed Dept. sitting by the fence, qt. rather surprised her, but she still ~~persisted~~ continued her route, it was after Sun set she passed about a ~~perch~~ rod from him — after she had passed the Deprecdt. got hold of Ws. by the petticoat and got her down, she begged of him to let her go as she was near being brot. to bed, but he persisted

and

and did his endeavour to have carnal knowledge of her, and did not cease until he had had his will of her — the wit went home & told her husband what had happened — she next day also told her priest. who told her to let her husband know, and to let him do what he should see fit —

x —

Cannot tell what hour it was when she passed the Defendt — thinks he was sitting by the fence — cannot say whether he was drunk, but he smelt of rum never made any proposition to Defendt — to settle this complaint — She was brot. to bed in the usual time. It was impossible for any neighbour to hear her as the nearest was at 12 acres distance — The Child of qt. she was delivered is still alive — had no medical assistance — The Defendt — is a married man —

Joseph Hebert, saw the last Wn pass him in the evening of the first May last — she bid him good evening — she was going homewards — between 7 & 8 o'Clock — soon after he saw the Defendt — pass him who was following the same route about 15 a 20 minutes after. —

Rose Bluteau — de St Cyprien — She was in the service of the Defendt — and saw him at his house on the evening of the first of May last, he did not stir from his house that evening —

~~Paul Mermet~~

Paul Monet — de St Cyprien — says nothing. —

Defence

Defence

John L. Morris, Schoolmaster at St. Cyprien — Knows Defd for 10 years & before he was married — That he & his wife appear to live in harmony together — never knew him addicted to any vice — Was at his house on the 1st May last from 6½ to 8 o'clock in the evening — he was at the door of the house about ½ past seven when Madme Cantin passed — he spoke to her, & said the roads were bad & she would have a difficulty to get home she sd. she wd. get home in time — The Defendt — was then with the Wits. There is a high road from thence to the land of Madme Cantin — That the Defendt — remained about ½ an hour wt. wits. after Madme Cantin passed — the house of Defendt is about a league from that of Cantin — in the state of the roads & in the state of pregnancy in qt. Mad. Cantin was, she could not walk fast —

On the 27 May last, the husband of Mad. Cantin & Defendt were at Antoine Bellanger —

Never heard any thing agt the character of Madme Castel —

X°—

Wits left Duteau at his house & went home & was told by his wife that Madme Cantin had been there a few minutes before & was gone home —

~~Antoine Belanger~~

Marie Gregoire, fem. d'ant. Belanger — That on 27 May last the husband of first Wits & Defdt met at her house, when Cantin proposed to make an arrangement w. defendt — in regard of the present complaint —

That

That Defendt. sd he was not guilty & refused to make any arrangement as he was not guilty —

That Dutean is a man of good character —

Wm. W. Fisher — is a bailiff, he arrested Defendt. on this complaint — Recd. a warnt. in the evening from Cantin & next morns went to find Defdt. was told he was not at home — but wd. return in the evening — the next morns the Defendt. came to Wr. expressing his surprise at the accusation — advised him to go & find Castin — he went off to do so — he might have escaped had he chose — Wr. went to house of Castin, & asked her what she had charged him wt. she sd he knew as well as she did — he denied it positively — Wr. asked if she might not be mistaken, that she did not believe she did, but that it was possible — she then said she would go & see the priest. & came along wt. them to the village to see the Priest — ~~There was a pro~~ The Wr. asked if he was disposed to give anything or make any arrangement with Castin, he refused to make any arrangement —

That Madt. Castin made a proposition for an arrangement to Defendt. and her husband when he gave Wr. the warrant said the same thing —

" Pre. Hebert — on evens of the 1st May he saw Defdt. at his house between 7 & 8 o'Clock, & he was an hour in the house — Defendt. did not appear to have drank — is a quiet man — & lives in harmony wt. his wife —

Did not see Morris there —

Rose Dutean — was on 1st May at house of Defdt. she lived there about ½ past 8 Defdt. went out for an instant, but returned

returned almost immediately and passed the whole evening there afterwards —

Verdict. Not Guilty. —

—

The King
vs
Janvier Payfer
&
Franc. Xavr. Payfer

On Indictment for Burglary —

Robert Watson, mercht in Montreal, lives in St Jos. Street near Place d'armes, on night 24 July last a quantity of goods was stolen from his shop in going into the yard saw the Gate open qt had been shut the night before — found the window of his store open, through which he supposed the thieves had entered — the different articles stated in the Indictment were sotten, which belonged to him, & which were of the value there stated, and which were in his shop the evening before — The house in which he keeps his shop belongs to him —

On the 30 July he found a great part of his goods at the police office. —

Antoine Lafresniere, a constable, on the 30 July last he was charged with a search warrant agt Pns when he found a trunk with goods in the bedroom of Pns house, which were afterwards claimed by Mr Watson — Madme Payfer gave him the keys of the trunk — there were besides 6 pieces of linen found in the garret qt Mr Watson also claimed — The Pns

were

were not present when the search was made — these effects were delivered to Marteau at the Police office That the house where he found these effects belongs to Janvier Payfer, & the other Defdr. lives with him

X —

He went into the house before Malo — & had search in the bed of Pr. for the stolen articles of Mad. Rollin but found nothing — There is a window in the garret room of the house where he searched. —

Janvier Payfer is a bailiff, & has frequent occasion to be absent on his duty —

Louis Malo. constable — assisted in making a search at the house of Prs on 30 July last — in the search they found a quantity of goods claimed by Watson — Wr found 3 pieces of linen in the Garret, 2 qt had been wetted & 1 in a tub wr water — and under a palliasse he found 5 or 6 pieces more — the effects qt were in the trunk were found by Lafresnière — all these effects were carried to the Police office and left there — That about the end of the search Janvier Payfer came in — The Pr. Frans Xavr. Payfer lived at that time with his father. —

Louise Payfer, daughter of Janvier Payfer — lived wr her father in July last in same house — has no knowledge that any goods came into the house — has seen the trunk now shewn in her father's bed room — has seen goods in it — about the end of July — her mother was then in the room — her mother was in the habit of keeping the key of this trunk. — That Frans Xavr Payfer

slept

slept at the house — Has seen a piece of Linen hung up on a line in the Garret — this she had seen in the hands of her mother before, who received it from Fran^s Xav^r. the P^r

x^o

The trunk belongs to her mother & was used by her & her younger brother Tancred Payfer — She had seen goods in that Trunk before the month of July last — Her father is often absent on his duty as bailiff — That some days before the Search a bailiff Montanari made a seizure at the house her father was then absent — The Pr Fran^s Xavier used no kind of Commerce — her brother Tancrede did —

Hypolite St George Dupré. Clk in Police Office — Rec^d the goods from Lafresnière & Malo & delivered them over to Louis Martean to keep. —

Louis Martean — is keeper of Stolen effects deposited at the Police Office — rec^d the effects now produced from the hands of Lafresnière & Malo & they have been in his poss^n ever since —

Robert Watson — called up again to identify the goods he found at the Police Office — identifies the greater part of them by his own marks on them to the amount of £32. 7. —

x^o

All the marks are in his own handwriting & he had all these goods in his store —

Samuel Harvey in 68th Regt — was on the Main guard at the Commissariat House in the night of the 24 July last — went on guard at 12 o'Clock & came off at 2 o'Clock — while there two men passed & one of them asked what o'Clock it was — they were going in the direction of Mr Watson's house — one of them was a little taller than the other — The Pr Fr Xavr is about the size of one of the men who passed him — saw the other Pr who was tried here two days ago — who was about the size of the smaller of the two men who passed him They appeared as coming from the Champs de Mars towards Mr Watsons house —

×

It was a very dark night — he was in the rear of the Office — then persons were in the middle of the Street — when he was shewn the Pr Janvier Payfer in prison he sd he was not one of the men he saw pass him —

Closed —

Defence —

Austin Cuvillier Ko one of Prs by sight — Knows Tancrede Payfer — he has carried on business for 2 a 3 years & has purchased articles at his sales & has had goods sold there That some time ago he purchased a fond de magazin on 31 March last —

×

It was trifles at sales of Wrk — he bought — all his transactions did not exceed £10 — it was of one Bureau Tancrede purchased the fond de magazin, — That the goods which came to his hands as this fond de magazin have been seized by the Creditors of Bureau as his property Their effects come directly from Bureau's to Office of Wrs —

These

There were cotton goods, shawls & different other kinds of goods —

Jn Bte — Cuvillon, Ks Tancrede Payfer who lived at his fathers he carried on trade & has seen goods there in his possn has seen a trunk like that now shewn wn Tancrede last year & he wanted to sell him goods. —

Saw T. Payfer once at Terrebonne with goods and last year at his father's house twice — once last fall — he saw Indienne & Surtout Coats — & this Spring — since first May — he saw them in the trunk, but cannot say what kind they were — The trunk was in a bed room where he believes Tancrede slept —

Michel Provancher — Ks Pr & Tancrede Payfer — knows that since 2 — 3 years he trades — Wr used to lodge at Janvier Payfer's — has seen a trunk such as that shewn in 1826 & 1827 wl goods in it cpt — were shewn him by Tancrede — Ks. Janvier for 8 years — who enjoys a good character — has seen the other Pr who lived at his fathers & gives him a good character —

Tancrede offered to sell him hkfs, muslin, & other goods in a bed room at his father's house this was in 1827. in March & in 1828 —

Naseres Ritchotte, is mercht Clerk — In July last the Pr Frs Exavr bot some cotton shirting from Wr —

Pr

Pr Bertheaume Says nothing —

Paul Montanari - bailiff - Ks Pr knows that Janvier has often occasion to be absent in the Country on his duty as a bailiff - sometimes for 3 a 4 days at a time & more — about 2 months ago he had an exton agt him - he seized on 25 July last - 3 a 4 days before this & on this day the Pr was absent - Wts seized several articles in the house mostly household goods - That on the 26 July ws - advertised a sale for the Pr Janvier; as he was not then arrived - he saw him on the afternoon of Monday the 27 a tuesday morn'd the 28 - he saw him, & he told Ws he had arrived too late to make the sale of Brien's property - never heard any thing agt the Pr -

The house of the Pr is a house of one story - & if it were open goods might be thrown in at it -

Louis Polite Lafontaine - On 20 July last he gave Janvier an order of saisie - Arrest in the hands of a man at St Thiers - he returned sd the man was not there the Ws changed the writs & gave returned it to him whos'd he would go off on the Thursday 24 - friday 25 July to execute it - had occasion to go to his house on Saturday 26 & was told he was not returned - on the Monday morning 28 - he was not returned & he met him on the evening of that day - Ks Janvier as a good officer & an honest man -

Jos: Bourdon - Ks Payfer's house, gt is low & of one story - there is a window in the gable opening into the Yard - it would be easy to throw anything in at that window by means of the gallery of the adjoining house -

Payfer is seldom at home - an honest man seldom concerns himself about his domestic matters -

Franc. Rochon — Ks. that Montanari had an Exon. gt Payfer pen — went there as Record on 25 July; Payfer was absent, had gone away the day before & saw made Payfer — made the seizure —

Jos: Turgeon — Ks. Janv. Payfer for at least 8 or 10 years he always enjoyed a good character in different situations in life —

Knows Xavier, but he was young when he lived near Wick — never heard anything agt him

Denis Viger — Ks. Janvier for 10 or 12 years he always had an irreprochable character — & an honest man he failed in business — still appeared honest —

Jos: Bourré — Ks Janvier Payfer for 5 years — & employed him as a bailiff, & he always rendered an exact account of everything committed to his charge — he was often employed to go to the Country & remained absent at times four or five days —

Benjn. Rollin — Ks Prs. particularly Janvier — employed him frequently, always found him trust worthy & honest —

Alexis Berthelot. Ks Payfer pen for 35 years — was 15 years in his service & was also in partnership wt him for 2 years — always found him an honest man — & considers him so still — the other Prs always conducted himself well — he was 6 months in his service —

Paul Jos. Gill — Ks Prs for several years. always —

considered

considered them as honest men — has employed Jamieu in several matters, & to carry money for him into town, which he faithfully executed —

Guill^e Jacques Vallé — Ks Fr Xav. Payfer he studies medicine about 2½ years wt Wits — has found him faithful & attentive. —

—

Robert Watson called up by Attys Genl — the linen he has been speaking of he means as ~~Cotto~~ linen & not Cotton shirting —

Louis Malo — spoke of linen, & not cotton shirting he found in the garret of Prs found a small remnant of Cotton shirting —

Verdict Not Guilty agt both Prs

—

The King
Mill^r Rowan } on Indictment for assault with intent to commit a Rape. —

Genevieve Gagnon, femme de Brousseau — ks Pr who is her neighbour. he came into her house in June last early in the morns & asked for her husband, she Sd he was gone away, the Pr took a chair & sat down by the fire, Sd that he had no wife that day & he wanted one, the Wits told him there was no wife there for him — he said there was one and he would take her — he then laid hold of Ws & threw her down she got up in spite of him crying out, & endeavouring to get to the door, the Pr — shut the door — & then laid hold of her again, in

order

in order to threw her — she told one of her children to open the door, eg^t he did — he shut it again — the P^r. then pursued her in the house the Wit^s. ~~told~~ him he should be ashamed — he s^d. he had put shame under his feet — & that he should be punished for his conduct — the Wit^s. cried out so much that ~~the~~ P^r. was alarmed — & left her — the Wit^s was for 15 days ill afterwards by the fright & conduct of the P^r. The P^r. may have remained in the house about 3/4 of an hour or an hour — The Wit^s. told her husband on his coming home about 11 O'Clock, and next day she made her complaint before the Magistrate & the P^r. was arrested — The P^r. used to come into the house when he wanted any thing — the P^r. has a wife & family, but does not live w^t. her, he only goes there to his meals — The P^r. is married to the sister of her late husband, as she was — married to an Irishman —

Fr. Xavier Brousseau, husband of last Wit^s. In June last, he was absent from home to make fences & when he came home about 10 O'Clock he met his wife who complained to him that her neighbour the P^r. had attempted to ravish her — He requested the brother in law to ask of P^r. why he had conducted himself in that manner, but P^r. said nothing — That next day he caused the P^r. to be arrested on the complaint of his wife —

Defence —

Genevieve Gagnon. It was on a Thursday this happened

The

the Pr ~~had no~~ did not ask for a bag when he first came to the house — he came a second time for his bag — That when before the Magistrate, the Pr offered her & her husband to drink wt him gt she did at the request

John Wm Hogg, has known Pr for four years & he always bore the character of an honest upright man — he has a large family — 6 or 7 children — he was much esteemed by his neighbours — & he would not have suspected him for an offence of this kind —

Has seen Madame Broussean, when he was at Rawdon —

Verdict. Guilty of simple assault

Monday 7th Sept. 1829. —

Prest

Ch. Just. Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Uniacke. — "

The King. —
vs
Joseph Tancrede Payfer. } On Indictment for stealing privately in a Shop —

John Leverett Henshaw, merchd in Montreal — in Jany last the Pr was in his service, about a month — the Wr dispossed him on suspicion of dishonesty — after he was gone he missed sundry articles out of his Shop gt he afterwards found at the Police Office — mentions the several articles in the Indictment & of Value —

It was not at Pr request he was discharged —

Louis Malo — Constable — he was employed on 30 July last by Ant. Lafresniere to assist in making a search at house of Pr — he found the articles now produced in the house of Pr — in different parts of it — the locks in a small box — the razors in a Cupboard the fishing lines — one on the table & another in bar — Ws is the Propr of the house where lives — rented it to him about end of May last — Pr ad he had purchased these articles of a pedlar — the Pr — begged of Ws ~~not to take~~ as he would find other goods, but that he should ~~to~~ take only what belonged to Mlle Rolland, as it was the only complaint then against him — Carried these effects to the Police office, to St George —

That Lafresniere was first who entered the house of Pr — The Ws & Pr were both in the house of Janvier Payfer that Pr told him he would find other effects & to take only what belonged to Mlle Rolland — & they had then found property belonging to Mr Watson beside what belonged to Miss Rolland. —

Antoine Lafresniere — Constable — was charged wr a search warrt on 30 July last ag Janvier Payfer for goods stolen from Mlle Rolland — That Ws found in the bed room ~~of~~ Janr Payfer, several articles now produced wrapped up in a red hkf — While in the house, the Pr begged Ws to leave the effects now claimed by Mr Henshaw and also the effects claimed by one Watson gt were found there & to take only what belonged to Mlle Roland — The Wts carried the effects he so found to the Police office. —

Hyp. St George Dupré, Clerk in Police office, on ~~30 July~~ 5 Augt last he and the goods now produced from Lafresniere & Malo, the 2 Wts he gave them goods to Marbaux

Louis

Louis Martiau Constable & Keeper of effects at Police office
About a month ago the different effects now produced
were delivered to him by St George –

John Leverett Henshaw called up again, says – saw the
effects now produced at Police office and knows some
of them from their marks –

7. 6 The awl blades have his mark upon them – d'alemes
worth 7/6 –

3 papers ink powder – marked. value 2/ –

There are none of the other articles qt. bear his mark
but has every reason to believe them to be his property
particularly the brushes – the razors – qt. has the
name of the maker on them from qt. he imported them

2 doz. knives – had similar articles in his shop – stolen
a pair snuffers & stand –

The Needles – the stamp not usual – are of a particular time

Fishing lines – the marks he made on the corners, have been
effaced –

Spoons – did not miss them till he found them at Police office

Violin Strings – he missed them –

Powder Cannisters – he missed them also –

Tin Cannister – qt. was empty –

xd

The articles he missed before going to Police office, were the
Powder Cannisters – Knives – Violin Strings – some of the
razor cases after he had been at Police office –
The awls & Ink powder were marked by his Clerk, but
is the private mark of the wits. –

Richd Evans, was a Clerk to last Wts in Jany last & before
while Pr was there – Wts. used to mark the goods with
Mr Henshaw's private mark – knows the private
mark

mark of Mr Henshaw on the paper of awl blades and ink powder — thinks he put this mark on the Ink powders, but will not be positive as to the awl-blades — Mr H. had articles in his shop such as those now shewn him —

Thinks that on one of the Ink powders his writing is on it, will not be positive — that such articles as those now shewn may be found in many hard ware stores in Montreal —

Donald Cameron, Clerk to Mr Henshaw — sees Mr H.'s mark on the Ink powders & papers of awls — does not know who put on those marks, but are the private marks of Mr Henshaw

Eman^l Xav^r Daubreville — was present at the search made at P^rs in July last by Lafresniere & Malo — W^s went with Malo — That on W^s observing that Mr Henshaw missed sundry articles, Malo on searching found the articles now produced —

Defence

Richd Evans called up again — never sold any of the articles mentioned in the Indict. to P^r — That the brother of P^r asked of W^s for an Oil-stone — but has no knowledge he ever sold him any such —

Austin Cuvillier Merch^t Montreal — K^s P^r has been in the habit of trading for some time past has purchased some articles at Sales of W^s in small quantities —

That

That it is usual to sell such articles as those produced at sales — and pedlars also sell such about town —

Joseph Ledeu — That about 2 years ago he caused a public sale to be made of a quantity of small articles left by a workman in his house, consisting of locks, things of brass & a variety of iron things suited for the business of an Joiner — iron work of Commodes & trunks — the amount purchased by Pr — about 5 or 6 dollars the whole sale amount to about £3. 10 —

Jn Bte. Labelle — Ks. that the Pr purchased a box of powder & Ws. bot another — from a person who was a pedlar about June last —

Ws is student in Medicine — had not seen the person from whom he purchased before — cannot say the box was exactly the same as that here shewn —

Victoire Benoit — Ks that Pr had knives a ressort for sale & sold some to her son about two years in March last — Pr also sold different other articles to her son who is a pedlar —

Duguid Stewart — keeps store in town — has a great variety of hardware in his shop — has known Pr for two or 3 years — he has been trading in small articles during that period — & has purchased sundry articles from wts. to sell again — cannot say what kind of goods he so sold to Pr —

Pr used to buy for 2 or 3 dollars at a time — never sold articles w marks now produced

Paul Montanari — Ks. that Pr. bot. sundry articles at the sale made by Mr Ledue —

Chas Seraphin Rodier, whole sale merchl in town when he sells his goods they carry his private marks on them — & when found on the hands of the purchasers or others he would not conclude from thence that they were stolen —

But if he found such marks of goods which he had lost in the hands of a Clerk he had dismissed from his service, he would certainly have suspicions agt him —

Verdict. Guilty of Petty Larceny to amount of 5/. —

The King
Frans Xavr Payfer
& Jos: Tancrede Payfer } On Indictment for digging up and carrying away the dead body of one Therese Desjardins. —

The Defendrs withdrew their plea of Not Guilty to the Indictment and severally pleaded. Guilty —

The King
Frans. Xavr Payfer
& Jos: Tancrede Payfer } On Indictment for digging up and carrying away the dead body of one Toussaint Sarazin —

The Defendrs withdrew their plea of Not Guilty to this Indictment, and severally pleaded Guilty —

The

The King
Franᵒˢ Xavʳ Payfer
& Jos: Tancrede Payfer } On Indictment for digging up and carrying away the dead body of one Marie Françoise Leonard

The Defendants withdrew their plea of Not Guilty to this Indictment, & pleaded severally. Guilty

The King
Brazeau } On Defendant's plea of abatement to the Indictment found ag Defendᵗ for a misdemeanor — on the principle that the Indictment had been ignored by the Grand Jury, and laid before the same grand Jury a second time and found a true Bill —

Mr Cherrier for Defendᵗ — it is consistent with the principles of regular proceeding, that a bill once rejected cannot be presented a second time to the same Jury cites 1. Chitty. 325. a new bill may be presented but not the same bill — Chitty refers to Blackstone Archbold. Cr. Pleads 36 —

The Attᵒ Genᵗ — demurred to plea & argued, the business of a Grand Jury being merely to give their sanction to the reasonableness of the accusation, their opinions may vary according to the evidence laid before them and upon better evidence they may change their opinion Besides public convenience requires that Gr. Jury should have this right — The Gr. Jury is a fluctuating body & with their numbers their opinions may alter — cites Chitty as above — The Practice is so in the Courts in this Country —

Mr

Mr Chevrier for Defr The same Gr Jury ought not to be called upon for a second opinion on the same Complaint—

The King
Edward Johnston } On Indictment for stealing a mare.—

Thomas Sadler, lives in the Seigniory of Annefield, in January last he had a mare which he values at ten pounds — she was taken away in the night, was missed in the morning — he went in search of her & was informed that she had been exchanged at the 4 Corners for a horse, he went there & found his mare in the hands of one Lansing Carpenter, who told him he had exchanged this mare for a horse with Dr — That Carpenter at first refused to give up the mare but told him he was taking measures to obtain her another man who was also in quest of the mare brot back the horse to Carpenter and obtained the mare —

James Sadler lives at Chateauguai — He that the Sadler lost a mare in January last — was told by a man, that he had seen the mare with the hands of the Dr going towards the States — We went in pursuit of Dr and with one Smith & one Bernier they found Dr & arrested him — The

Dr

Pr. said he had taken the mare, and that he had exchanged the Mare for a horse with one Carpenter at Point Fortune, and knows that Mr Sadler got back his mare from Sadler —

William Smith, lives at Chateauguay, knows that Mr Sadler lost his mare in January last — James Sadler came to Co. to get his assistance to search for mare they got a Warrant ag.t Pr. and arrested him, when Pr. told them that he had exchanged the Mare for a horse ~~for~~ with one Carpenter for a horse — they got the horse and caused her to Carpenter who delivered up the mare to Bernier who brought her back to Sadler —

Verdict. Guilty. — recommended by Jury

The King
v.
Ant.e Aussan

The Court granted the Attorney Genl.s motion for the striking of a Special Jury. —

Tuesday 8th Sept. 1829

Prest.

Ch. Just. Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Umacke

The King
Franc. Martin } On Indictment for Petty Larceny —

Joseph Malette, that on 27 feby 1827, a tanned horse hide, 3 pairs of beef shoes & at least three gallons were taken from his house, Wm. was about removing from St Benoit, to St Timothé, and these things were taken from a Sled, yt was at the time at the door of the Pr — That ~~some~~ at the time Wm did not perceive the loss & only the next day after they had arrived at St Timothé — Wm. found out only in 1828 that Wm found out who had taken these articles —

Xd —

Knew Pr. who was 2 years his neighbour & he always considered him an honest man — he has since employed the Pr about building a house, and has employed him confidentially about other matters & never found him deficient in any thing & notwithstanding the present accusation he would again employ him, as he still considers him as an honest man —

Augustin Quintal, Wm last work — Knows that in feby last

two

two years ago sundry articles belonging to Mallette on a Sled, and yt were conveyed to the house of Martin — That the Pr had his sled loaded with some of these effects, & Mallette told Pr he should take his sled with the others but Pr sd he would take the Sled to his own house — That the evening before the ~~articles were~~ Sled was at Pr house the Pr told Ws to take in the leather & put it back next morns as it might be stolen — yt Ws did and asked of Ws to get up early & re-load the sled, That next morns he did not find any of the leather that he saw Pr empting rum from a keg into a kettle, & Pr told him afterwards that he had put it into his own barrel — Pr took out a second kettle full & asked Ws to assist him. yt Ws refused, then the Pr told Ws to give a whistle in case he saw any one coming — yt Ws promised to do — Saw Pr draw out some Shrub — and some peppermint from the same Sled as yt the liquor was — told Ws to give some of the liquor to the persons in the house yt the Wit did —

The next morns before day the Pr called Ws to load the sled while he was harnassing his horse — while he was loading the Pr in putting the horse to the sled, told Ws to take out the horse hide, as Mr Mallette might think it were lost on the road — yt Wit refused saying that Mallet would suspect his having stolen it — The Pr gave him a parcel of shoes some of yt Ws made & told Wits to take them

up

up to the garret and to bring it to Pr. where he wanted it — the Wit. did so — That Wt. has seen the Pr. use part of the leather for his own use — That after the Pr. had returned from St. Timothy he s'd that Mallette had not perceived these articles were missing — That last fall after the affair of Aimé was declared at St. Benoit he begged of Wit. not to declare any thing against him touching these articles now in question —

x

It was about the end of Febry. or beginning of March three years, that these things happened and it was last year about Michaelmass he told the matter & about 8 or 10 days after this he made his declaration on oath — he had spoken to some persons of the thing before, but that he had been forbidden by Pr. to speak of it — That the Wit. felt some remorse of conscience for having concealed the matter so long — It is true that when he made this declaration ~~with~~ to Mallette — he was not on the same friendly footing wt. Pr. as formerly, but still was in the habit of going to his house — That Jacques Larivière & his wife were in the house in the evening — & thinks they may have drunk some of the liqueur, as Pr. told him to give the persons in the house some of the house — Never made any threat agt. Pr. qu'il s'en souviendroit, but was told by wife of Pr. not to declare agt. her husband the things he knew agt. him — Never said that he

Pr.

Pres: s'en souviendroit au peril de sa vie, — but that Pr. offered him 10 dollars, if he would not declare the truth ag^t him — which the Wit^s refused to accept. —

Joseph Mallette called up again says — it was three years last feby he lost the effects —

Depue

says, he left his own house about 9 o'Clock in the evening he left his own house, & Martin's Sled started at same time — That next morns. early they were at Quinchien — Saw Pr. all along the road — and next morns at 5 o'Clock the Pr. was with him at Quinchien — the Wr was in company with Pr. the whole night from the time they left his house till he arrived at Quinchien —

Knows last Wr cannot speak as his character but would place no confidence in him — if forced to believe him on oath — he would, but not otherwise has heard several persons speak of Quintal as a dishonest man — he considers him as a vindictive man — & would ~~rather~~ like better to see him at a distance than near him —

x^d

The articles q^t he has mentioned were in Pr. Sled and when Pr. went from Wr house he went to his Pr. house, where it stopt 2 or 3 hours — in order to be more ready to tackle his horse the same night That after Pr. sled was loaded — he returned and assisted to load the other Sleds at house of Wr

and

when they sett off. the Pr. was with Wr. & it was then about 9 o'clock in the evening and from that hour they continued route together — & sett off together —

He knows nothing amiss in the conduct of Quintal personally — But did not like his language, which was immoral — ~~Wr.~~ Quintin used to come to his house & had taken an iron of a Sled and reproached the Pr. for keeping such a man as he was in his house, and that he would have cause to regret it — That Quintin afterwards avowed having taken iron & agreed to pay for it — that Quintin also told Wr. that he had taken some other articles from Wr. but that it was the Pr. who told him to do so, & that Pr. was with him —

Jacques Larivière, of St Benoit — Knows that Quintal went out & fetched in a quart of Shrub. of which he offered them a share — he went out again and brot. about a pint of rum — he then went out and brot. in a bundle of leather — saying, he must pay himself — Mallet owes me something for a Sled he owes me & won't pay me — the Wr. told Quintal, he did wrong to pay himself & Mallet was able to pay him — That during this time he did not see Pr. who was assisting to load the other Sleds — & he saw him doing so —

x^d —

Isabelle

Isabelle Gauthier fem. du dér. témoin — was in the House of Martin the Pr. about 7 o'Clock in February three years ago — when Quintal went out & brot. in a quart of Shrub & gave each of them a glass — a short time after he went out again & brot. in a quart of Rum & gave them another glass — Quintal went out again & brot. in a bundle of leather — when her husband observed to him that he was not doing right — Qt. rd. that Mallet owed him & would not pay him, & he must pay himself —

That seeing the liquor come in so quickly they suspected that he did not come honestly by it

That during this time the Pr. was assisting to load the Sleds of Mallet —

That the character of Quintal is such as has been declared by Mallet — and she would not believe him on oath. — It appears he is a man of a vindictive disposition — he never did her any injury —

Luc Masson — son of Masson, merchl. at St Benoit — always heard that Augn. Quintal's general character is that of a dishonest man. — That Pr. passes sometimes for a rogue & sometimes for an honest man. —

Franc. Vezina, the general character of Quintal is not good in the parish of St Benoit — has heard that he is a vindictive character —

Ks Pr. for an honest man — From the general character he has heard of Quintal, he would hesitate to believe him on oath —

That Quintal had this character before the cutting down the mai & since —

Verdict. Not Guilty —

The King
vs
Franc. Bousquet
alias Jos: Lamarche

On Indictment for Horse stealing
The Pris. being arraigned,
pleaded Guilty.

The King.
vs
Brazeau.

The Defend's plea was over-ruled
by the Court —

Wednesday 9th Septr. 1829

Prest.
Ch. Justice Reid
Mr Justice Foucher
Mr Justice Pyke
Mr Justice Umacke

The King
vs
Leverett Demmeck

On Indictment for Burglary

Solomon Wallridge, lives in Stanbridge — In June last about 28th the outer doors were shut in the evening but observed a ladder to the window in one of the rooms & conceived that through this means a person had come on there, as the lower part of the window was open — That after getting in at the window the persons must have had 2 doors to open and unlatch before he got into the cellar — the house belongs to the Wits. — The same day we got a search warrant from a Magistrate, of one

Carter

Carter, and afterwards got a search warrant & searched the house of Pr but found nothing — That a gimlet was found in the Cellar, qt was found to belong to Pr qt had been dropt there — values the pork 6 ℔ pound & potatoes at 1/8 ℔ bushels — thinks that about 150 lb pounds of pork were taken and about 3 bushels of potatoes —

x

Had not seen the Pr in his house for two years before this affair — Thinks that the pork must have been taken at 3 different times — The last time that there was any taken, thinks it was about the 28th June — There was a door at the foot of the stairs coming from the Chamber at qt the thief must have entered — cannot swear that this door was latched the evening of the 28th — The Cellar door latched — and thinks he never found it open in the morning — By throwing the door, it latched itself — and if not latched it would open itself —

That a boy slept in the Chamber that night, aged about 14 or 15 years of age — It might be necessary for the person who took the property to be somewhat acquainted with the house —

Elizabeth Wallridge — In June last, she observed pork was missing from the Cellar, she also observed that some of the potatoes were gone — observed that a Candle had been lighted, and had been left in the box among the other candles. On the tuesday after she observed a gimlet upon the meat in the tub — gave the gimlet to her husband —
The Pr had not been in the habit of coming to the house for 2 years past — but was acquainted with it from having been there when it was building — & after it was built. —

x

Solomon Wallridge produces the gimlet he received from last that —

Ezra

Ezra Sawyer — Ks Pr knows he had a small gimlet at his house in March last — the gimlet now produced looks very like the one he saw in the Prs possn

x

Benjn C. Noyes, lives at Stanbridge — Ks. Pr thinks he has seen the gimlet now produced in the possn of Pr ~~when~~ the Pr said that the gimlet now produced was his —

x

The Pr does not bear an honest character — Ws has always been on friendly terms with him — has had some words with Pr at times —

Cannot positively say that the gimlet is the same he saw with Pr but believes it

Defence

Catherine Bawkiss. Ks Pr She has lived at Mr Walbridges heard that pork & potatoes were stolen from his house — Was wt Mrs W. when gimlet was found saw a tinge of the Iron on the pork —

That different houses were searched for the stolen pork — at Cater's & Dickie's houses —

Jacob Bomhauer, Ks Pr has always dealt honestly w. Wr and has heard of others he was such — Ws is a farmer — Search was made at house of Ws for the stolen pork — was told the search was made at house of Carter & others — but neither pork nor potatoes were found any where belonging to Walbridge — Ws ~~has bot~~ went to buy pork at Walbridges — but bot none — Walbridge said his pork was short & he would spare none Has heard Mrs Noyes say he would be a spur in the side of Pr as long as he lived at Stanbridge —

Edmund

Edmund Carter — Farmer in Stanbridge. Ks Pr who is considered a steady respectable character, & he has always considered him as such —

There was a search at house of Wr for the stolen pork — was in the Cellar of Mr Walbridge in end of May last — saw but a few potatoes in it at that time — was in house of Waldridge last fall — saw a gimlet similar to that now shewn in the chamber floor — knows that W. supplies his brother in law with potatoes —

Aaron Stobicker — farmer in Stanbridge — Ks. Pr for some years, has always found him an honest man — heard Walbridge say, that he had found pork at Prs but that it was not his —

That Waldridge said that his wife had hard work to make him believe that pork was gone — & that this was after he had been at the tub to examine the tub —

Verdict. Not. Guilty

The King
v
Joseph Belrose } On Indictment for Burglary —

Michel Brunet, Curate of St Martin, & was so in Sept. 1824 he lives in the presbytery gt belongs to the Fabrique, on the night of the 22 Sept 1824 between the hours of 2 & 4 in the morning — on a Wednesday — the evening before he had shut the outer kitchen door, after 1/2 past ten at night — all the other openings of the house were cloud — In the night he heard two persons come into his room gt awoke him

him, saw two men come into his room – asked them if they came for him to see any sick persons – he rec'd no answer ~~person~~ did not know them – They came up to his bed – the larger one presented to him told him to remain quiet or he would shoot him – saw the other man opening & forcing the drawers taking away what he chose – going round towards the bed – both appeared disguised – The boy happened to move, when the man again presented his pistol to him – W saw money taken out of his drawers – The other went to the place where was an iron door when the coffre fort of the Fabrique was – they compelled W. to give the key of this coffre was – he pointed to where the key was – heard the coffre fort brot. into the room, the curtains of his bed here were closed – but he heard the money emptied out on the floor. & the locks of the coffre fort being broken – they then went away – some time after they came back and tied W. with cords – the feet & his hands behind his back – he attempted to rise from the bed, but the little one pulled him down & tied his feet – they advised the W not to go out or they would leave some one to watch & if they would leave him a dollar – about ½ an hour after the servant girl came in and untied him – all the men were gone by 4 O'Clock –

In the Coffre fort, there were £165 in Sp. dollars £140 – in Fr. Crowns £110 – in american & French ½ dollars £48. in ¼ dollars & smaller money – The money belonging to Christ – £75 – in Sp. dollars – £20 – in gold – american Eagles guineas & portugaises

£30

£30 — in french Crowns & different other kinds of money — a gold watch worth £15. a silver watch £8 — a spy glass £1.5 — 2 a 3 bags in qt the money was, a silk purse 2/ — two pistols £1.10 — 18 a 20 silk hkfs — of diffl Colours — all qts belonged to Wr & were stolen & carried away — The Wr occupies this house as Curé of the parish —

He saw three persons, & heard a fourth called

Marie Magdeleine Leblanc, in Sept 1824 she lived with Mr Curé brunet as Housekeeper — there was burglary committed there — in night of 22d — she awoke and saw a man with a stick in his hand who cried hold your tongue — he then asked where is your money she sd she had none — he took 2 dolls from a Cupboard she sd she had got it to give to Dr — but he took notice he then sd that was not all her money — she sd she had no more — he then went to a trunk & sd the money was there — he took out a bottle wl some liquor, of qt he drank — the wit — then asked for petticoat, when the person came to her & sd the Capn was there & was a wicked man — the Wr bemoaned herself — the man sd they owed 1500 & would in 2 a 4 years return this money as he was of the ~~money~~ same religion as the Curé — they then sd they must tie her, as it was the orders of the Capn — he then retired bidding her good night — There were several persons in the house, she saw two of them — The Wit — succeeded in untying herself — went into the Curé room & found him tied — the Iron Chest on the floor & empty — these persons went out by the Kitchen door —

Frans Clement, was in service of Mr Brunet in Sept 1824 there was a robbery committed in the house on 22d —

The men came in after two — the girl awaked him who slept in the adjoining room by knocks on the partition — Wr. got up found his door fastened — when he thought it was robbers, and went to bed again — He then saw 2 a 3 men came into his room, asked if he spoke English he sd he did not — they went out again, barred the door to prevent his getting out — he heard the woman cry out to Wr to get out by the window he opened it, but recollected there might be some of these men out side & he went to bed again and pushed to the window — afterwards two of these men came in & he heard a third out side at the window — they came several times to his room & asked him for money — he sd he had none — heard them walking about the other rooms — He heard the gingling of money in the room of the Café — they spoke together & sd. what shall we do with him some of them sd. let us nail him up — they then came in, one wr. a Candle & a stick — accused Wr of a design to get out — one of them took his feet & tied them & the other threw a pillow over his face & they then tied him, & told him the habitants would untie him next morning — the man who had the Candle & stick he saw him a little, he remarked the features of his face — & had whiskers ~~on~~ had a round face & his nose turned up the Pr. is very like him, & believes he is the man — after they went away, he untied himself and went and untied Pr Filiatreau — saw the Iron Chest was lying open in the floor — These men went out by the Kitchen door — They took 2 silk hkps belonging to him — worth 6/8 —

x

Wit was a little alarmed - but saw clearly what passed was alarmed the most when they talked of nailing him up -

These men had hkfs over their faces, except the one who had the Candle and the stick who had no hkf on his face, but it was blackened - Ks. persons who have the nose turned up - Has seen a man Tobias Burke at the Bar - did not remark his features -

That to the best of his kn. the P^r is the person who held the Candle & the stick at the head of his bed - and he believes him to be the same. -

Never knew the P^r before this - it is not always easy to know a man again by having seen him but once -

Paul Filiatreau - lives at St Rose - was at Mr Brunets the night of the robbery - about 3/4 hour after two in the morns. he was awakened by the noise of persons in the Hall where he slept - he observed 5 men - two of them had candles - asked what they wanted - one of them told him keep your bed & be quiet or we will blow your brains out & presented a pistol to him they then covered his face - soon after two of them came & tied his legs & arms - the Hall joins the Curé's bed room - heard the Curé speak - asked them who they were & what they wanted - heard the noise of money in the room - after the robbery they tied his hands behind his back & told him the habitants would come next morning & untie him - they then went off by the Kitchen door -

Pierre Lachaine, hab^t of St Rose - recollects the robbery at Mr Brunets in Sept 1824 - as he was coming to Montreal the evening before the robbery, he stopped at Verter and

saw

saw 7 or 8 men passing towards St. Martin, and there was a Cart following them

Jn Bte. Lemai St Rose — Recollects the robbery at St Martin — the morning after the robbery at 3 or 4 o'Clock in the morning he saw 6 or 7 persons coming from the Curé's house — he lives about 15 acres on this side the Curé's and they were coming towards the town in good speed there were two a little before the others, one had a bundle over his shoulders & the other a bag under his arm. —

Jn Bte — Dumouchel — lives in Recollects Sub. saw the Pr. once upwards of three years ago, some days before the Robbery at St Martin — The Pr. was then with Chas Lawzon and one Benjn Augé, there were others but he did not hear them named — he did not then see very well it appeared to him there were 3 or 4 of them — + he saw them in the Grove of Mr Fontier in the afternoon of that day — That ~~the Pr.~~ Lawzon afterwards came to the house where Mr was and said he was going to a place with his friend Belrose to get some money — Did not know the Pr. before —

+ heard the name of Pr. mentioned but did not see him to know him.

Has not since seen nor heard the Pr. speak — he heard the persons speaking of Belrose, as being one of the persons — ~~by~~ hearing them name Belrose, he saw the man, who was called Belrose, but he would not have known him, if the others had not named him

John Geo. Dagen — Peace officer — was not so in Septr. 1824 — but was employed as such at the time of robbery at St Martin — Had seen the Pr. once or twice before then at

the

the Police office — Wr. went wt. Prenavant & Lafresnier to house of Pr. to desire him to come before the Police Magistrate — he dressed himself —, after having delivered the Pr. to these men — he went back to the Pns. room wt. one of them & asked the key of trunk of a woman she refused at first, but at last gave it, they opened it & found a red box — this was in a bed room — the Pr. had his trowsers & shirt on when he went in — in the red box there was silver in it — it was counted but does not remember the amount of it. —

Thinks that in coming to Police office the Pr. & there was no occasion for so many persons coming after him, as he would go as required. —

Says that some cord was found in the Cupboard of the room or in a trunk, cannot tell length of it — Cupboard had no door to it & which was broke to police office —

Antle Lafresnier — is a Peace offer — in 1824 Septr. after the Burglary at St Martin he went wt. Prenavant to search for money at lodgings of Pr. & to arrest him — they found a red box wt. money; Crowns, Dollars, Hf Crowns & diffr. kinds of money to amount of about 300 dollars — Knew Pr. before that time — ~~has heard~~ before that time did not see the Pr. in Gaol — but he never knew that he had the means of gaining or having in his possn. so much money, he always passed for a man without means —

he met wt. no resistance from the Pr. the Pr. was allowed to go home quietly & desired to return to the Police off next day and thinks he did return of his own accord —

Adolphus Delisle — head Constable — Knew Pr. before robbery at St Martin, always considered him to be a poor man considered him to be a day labourer, but never saw him labor — Saw the money gt. had been found in the house of Pr. to amount of £60 — & upwards after the robbery —

it consisted of all kinds of Silver Coin —

Wr was the person who first arrested the Pr and that he was let go and directed to come back to the Police office which he did of his own accord — this was before the money was found —

Mr Brunet called up again — says, there were French & Spanish dollars, French & Sp. Sp Crown & Sp dollars gt dollars & shillings — he brot ~~part of~~ the cords ~~he~~ wt which he was tied he brot to the Police office, & they were compared with the cord found at the Prs lodgings wt the box containing the money & found to correspond —

John Geo: Degen — saw some cords gt Mr Brunet brot to the Police office, the cord gt Wr found at house of the Pr was brot also by him to the Police office —

Edwd Holland Gaole — on the 29 Sept 1824 the Pr was committed to Gaol — on 4th Oct 1825 he broke Gaol — escaped through the Canal — he was brot back 3d Sept 1828.

There were 4 or 5 more who escaped at same time — The Pr has conducted himself peaceably & quietly since he came back. —

Defence —

Esther Champagne — lives in town at house of Mr St George Clerk of Police office — Ks Pr for a length of time, and Ks him for an honest man — he carried on a small business in buying & selling some years ago & kept a boarding house — he also worked on the rafts — while his wife managed the house — he gained his livelihood sufficiently in this way — She has worked for the Pr & he paid her — Saw the Pr a few days before the robbery at St Martin — that several persons & the people of the rafts who appeared to have money

came

came to the house of the Pr. The Pr. is a good Card player — & gained money thereby — that Pr. wife is also an industrious woman & gained money — & kept her house in good order —

She is the half sister of the Pr. whenever she was out of employment she used to go to the house of the Pr. her mother took a room there — There were americans who boarded at the house of Pr. That there were also Canadians — Verdon & Desjardins — she might have seen Lawzon once there

Joseph Giroux — Ks Pr. has seen him employed by the americans to sell pork & butter & beef for them — or he might have bot. from them — he kept a boarding house — he worked on the rafts — he might gain what others did at rate from 8 to 12 dolls ⅌ month — never saw him incur expences beyond his means — The Pr. liked to play at Cards and was fortunate ~~at~~ play. — Ks Pr. & his whole family —

The Ws was sent ~~for~~ to the rafts for two bags — one belonged to Pr. and one to one Vredon — went to St Martin for these bags it was a year before the Robbery — Has played at Cards wt Pr.

Joseph Laurent — ~~day labourer~~ — workman — Ks that Pr. plaid at Cards & that he gained money in that way — has seen him play wt persons who could lose 40 a 50 dollars —

John H. Johnson — the Pr. rented one of his father's houses — the house was kept very clean — he pd. regularly except the last quarter —

It was rented for 3 a 4 dollars ⅌ month —

Louise Champagne — Ks Pr. from his infancy, & knows him for an honest man — is very enterprising & industrious — he carried on a small trade & sold articles — kept a boarding house — & that many people frequented it — particularly raft people, who are often lavish

of this money — He that Pr was fortunate at Cards
& won a good deal of money — & played wt persons who
could spend a good deal of money —
That from the 10th Sept 1824 until he was apprehended
he was lame and never left town — She saw the Pr
every day about that time —

×

She is half sister of the Pr does not recollect at
what time the Pr kept boarding house — She has
seen Virdon there once or twice — knows that same
Virdon who was in Court for this Robbery —
In Sept 1824. she lived in Revd. Mrs L the Pr in
the St Lawrence Suburbs — still she was in the habit
of seeing him every day —

Antoine Champagne — he Pr He he carried on a trade with
the americans in butter & pork — he kept a boarding
house — & a number of persons boarded there — travelling
Irish people — who had money to spend — He that
the Pr gained much money at Cards — Has seen
a good deal of Money wt him before the time of the Robbery — at this
time the Pr was lame and could not walk much,
and that he did not leave the town from the 10th of
Sept till he was arrested, & was in company with
the several others, & remained at his house —
The Wr slept in same room Wt Pr & even if he had
not been lame he could not have left the house, without Wr knowledge
as he was sick himself & remained in the house
for about 3 weeks at that time.

×

Is half brother of Pr There was one Lightfoot & Davis
among the boarders at Pr & was lame in Sept. four
years ago — he was 8 or 9 days lame in consequence of a
Rheumatism he had in one of his legs — it was about the

end

end of the month — about the 21 or 22 he began to get better — when he began to get better he lived in the St L. sub. & Wr. lived wt him & was sick there — cannot tell who were the neighbours, or who was the owner of the house — does not know the street, but in a cross street —

On Part of Crown

John H. Johnson — at time Pr was apprehended on this charge the Pr lived in the St Ant. Suburbs in house of Wr father & had been there 3 or 4 months before —

Thinks it was on acct — of the business of St Martin and that it was about 6 years ago — but a short time after the Pr was arrested he heard of the robbery at St Martin, & never heard of any other affair at St Martin in qt Pr was concerned but the Robbery of Cuvé.

Henry Blache — heard of the robbery at St Martin — it was ten days after an attempt at a robbery at his own house — at that time the Pr lived at Mr Johnson's house in St Ant. Sub he went to ask him to lend him a hand wt his ~~[illegible]~~ hay Pr was then able to walk and to go any where —

Adolphus Delisle. one or two days after this Robbery he saw the Pr he appeared to limp a little — like a man who had been ~~produced by~~ fatigued with walking — there was nothing to have prevented his going to St Martin —

Benjamin Derhautels — rem. the robbery at St Martins — The Pr then lived in a house in the St Antoine Suburbs —

Jos: Giroux for Pr — some little time for the Pr was arrested ~~on~~ this complaint he lived in the St Lawa Suburbs —

Cannot say where Pr lived at time the robbery was committed or whether he had removed or not

The Prisoner addressed the Jury in his defence in which he stated an error that had crept into the evidence from the testimony adduced touching his residence at the time he was apprehended, and that Mr Johnson was wrong in saying he lived in the St Antoine Suburbs at the time of the Robbery of the Pocket of St Martin of which he was now accused — inasmuch he lived in that house the year before, & that the Wits had mistaken the prosecution which had been raised at him by one Bellanger of St Martin the year before in 1823 ~~with the pros~~ when Pr ~~he~~ lived in Mr Johnson's house, & that in 1824 he had left that house and removed to the St L. Suburbs, and begged that the Court would call up Mr Brunet to verify the fact of Bellanger's prosecution against him & allow him to adduce evidence to shew he lived in the St Lawrence Suburbs in Sept. 1824 when he was arrested on the present prosecution —

The Court called up Mr Brunet, and on the question being put to him touching the complaint of Bellanger at the Pr he said, that some months before the Robbery committed he cannot say how many as his house, he understood that there had been a complaint at the Pr and that he had been arrested for stealing from the Shop of Bellanger of St Martin — but does not know where the Pr lived at that time —

The Court then called up the two Constables — John George Degen and Antoine Lafresniere, who arrested the Pr on the present prosecution at him and asked of them where the Pr lived at the time

they

they so arrested him — They both said, that they found the Pr and his family in a house in the St Joseph or Recollets Suburbs near to the St Antoine Suburbs, when they arrested him & brought him to the Police office, but that they did not know how long he had resided there, nor who the proprietor of the house was, in which he lived —

The Court thereupon charged the Jury and laid the facts thus in evidence before them —

Verdict — Guilty. —

Thursday 10th Sept. 1829

Prest.
Ch. Justice Reid
Mr Justice Fortier
Mr Justice Pyke
Mr Justice Uniacke

The King
vs
James Cummins

On Indictment for tendering in payment, & uttering as true, three counterfeit promissory notes of a Company of persons resident in a foreign State —

Jn Bte Lacroix, lives at Henryville in Noyan — about end of April last, the Pr came to house of Wr, as Wr did not speak English & Pr did not speak French to know what he wanted, this man Pr he told him to run after a Cart and bring his baggage he would give him a dollar — the man went

Verdict. Not Guilty —

The King
Wm Cookson } On Indictment for obtaining goods under false pretences —

Colin Campbell Ferrie, is a Clerk to Adam Ferrie who keeps a shop in town — in May last the Pr came to the Store & said that he had been sent by Benjn Mailloux to get some things for his own use to be charged to Maillou — he on this representation got 28 yds Callico at 1/ ₰ yd — a pustain Coat value 11/3 a pr trowsers 7/. worsted Shawl 5/ — yt were delivered to him on this representation & on belief that it was true — Heard noths by more of the matter till Saturday last when Maillou demanded his aut & at same time handed in his aut agt Wrt — of his father — on this the above articles were charged to Maillou, on seeing the aut Maillou said he had given any authority to Pr to get such articles on his Maillou's aut — That Maillou had worked as a Carpenter for father of Wr & the Pr worked under him — & from this the Wr was indeed to give credit to what Pr said —

X —

The Pr came in twice to shop — first alone & afterwards wt his wife to chuse the pattern of the Callico — never asked credit in his own name —

Adam Ferrie, Junr — was in his father's store when the Pr came into the store — he said, on the 18 May, that he had been sent by Mr Maillou to get some articles on his own aut & to be charged to Mr Maillou — he put aside a pustain coat 16/ — a pr trowsers 7/ — a worsted Shawl 5/ & 28 yds Calicoe 1/ — these articles were delivered to him & on the supposition that what he said was true — On Saturday last Mr Maillou having recd his aut

he

he objected to pay the articles delivd to the Pr saying he had never given any order to Pr to get such goods. —

Benjamin Maillou, was employed as Carpenter about 15 May last by Mr Adam Ferrie — he employed two men ~~employed~~ under him, the Pr & an apprentice, in consequence Mr Ferrie became indebted to Ws in £9. 10 — On Saturday he presented his acct to Mr Ferrie — and Mr Ferrie presented his acct agt the Ws and found Mr Ferrie's acct wrong, as there were articles charged in it which he had never received — vizt a piece of Calico — a Poulain Coat — a Shawl — & a pair of trowsers — which Mr Ferrie sd he had delivered to the Pr as by his the Ws order — the Ws sd he had never given such order to the Pr — And in fact the Ws never give any order or authority to the Pr to go to Mr Ferrie's to get those articles or any other on his the Wts acct —

The Pr has served Ws two years, honestly & never before had taken up any articles on his acct — In May last he agreed with Pr to work for him for 3 months & it was a few days before this the Pr got the articles from Mr Ferrie — Having no further work for the Pr the Ws discharged him about a fortnight before the time agreed on — Ws pd him a small balce he then owed him, but had he finished his time he would have had enough to pay Mr Ferrie — The Pr made out Ws acct agt Mr Ferrie — & knew that Ws was going to present the acct to Mr Ferrie, but said nothing about the articles he had recd from Ferrie — Has known Pr for 15 years — always bore a good character — has employed him to collect money for him, & gt he always gave a faithful acct —

Defence

John Murphy. Ks Pr for several years — he always bore an excellent character & a strictly honest man —

George Stanley — Has known the Pr since his infancy & always bore the character of an honest man —

Verdict. Guilty

The King
Jn Bn Ouellet } On Indictment for Grand Larceny

Antoine Goguet. lives at the Cote de la visitation. the Pr came to his house about 3/4 past 6 in the morns & asked Wr if he would buy some Calicoe — told him to wait till his wife got up — the Pr had 1a bundle gt he put on the table Wr saw a pr scales in it — Pr asked him if he would buy them, & offered at same time the weights wr the Scales & asked 5/6 for them — the Wr told him he would take the scales — the Wr thot from the price the articles were stolen, sent one Brown to Dance to look at the Scales — Dance came there & looking at the Scales, shook his head — Wr told Pr. he would keep the scales, but would not pay them till he told him where he got them — the Pr said he had some other articles — he would go & sell them

&.

and come back & tell him where he got the Scales — That he had got a bargain of them articles at the Redeem — That he had come from there in a Canoe, but knew none of the Persons who came with him — on this Wm enquired of Dance if he ought to let the Pr go or to detain him — Jon Dance advising him not to let him go — the Wr put his hand on his shoulder & said he must go into town with him — the Pr came along quietly with him — when he came to Mr Johnsons the Wr. told he would go to Mr Rollots to know what he should do, & left Pr — with Dance — Rollot refused to interfere — on this he returned to Dance & Pr — and told him he must go to Mr Delisle's — the Pr refused to go further — Wm went to Mr Delisle & acquainted him with the circumstances — Mr Delisle got to the place & took charge of the Pr — The Wr brot the Scales & weights with him —

Richard Dance — on ~~Saturday~~ Sunday last, Brown came to his house & told him that Goguet — went there when G. told him that P offered Scales & weights for 5/6 — the Wr. & they were worth £3 — Goguet then told P he would take them the Wr then said he would have nothing to do with the business. being convinced they were stolen — Wm asked Pr price of Cotton — Pr told 9d — no measure & did not know how much was in the price — on this Wm observed that it was evident the things were stolen — That Goguet told him the Pr was going to sell his articles & was to return & tell where he got the Scales — the Wr. told if he let the Pr go he would never see him again & advised arresting Pr — The Wr came along

with

wt. Pr. & Goguet to Damours in 2 - Sub - where Mr Delisle came & took charge of him - and the articles the Pr. had -

That Goguet brot. the Scales wt. him to Damours & there Delisle took charge of them -

Adolphe Delisle high Comtable - on Sunday last he arrested the Pr. at Damours, & there got from Dame the Scales, weights & other articles. yh. he delivered to Martean the Keeper of Stolen goods at the Police Office -

Louis Martean - The effects now shewn he recd from Mr Delisle & has kept them ever since

Adolphe Delisle, says, the scales & weights are worth at least 10 dollars - the Calisoe 6s. & the plates 2/ -

The Pr. had been discharged between 8 & 10 days ago from Gaol & was then in a destitute state -

Verdict - Guilty

The King
John Powers } On Indictment for horse-stealing -

James McKenna lived in Sugarloaf of Regard in March last - the Pr. had been in service for some days he sent him for a load of wood with his horse & train, he did not come back - on this Wr. went in search of his horse & found him in the Cote St Pierre in the hands of one Joseph Cheval, about

eight

eight days – he found his harness at St Rose in the hands of one Letourneau & his train in the hands of one Normand at the Cote des Anges. ——
The Pr had been 3 or 4 days in the service of Pl. before this – when he found the Pr & charged him with taking his horse – he said he had been looking for the horse who had run away from him –

Joseph Cheval – lives at Cote St. Pierre – in the parish of St Benoit – In March last ~~the~~ he thinks the Pr came to his house – will not be positive ~~as~~ as to the person of Pr ~~The~~ He saw a man passing before his house on the road, he asked if he would exchange horses. the man Pr he did not understand him – the Pl called his brother & by his means effected an exchange with this man – the horse was a brown horse – & Pl. gave a mare in exchange – ~~after~~ He will not swear positively but thinks the Pr is the man – and believes he is the man –
That about ten days after the writ McKenna came & claimed the horse – does not know what became of this ~~horse~~ mare he gave in exchange –

Michel Cheval, brother of last Writ – knows that Pr exchanged horses wt. his brother in March last – the Pr came there in a train about 5 or 6 o'clock in the evening – The Pl made Pr to understand he would exchange with him & gave him something to boot – His brother gave a brown mare in exchange – & Pr continued his route – about 10 days after McKenna came & claimed his horse & he was ordered to him – but he has not removed the mare –

Trans

Franc^s. Lafleur, lives at Cote S^t Pr^n parish St Benoit — K^o that P^r. exchanged horses w^t. Jos^. Cheval — he was in the barn near the place — thinks it was the P^r —

Louis Renaud, was at the exchange made between the P^r. and Jos. Cheval — he helped to unharness the horse of P^r. and put the mare of Cheval in the traces in the place —

Verdict Guiltz. —

The several prisoners and others convicted during the present session being brought up for Judgment, the following sentences were pronounced as them. —

The King v. Wm. McKenzie } On Conviction for an assault
Judg^t. That Defend^t — pay a fine of £10 to the King & stand committed till the same be paid —

The King v. Thomas Shepperd } On Conviction for an assault & biting off the under lip. —
Judg^t — That the Defend^t — stand committed to the Common Gaol of the District for the space of one month & pay a fine of £5" —

The

The King —
v
Olivier Boucher

On Conviction for obtaining money under false pretences. —
Judgt. — That the Defendt. stand committed to the Common Gaol for one month. —

The King
v
Charles Vidal

On Conviction for Extortion —
Judgt — That the Defendt stand committed to the Common Gaol for three months and pay a fine of ten pounds. —

The King
v
Mill Rowan

On Conviction for an assault —
Judgt. that the Defendt stand committed to the Common Gaol for one month

The King
v
Jos: Tancred Payser

On Conviction for Petty Larceny
Judgt — That the Prisoner stand committed to the House of Correction for six months and Kept to hard labor. —

The King
v
Franc Xavr. Payser
&
Jos: Tancred Payser

On conviction for digging up & carrying away the dead body of Toussaint Larezin

Judgt — That Franc Xavr Payser stand committed to the Common Gaol for four months and Jos. Tancred Payser for three months —

The King. —
Fran^s. Xavier Payfer
& Jos: Tancred Payfer

On conviction for digging up and carrying away the dead body of Therese Desjardins

Judg^t. that Fran^s Xav. Payfer stand committed to the Common Gaol for four months and Jos. Tancred Payfer for three months. —

The King
Fran^s. Xav^r. Payfer
& Jos: Tancred Payfer

On conviction for digging up & carrying away the dead body of Fran^ce Leonard

Judg^t. as in the foregoing Case —

The King
Edward Johnson

On conviction for stealing a mare

Judg^t of Death recorded ag^t the Prisoner to be executed on the 27^t Novr. next —

The King
Fran^s. Bousquet
otherwise called, Jos: Lamarche —

On Conviction for horse stealing

Judg^t of Death recorded ag^t him as above —

The King. —
Joseph Belrose —

On Conviction for Burglary

Judg^t of Death pronounced ag^t the P^r to be executed on the 23^d October next

The King
Wm Cookson

On conviction for obtaining goods under false pretences.—
Judgt That the Defendt stand committed to the Common Gaol for one month—

The King
Jn B. Ouellette

On Conviction for Grand Larceny—
Judgt That the Prisr stand committed to the Common Gaol for twelve months—

The King
John Powers

On Conviction for horse Stealing—
Judgt of Death recorded & the Prisoner to be executed on the 27th Novr next—