Bills of Indictment not tried in March 1831 and continued to the present Sessions of the Court in Augt. 1831.

No 6

6th March. 1831.

The King
vs.
Archibald Hume.
Henry M.Kenzie.
Robert Armour.
James Carsuel
Philip Ross
William Leys
James Henry.
Henry Johnson
Daniel M.Nabb
Patrick M.Gregor
George M.Kenzie.
Duncan Currie
John Douglass
John Fleming
Archibald Ferguson
David Ferguson.

On Indictment for Riot, forcible Entry and detainer at Common Law

1st Count.— For a Riot, & preventing Henry Esson from entering the Scotch Presbyterian Church in St. Gabriel Street on the 6th March (1831) and performing religious worship & appointing Elders therein.—

2 Count— For a Riot &c with intent by force and tumult, unlawfully to prevent the minister and members of the congregation from entering the said Church, for the purposes of religious worship — and being so assembled &c did prevent the said Minister &c

3d Count— For disturbance of the Peace, and with force & arms and a strong hand, forcibly entering, a certain Scotch Presbyterian Church (described) then and there being in the peaceable possession of the Revd. Henry Esson Clerk, and forcibly did put out the said H. Esson from the same and expell him from the possession thereof & kept him out of his said possession until this day.

4th Count – For forcibly & with a strong hand entering into the same Scotch Presbyterian Church, then being in the peaceable possession of Henry Esson, Wm Caldwell, Kennett Walker, Robert Simpson, Wm Blackwood & Peter M'Gill, with force & a strong hand did expell & put out the said Henry Esson &c from the possession of the said premises, and kept them out from the possession thereof until the present day, & still do keep them out –

5th Count – For having with force and arms & a strong hand entered the same Church – then in the peaceable possession of Wm Caldwell, Kennett Walker, Robert Simpson, putting them out of possession, and retaining that possession to the present time –

3 Chitty 1136. (6.) The party grieved is not a competent witness. 1 Ry. & Mood. N.P. C. 242 –

1 Cur. Hawk. 503 B. 1. ch. 28. – Bac. Ab. Tit. For. Ent) (D.) 254. – 2 Hawk. 2 Vol. ch. 64. § 33. – 1 Russel. 286. – It seems clear that a Joint-tenant or tenant in Common may offend agt. the several Statutes, either by forcibly ejecting or forcibly holding out his Companion; for though the entry of such a tenant be lawful, par my et par tout, so that he cannot in any case be punished in an action of trespass at the Com. Law, yet the lawfulness of his entry nowise excuses the violence or lessens the injury done to his Companion and consequently an indictment of forcible entry into a moiety of a manor &c is good. –

Cur. Hawk. ~~Vol.~~ p. 502 1 Russel. 286. – Ib. 2 Vol. Ch. 64. p. 38 ~~6th~~ Sec. 31 – It seems clear that one may come within the danger thereof by a force done to Ecclesiastical possessions, as Churches &c 1 Lev. 90. – Bac. Abr. Title Forcible Entry & Detainer (C). p. 254 –

Id – p 509. Sec 50. 51. Restitution is made by precept to the Sheriff Comyns. 61 – Dalt. c. 82. Dyn 187. 12 Mod. 495. –

Com. Dig. Title Forcible Entry (A 1) p. 339. note (a)

No man shall with force and violence assert his own title 8. T. Rep. 361—

But whatever may be the true doctrine upon this subject at Common Law, the Statutes which have been passed respecting forcible entries and detainers are clearly intended to restrain all persons from having recourse to violent methods of doing themselves Justice — Russel. 408. 409. —

(b) The Stat. 5. R. 2. gave no speedy remedy, leaving the party injured to common course of proceeding by Indictment or action, & made no provision at all agt. forcible detainers — Hence the occasion of St.

(c) The Stat. 15. R. 2. gave no remedy agt. those who were guilty of a forcible detainer after a peaceable entry — nor agt. those who were guilty of both a forcible entry and forcible detainer, if they were removed before the coming of a Justice to restore the party injured to his possession &c — Hence the occasion of the subsequent enactments —

By Stat. 8. Hen. 6. 9. On Complaint of forcible entry or detainer the Justices of the County &c at the Costs of the party shall cause these Statutes to be executed — whether the persons be present or gone.

3d. (B. 1) p. 342. = 1. Russel. 288. —

Forcible Detainer, is, when a man enters peaceably, & afterwards detains his possession by force — as if he threatens a corporal damage to him who attempts to enter —

If he repels him with force —

But by St. 8. H. 6. 9 — possession for 3 years before indictment found, may be retained by force — & By St. 31 Eliz. 11. no restitution in such case.

Id p. 511. Sec. 59. Jury may find the entry peaceable, and the detainer only forcible, yet this is sufficient for granting restitution —

The King
v
Marrow

Cases temps. Hardwicke – p. 174 –

One Joint tenant may indict the other for a forcible entry –

The Court has a discretionary power to award restitution immediately upon a removal of an Indictment for a forcible entry by Certiorari, before plea – and therefore will put the Defendant under terms to plead or demur in two days, and if he plead, to take short notice of trial. —

Comyns Dig. Tit. Forceable Entry – p. 348 (D7) – (Vol 2) – refers to the above authority of L^d Hardwicke

The King
vr
Isaïe Tacourse
Michel Verrier
Michel Larochelle
Geneviève Verrier
Jn Bte Cartier
Marg.te Verrier
Narcisse Berzeron
Thomas Alston
and
Michel Badyac
otherwise called Michel
Laplante

Indictment for a Conspiracy unjustly to defraud and deprive Thomas Barrow Esq of certain lands & tenements held by him a titre de Fief, by and under the title of a Fief called the Fief and Seigniory of St Charles on the River Yamaska —

The King
vr
Isaïe Tacourse
et al —

On a similar Indictment with intent to defraud Mrs Margaret Barrow of certain lands &c —

The King
vr
James McKenzie

On two Indictments for Larceny

and 2 Indictments for stealing above the value of £5 — in a dwelling house —

2 East. 571 —

Larceny is the taking of property from the possession of another without his consent, & against his will —

Breach of Trust — is the misapplication of property which another by his own voluntary Consent has put into the possession of the party —

Fraud

Fraud, is the obtaining the possession of the property of another with his consent by some contrivance at. which common prudence cannot guard —

2 East. 573 — Bull's case — the servant had authority to sell the goods and was only accountable for their value — money marked found on him at. he did not put into the till, for goods he sold —

Id. 574 — The case would be within 39. Geo. 3. c. 85 — repealed by Stat. 7 & 8. Geo. 4. c. 29. —

3 Chitty. 917. (b) There was a power given over the goods — the master did not expect a return of them in the same shape —

Qud — was there fraudulent concealment? — or other fact of original intention to steal? —

21 Henr. 8. ch. 7. extends only to goods delivered to servants to be safely kept to the use of the master —

Id. 918 (a) on this Stat. it is said, that if the property be changed as if the money be melted down, or the Corn matted, & then taken away — it is not within the Stat. —

Hawk. lib. 1. c. 33. sec. 15 —
2 East. 563 —

Id. 920. (a) There must be an intention to steal at the time of the delivery, otherwise a subsequent withholding of the property will not constitute a new felonious taking — Russ. & Ry. 441 — Rex. v Wm Banks. —

St. 25. Geo. 2. c. 45.

2 Russl. 106. 7. — If a person have only the bare charge or custody of goods, he may commit larceny, by a fraudulent conversion of them to his own use. — 2 East. p. 682. —

" So if a piece of plate set before a stranger in a tavern to drink out of — 1 Hale. 506. —

" So if a weaver or Silk throwster deliver in his house to his Journeyman yarn or silk to be wrought, & he carry it away it is felony — 2 East. 682 — But not so if the yarn had been delivered to a weaver out of the house — because by the delivery he had a special property & not a bare charge

2 Russl — 95. — There must be an actual taking or severance of the goods from the possess^n of the Owner — on the ground that Larceny includes a Trespass If there be no trespass in taking the goods, there can be no felony in carrying them away. — 2 East 554 —

Larceny, where the legal possession was not parted with —

" —— 107. 8 Distinction between a bare charge or special use, and a general bailment of the goods — instances —

" —— 118 — Delivery, where the owner does not part with the property, but only with the possession of the goods — as when a delivery has been obtained fraudulently with intent to steal the goods —
Cases of — Sharples & Creatrip — Watkins — Hench — Ackles — Oliver —

Where possession was obtained without fraud — & question whether there has been a new felonious taking —

" —— 197 Larceny by Servants. 2 East. 564 —

Paradise's Case — where possession continued in the master — Convicted.

" —— 198 Robinson's Case — a Carter going away with his masters Cart — Felony. East. 565.

Bass's Case — Porter selling goods given by his master to carry. —

" —— 199 Spears's d^o Lighterman, steals part of the Corn he was employed to unload for Bros^rs — a part separated from the rest — possession held to be in owner —

Abrahat's case — similar to that of Spears. —

" —— 200 Harding's d^o hired to drive Sheep to market — when original intention felonious —

Lavender's d^o Servant going off w^t money given to him to carry to a particular person

" —— 201. Atkinson's d^o getting money from master, under pretence of procuring change —

Larceny by Servants —

2 Russl — 202 — Chipchase's Case — Confidential clerk, taking a bill from its place of deposit discounts it, & converting proceeds to his use — possession held to be in the Master. —

" — " — Hammon's Case — Bankers clerk — obtd monies by means of a check, & made false entries in the books —

" — 204 — In all these Cases it was considered that the property stolen was sufficiently received into the possession of the Master before the taking by the Servt — But — a distinction — where property will not be considered as sufficiently received into the possession of the master, where it has — merely been delivered to the Servant for the master's use. —

Upon which subject it is well laid down, that if the Servant have done no act to determine his original, lawful, and exclusive possession — as by depositing the goods in his master's house or the like, although to many purposes, and as against third persons, this is in law a receipt of the goods by the Master, yet it has been ruled otherwise in respect of the Servant himself, upon a charge of larceny at Common Law, in converting such goods to his own use. — 2 East. 568. —

" — " — Waite's Case — Bond delivered to a Cashier of the Bank of England for the purpose of being deposited w.t the Bank — Not guilty of felony in converting it to his own use, before it been so deposited. —

" — " — Bull's case — Servant in shop — where he rec.d money, but did not put it into the till, but kept it. —

" — 205 — Bazeley's Case — rec.d a note, but instead of putting it into the usual place of deposit, secreted it. — 2 East. 572. —

39. Geo. 3. ch. 85 — passed to protect masters from embezzlement by servts now repealed by 7 & 8. Geo. 4. c. 29. —

Riot

Henry McKenzie — Not Guilty of Delaune
L. Strothers — back to door -
Dr C — Forbid him to enter - he would oppose him
Wm Allen — If they got in it would be through or over his body —
Shuter, McCulloch } 40 persons Sworn or pledged to resist to almost

Robt Armour — Delaune
Jas. Carsuel — Guilty of Delaune
Philip Ross. — Forcible Delaune

Archd Hume — not guilty
Stark Jr. Saw him in Church -
Farquahar — saw him & others in Church w Sticks —

Wm Leys — Not guilty
Farquhar — You had better not open the gate
Stark
Caldwell — If you go in you will see how long you will remain —
Caldwell — Better beware or you will get yr head broke —

James Henry — o Not Guilty —

Henry Johnson o Not Guilty —

Daniel McNabb — o Not Guilty —

Patk McGregor not
Strothers — In Church —
Mullon — Do —

Geo McKenzie Not Guilty —
Strothers — In Church wt a Stick —
Mullon — Do — do —

Duncan Currie not guilty
Strothers — In Church
Mullon — Do —

Jno Douglass o

John Fleming o Not in Riot — but in forcible Entry —

Archd Ferguson o

David Ferguson o

Forcible Entry & Detainer

Henry McKenzie
Robt. Armour
Jas. Carswell
Ps: Ross — } Elders —

Archd Hume
Wm Leys —
Palk. M'Gregor
Geo: McKenzie
Duncan Currie

John Douglass — S. Lockey — seen in the Church afterwards —

Archd Ferguson — S. Lockey —
D. Ferguson

John Fleming — Jno. Whitlow — said he had been in the Church —

Riot—

Jr Struthers — Armour — Ross — M'Kenzie — Carswell
backs at Ch. door —
Dangerous to go into Church from the menacing appr of these persons —
G. M'Kenzie wt a Stick in Church — menaces
Duncan Currie } inside Church —
Patrick M'Gregor }

Wm Slack Jr. Saw Mr. Hume in Church. —
Keys to Dr C — if you go in you will see how long you will remain —

Arthur Farquhar. Keys — your had better not open the gate —
Hume — saw him in the Church & others wt Sticks
rush in Church — to prevent door from being opened

D. Caldwell — Keys — better beware what he was about or he wd get his head broke — plenty to do &c —
H. M'K. forbid him to enter — & he wd oppose him

Alex Rutherford — In Church on Saturday Even & all Sunday wt 5 or 6 others — to keep Mr Esson & his party out — some had Sticks — & he had one & he wd have used if necessary —

Henry Mullon — P. M'Gregor — Duncan Currie — & G. M'Kenzie in church — M'Kenzie had a Stick —

Wm Allen — H. M'K — if they got in — it would be through or over his body —

Thos A. Starke Hume — was there to prevent persons getting in —

Wm Suter } H. M'K — 20 persons — sworn or pledged
Wm M'Cullach } themselves to resist to the utmost —

Forcible Entry & Det'r

~~Henry ebb Kenzie~~

King
v
Hume & al

Jas Struthers — Caldwell burst open outer door & went up to Ch. Door followed by Armour - Ross - McKenzie, & Carswell - the 4 Elders — who app. to prevent him from getting in — put their backs to the door - as app by their gestures. —

saw 3 persons within the Church. G. McKenzie wt a stick wh he held in a menacing manner — Duncan Currie & Patrick McGregor. — on the side. —

Wh have thot it dangerous to attempt going into that Church from the menacing appe of these persons —

McBlackwood & Mr Leslie — were also Elders —
Circulars sent round intimats the shutting up the church door to prevent ordination of Elders —

Wm Slack. Jr — saw 3 or 4 persons in the Church - thinks saw Mr Hume P. McGregor — the others he could not tell — one or 2 sticks which were dashing about — saw 4 Elders outside — admission refused to Mr Esson — Hume Sd he might have 100 Wds

Dr Caldwell — placard — ax — Mr Leys told D C. — if you go in you will see how long you will remain — no violence appeared.

Arthur Farquhar — saw Leys - heard him say to Dr C. he had better not open the gate — saw Hume & others in the Church wt sticks — Hy McKenzie & some others put their backs to the ch. door to prevent Dr C. from getting in — Crowd of people —
Persons in Ch. some days afterwards —

No gestures or language of a violent nature before Dr C. opened the gate appeard that rush in Ch. was to prevent the door from being opened

Dr Wm Caldwell — one of the temporal Committee — Mr Lees followed him & told him he had better beware what he was about or he would get his head broke — plenty both within & without to do it. — found 4 Elders wt their backs to the door to prevent his entering — Hy McKenzie forbid him — he wd oppose him —
Heard noise of persons in the Church —
Rules respects Temporal Committee —

Samuel Lockey — Has seen John Fleming. Geo. McKenzie. Hy McKenzie Duncan Currie. John Douglass. Archd Hume. James Carswell. Patk McGregor — Archd Ferguson, & Dr Ferguson there. Ours 9 days & 7 nights he was there

James McNider — Door Keeper — gave up Key to G. McKenzie on 4th March
posted up notice at the gate —

X

Is servant of Session & acted under their orders — not bound
to obey orders of the temporal Committee — Posted up notice &
carried a note to Mr Esson to same effect — wt resolutions of the
Congregation —
Committee appointed to receive the keys — at Mr Kantz's —

Wm Snell — was in Ch. on tuesday evening — had a stick —

John Whillow — carpenter — saw McGregor in the Church on 6th march
Hy. McK — ordered him to close up the windows — Iron bar
across the door —
Geo. McKenzie — Dd Currie — & Jno Fleming told him
they had been in the church

Dugald Stewart — was at the meeting at Mr Kantz's where a committee
was appointed to take charge of the Church —

X

Objct to prevent Mr Esson from ordaining Elders —

Alexr Rutherford — went into the Church on Saturday evend — and
staid all day on Sunday — with 5 or 6 others — Door
shut — an iron chest put behind it — to keep Mr Esson &
his party out — some had sticks — he had one — & he
wd have used if necessary —

John Henry Mulcton — saw 4 Elders w their backs to the church
door — saw Leys who was talking in a threatg manner
as if to prevent people from entg the church —
saw P. McGregor — Currie — & G. McKenzie — in
the Church — McKenzie had a stick —

Wm Allen. — McK. & Armour w. backs to the Church — heard McK. —
say, that if any one got into the Church it would be
through or over his body. — heard Hume tell Esson
there was plenty of work & refused to let him in. —
Heard Leys tell Dr Cat — he did not wish to have
the gate opened

Andw Shaw - Temporal Committee - their authority -
key of church kept at Inlands -

The temp^{l} Committee have the charge of the Church
& to have admission at all times -

Wm Peddie - - genral opposition to entering Church -
No suspicion Indicating to Kirk Session -

Henry Esson - Ordained by the Presbytery of Aberdeen in 1817

Robt Simpson - member of Temp^{l} Committee - Secy -
Rules for Temp^{l} Committee
Meeting of temp^{l} Committee some days before -
Resolution to take measures to prevent Church from
being closed - Mr Mathieson's opinion -
Elders began Church door refused admittance -
Dr Caldwell - break his head the damnd blackguard. -

Thos A Starke Hume told him he was there to prevent persons
getting into the Church -

Wm Suter - 40 had sworn - or pledged themselves to resist to the
utmost - ~~Mr~~ Mr Hy McKenzie D^{o} so -

Wm M^{c}Culloch - D^{o} - D^{o} -

Jo. Malo - Constable - did not arrest M'K - heard both parties
say they wanted to keep the peace -

Alex^{r} Mathieson.

Pews — pass^{n} —

Wm. N. Crawford —

~~Ale Crawford~~

Joseph Whitman

Entry & Detainer Is an Indictable Offence at Common Law

1 Russl. 283 —
3 Chitty. 1135 — 1136 (a)

Loss of possession by act of party wt. ~~but~~ Forcible Detainer after — must be considered a Forcible both as to Entry & Detainer

1. Russl 286 — 287 — 288. —
Com. Dig. Forcible Entry. (A3) — 342

Riot —— Forcible Entry & Det. by 3 is a Riot —
1 Russl. 269 — 249. —

Sessions of August & Sept. 1831.—

Saturday 27th Augt. 1831.

Pres.

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland

The Grand were sworn, charged by the Ch. Justice and retired to consider of the matters laid before them.—

The Court afterwards adjourned till 2 o'Clock in the afternoon.—

Saturday 27th Augt 2 o'Clock P.M.

Pres.

Ch. Jut. Reid
Mr Justice Pyke

The Grand Jury returned into Court and brought in several Indictments found.—

Monday 29th Augt. 1831

Prest.

Ch. Justice Reid

Mr Justice Pyke.

The King
v.
Mary Kelly
wife of Daniel Kelly
& Mary Kelly

On Indictment for Stealing above the value of 40/ in a dwelling house.

Marie Hebert Lecomte, wife of Jos. Beauchamp, lived in 2. Sub. on 23 July last in a room of a house in wh the Prs occupied 2 rooms — Pr missed some articles of wearing apparel — Silk scarf 7/6 Indian Shawl 4/2 a Marino Shawl 6/ a linen Shift 5/ an apron 1/3 — a muslin gown 10/ — a mantelet of Cambric 2/6 — a muslin cape 4/ a silk hkf 1/ — some towels & coppers — a guard 3d — a pkt hkf — stayed 10/ The articles now produced, she says are the same wh were taken & are her property —

Pr found a Silk scarf but made Dowcas — & Pr Lapierre had purchased the Marino Shawl & a gown found 3 articles in the yard of one Decarreau — the Vest, Shift & mantle — Can swear to have seen the red hkf & gown in the room of the prs — she taxed them wh having stolen them, they d she could not prove it —

red shawl —
apron —
cape —
a night cap —

X

That she went into the room of Prs in their absence wh

a

a constable — Wr purchased one of the Shawls from one of the Prs for 2/— depd it —

That Marie Raymond is in the habit of going into the room of Wr — but only when Wr was present

Charlotte Maillé — lives in Montreal, the young Pr came to her house offered her to sell a Yellow silk scarff Wr gave her 1/3 for it. — is the same now shewn — Wr delivd it to Lafresniere & Degan — It was in the corner of the Summons she bot. the Shawl —

Knows the Pr by her person, never saw her before nor since —

Marie Galessé — lives in Montreal — the young Pr — Wr bot a muslin gown from her — depd 2/6 for it — delivd it up to Lafresnier —

Marie Mercant — the the young Pr — she offered her a merino shawl for Sale — same now shewn — Wr bot it depd Pr 1/6 — delivd it to Lafresnier & Degan

Antoine Lafresniere Constable — had a search warrant on last August ago Pr — found nothing in house of Pr but found in the yard of the 2d house — found a yellow silk scarff with Charlotte Maillé the merino shawl & muslin gown at house of Marie Galaise. —

~~Defence~~

~~Marie Hubert Lacombe~~ — Verdict. Mary Kelly, wife not guilty
Mary Kelly, Spinster, guilty of
Petty Larceny —

The King
v.
George Rolland
& Jean Vincent

On Indictment for Grand Larceny —

Joseph Morissieau, de Montreal — con. le Pr en mars der. Geo. Rolland duellant avec le tem. devoit avoir un couple de volaille, & qu'il donnoit 7/6 — le Pr dit qu'un nommé ~~Lopez~~ Lane en avoit — & il pouvoit les avoir — quelques jours après il en a apporté quatre volailles — le tem. a dit qu'il n'en avoit demandé que deux — le Pr a dit qu'il leur en faisoit présent des deux autres — le Pr. dit qu'il les avoit volé chez Daubremilles —
estime les 4 volailles a 10/ — le cog. étoit un cog de bataille —
Le temoin a prevenu Malo. le con. du vol. & les Pr ont été arrêté —
C'étoit entre les 9 & 10 heures du soir. quand le Pr. a apporté les volailles —

X^D

Il avoit bu le soir, mais n'étoit pas ivre —

Emmanuel Xav. Daubremilles — en mars der. il lui a été pris un cog & 3 poulles — rencontra Mr Malo — a qui il a dit cela — & il a lui appris que les volailles étoient a l'office de Police — valent 10/

X^D

Les volailles étoient dans son enclos — Con. un nommé Wm. Lane — a entendu que c'étoit lui les avoit pris

&

et rendu à Geo. Rolland le Pr

Le Malo. Con. en Mars der. il était rendu d'un des Prs Larochelle — à vu le Dauberville qu'il avait été volé — a été chez Morrisian — qui lui dit que les volailles étaient chez lui — le Com. les a pris — et a arrêté les Prs — rendu à la Police Dauberville a reconnu les volailles lui appartenir les estime a 24/—

Défense

William Lane — Ne that Dauberville had some Geese fowls in March last — he never sold any Geese fowls to the Pr — nor made a present of any to him.

Verdict Geo. Rolland guilty of petty Larceny
Jean Vincent — Not Guilty —

Tuesday 30th augt 1831

Prest

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland —

The King
v.
William Lane } On Indictment for Grand Larceny —

Benjn Hart Montreal, merchd — In 19 July last, he went into his store & found that a doz. of Spades had been taken out of his store — heard next day the Spades were at Police office — They were the No 4 — and were worth 36/- Stg —

David Ferguson — lives near Mr B. Harts, on the evening of 19 July last, he observed a person wt a bundle of Spades on his shoulder going out from Mr Harts — cannot recognize the Pr to be the man — it was in the dusk of the evening — was a person of low station — the person appeared to come from the buildings of Mr Hart — and was in the street —

Jas Brenan 1st Pr — saw him the evening he was arrested in consequence of ye Mr Quesnel told him, he went to the store & found the Pr & 4 Spades along the store — and afterwards found 8 other Spades & the Pr who was lying drunk — brot Pr to Mr Q's house & delivered him up to Mr Carmel — the Wr brot the Spades to Police office —

The Spades were found at Mr Quesnel's store near the little Creek —

Jules M. Quesnel — Lieut. Peace — on 19 July last, saw the Pr at his house — the last Wr told him he saw a person wt Spades near his store — told his servants to look after him — he had a doz. spades wt him

and

and the Wr sent him to the watch house — sent to Wr Hart, when he found that a doz. spades were missing — they were No. 4 — not very common —

Nazare Richard — saw Pr on 19 July last at Wr 2's store — he first saw him leave the spades near the store — Wr went & gave information to Wr 2. and he sent his servt & they found 8 spades concealed in Mayors & four near the store —

D Clerke Hosp Comst. was at Police on 20 July last when Brenan brot the spades now produced him —

Benjn Hart called up again — has a private mark on the shovels, it enables him to know them — is No 4 reversed —

The Jury returned a Verdict of Guilty, without retiring from the Box. —

The King
v
Joseph Lami } Pr Indictment for Stealing a gelding

Pr Lamontagne — St Clemant — vers le 15 ou 16 avril der. le cheval de son fils manquait — la porte de l'ecurie avait été forcée — il a doute le Pr

et a averti Gabriel, son frere, pour savoir s'il avoit envoyé chercher le cheval — il fut a Beauharnois pour chercher le cheval, a rencontra l'huissier qui avoit le cheval — c'etoit un cheval rouge coupé. & qui boitoit un le pied de devant — estime le cheval a 50 piastres —

x.

Le Pr. avoit travaillé 5 a 6 Jours pour lui & son frere —

Gabriel Lamontagne, propre. du cheval volé — d'apres ce qu'il a entendu dire des menaces du Pr. et l'a soupçonné pour avoir pris le cheval, a envoyé chez l'huissier a Beauharnois qui l'a arreté —

x-

Il a entendu dire, que le Pr— avoit dit, qu'il se souviendra de lui — il couvera plus qu'il ne pense —

Jacques Brichel, vers le 16 avril il a reçu une lettre de Mr G. Lamontagne que son cheval avoit été volé & d'en faire la recherche — il partit et a été chez Nicolas Montand pres du Steam boat qui va de Chateauguai a Lachine, ou il a trouvé le Pr— avec le cheval — environ 7 lieues de distance de chez Mr Lamontagne —

Le temoin

témoin l'accusé d'avoir volé le cheval, il a dit que ce n'étoit pas lui, mais un autre qui l'avoit volé — et ensuite il a dit que c'étoit lui-même qui l'avoit volé vers le 11 heures du Soir — & qu'il avoit coupé les oreilles — que l'on ne vouloit pas le payer & qu'il vouloit jouer un tour — a reconnu le cheval pour appartenir à Mr Lamontagne —

X—

Que le Dr — a dit que Mr L. vouloit lui jouer un tour, & qu'il lui avoit dit qu'il lui en joueroit un —

Verdict. Guilty. —

The King
x
Paschal Ricard } On Indictment for stealing a Cow

John McDonald, lives at St Leonard — on the 3 Augt he missed a Cow from his field — he followed the traces of the Cow in the Wheat field coming towards town, and found her in the poss. of one Crowley — knows the Cow immediately — values her at 24 dollars. Crowley told him he had bot. the Cow & he suspected

she

she belonged to Mr.—

2d

Peter Crowley— lives at foot Current — was Pr. saw him in month of 4br Augt. last — he sold a Cow to Mr. it was between 4 & 5 o'Clk A.M. Mr. asked him if Cow was for sale — the Cow was tied to a fast & Pr. driving it — the Pr. told the Cow as the proprietor — sold at for 13 dollars — asked first 24 — Mr offered 12. & Pr. at last agreed to take 13 — made his girl milk her — gave 3 pints — the Pr. & she had been milked late last night — Mr found Pr 13 dollr & red the Cow — that same evening he met McDonell & having heard that he had lost a Cow he had in consignment asked the Pr. told McD. to look at the Cow — he did so & knew it to be his — the Pr. & he had got the Cow near Mr Porteous's ferry —

She was a brindley Cow — valued her at £4 — he delivered up Cow to McDonell as his property —

2d

It was about 2 o'Clock in the same day he saw the Pr. passing his house & he knew him & he stopped him — carried him before Mr Durand who spoke better french than Mr — he said he had bot the Cow near Mr Porteous's ferry in the presence of 2 boys —

Many

Mary ~~Campbell~~ – M^c^donell – wife of last wit^s^ – was in the habit of milking her cows – in the morng she missed the Cow – went w^t^ her husband in search of the Cow & found her at Crowley's & is the same Cow she had milked the evening before –

Defence –

Charles Bouillet – lives at Longue Point – ks P^r^ fr 3 a 4 years – he lives at P^t^ aux Trembles – he worked a part of the year at Rev. des Prairies – he has the character of an honest man – as much so as any man in the parish. – has done business with him

Nicolas Lapointe – of Longue P^te^ ks P^r^ fr 4 a 5 years – always ken. him for an honest man as much as any man in the parish. –

Antoine Fiscien. P^t^ aux Trembles. ks P^r^ fr 4 a 5 years. worked w^t^ him 3 a 4 months – he is a very honest man – knows of no land he has there –

Catherine Renaud – lives at St Leonard – ks P^r^ fr 4 a 5 years has seen him often there – he has cows & property & lives at his ease – ks that P^r^ came to town this month, told her so the evening before – P^r^ he was coming to buy

down

some article, as he was going to get married — the Wr had then money belonging to Pr — & he had money besides — the Pr bought article to the amount of 9 dollars & 3/— in town — she was surprised when she heard that he had been arrested — always considered him to be an honest man —

The Pr was to be married with the Wr

Marie Louise Gallipeau — Pr and Trembles — 120 Pr — he has sowed 14 bushels wheat, besides other grain on the land of the Wr — She had every confidence in the Pr & considered him as the child of the family — he went to work at St Leonard — he has this year a very good harvest — he told Wr he had bot a Cow near one Jos. Sénés, qt. he wanted to sell —

after the Pr returned from Pierron, he told the Wr he had bot. the Cow near Jos. Sénés —

Catherine Renaud — lives at St Leonard — there are 2 roads qt. cross from Wr's to the high road one by Pr and Trembles — near the Church — The

The Pr. had a Cow & ox at town of Ps

x

McDonell lives 8 a 9 acres from Wr

Nicolas Archambault — Pt. amp Trimble — his Pr. for 2 yrs has had some concerns wr him — he is an honest man. he has got some means & lives by his labor —

Sr Dubreuil. Capt. Militia. Pr. amp T — his Pr. for 4 yrs he enjoys a good reputation —

Joseph Beaudrau, Longue Pr — his Pr. for 4 - 5 years — has had an acct wt Pr — dsd him what he had got from him — he has means to make money if he wanted it —

Louis Reeves — Pr. amp T — his Pr. for 6 - 7 years — he then lived on the land of his Uncle — he has a good parent this year —

Joseph Ducept — Pr. as T. — his Pr. 4 years — lives about 6 acres from where he has his grain — comes often into town — Wr. lives near the road — saw him pass in a Cart to go town — he had no Cow wr him —

x

That about 3 weeks ago he saw the Pr. pass in his Cart

near

the house of Mr — he was in the same room he saw him pass on horseback afterwards. does not know the date —

Verdict. Guilty. —

The King. —
Toussaint Ranger. } On Indictment for maliciously killing a mare the property of Louis Paschal Gauthier. —

Louis Paschal Gauthier — de Vaudreuil — en avril der. il dem. pres de Pre il a vu le Pr tirer sa Jument vers les 4 h. d'après midi, à la distance d'environ 10 a 12 pieds de la Jument, le Pr. a ensuite gagné la maison de Mr Brabant — Con. le Pr depuis longtems. il resta chez Brabant — c'est la premier fois qu'il a eu occasion de se plaindre du Pr. Il a été ensuite trouver le Pr en presence de son maitre, il a dit avoir tiré la Jument avec de la poudre seulement, à son maitre lui a dit de la tirer ~~avec~~ à poudre.

The Court here stopt the Cause and directed the Jury to acquit the Pr as there was no proof of malice to ground the Indictment —

Verdict not Guilty —

The King —
v.
Michael Jackson
& David Dibney

On Indictment for riotously assembling with fire arms, & breaking open & entering a dwelling house & violently assaulting one Platt Herrick —

Platt Herrick, lives in Montreal keeps a tavern at corner St Paul & M'Gill street — Ks Pr M. Jackson, has seen Dibney — On the 25th [26] June last — on a Saturday evening, Jackson was in his employ — he had been in his employ before & Wr warned him of drinking, as that was his fault — his term commenced 1 May & he had charge of 2 horses of Wr a man, Turnbull came to get credit for his mare that had been covered by Wr horse Jackson was absent — & came home at night only — The next day the Pr came in in the evening w Turnbull & Turnbull s. he that he had got credit for his mare. when Wr said he had told the Pr so, he said it was a damn'd lie — and from this threatened Wr who ordered him out of the house — the Pr laid hold of Wr pulled him near out of the bar and gave him a blow — the persons in the house got him out, when Wr told him to come back the next day & he should get a statement of his corps — he went away & came back about ½ hour after w. 20 a 30 persons more. Wr heard him swearing he would have his damned Yankee life — the Wr had shut the door — when Pr still threatened Wr to take his life — they knocked and

his

his cloaths & he went away — Shot about 10 minutes after the Crowd returned opened the door. J. asked for the book — S. he must have it — Mr told him to come back on Monday. he S. he would not but have satisfaction — That Mrs Hancock slept forward but was pushed back — heard J. called to Mr Isaac Taylor saying, give me your pistol and I'll blow him through — the persons called to see that his life was in danger & he made a blow at him w a stick on the arm when the pistol w what Jackson had in the hand fell out of his hand, they then pushed forward Price fell down when he rec'd several blows on the head & cannot say what happened after, he afterwards recovered a little & called out murder he afterwards rec'd many blows on his body & was much bruised so as to be without any knowledge of what happened after — was ill for a long time unable for a length of time for 14 days —

The book in question contd the acct of the monies rec'd for the Stud horses —

x

Pr returned 25 April to service of W — Is positive that Dobney came into the house that evening

to

to the best of his recollection —
Did not strike first blow — the Ps came up and threatened the Ps — when Wr ordered him out of his house — when Ps catched Wr by the collar & threatened his life — The Wits may have pushed the Wr on telling him to get out of the house.
That when Ps came up the 2d time there were 3 other persons with them who forced open the door & came in, and he saw a crowd of persons with him. —

Squire Stearns — was at Herricks about 25 June last — when J. had some words w. Herrick & after J. went away, he came back again with three or four persons, —
words about settlement of acct between J. & H — when J. s. he was a damn'd liar — H. ordered him out of his house — when H — gave him a shove — when J — struck H — they clenched, but were parted — they then shut the door — when J — wanted to come in apparently in anger, & went away, when H — opened his door — J. then came back and three or four with him came into the house, there was a crowd outside. On this H — took up a stick to defend himself and told J. he had told him not to come into the house — words passed — heard J — called to one of the persons, give me the pistol that I may blow the damn'd fellow through — saw no pistol — heard a blow — and saw then 3 or 4 persons gathering round

H

H to pull him out – H – called to persons in house not to let them pull him out of his house or they would murder him – they however pulled him out of the house, and bruised him very much, and J – in particular beat him most unmercifully – One of the party told Wr if he would come out he would serve him the same dance –

H. was not able to stand when they got him back into the house – and the party went off

X

That H – gave a push to J. when he told him to go out of the house, but not with violence – when J. struck H – by a blow – when the parties closed –

John Kay – was at Mr H. on 25 June last, when J. & 2 & 3 other persons came up to the door, when H – shut the door & told J. to withdraw as he would have nothing more to say to him – Wr ~~went~~ went out to get a Constable, went up to J. & ~~told~~ him to retire & not beat H – when J. knocked him down 2 & 3 times – & Wr went away & saw no more –

Jane Ann Hewish wife of last Wr –

Or

on 25 June last— Turnbull asked H— why he had not given him credit on books— J. called H. a Damnd liar— pushed in a pane a blow to H— called for his cloaths— d° he would have satisfaction, saw J. with a number of persons round the door who attempted to break in— Woodruff called to J. not to break the door— J. d° he would have his book— or have R.'s life— H. opened the door— when J. rushed in to the house and called for the Horse book. Mrs S. she had it— J. d° he would have it or have H.'s life— on this he heard J. called to one Isaac, give me the pistol and I'll blow him through, that Isaac Taylor gave J. a pistol, when some one cried out H— knock him down. or he'll kill upon— on that H struck J. with a stick, when J. fainted— the first thing he saw was H. bro't in by some persons covered with blood—

x°

That Debney took her forcibly by the arm—

Henry Porter— Surgeon— was called on 25 June last to attend Platt Herrick about 10 or 11 o'cl, he was very much bruised from head to foot, his face cut in many places and ~~a great deal of~~ some blood issued from the cuts—

Defence

Ann Mitchell. lived 2 months at H's was there on

25 June last — heard a scuffle went to see, and saw Herrick knock J. over of the stove. they had hold of each other —

Heard J. ask for a book — King picked it up — H — d he should not have it — there was bad language on both sides — Has heard bad language between H & his wife — and when he does not quarrel w[t] his wife he will quarrel with his servants — he is given to drink — That Mrs H — is a quarrelsome woman — she has told me more than a hundred lies, and she would not believe her on oath —

Up an hour after J. came to front door to come in when H. took up an oven & d[d]. he would knock his brains out if he came in — J. came in, there were some other persons w[t] him — did not see Debony come in — J. asked for a glass of grog & to make up friends — liquor was refused — J. did not seem to be disposed to quarrel — H. d[d] he would knock him out of the house, and struck J. four times w[t] a stick before J. had lifted his hand to Herrick — J. defended himself — and in the struggle they all got out —

Never saw nor heard any thing of a pistol —

Saw blood on the floor — q[s] came from Herrick

Heard H. & his wife both say they were sorry they had not killed J —

&

What she stated before the Magistrate is true — did not say, before him that she had heard the pistol

called

called for —

J. & his party were desired by H. to go away — but they did not —

Heard some person of J's party — Damn him drag him out — they did drag him out, and knock him down, he fell on his face, & some of the party of J. kicked him — W went out picked him up & D to J. Taylor are you not ashamed to kick an old man — he swore that he would — W & D they were no men, or they would not kick a man in that way — they & the first man that went out to assist him they would knock him down — W went out & took him up — he was covered w blood, & senseless —

William King was 2 years in service of H — was there on June last — was in yard when H. called to him, that H. was fighting — went in & found him clinching J — in bar room separated them — told J. to walk out into the yard, away. He did so, when H. gave W a blow. This was the 2d time with J. — saw J — come round to front of house & asked for his ways & his cloaths — a bundle was thrown out at window — there was a crowd of persons, perfectly quiet — W was outside also — saw no appearance of violence among them.

when

when J. came back the door was opened
that H— is a quarrelsome man— and quarrels
with some one every day— either wt his servants
or his wife— his wife uses bad language also—
would not believe either upon oath—

X—

That he was not at the commencement of
the row—

Samuel Woodruff was at H— at commencement of—
the quarrel— J. had a book of Hon. H. had
told him to set down some money he had rec—
H. told J. he had been intoxicated 2 or 3 days
pt. enough J— H. told J. to come on Monday
J. P. he would not, & shook his fist at
H. several times— when H— pushed him from
him— on this J— struck him— That before
this H— told him several times to leave the
house—

when J. came up again asked for his cloaths & his
book— H gave him his cloaths— told him
to come back another day—

Peter Tarbell lives H— for some time— says he could not
believe him on oath where he had an interest, or
on a prosecution like this— thinks Mr. H— would
not believe him on oath—

Verdict. Michael Jackson, Guilty ~~Thomas~~ recommended
by the Jury—
David Dobney— not Guilty—

Wednesday 31st Augt. 1831.

Present

Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland.—

The King
vs
François Perrault
& Franc. Fournelle
} On Indictment for Grand Larceny.—

Antoine Delaunay de St Jean — le 26 Mars dernier dont en ville — vint les Prs Wr stopt at mother of Perrault, when Pr Perrault came in wt a bundle, his mother called to Wr to look at the bundle, and suspects they were stolen — asked Wr to go wt her afterd when they were taken — Pr sd he had taken it at Lachine — the property was carried to Mr Delisle the Constable — That Mr Delisle opened bundle in the presence of Wr —

Benjn Delisle, high constable, saw last Wr in March last, he came to house of Wr with the mother of Perrault, they brot a bundle wt them of which he took an account, as stated in the Indictment exhibd the 7 Shifts & two stockings —

Campbell Sweeny — knows Js B. Ferguson — he left in his charge several boxes wt wearing apparel — on 26 March last he observed 2 of these cases had

had been taken away & some lying about the floor – believes them to be the property of said Jas B. Ferguson – as all have the same mark and particularly two cotton stockings – and the marks written by the same hand –

James Laing – In March last he met Pr. F. with a bundle conts articles now produced – 5 or 7 shifts – 2 stockings & sundry other articles – Wr took him before Mr Debisle.

B. Debisle. called up again, says – That the shifts & stockings now produced were delivered to him by Laing, and value Shifts at 13.10 & the stockings 2/ – they are odd stockings –

Campbell Sweeny – the odd stockings now produced the fellows of them are in the case now in his possession – Wr. last saw him by Ferguson marked in same manner & by the same hand

Debisle, when he carried Pernault to gaol he told the Wr. that he had stolen the goods in the Inspk Store of Mr Sweeny –

Verdict – Guilty as both Prisoners

The King
vs
M. Arsdell

The King —
Mathias Asselin } An Indictment for Petty Larceny —

The Jury without returning from the bar returned a Verdict of Not Guilty.

The King
Jn.ph Bte. Larochelle } An Indictment for stealing privily from the person —

Noll Pacquet — de Ste. Rose, est venu en Ville vers la fin d'avril dernier au marché — rendu et avant sa bourse dans sa poche, et son argent — 3 ecu francais — un ecu banc annais — 1 trente sol — 3 quinze sols — 15 coppres — etoit a lui — on est venu lui dire que sa bourse avoit été prises et en mettant sa main en sa poche il a trouvé sa bourse partie — ladessus on a fait la poursuite jusqu'au Champ de Mars et de la est revenu au marché ou il a trouvé que le Pr. avoit été arreté par Mr. Doyons — et a dit au P. de rendre la bourse au lieu — quand il a mis sa main dans sa chemise et l'a remise au temoin — il n'y avoit dans la bourse que 3 ℔. 10 —

X —

Qu'il avoit été 1/2 heure sur le marché avant que Mr. Doyons est venu le trouver — Que quand

la

bourse doit rendue il n'y avoit que 3ᵗ. 10ˢ —

Jos: Doyons, s'est trouvé sur le marché vers la fin d'avril, y a vu le Dr. tem. de le Pr. et à vu le Pr. il doit pres de Paquet, qui avoit un bourse dont le bout dependoit de sa poche, a vû le Pr. pousser Paquet à tirer sa bourse et s'est sauvé avec — le tem. en a privû Paquet qui paroissoit ne savoir qu'il avoit perdu sa bourse — il en doit auprès de le tem. lui a dit qu'un jeune homme l'avoit prise — il a pour suivi après, et l'a arrêté en lui demandant ce qu'il avoit de la bourse qu'il venoit de prendre, il a nié d'abord — mais a la fin il a dit, menez moi où je me serai par vous et je vous remettrai la bourse — et comme il n'y avoit pas de place de retour de le monde se rassembloit, le Pr. a tiré de sa chemise et le temoin l'a rendu à Paquet — qu'il a reconnu lui appartenir — on a compté l'argent, quand Paquet a dit qu'il y avoit des 3ᵗ. 6ᵈ. qui ne sont plus alors le Pr. fut envoyé en prison. —

X

Con. le Pr. à son pere qui est un homme respectable

Berry. Delisle. first Constable was at Police office when Pr. was brot there by Schiller & Doyons — Paquet came in after — has the purse brot with him. Then were 3 pieces of 2/9, one of 2/6 one of 1/3 some of 5ᵈ — There was only 2/11 in the purse,

and

and the rest of the money was found on the person of the Pr

Nor Paget — recognizes the purse now produced to be the same he rec[d] from the Pr & g[t] he delivered up to the Court —

Verdict Guilty. —

The King
v
Michael Mahar } On Indictment for burglary. —

Emelie St Denis. wife of Thos Cummins, lives & Js. Sub- occupies the upr part of the house and one Gleason occupies the lower part — on 21 March last about ½ past nine she was in bed, when her sister in law & another came to her to say, that there was a pane of glass broken by some person in the back part of the house — she got up, thinking it was a cat and not any person, but her sister said it was not a cat but some person — she went down to Gleasons & woke him up, who went round to the back part of the house and found the Pr with the effects — when she went to bed the window was shut and the pane whole — when she went down to Gleason she heard the pieces of glass breaking — Is sure that the basket & the cloaths were inside the window in the house — there was among the articles a suit of bed curtains worth 25/ — a linen shift 2/6 & two of cotton worth 1/ — 3 pillow cases 3/6. 2 flannel gowns 3/ — a shawl, a coat worth 5/ —

the basket was near the window on a trunk
the Pr did not enter the house but took the
articles through the pane of glass – as the basket
was nearly on a level with the window –
Heard the pieces of glass fall and the drawing of the
cloaths through the window –
When the Wr got out Mr Gleason had arrested the
Pr – & he found all the above articles in his possession
and on his person –
That next day she perceived that some of the
pieces of glass inside the window & some in the
basket –
When arrested there was some difficulty in taking
the cloaths from the Pr –

James Gleason, lives in Rec. Sub. in lower part of the
house, of gt Thos Cummings occupies the upper part
was called up in the night of 21 March last
by Mary Cummings saying there was some person
breaking into the house & asked his assistance, Wr
took 2 men with him and found Pr as if on
his knees opposite a window of the part occupied
by Cummings – Wr called to him to come down
he did so when Wr laid hold of him, asked
him what he wanted there, he said he wanted
to sleep there – found several articles on him
and his bonnet filled with sundry articles –
could not see if Pr's hands were in the window
Cannot tell what articles were found on the Pr
but they were all claimed by last Wr as her
property

property — gave the Pr up to two of the watchmen.
That next morning he saw the broken pane of glass —
That there is no communication inside the house between
the upper and lower story each of the tenants has their
separate entry —

Mary Cummings, is sister in law of first Wr she resided
in her brother's house in March last — on night in
March last she was at work, at night when she
heard a pane of glass broke, thinking it might be
a cat she took a candle went into a back
kitchen, when she heard the step of some one on the
gallery, she went into another back room & heard steps of
some one coming up the gallery stairs — being
afraid she awoke her sister, who first at first it
was nothing, but from the noise found there was
some one there, Wr went down to call Mr Gleason
who came with some men and went round to the
back door and found the Pr
Cannot say whether the window was shut that night
there was a basket on a trunk near the window
in which there were the articles stolen — She observed
the pane of glass broken and the window still
shut, there was also some blood on the glass &
on some of the cloaths —
On looking over the articles found, she observed some
articles missing she went out went & this to Mr
Gleason. and the articles, a shawl & 2 pillow cases
were found on the person of the Pr —
The Jury without retiring from the Box returned
a Verdict of Guilty —

The King
vs
Charles Decosta } An Indictment for stealing privily from the person—

Paul Baudin de St Philippe— est venu au marché Lundi dernier, avoit de l'argent dans sa bourse a vu le Pr— qui l'a tourmenté d'acheter un couteau le temoin n'a pas voulu— le tem. a entré chez Mr McKenzie avec Mr Boyer— il est sorti de la. a avoit alors sa bourse— le Pr— le tourmentoit toujours Boyer lui a dit de lui donner une tape, le Pr— l'a menacé— alors il est parti— que peu de momens apres le tem. a trouvé que sa bourse manquoit, il suppose que c'etoit le Pr— qui l'avoit prise il avoit dans sa bourse un montant de dix piastres demi & trois sols en differentes especes de monnoie Que le Pr. le tenoit par les bras pour acheter son couteau—

Basile Boyer— etoit au marché Lundi dernier, y a vu le Pr— qui tourmentoit Baudin pour acheter un couteau— a vu le Pr mettre la main sur l'epaule de Baudin— en sortant de chez Mr McK. a vu encore le Pr— qui tourmentoit encore Baudin d'acheter son couteau— Baudin n'a pas voulu— quelques momens apres Baudin a trouvé que sa bourse manquoit— Baudin a soupçonné le Pr—

Alvin

Oliver Vincent de 13 ans — a vu passer le Pr passer entre 8 & 9 heures du matin près du College, il y avoit deux autres jeunes gens avec lui, il alloit après compter de l'argent de différentes espèces — ils étoient assis, & un des trois avoit une vieille bourse, & ils — paroissoient partager l'argent —

Ambroise Lettoré, a vu le Pr souvent sur le marché l'a arrêté Lundi passé — sur l'information d'une femme — il comptoit alors de l'argent — a dit qu'il avoit vendu un mouchoir pour 2/ —

Verdict. Not Guilty. —

Thursday 1st. Sept. 1831. —

Prest.
Ch. Justice Reid
Mr Justice Dyke

The King
vs.
Franc. Savischagrin

} On Indictment for breaking & entering house in the day time, no person being therein, & stealing &c.

Esther Aumier, dem. au fb. St L. elle étoit chez son père il y a trois mois, et sans qu'elle s'en doute partis elle a sorti aussi & a fermé la porte de devant au cadenat & a essayé s'il étoit fermé — les chassis étoient bien fermées

la montre de son père était dans la maison quand elle est sorti, et de l'argent au montant de huit piastres – environ 2½ heures après elle est revenue et a trouvé la porte de la Cour ouverte, elle a pris la clef ouvert la porte, et a trouvé une chassis ouvert et une vitre demastiquée – elle a vu que la montre n'était plus, elle avoit coutume de prendre dans la salle – et l'argent qui était dans une valise était parti aussi –

X

Croit que c'était dans le mois de Mars ou Mai – elle ne peut dire si l'argent était dans la valise lorsqu'elle est sorti, mais la montre y était –

Joseph Aussier, vers le 10 Mars der. il a vu que sa maison avait été défoncée – sa montre était partie et son argent – il fut à la recherche de sa montre, et l'a trouvé chez Mr Lovis, elle est la même qui vient lui être montrée – lui appartient et vaut 10 piastres – une demie heure après il y a vu le Pre et Mr Lovis l'a reconnu pour être la personne qui lui avait donné la montre à raccommoder – il a trouvé de l'argent sur le prisr –

X

Que la vitre paroissait demastiquée avec un couteau –

Chas. D.S. Lovis, watchmaker in Montreal – the 11 Mars
Der

der. le Pr. est entré chez lui & lui a donnée la montre maint. montre à raccommoder, elle vaut 3 louis — Mr Dumais a reclamé les montres pour etre à lui —

Verdict. Guilty. —

The King
vs
Jos: Laforge
otherwise called
Joseph Latour

} Ore Indictment for Grand Larceny

Leon Olivier de Berthier, que la porte de sa grange avoit été cassée vers la fin de Mars. der. ou com. d'avril — de l'avoine avoit été volé — au montant de 50 gerbes faisant environ 12 minots, & une paire de draps valant £2 — il a levé un warrant de recherche — a été chez le Pr — qu'il soupçonné, jugea qu'il y avoit des traces de l'avoine jusque chez le Pr et chez le Pr on a trouvé le blé battu jusques sous dans la grange du Pr — il y avoit environ 35 gerbes d'avoine dans cette grange — le Pr fut arrêté & envoyé en prison —

×

La grange est batie à environ 1/2 du chemin de ligne a environ 2 lieues de chez le Pr — il passe beaucoup de personnes dans ce chemin — avoit vû son avoine la veille & avoit fermé sa grange a clef — Il y a beaucoup de personnes qui charissent du grain —

Il

Il a reconnu son avoine comme elle étoit beaucoup verte, & par le moyen qu'elle fut attachée — a été informé que de l'avoine avoit été renversée en chemin

Thomas Fagnan, huissier & connetable de Berthier — le Pr lui a été mis en charge par Mr Morisson J.P. pour avoir volé chez Mr Olivier — qu'en chemin le Pr lui a avoué avoir volé une paire de roues & de l'avoine appartenant à Mr Leon Olivier —

Defence —

Emilie Latour con. le Pr à sa con. le P. a recolté de l'avoine et du seigle l'automne dernier, & du foin — & est mettoit cela dans sa grange — Il reste plusieurs personnes dans la même maison avec lui — En Mars der. le Pr avoit encore de l'avoine à battre —

A connoissance que le Pr a acheté une paire de roues d'un passant d'un ~~homme~~ étranger — qui lui a offert les roues a vendre, et le Pr les a payé 2 piastres pour, elle a donné l'argent au Pr pour payer — cet étranger prenoit le chemin pour monter — il étoit en traine — le Pr n'a jamais été soupçonné d'être voleur —

X

Et la sœur du Pr — elle n'a pas examiné les roues — elles étoient percées — le Pr les a mis dans sa grange dessus le grain & foin — c'étoit ~~p~~ le lendemain le jour que le Pr a acheté les roues — elle a sorti à la porte, sa sœur étoit avec elle —
Boy Dup le Pr n'a qu'une grange —

Henriette

Henriette Latour — reste dans la même maison avec le Pr. était présent lorsque il a acheté une paire de bœufs — et les a mis dans sa grange — elle a donné 2 piastres au Pr. qui les a payé pour les bœufs — c'était au grand matin — comme les personnes en campagne se lèvent de bon heure dans ce tems —

La personne de qui le Pr a acheté les bœufs était habillé comme un habitant — on ne lui a pas demandé son nom —

Le Pr sème et recolte tous les ans assez pour la famille — et on la serre dans la grange — il avait environ de l'avoine a battre en Mars dernier. —

X

Que les bœufs étaient dessus l'avoine dans la grange assé a voir —

Ernelie Bourdon de Berthier, con. le Pr depuis sa naissance jouit d'un bon caractère — vit avec sa famille — sait que le Pr avait semé de l'avoine et qu'il avait mise a battre en Mars der. — a occasion d'aller chez le Pr souvent, est son 2e. voisin — a été dans la grange, y a vu du foin et de l'avoine —

X

Elle est marié a Charles Latour, frère du Pr

Charles Latour — dem. a Berthier — a été chez le Pr à la fin de Mars der. y a vu de l'avoine à battre — a environ 35 a 40 bottes — vue du foin et de la paille — que le Pr charrie et vend du bois en hyver — il sème des grains tous les ans —

Jr. Marie Latour, frère du Pr Que lundi dernier il est venu

vinni en ville, y a vu Fagnant - il a dit au
temoin, que si le Pr lui donnoit £3 - le
Pr pouvoit s'en aller, & qu'il se chargeoit du
Proces - c'etoit dans une auberge au marché neuf.
Que le tem a dit qu'il verra cela demain, ne voulant
pas y consentir -
Sait que le Pr avoit de l'argent l'automne dernier

For the Crown -

Marbelle Paulette. Sees Fagnan, Verb - has always had
the character of an honest man. Deem incapable
to take a false oath - She would believe every
word he would say on oath -

Pr ~~Master~~ Martin Desbottes, Sees Fagnan from his infancy
he enjoys a good character, & he does not
think him capable of making a false oath -

Frans Mercure. de St Cuthbert, Knows Pr Fagnan
for many years he enjoys a good character
does not believe him capable to take a false
oath -

~~Verdict~~ Verdict. Guilty. -

The King. -
Luc Corvelle
Joseph Tassé

} Ors Indictment for burglary -

Thomas

Thomas Proulx — de St Benoit, que le 15 Mars, la lanterie de sa maison avoit été defoncée — Que le temoin est maitre de la maison — il doit absent lors du vol — il avoit 150 lt. de lard à lui, et Eustache Leblanc en avoit autant dans un grenier — Il a levé un warrant de recherche, a été le Pr Courville — et a demandé a sortir a cause de l'eau — le temoin en attendant a cherché & ils ont trouvé une terrine de lard, et Casimire Lesoup a reclamé pour lui appartenir — on a trouvé aussi une paire de Souliers de Chevreuil, qui appart. a Lesoup — on est allé chercher Courville qui ne revenoit pas avec sa charge d'eau — le tem. a été chez le Capne ou ils ont trouvé Courville — les autres temoins ont été — cherché le Pr Tassé, le tem. en doit surpris en le voyant amené comme coupable & lui en a exprimé sa surprise — Que voulez vous, ayant été trop sollicité j'ai tombé dans la faute — Que Courville a dit qu'il a environ 20 pieds derriere sa maison de lard du temoin & celui de Casimir Lesoup — le tem. n'y a pas été lui-meme, mais on a rapporté le lard chez le Capne & le temoin l'a reconnu pour lui appartenir — le lard de Leblanc etoit dans un Saloir — le lard du tem. etoit environ 150 lt. & vaut 6 piastres le Cent —

X

de Salmon fils Courville — avoit vu son lard dans un lanterie à 15 pieds de la maison —
Sait que son gendre Eustache Leblanc avoit du lard

à

à lui – son gendre va à la laiterie comme lui on doit 6 personnes pour faire la recherche chez Courville.

Eustache Leblanc – de St Benoit gendre du dernier témoin, reste chez lui – il avait du lard dans un quart a environ 150t. estime à 6 francs le cent – il a été a la recherche chez Courville – en le voyant Courville a sorti pour chercher de l'eau s'est sauvé – ils ont cherché dans la maison, ils ont trouvé une terinée de lard et une paire de souliers que Casimir Leroux reclamait à lui. On a poursuivi Courville ils l'ont rattrapé a environ 3 lieues de la – l'ont ramené chez le Capne – on il a declaré que c'était Tassé qui était avec lui lors qu'ils ont pris le lard – Un C. a declaré que le lard de Prondy était derrière sa maison à environ 20 pieds –
Que le lard du tem. a été trouvé chez Tassé dans le même quart. –

Casimir Leroux – vers le 15 Mars der. il s'est apperçu que son lard avait été volé – il avait environ 50" de lard dans sa laiterie – a été chercher avec les deux autres témoins chez Courville, a trouvé une terinée de lard, qu'il croyait lui appartenir – dans un autre armoir on a trouvé les souliers de Chevreuil qui lui appartenait – on n'a pas plus rien trouvé dans la

maison

maison, & alors on a fait la poursuite après le Pr. Courville — & après avoir couru longtems après ils l'ont arrêté & amené chez le Capte où ils ont demandé au dott le lard du témoin — & il a dit que le petit garçon du tem. dott chez Tassé — ils ont été chez Tassé où ils ont trouvé un petit gyant bleu — qui appartenoit à Eustache Leblanc — ils ont trouvé environ 12# lard du témoin dans la grange chez Tassé sous de la paille — En produisant le petit gyant bleu Tasse s'est jetté a genoux & a demandé pardon — Ils ont été derrière la maison chez Courville et a environ 30 pieds derrière la maison ils ont trouvé une poche avec du lard, ce qu'ils ont porté chez le Capte — le lendemain ils ont vendé la poche où le tem. a reconnu son lard, & Proulx a reconnu le sien — Proulx avoit environ 150 ou 160# —

M. Donald. pr Tassé — En entrant chez Tassé ils l'ont arrêté pour le vol — où Tassé a declaré qu'il avoit été persecuté par Courville de l'aider de voler le lard Il passe pour un hom. de petit genie —

Defense

Pr Tassé —

Thomas Proulx. con. le Pr — qui un emplacement, un hom. industrieux il a toujours passé pour un honnête hom. — il passe pour un homme faible d'esprit — & l'a connu pour tel —

Franc Tavernier con. Passé depuis 5 ans — un journalier passe pour un honnête homme. — avancé de l'argent il l'a toujours bien payé — il ne paroissoit pas avoir un grand esprit —
Qu'il auroit pu avoir serré un grand de land pour son beaupere —

Franc. Amiere — con. le Pr — pour hon. hom. depuis 16 ans — n'a pas un esprit bien fort, & se laissoit gouverner par un autre —

Franc. Passé frere du Pr — il est faible d'esprit, un petit genie — il pourroit se laisser persuader a mal faire —

Verdict, Guilty Fr. Luc Courville for Grand Larceny
same as Passé —
~~Fr Corbette~~ — Passé recommended by the Jury. —

~~Catherine Doragon de Lajoie Pris pr vols —~~

Friday 2d Sept 1831
Present
Ch. Justice Reid
Mr Justice Pyke

The King
vs
Joseph Choinier
otherwise called Joseph
Sabourin — Mathias
Asselin — Benjn Douglass
Pierre Kelly —

On Indictment for Grand Larceny

Nicolas Dumas, de Bleuzendy — que dans la nuit du 2 d'avril dernier, il a été volé de blé — il avoit fermé la porte de la grange le soir — et le lendemain, il se voit la grande porte de derrière ouverte, & une quantité de blé de volé — il a trouvé un passe de clôture. Remarché & a suivi la piste jusqu'à la rivière de Philippes — de là un passe entre Guerlin & Dupuis & entré dans la chaume, ils ont coupé les tuyaux & ont porté le blé à environ 30 arpens — Il a perdu le blé de 230 gerbes qu'il estime de 18 à 20 minots de blé — rendu chez Robert, il y est entré, qui a nié d'avoir aucune connoissance du blé — Dit la femme de Choisnier lui a dit on étoit le blé, & les personnes qui étoient avec lui, & par où ils avoient passé — elle a nommé Mathias Asselin, Benjn Douglass, et Pre Kelly, les Prs en conséquence il a été chez Pre Robert qui a nié avoir connoissance du blé & il a donné la permission de chercher chez lui — & dans le grenier ils ont trouvé 2 tas de blé, suivant l'information de la femme, & le tas à la droite étoit celui du temoin, il étoit couvert avec de l'avoine comme pour le cacher — & le blé au fond n'étoit pas de la même qualité que le reste — Sur ces les Prs ont été arrêtés —

Les Prs

Pre Robert a vu les 4 Prs Samedi Saint chez lui, ils y sont apportés

apporté 12 minots de blé au moulin en demandant si son frère ne lui avait demandé de la place de mettre du blé, disant qu'il était malade & qu'il lui envoyait ce blé pour mettre chez lui, & a demandé cinq journées qu'il avait prêtées + Dit c'était vers minuit — ils ont mis le blé dans grenier du bâtiment —

+ de prêter à son frère

Qu'il a donné l'argent à Mathias —

Qu'ils ont mis le blé à la droite du grenier —

Qu'en cherchant au grenier demandant ce blé, Damas a dit qu'il ne connaissait pas du blé à lui —

X°

Que c'était Sabourin qui parlait, ne sait pas s'ils avaient une voiture —

Que son frère lui a dit qu'il avait acheté ce blé là, & qu'il l'avait envoyé chez lui pour garder —

Jn Bte Robert — n'a jamais acheté du blé des Pres ni donné ordre d'en porter chez son frère — ils ont offert du blé à vendre, mais il n'en a pas acheté ils l'ont offert à 4ts 10d — Il connaît les frères qui sont des journaliers. —

X

Il avait acheté du blé en février dernier, que son frère lui a dit avoir vendu un minot de blé à Kelly —

Defense

Per Robert called up again, Que son frère lui a dit avoir acheté

achete ce blé — & rendu les cinq quartes au temoin — que son frere en differents tems a emporté tout le blé que les Ps avoient apportés chez lui comme par son ordre —

Nicolas ~~Robert~~ Dumas — bnt. rien again — Lors qu'ils ont été chez Pre Robert, il Dis ait avoir aucune connoissance du blé qui paroissoit gêné —

Julien Briet — Une Subocrin a eu 3/4 minot chez lui qu'il a gagné en battant —

Verdict. Guilty as all the Ps

Saturday 3d Sept 1831

Prest

Ch. Just. Reid

Mr Justice Pyke —

The Solicitor General not being able to attend to the business of the day from indisposition, the Court adjourned to Monday next —

The King
v
William Tomson

The Prisoner on his arraignment on Indictment for Grand Larceny pleaded Guilty —

Monday 5th Sept 1831

Present

Ch. Just. Reid

Mr Justice Uniacke

The King
vs
Louis Lami

On Indictment for stealing above the value of 5£ from a ware house —

Chas Fleury Roi, de Montreal, partner of the Leveque — con. le Pr depuis 2 ans — va vers le 6 Juin dern. chez lui - Lacheté des effets — il a eu quelque raison de soupçonner de l'avoir volé, en ouvrant sa valise a trouvé les marques de Mr Gellespie & Co — a été informer Gellespie & Co demander si le Pr avoit acheté les Marchandises qu'il avoit achetés — ont dit non — ont reconnu les marchandises s'ont trouvées lui appartenir, le tem. a ouvert la valise du Pr qui étoit fermé a clef, ayant manqué des Marchandises — les art. de Mr G. étoient des rubans, une voile & autres effets — le Pr n'étoit pas present — Ils ont fait leur deposn — sont livré un warrant de recherche, mais les effets ont été emporté & la valise y a resté —

Robt Gillespie Jr — one of the partnership of Robert Gillespie

Gillespie Geo Moffat, Wm Finlay — John
Cameron — Alexr Gillespie Jr of London and
Robt Gillespie of Montreal under firm of
Gillespie Moffat & Co —
The Pr had been twice in 6th June last at the then
new Store for goods he had in May — he desired to
purchase more — he asked for credit for £40 or £50
& was granted — he was told to go into Warehouse
they were what he wanted — when the goods are
opened for sale duties they are sold — Mr Thompson
went round wt. him — the same goods had been
by Pr — who asked for a puncheon of Rum also —
Pr was out & in several times in course of the day —
We saw the selected articles — & upon being packed
are entered in the book — Next morng. he sent
word from Montreal that some goods of theirs had been found
in poss.n of Pr — went to Mr Roi's & looked into
Pr trunk — found a good many articles of them
not among those selected. those mentd in the Inventory
of that value — not one of those articles were among
those selected by the Pr — and the goods must have
been stolen secretly from their Store —
The Pr was arrested — he was at the time close
to the trunk, when seeing the Wr he raised the
goods saying these are your goods & begged not
to be sent to goal — he was then in Custody —
The 2 pieces of silk he is about have no private marks
& he cannot speak positively to them — is satisfied all

these

these goods were in the ware house of G & Co
when their property —

x2

Hear every answer to believe these goods were
in the Warehouse of G & Co
Pr. pd £30.13.3 for goods sold in May & for the
Remainder of Rum —

Edmond Thompson in employ of G & Co as Salesman
saw Pr. there about 8 June last, was directed
by Mr G — to sell Pr. goods to amt of £40 or £50 —
count set Pr. who selected goods to about that
amount — the Wr. set apart the articles chosen
by the Pr — among the articles these Parasol ribbon
the articles set apart were first wide but not
removed from the ware house of G & Co —
went wr R. G. to the Riv: to see goods in a
trunk of Pr. there — in that the trunk he found
goods wh were mark of G & Co remarked by Wr
saw Pr. there — who had the goods taken by to G & Co — & that
he had taken them — Pr. was then committed —
In the course of the afternoon the Pr. was sent
out of the Room at different times — had purchases
some gauze hkfs, but they had never been removed from
the Room —

x3

The Wr. never whole time the Pr. was selecting the
goods saw him go away — When the Pr. said
he returned the goods, he spoke partly in Fr & partly
in

in Englnd — Heard sen P^r in May sold him goods

x^d

Then were 2 or 3 other Customers in the Store in the afternoon when P^r came back spoke to P^r but did not think it was necessary to keep his eye on him

Lo Bralo — Constable — had a search warrant to search for goods in a trunk of P^r — suspected to have been stolen — before going there was told the P^r had taken away the goods — W^m followed & found the P^r at Mr Louis Roi — told P^r he had goods on his person which he had not bought — he denied it — went to Mr Roi's, opened the trunk, there was nothing in it — went to L. Ant — when P^r found a trunk & delivered up to him — several articles P^r took out & put in a ship — saying it was Mr Roi's property — W^m took the trunk & its contents & carried it to Mr Roi's where he declared the whole — The following articles he declared belonged to Mr Gillespie & Co — & were put aside by himself (same articles laid in the Indictment) These articles he avowed having taken from Gillespie & Co — The articles were produced and the same delivd to him by P^r —

x^d

The P^r when ord^d to observe the articles, said yes — & did not appear agitated — P^r was warned not to avow any thing, he however still persisted

on

in doing so, & rather surprised the Wr when he made this avowal, the question then was touching Mr Rei's effects —
The Pr at same time named two other persons to whom goods belonged & he had in his possn

Edmond Thompson called up, says — the articles now produced, are the property of Gillespie & Co from the marks on it — The Wr and the Pr I saw did not sell any of these articles to Pr and they were in the ware house of G & Co on Wed. & must have been taken unknown to Wr. & afterwards found in possn of Pr and are same deld up to Mr Gillespie by the Pr as his property —

Louis Marteau — The trunk now produced was put into the possn of Wr by Mr Dibble in the presence of the Mulo, it was locked at the time and has remained locked ever since —

Robt Gillespie — identifies the articles produced to be the same delivered to him by Pr & of he said belonged to Wr

Austin Cunilliss — is one of Justices of P. for the District.

The

The Pr was brought before him charged with stealing taking the goods therein mentioned, and under the Declaration thereon stated —

The examination was read — says. that the goods were put into his trunk by inadvertance

Defence —

Laurent Lajoie — lives at Machiche — Pr neighbour of the Pr — he engaged Pr to bring him to Berthier about end of May or beginning June last, & was then to take the Steam boat, Pr was to follow w. batteau — Pr was going to buy goods in Montreal — Observed that Pr had something extraordinary in his conduct he treated Pr as a fool — he put his hands round the person of a widow woman in his store in the presence of his wife, and asked her to marry him. When at ~~Machiche~~ Rec. du Loup — he threw his tools de Pain into the batteau into water & was in the bottom of the batteau — at Berthier the Pr would not leave the batteau, as he proposed, & they continued the way to Montreal — the Pr on the way began to count his money — he asked the reason — the Pr s. there were thieves in the batteau — there were 4 strangers in the batteau — he had about 800 or 900 dollars —

At Longue Pte — the Pr took the provisions pork & bread & sold it, 4th junk for four coppers — a loaf for 15 Sols & the other 16 Sols — the reason he gave, that

they

they eat white bread in town, & Sausages & puddings — The Ps eat but little on the road only milk — such as W would not have eat it was sour — there was much butter provisions in the boat — but Ps & he had envie to eat milk —

He went ashore at Longue Pte to go by land but they asked him 2/6 & he would give only 2/ — when ashore, he walked backwards & forwards wt his bag of money under his arm — afterwards they found a Calash for 2/ — but afterwards would not accept of it —
The Ps carried the hard money within, but left the paper money in his trunk in the batteau.

On the way up they met wt persons fishing and asked, som of them if he had a croc en bouf dans le nez, & to another, if he had a grattin de Moutons dans les reins — this induced W to think he was not of sound mind —

When he came to town, the Ps sent his men to public house to be fed —

Heard Ps propose to another woman in presence of his wife, if she would gain a bottle of rum — he said the rum was in the hanyard — while there was no rum in the hanyard, but on his board —

That

Had for some time past he had been watched as he threatened to make away with himself—

This is the first time he ever heard any thing of the Pr

André Lacombe — de machiche — his Pr — lives near him, has been often employed by him — came up in the batteau with Pr his agreemt. was to take him to Berthier — left Machiche on 3. June — would not leave the batteau at Berthier but cont.d in the Batteau — Pr eat only once on the road — Pr came up to Montreal in the batteau. At Longueil Pr — he wanted to go by land — it was on a Sunday — he s.d he would give 2/ — for a Caleche — found a Caleche for 2/ — when Pr agreed to go, but — afterwards he would not go — When Pr went out of the Batteau the Pr took his money with him, but left the paper money in the trunk — & gave the W.r the key —

Sold the pork ~~bread~~ at L. Pointe for 5 coppers — & the bread for 15 & 16 Sols. — sayings in town, they eat white bread with Sausages, puddings, tea & other things —

Had jokings & passions with fishermen on the way —

W.r went once about 15 days before he came to town, the Pr refused to sell rum to W.r sayings he had no license and the Cousin of W.r a young woman asking for rum, he s.d he would make her gain it, and told her to come to the hangard with him, & this in presence of his wife. —

at

at Longue Pte he asked for some sour Smack
of was not fit to eat - and eat it with his
bread - the men had nothing to eat - for their
dinner, but Pr told them they would get meat
down & he would keep them in a tavern and
kept words they should be well treated -

Antle St Louis de machiche, mayor de Milice - ks Pr
this family - previous to 5 months past he
has known Pr to be a man of - good character
and a rich habitant -
Knows a lot of land the Pr sold -
He is a man very exact in his religious duties -

Before 5 months, he has heard of the indiscretion
of the Pr - with regard to certain widow woman
has also heard that he had been in culpation in
an accusation for theft at Three Rivers, he
spoke to Pr about it - he s? he had nothing to
fear, as he was an honest man -

Charles Lavoie de machiche. ks Pr - always knew him
to be an honest man & of good character until
within 5 - 6 years - Knows that Pr bot a lot
of land for Trois - which the Pr is a polite man -
and generally careful -

Jn Bte Bossu Lionais, Doctor at Chambly - lodged in the
same

same side of Gaol - within Pr as a Cond Debtor -
Wk observed that Pr conducted himself like a man
to be shut up - he borrowed the gazette from Wr
Wr had sent him the Minerve & Observateur, ½ 3/4 hour
after he asked for the same Gazettes - ~~about~~ Br this
the Pr went away - some time after Wk sent for the
Gazette - & Pr insisted that he had not received it -
Thinks that Pr was momentarily affected with
weakness of mind -

Laurent Baron. brother in law of Pr - saw P. in March
last, & it was to buy goods - he arrived in afternoon
& he was going to buy goods next day - he counted
his money - & he wanted Wr to go with him to buy
his goods. & if he wd not go wt him he wd go off
to america - next morns he rend. 3¼ hours at his
prayers - he went wt Pr to buy goods - Wr objected
to buying some goods to wait the arrival of vessels -
& if he did not lay out his money - he wd give it &
all he had to take care of him, & he wd go to America -
The P. is not steady - made many propositions
and appeared deranged at the time -

Has seen him in Gaol - at times he did not know
Wr & wondered he did not go and see him -

Heard that Dr Selby had attended him -

Laurent Lasni - prest du Pr Rev. du Loup - In 6 months past
the family of the Pr talked together to enlend at him - he
sold a land pt. out him to Pr for 1100th - on the 28 May last.

That then was mention made in the family — that the Pr was guarded, & that he wanted to run away & leave the Country. —

Louis Rigg. Sheriff — Says a part of Manitoba. Knows Pr & his family — considered him to be a respectable man & possessed of a good deal of real property —

By the Jud Gen

Wm F. Rae called up — when the Pr made his purchase he appeared a man of good sense, he had not the least reason to suppose he had the mind affected — the goods he selected were of a suitable quality for a Country Store —

The Pr took the goods at the prices stated by the Witness — The Pr came to the Store at different times — It is usual for Country Merchants to endeavour to beat down —

Robert Gillespie — had no reason to suspect the Pr was deranged in mind — He was much engaged & did not take particular notice of him — he acted like any other merchant — When he asked for the purchase of Rum for Credit — he appeared to act like a good merchant wishing to get an assortment

assortment of goods for his business. —

Verdict. Not Guilty

The King
v
Warner Dutton } On Indictment for stealing a Sheep

Wm Manson, on 27 June last Morrice Colton came to his house to enquire if he had lost any sheep W. D. that some weeks before he had lost a black lamb. D. that would not answer — That in consequence of what Colton told him he missed one of his sheep and found it in one Moore's barn Yard knew the sheep to be his by the mark on it. immediately went to house of Pr & charged him with the theft — he denied it. — values the sheep at 7/6 a 10/ —

Maurice Cochlan, he armands — his Pr saw him end June last, he had a sheep in his possession, it was early in the morning, he was going to his home & coming from Manson's — on seeing Wr the Pr let the sheep go & she came towards Wr saw it run into Fr. Moore's barn Yard — did not know to whom it belonged — on exams. it had a different mark from that of Moores — was told it was Manson's mark — Manson came then

and

and knew it to be his property — Wm did not follow the Sheep in the barn Yard & cannot tell whether it was the same Sheep the Dr had, but there were no other Sheep in the barn Yard of Moore, with this mark but this one —

All he saw of Manson's Sheep, had the same mark —

When Dr saw the Wm he run off —

x —

It was early in the morning when he saw the Dr with the Sheep — it was snowing weather There were other 34 or 35 Sheep in Moore's ~~barn~~ barn yard that morning —

That it might be about 6 months after the fact that Manson had the Dr was arrested —

Heard Manson say, that if Dr would leave the Country he would not have him arrested —

Harmonius Reiter — That last April the Dr told him he had taken a Sheep out of Manson's Yard

Defence —

Hiram Moore — Wm H. Reiter has a wife & 3 children he is not a man of good character, & he would doubt his evidence on oath —

Maurice

Maurice Corbian brot. up again — Mr. Harmonius Reuter — he is given to drinking — Cannot say whether he would believe Reuter on oath — has heard he had taken a false oath — but he does not know it himself

William Moore stated that he had mistaken the question put to him in respect of Harmonius Reuter, as he understood to be just in regard of the Pr — That he knows nothing of the character of Reuter and would believe him on oath as soon as any other man. —

Verdict. Not Guilty. —

Tuesday 6th. Sept. 1831

Prest
Ch. Justice Reed
Mr Justice Uniacke

The King
David Brisette } On Indictment for stealing above the value of 40/ from a boat on a navigable River. —

Martin Paul Hus de Courmoyer, of Sorel — was employed in June last by Mr Phillips to send a quantity of

Rum

Rum from Lord to Mr Drolet at St Marie he hired Pr for this purpose, — he saw the 9 puncheons of Rum put on board the batteau of the Pr — who set out about 11 O Clock in the morning — The next day about 4 or 5 O'Clk he heard the Pr was returned to the village — the Dr on this went up to where Batteau was about 9 Miles distant, found batteau among the bushes, and no body in it — asked on Bibeau if he had any knowledge of the men or batteau he went on board the batteau — observed that one of puncheons had been tapped. rum missing. he gave the batteau in charge to 2 men and caused the Pr to be arrested, & the person who had brought the rum —

x

Has no personal knowledge of the quantity of rum that was missing — Till then he had never heard any thing of the character the Pr —

William McLean — Ko. Pr — In June last he was hired by Pr to conduct a batteau from Lord to Mr Drolet, went to Dupuis where he fell asleep — he went down to batteau & found Dupré drawing rum out of puncheon — asked why he did so — knew nothing about the Pr — that Dupré drew the rum into a small barrel — That the Pr after he returned gave him

him 5/- on account of his voyage —

Olivier Dupré — lives at Sorel about 2 leagues above village
No Pr — in June last a loaded batteau stopped
opposite his house, the people in batteau asked for
fish — told them to go to his wife, at the house — the
persons in the batteau went there ordered some fish
dressed and with a bottle of rum — they returned
to their dinner — the last W. asked W. if he would
buy any rum of them — he asked how they came to
have rum to sell — said they were told that in case
the puncheons should force by the heat, it was
better to sell the rum to any one who would
buy it than that it should be lost — asked 5/6
the bottle — offered them 5/- they d. 6 was not
an object, & consented — he told them he could
take only 5 gallons — as his vessel could hold
more — the Pr. had a gimlet — that they passed
the first puncheon as they had taken some out
of it, but went to one in rear of batteau, and
pierced it — took out about 2 gallons, and
stopped up — tapped another & filled his vessel —
the W. gave 12/6 — to Brunette — M.Lean on
seeing this jumped on the Money book 5/. 2
d. the Pr still owed him 1/3 — the Pr. S. that
he had done more than him & had gained 1/3
M.Lean they must be in holes — they offered

a

a bottle of Rum to a man who was fishing
& pressed him to accept it —
They then asked for a dinner. & while he
was preparing it, the Ps. & Wd. got a
calash & went to Sand — & left the batteau
in charge of the batteau — They returned
about 10 o'Clock at night & asked for victuals
in the mean time he heard that Paulette had
taken charge of his property —

The Ps. told him the Rum belonged to Mr
Drolet & that they got charge of it from —
Paulette —

Jos: Toussaint Drolet, lives at St Pierre, that
Dr Phillips as his agent had bought some
Rum for him we orders to forward it to Mr
Paulett — in June last 6 puncheons were
forwarded to him & he found that 5 of
them had been tapped — and in all 16 gallons
were wanting — The value of Rum in that
state in retail would be 3/4 the gallon —

Martin Paul Ste was called up, says that the puncheons
were entire and no Rum had been taken out of
them — none of them had been tapped — or
touched —

Verdict. Guilty of Petty Larceny
to value of 12/6 —

The King
v.
André Labelle

An Indictment for Horse Stealing

Antoine Fisician, lives at Pte aux Trembles - w.r the Ladies of the General Hospital -
On the 31st Augt. a black horse was taken away about 9 oclk with the evens. at Montreal - W.m went in search and pursued his route to end of the Island - being at Traverse of Rw. des Prairies heard a horse coming towards them, and on his coming up found it was the horse stolen, they saw the horse tied to the foot of the stairs and the Pr had just got off him & was on the gallery - there was no other man there but the Pr. at the time - W.m asked Pr. to whom the horse belonged - he s.d it belonged to the Sœurs de l'Hopital General, and begged to be taken to the Sœurs for to ask them a thousand pardons for having stolen the horse - W.m knew the horse to belong to the Sœurs Grises - values the horse at £15 - That he said that when he took the horse he was not alone, that one Jo. was with him & that it was an unlucky hour for him -

That at 9 oClock the gates are shut at 9 oClock at night

Pre Caron, baker at General Hospital - about an hour after the horse was taken, the W.m knew it - W.m went along rd. the last Wit.s to Longue Pointe to St Amour's

ferry

ferry when they came up with the Pr. who had the horse in his possession, that the Pr was tying the horse to a post at west of the gaol & the Pr wanted to be ferried across the River, knew the horse to belong to the Lovers Sister, and brot him back to town and left the Pr in the hands of the Capt Militia—

The Pr told him that he had opened the door with a fork and broke open the padlock of the gate—

X

Doors are shut about 9 o'Clk— the wall is about 8 feet high— the door when the Pr took the horse was open—

Has seen the Pr. worked for the Lovers last spring

In Bte Laporte— lives w[h] Grey Sisters in Montreal—
on 31st Aug[t] last one of their horses was taken—
on passing before the Stable door he found it open, & found one of the horses gone— they searched the yard— and afterwards saw the gate to the Street open— & was then of opinion that the horse had been stolen— the Pr. who had worked for the Sisters— knows when the horses were kept—

Pr. worked 4 or 5 days for the Sisters—

X[2]

Jean

Jean Bte Elie, lives at the General Hospital — about 9 o'clock in the evening. Bte Lafonne told him the horse was wanting — he examined in the stable & found the horse with a saddle & bridle missing. The horse was brought back by Lt Carron and Antoine Fisiaux & is the same that was stolen —

Verdict — Guilty. —

The King
vs
James Marlin

} Ctr Indictment for assaulting and presenting a loaded gun at one Leon Bluteau with intent to murder him

Leon Bluteau — to the Defendt — W lives at Rusman Myers is a tavernkeeper — he came to house of W's about the 12 June last wt another man — they were both drunk — W came in after they had arrived — the Defdt was sleeping — about ½ past seven he wanted to send them away & could not — at night they asked for a bed, & W gave them, & put them into a Cabinet where they took their guns — the gun was not loaded at the time — kept their bundle in case of powder being in it — in the morng. he asked for his pay 1/6 — they wanted credit, said they would come again but W. demanded his pay — on this the Defdt went wt their gun, & came in again to lay hold of

the

part of – Wr refused to part with – on this
the Defr drew back & worked his gun, & presented at Wr
Wr laid hold of the gun to save himself, so
as to turn it aside – believes it was the intention
of the Defr to shoot him – that on Mr
Davis laid hold of Defendr & dragged him
out of the house – The Defendr returned
to get this gun – but Wr refused it – the
gun was delivered to Mr Delisle – it was then
in the same state as it was when taken
from the Defr

2

That the Defr after lying on the table asleep
waked up, and he danced in the house – that
a mason who was passing, played the fiddle –
gave no liquor to the Pris.r –
he had the gun in his hand that night – that
when Wr asked for his money Defr said he –
would pay him to morrow – when Wr found
he could not get his money, the Wr put his
hand on the handle and said he would keep it
for his security –
That before Defr had presented the gun to Wr he
had not struck Defr nor Bleau either –
That Bleau was in the house before Defr went
out, but did not shake the Defr
That it is a percussion Gun –

Hayshotte

Reynolds Bleau — lives at Russian Bayou near Bluteau's last Wk — who keeps a tavern — That about 12 June last a Sunday morns — he went into Bluteau's saw Defdt there —

That next morns Defdt wanted a carriage to carry him to the end of the Island — Bluteau engaged for one — he asked Defdt 1/6 for his expenses in the house — Defdt said he had not 1/6 — They had a ~~gun~~ gun — They went into the house w the gun — when Bluteau asked again for his money, they & they had only enough to pay their fare — they went ~~out~~ into house a third time to take their bundle — wt his gun in his hand — Bluteau told him that he had been warned that Defdt meant to fire his gun at him — The Defendt had his gun ~~and~~ by his side under his arm butt pointed in the direction of Bluteau & on seeing it Bluteau laid hold of it to turn it aside the gun was cocked — the Wt also laid hold of the gun and wrenched it from the Defdt — ~~who~~ and put it into the bar — the Defdt was put out of the house by Bluteau & another man — He examined the gun, found it loaded with 2 balls — It must have been loaded before it was presented to Bluteau

£-

Saw no dispute between Defdt and Bluteau — Heard that Defdt offered 20 Sols, but did not see any money tendered — That when the Defendt entered he had

had under his arm, was nathe on one side of the
Bluteau. Wath pointed at him, on this Bluteau
had hold of the gun and also St Denis, and
the Wr being behind the Defend. forced it
from the Defd. & he was turned out of doors.
The gun remained in the hands of Bluteau
& it was brot. to the police office — he tried the gun
& found it was loaded — but cannot say with
what —

Franc. St Denis, went into Bluteau's on a Saturday Evening
the Defd. and another came to Bluteau's much
in liquor — found Defd. getting quiet — Bluteau
came in soon after & went away — after supper
Wr returned there was a man there who played
the violin, they all amused themselves — the
Wr took hold of Defd. who desired to have
assistance him — Wr. returned home —
Next morning Wr went to Bluteau's Defd. talked
about going away Bluteau asked of them 1/6 —
Defendt. as they understood, that they men were
going to Assomption, & wd pay him when they
returned next day, as they had only 7½ to pay
their fare — Bluteau asked them to leave their
bundle till next day — they appeared offended
at this — the Defd. went out with his gun
& went into the wood at a little distance, the
Defendt. observed priming three times before
loading

loading, then asked him his comrade for powder, who seemed unwilling to give any, the Defendt appeared to threaten him, when he put his hand in his pocket & gave him some powder & shot & afterwards asked for 2 balls — his comrade again refused - but on threats, he gave 2 balls — Pltf put in his gun, and then went into Bluteau's house — before going in the Pltf — warned Bluteau of what he saw saying that Defdt was going to fire at him —

Defdt went in & attempted to take his powder but Bluteau laid hold of powder and when you have fd on you shall have it — on this Defdt cocked the gun & pointed it at Bluteau on this Bluteau laid hold of the barrel of the gun and Bleau laid hold of his hand to prevent his drawing the trigger Defdt laid hold of him by the collar & threw him out of doors - the gun remained w Bluteau — the Defdt came forward again but the Defdt was arrested & took to gaol — & they took the gun w him — it was not altered in any way, except that it was unloaded —

X

We took the gun to town w. him to the Police office — & gave to no one on the way —

Louis Malo, constable — was at Police office when a gun was brought there w the Defdt Bleau, & Bluteau & St Denis

one

own with him. The gun was loaded with two balls and powder — There were some shot in it also —

Louis Martian — The pistol now produced is the same that was given him in charge by last Witness —

Defence

William Dunn, lives in Montreal, Sr. Ps. since they were school boys together, he is a not a man of a ferocious character — nor one who would present a gun to another with a design to take his life — He is father of a small family — knows that Dft had money when he went to the Country on the 12 June last — he had a Comrade with him — Knows the Dfts gun. it is a percussion gun — it cannot go off without a Cap —

Mathew McCrum — Kps Dft — between 3 & 4 years — he is a peaceable man as far as he has seen — cannot say whether he would load a gun to take away a mans life —

Thomas Alexander. Kps Dft for about a year — always considered him a quiet & peaceable man — does not believe that he is capable to load a gun or one to take away another's life The Caps of a percussion gun make a noise when fired off —

Joseph

Joseph Austen — was rejected having been in Court contrary to order during the trial

Verdict. Guilty of the assault without the intention to murder

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The King
v
Joseph Lavigne

An Indictment for an assault and biting off part of the under lip of one Richard Jackson —

Richard Jackson, a black man — in april last Wt had been at work very hard the day before. that Wt been ab work on next day — on way home bot some meat in market & he gave his wife to cook for breakfast Pr lives in same house wt Pltf — The Pr asked Wt. wife to go for rum. Wt told Pr not to delay his wife as he wanted his breakfast immediately to return to his work — he immediately received a blow, on the back of head but does not know whether from a stone or a stick — it was the Pr who gave him the blow — and immediately they clenched ~~the Wt by the side of the head~~ the Pr bit him in the eye, and afterwards laid hold of Wt with his teeth by the underlip, and bit out a piece of it — Wt. had given him no provocation — the Pr got hold him by the mouth & held him till Peter Dago came to assistance of Wt & took Pr off — The Pr & Wt lived in the same room

Last

but each fed himself —

Peter Dago — The quarrel com. w^n Jackson & his wife w^n passing event in a st but it came to blows between Jackson & wife, they were very much in liquor — That Pr — appeared to take a part w^n the wife and gave him (pr Jackson a blow, Jackson threw Lavigne down, the wife of Jackson & the other woman — they cried out ~~not~~ to Lavigne not to strike him any more he raised him up & observed, that Lavigne had a bit of flesh in his mouth — he did not at first ~~observe~~ that Jackson had lost any part of his lip & the parties went to it again — but the w^n then observed that Jackson had lost a part of the lip, and he stopped their fighting and carried Jackson to the Doctor —

Louis Malo — Constable — he arrested the Pr on this complaint — the last wit — but with the hands of — w^n the piece of a lip which the Defend^t had bit off from Jackson —

Defense

John Simpson — They were all drink in the house Jackson began the quarrel with his wife

Verdict. Not guilty —

The

The King
vs.
A. Hume
& al

The Grand Jury having returned a Bill against the Defendants for a forcible entry and detainer, the Sol. Genl. moved for process against them — And the Defendants having been afterwards called appeared — The Sol. Genl. now moved that the Defendts be held to plead to the Indictment —

Mr. Mondelet for the Defts contended that they were not bound to plead instanter, but ought to have reasonable time allowed to them for this purpose — That according to the practice in England the Defendts ought to be put under a rule to plead before they can be compelled to do so, and the same principle ought to hold here — That the Defendts are ignorant of what they are accused, they have not seen the Indictment, nor had time to prepare any plea — That by law they are entitled to a copy of their Indictment to enable them to plead, and that copy he now demands for that purpose, and that a reasonable delay be allowed to prepare it —

The Sol. Genl. contended that the practice in England had never obtained in the Criminal Courts in this Country and from their Constitution this was impossible, as it would scarcely be possible to bring an Offender to trial in seven years were that practice followed — that the course has been that Defts charged w. a Misdemeanor plead immediately and thereupon that a day be fixed for trial, which from the nature of this case he contended ought to be this Term

The Court was of opinion that Defendts were entitled to a reasonable delay to plead, and allowed them to the 8th inst. sitting the Court, as to the Copy of the indictment they were entitled to it & could obtain it in such way as they should see fit in this the Court declined to interfere —

Wednesday 7th Sept. 1831.—

Pres.
Ch. Just. Reid
Mr Justice Vanfelt

The King
v.
Michael Connolly } On Indictment for Perjury —

No evidence having been adduced in support of the accusation, the Jury returned a Verdict of Not guilty against the Defendant.

The King.—
v.
Charles Meilleur
Isidore Carré.— } On Indictment for maliciously and felloniously setting fire to and burning a toll bridge.—

Pre Fabre & Larosée, lives at St Rose — Is. Mr Dumont Is. That Mr D. built a bridge opposite the village St Eustache — the river there is about 6 or 7 acres wide — the bridge was finished last Summer & the public passed on it — Is Pr — That one day about 27 June last, he left his house about 1 or 2 o'clk in the morng — he went to water side to ferry, he saw the Prs having a straw with which they were putting fire to the bridge. The

bridge

bridge was in fire already in two places on this side, and the Prs were about putting it to another place — Wm crossed the river on a canoe but before this he had observed the 2 prisrs by the light of the flames, and the work might be about 2 acres distance from them — he crossed the river & he saw them still better by the light of the fire, then the Prs having observed him the straw or fire they had in their hands they let fall and Wm thinking that were coming after him, he gained the land and went away —

That 2 days after he met with the Pr Carré who asked of Wm there has a great misfortune happened, have you heard of it — the Wm Sr yes, & you know it as well as me — Is it me — Carré — that is to be ascertained, if I am called I shall tell what I know —

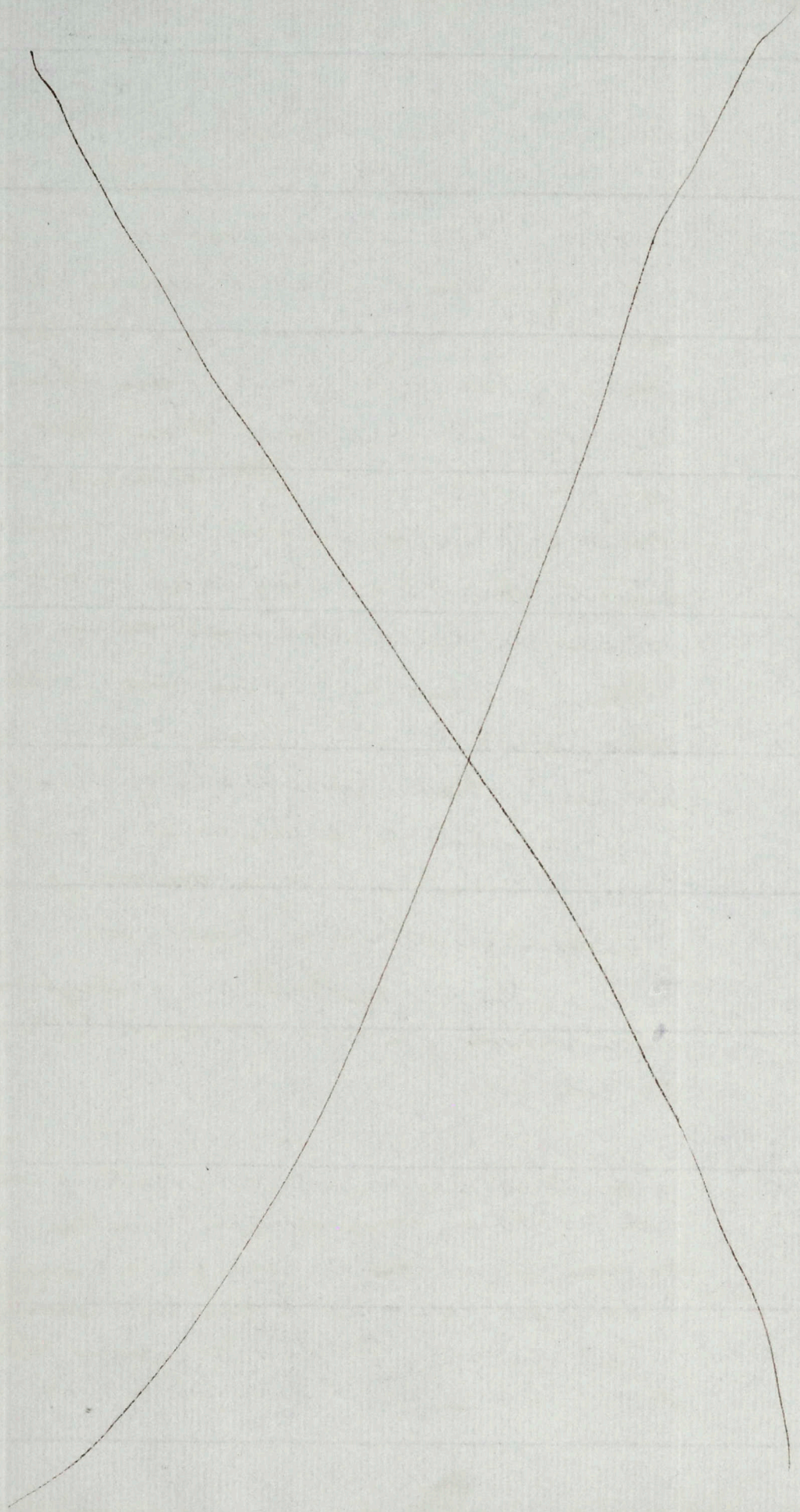
That the bridge fell in consequence of having been burnt on that occasion to the extent of 50 or 60 feet

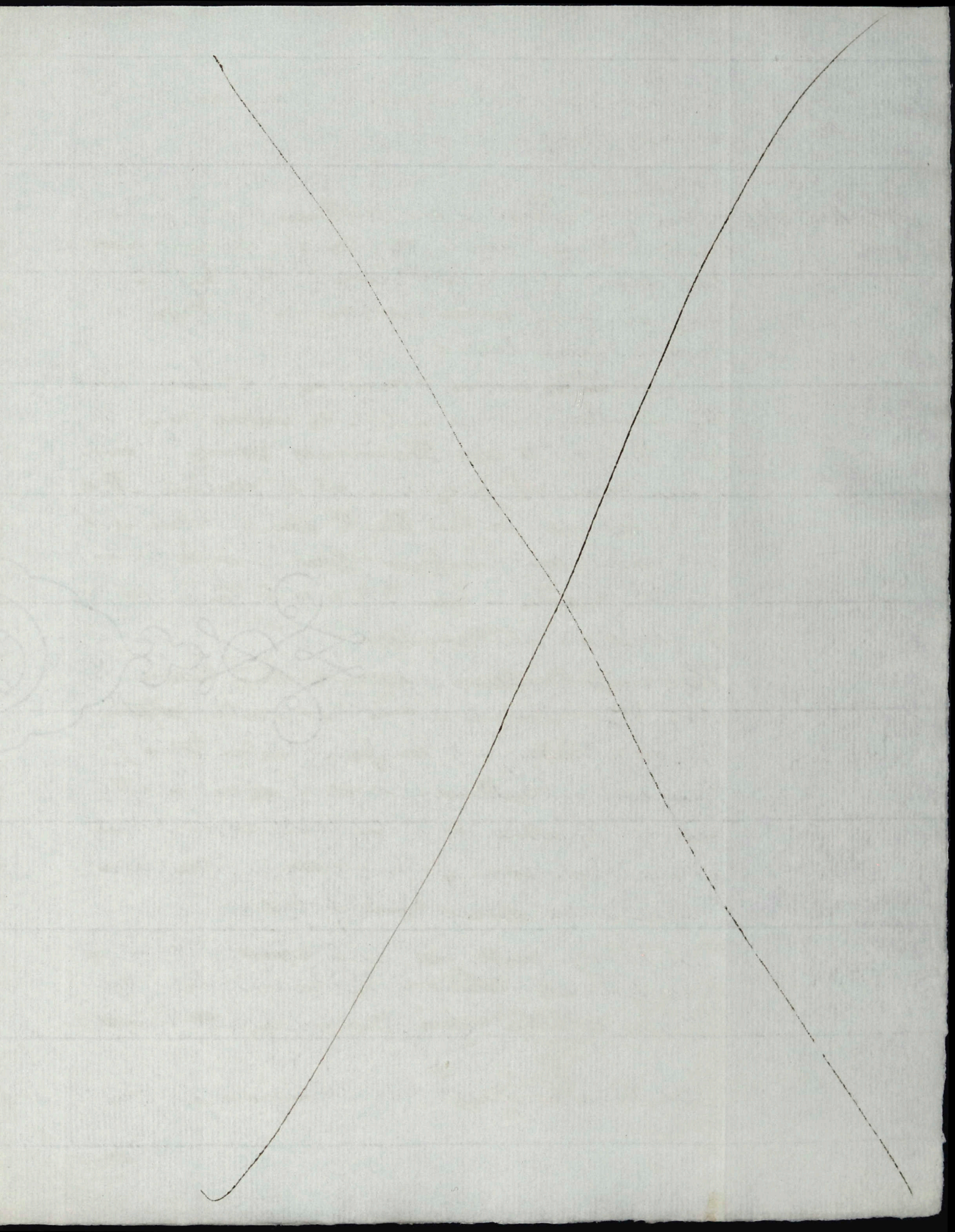
Pr

The bridge was not finished at the time it was ~~not~~ burned — Cannot say, exactly at what distance he was when ~~the~~ it was burnt — at the end of 2 days he returned from his journey —

That one of the Prs had a cotton shirt on & a bonnet or ~~bigen~~ — That both the Prs were pulling

the





the fire, they had shaw in their hands, it seemed short —

André Nadon ^ de Letourneau of Ste Rose — to Mr Dumont — he has built a bridge since 1827 ought persons crossed last year — it is a toll bridge — to the Pr they are ferry man on that river & kept a ferry in June last —

That between the Sunday & Monday a 27 June. the Pr Mr Mullen asked of Wr to assist him to put the fire to Mr Dumonts bridge — and offered him 100t payable at St Michel — But the Wr refused — on this the Pr said if you will not assist me I'll send others — down towards the Pr Carré — the Wr was in the service of Pr Mullen at that time —

He saw Mullen return with L. Carré, the other Pr & they went to the bridge together he saw them put the fire to the bridge there was a small canoe emptied at the water side & Mullen said, he took some of that straw — saw some of the straw in Mullens Canoe also some coals of fire —

The bridge took fire, and about 5 or 6 feet of it were burnt & the bridge fell — the Pr were together when they put fire to the bridge

+

The Wr was arrested & imprisoned — for this offence —

The

the W. has crossed the bridge, sometimes he paid and sometimes he did not pay.
I saw the bridge lately, there is a great part of it fallen

Joseph Langevin dit Lacroix — lives at Ste Rose — he that Mr Dumont built a bridge on the River opposite his residence — he knows on the bridge last fall. —
His Pty was in service of Mullen in June last W. was in bed at Isidore Carré when Mullen came to make them up, & asked them to come a pist from to the bridge — Carré went at him Pr followed Mullen took a tison de feu from the chimney — went to the water side, & took some of the straw of a paillasse of bed been emptied & put in his Canoe — they asked Pr to go with them — he refused — they called him a lache — & asked him not to oppose them — They put fire to the last arch of the bridge, Mullen had the fire & Carré the straw — when he saw the flame arise he saw the Prs clearly —
That about 50 feet of the bridge were burnt & it fell in consequence —
The Canoe belonged to Mullen —
The reason they gave for destroying the bridge was that they might keep up their ferry all the summer — or they were foreigners

Is Cousin of last Wit. — No person has spoken to

him

him of this matter until he made his declaration when but to speak on this affair spoke of it afterwards –

Before the fire, no person passed on the bridge nor had passed since last fall – a part of the bridge had been carried away by the ice in the Spring – it is now down – Three persons fell through the bridge last Summer –

Eustache Adam – St Eustache – Knows that Mr Dumont built a bridge there – has seen people pass there. on the bridge wt loaded carriages –

The Ps Chas Meilleur & Joseph Bisson were together ~~when last~~ Summer last year, when Meilleur proposed to Bs if he would assist to throw down or burn the bridge, & he would pay him – Bs conceived this was in order to enable P. to keep up his ferry –

X –

The ferry belonged formerly to Mrs St Germain, he works for Mr Dumont –

John Connelly – Nav. du Chene – depuis 3 ans – con. le pont de Mr Dumont – traversed the bridge last fall – saw other cross –

Bs. that bridge was burnt last Summer – he exam. it afterwards, & observed some pieces of straw still sticking in some part, like straw of wheat out of a paillasse – saw some on the wt. chemise of St. Meilleur Canoe, & some on water side of it appeared to have

have been emptied there – saw some dry ashes in the Canoe – & the bottom of the Canoe was a little burnt –

Eustache Lemoulin – saw the bridge the next day after it was burnt about 27 June last – on ondoing the bridge they found short shaw in parts of the bridge – saw similar shaw in the ~~bo~~ Canoe of Pre Mullen there were also some Coals in the Canoe & it was a little burnt in the bottom –

+

Is in the employ of Mr Dumont, as an artisan The bridge has fallen at times, and is now down

Defence

Joseph Nadon – Kt. Pre Fabre – he has not the reputation of being an honest man, – he is accustomed to go about more in night than day – Wr. would not believe him on oath – Is a poor man – and not at all respected –

Kt. Prs – who are honest men – never heard any thing agt. them – They have the drawers on halves – The bridge is worth nothing, never was good & is very dangerous –

Jn Bte Parent – traversed at Riv. du Chene – he ferried over the River in a Canoe the night the bridge was burnt people could not then pass on the bridge, as it was down – he ferried Andre' Nadon across the River – Wr. was

in

was in the service of Mullen – went to the
water side, found no Canoe. told Mullen
as he wanted to cross, it was then after mid
night, he woke up Mullen who told him
to look for the Canoe – he woke up Mr. Nadon
to ferry him over – they went over in a small
chalan together – there was then no fire in the
bridge – the weather was clear – he left Nadon
& he went home –

&

He had called at Amable Nadon's in St
Rose – about a league distance from St
Eustache where he resides –

Augustin Lemai – K. Fabre & Larocque – for several
years – he has the reputation of a dishonest
man, does not think he would believe him
on oath – no man has any confidence in
him –

K. Pr. who are honest men and of
good character. –

Jn B.te Larty – & St Therese – noths –

Gabriel Prudhomme – de St Rose – K. Fabre, he
has the reputation of a dishonest man –
he dont's whether he would believe him on
his oath – Pr. are esteemed honest men –

Jacques

Jacques Beauchamps — of St Eustache — Ks Pvs who are esteemed men of good character —

Pierre Lachasse — of St Rose — good character of Pvs — Knows Larosée who passes for a dishonest man — The wife Langevin told him he thought it was André Nadon who set fire to the bridge, but was not sure

Jn Bte Lallemand — good character of Pvs Larosée spoke to him about the firing of the bridge —

Charles Meilleur — his son was set to bridge — when Parent crossed over from St Rose to Riv. du Chene, Nadon was with him — they came over in a chalan — it was about ¼ hour before day — there was then no fire at the bridge — That Nadon went away after — Meilleur was then at his house at ~~Rose~~ St Rose — all the Canoes were at that time on the side of the Riv. du Chene — Nadon took back the chalan wt a Canoe — before going away Nadon took some straw in his Canoe of had been emptied out of a Carriage on river side — Nadon came back again in the Canoe — he had a tison de feu in his Canoe — it was a small stick lighted at one end — he passed under the bridge — and saw him put the Straw under the arches of the bridge — put fire to it — The last time he returned to St Rose — The brks. was about an acre distant from the bridge —

That

That Carré was then in bed at Rev. du Chene -

X

That he is free du pere of Pr Meilleur -
That Parent arrived about 1/4 hour before day Parent crossed over from de Rose - Nadon was with Parent -

Parent went home - Nadon put down on his canoe & went over again to de Rose - We then went to bed about 5 a 6 minutes after - that in 2 a 3 minutes Nadon could have gone to the middle of the bridge - When he saw the fire, he went to bed he was sleepy -

That Isidore Carré & Nadon were then in the canoe de de Rose -

Appoline Meilleur Sister of Pr saw the fire in the bridge - that when the fire was at its height it was day light. 5 o'clk in the morning - She was in the house on bed but did not sleep the whole night - Parent came there - he spoke to Meilleur that morning - he told him to go to water side & would find a Canoe to ferry himself over - Parent came back to say there was no Canoe - Pr did not go out of his house that night

Know that Nadon came back to the house that night -

That Carré & Nadon came back from Rev du Chene they Met Pr that the fire was on the bridge - on this Meilleur Sr. to Lacroix & Carré to take the Canoe & tell Mr Dumont of it - On this Lacroix went

ff

off — André Nadon was then in the house & got out of bed — Madᵉ Mullen was in bed with her husband — the house is small — she saw all who were in it — & the least noise could be heard in it

It was moon light that night — there are three windows in the house — one in room where wᵐ slept being same nightᵉ Pʳ & his wife slept — the bed of Mullen is about 2 feet from the door — Wᵐ was unwell & did not sleep — Mullen could not go out without wᵐ observing him — & she did not observe it

That it was ~~Louis~~ Lacroix & Carré who first gave notice that the fire was in the bridge —

Raymond Carré — brother of the Pʳ — That Langevin Lacroix — spoke to wᵐ about the bridge. & told him that his brother was not guilty of the fact, as he had been with him that night, on his calling the Lacroix to tell him about it —

The Pʳˢ are own the brother the other the brother in law of — wᵐ —

Joseph Ethier — nothing —

Louis Cloutier — good character to Pʳˢ —

Verdict. Not Guilty —

Thursday 8th Sept. 1831

Pres.

Ch. Just. Reid

Mr Justice Uniacke

The King
v.
Hummel

On mo. rule nisi obt. by the Sol. Genl
that Defendt shew cause why there
should not be a writ of restitution
granted —

Mr. Mondelet for Defendt

The application is premature until the
Defendt shall have pleaded —
over till to morrow

Friday 9th Sept. 1831

Pres.

Ch. Justice Reid

Mr Justice Uniacke. —

The King
v.
Arld. Hume
al

On Indictment for forcible detainer
Mr Sol. Genl for Crown moved
for a writ of restitution. —

Mr Sollr. Genl — cites. 15 Rich.2. 8 Hen. 6th & under circumstances of the Case —

Mr. Mondelet for Defts — This is an attempt to divest certain Officers of the Church of their rights and authorities, & the closing of the Church was the act of the Session of that Church — The Kirk Session has authority within the particular church — The choice of elders is vested in the Kirk Session, yet one of the Clergymen took upon himself to announce the appointment of Elders without their participation This Clergyman had also announced the celebration of the Lords Supper, while at the time he lay under a charge for improper Conduct — This Session has the right to determine by whom this Sacrament shall be ~~appointed~~ administered —

The Committee in favor of this clergyman, has no authority in the Church beyond the receiving the rents of the pews & disposing thereof according to certain rules —

That the restitution cannot be granted to the exclusion of the right of the Defendts. This congregation can possess only by the Kirk Session. —

cites Russl. & Com. Dig. as to restitution — applies to cases removed into Court of K. B. by certiorari — so as to prevent delay by a Defendt —

This to a certain extent an incorporeal right, and a right in Common — 486. Bacon. Abr. 1. Parr's Case Crokes The Defendts as tenants in Common are entitled to obtain

Their

Their possession

Draw. Dig. tit. Forcible Entry — a forcible entry is an unlawful entry —

1 Russ. 292 — to whom restitution is to be made

Bac. abr. tit Forcible Entry — Letter G.

3. Bl. Com. 179 —

The allegations in the plea, of a poss.n of three years in the Defend.ts is a bar to restitution — The force is also traversed — 1 Russ. 292, 3 — Com. Dig. For. Ent. Letter D.

4. Bl. Com 148 — the authority of the Justices of the Peace may summon a Jury to try the question of force — but when denied, it is a bar to restitution until found on trial —

This is in its nature a Civil Suit, the party injured cannot be a witness —

Sol. Gen.l for the Pros.n — The only question before this Court is whether persons have been divested of their rights of possession —

There was a possession in the premises as is found by the Bill — they are Joint tenants in common with the Defend.ts and entitled to restitution —

It is only the forcible detention & not title that the Court will look to —

The possess.n of three years stated by the Defend.ts is not an exclusive possession to the possession of the Pros.rs

The part of the plea that Defts do not detain possess.n is an admission of Pltf's right — Cur. Advt

p-512. Ch. 28 — the truth of the Indictment cannot be controverted by affidavits. —

3 Cro K Rep. Sydnham & Pais Case — valid as of them, as the Writ was then in the Defendt

The Circumstances of the Case are above to guide the Court in their Judgt —

Mr Grant for the Prosx — Joint-tenant is entitled to restitution —

The plea of traverse of the force is no excuse for Defendt to retain the possessn — as they have declined coming to trial —

Mondelet in reply — The Statutes were made to protect the poor agt the rich, but they do not apply to the case here —

After traverse of the force there can be no restitution —

502 Hawk. sec 31 — Ch. Jus —

The King v Michael Jackson } On conviction for a riot & beating Platt Herrick —
Judgt. 1 Month in Gaol — & Security for the good behaviour for 1 year £25 - prns. & £12.10 two sureties —

The King. — v James Martin } Assault with a loaded gun upon Leon Bluteau.
Judgt — 1 Month in Gaol. —

Petty Larceny.

The King v Mary Kelly . . } Petty Larceny — steals effects of Mrs Beauchamps
Judgt — 1 Month in Gaol. —

The King v George Rolland } Petty Larceny — stealing the effects of Mr Daubreville
Judgt — 3 months in Gaol. —

The King. — v David Brissette } Petty Larceny — stealing rum property of Mr Drolet. on a nav. river
Judgt — 3 months in Gaol. —

Grand Larceny —

The King v Wm Lane } Stealing 12 Iron Shovels property of B. Hart
Judgt 6 months in Gaol —

The King v Franc Lerault } Stealing sundry articles of wearing apparel the property of Mr Ferguson from Sweeps Inspection Store. —
Franc Fournell } Judgt — 4 Months in Gaol

~~The King.~~ v ~~Franc Fournelle~~ }

The King. —
v.
Jos: Laforge dit
Latour. ——

Stealing a quantity of Wheat & a pair of Cart Wheels the property of Leon Olivier of Berthier

Judgt 6 months in Gaol —

The King. —
v.
Luc Courville &
Joseph Tassé
recommended
—

Stealing a quantity of pork from Thomas Proulx Eustache Leblanc & Casimir Leroux —

Judgt Courville 1 year in Gaol
Tassé — 3 months —

The King. —
v.
Jos: Choisniere dit
Tabourin —
Mathias Asselin
Benjn. Douglass
Pierre Kelly —

Stealing a quantity of Wheat the property of Nicholas Dumas of Blairfindie —

Judgt 6 months in Gaol

The King. —
v.
Wm. Tomson.

Stealing a Great Coat, property of Ephraim Wheed. — four months in Gaol

Capital felonies

The King
v.
Joseph Lami

Stealing a Gelding the property of Gabriel Lamontagne —

Judgt Sentence of Death recorded —

The King
v.
Paschal Ricard

Stealing a Cow, the property of Jn. McDonald St. Leonard. — sold to Peter Crowley

Judgt — Sentence of death recorded —

The King
vs
Franc. Lanschagrin

Break & enter into the dwelling house in the day time of one Jos. Aumin, & stealing his watch and money. —

Judg. Sentence of Death recorded. —

The King
vs
Michael Mahar

Burglary, in breaking into the dwelling house of Thos. Cummings & steal & &c. —

Judg. Sentence of death recorded

The King
vs
Jean Bte. Larochelle

Stealing privily from the person of Noel Paquet his purse on the market place

Judg. Sentence of death recorded

The King
vs
André Labelle

Stealing Horse belonging to General Hospital. —

Judg. Sentence of death recorded

The King
vs
Jos Bte Benoit
Christ Baude

On motion in arrest of Judt on Verdict of Guilty on Indictment for forgery. —

Motion granted — Judt arrested

Gentlemen of the Gr: Jury

As the Grand Inquest of the District you are called to assist in the administration of the Criminal laws of the land, that through your means the guilty may be punished, and those innocently accused may go free -

You, Gentlemen, have so often, and so efficiently filled the situation of Grand Jurors, that it becomes unnecessary for the Court to make any comment upon the nature or extent of the duties attached to it; suffice it to say - that the oath you have just taken, while it points out the nature of the duties, will at the same time serve as your guide in the discharge of them. -

It has always given great satisfaction to this Court to observe, that in general the number and extent of Criminal offences in this part of the Province, is proportionably small, ~~compared with the other districts~~; and we fervently hope, that the Inhabitants of this district, may long be exempt from the many offences, which so frequently disturb the public peace in the other parts of the Province, arising from a greater influx of population, and a more dissipated state of Morals - Social order can be maintained only by a due obedience to the laws, ~~which~~ and will prove the best security both for person and property -

The Calendar of the Gaol upon this occasion presents but one case of Larceny & some minor misdemeanors, and as the Gaol must now be delivered, it will be your duty to enquire how far the accusations in this respect may be founded, so as to bring them before the Court for further investigation -

Should any other matter come under your notice in which the public peace, or the public interest may be concerned, you will not fail to give it all due ~~notice~~ consideration; ~~and to make such representations thereon to the Court, as the circumstances may require~~, and in all your investigations, to form a just estimate of the end and object of your office, by forwarding public Justice, and promoting the public welfare.—

Three Rivers 14th March 1834.

Messieurs du Grand Juré,

Comme grande Enquête de ce district, vous êtes appellés à donner votre assistance dans l'administration de la justice Criminelle, aux fins d'amener à punition les coupables, & de procurer l'élargissement aux Innocens accusés. —

Vous, Messieurs, avez déjà si souvent, & avec tant d'avantage au public, rempli cette charge de Grands Jurés, qu'il n'est pas necessaire que la Cour vous fasse aucun commentaire sur la nature de vos devoirs. — Il suffira de vous dire: que le serment que vous allez de prêter, tout en établissant vos devoirs, vous sert de guide pour les remplir. —

La Cour a toujours observé avec —

avec Satisfaction que le nombre des offenses commises en ce district est en general moins grand que dans les autres districts, même en egard à la population, & il est à desirer qu'il en soit longtemps ainsi, & que les habitans de ce district soient exempts de voir cette augmentation de crimes que cause l'emigration des autres pays, & qui est aussi attribuable à une morale relachée. — L'ordre social ne peut être maintenu que par la soumission aux Loix — C'est la protection de nos personnes comme de nos propriétés. —

Le Calendrier de la prison ne presente aujourd'hui qu'un seul cas de Larcin, & quelques accusations pour dettes.

Comme

Comme il est nécessaire de s'enquérir
des offenses qui ont donné lieu à ces
emprisonnemens, il sera de votre devoir
d'en prendre connoissance, & de constater
si les accusations sont fondées ou non,
en représentant celles qui vous paroîtront
mériter une Investigation Ultérieure.

Vous jouirez & devez prendre en
considération tous autres objets qui
intéressent la paix ou le bien être de la
Société, & dans vos Enquêtes, en
une de vos devoirs, faire tout ce
qui vous paroîtra tendre à la Justice
publique & au Bien general. ——

Three Rivers. Criminal Sessions.—

Monday 14th March 1831

Present
Ch. Justice Reid
Mr Justice Rolland
Mr Justice Vallieres de St Real
Mr Justice Rolland

The Grand Jury were sworn and charged & retired to consider of the matters laid before them.—

There being no business before the Court, it was adjourned until to morrow

Tuesday 15th March 1831

Present
Ch. Justice Reid
Mr Justice Vallieres
Mr Justice Rolland.—

The King
vs
Louis Lami

On trial of Indictment for stealing above the value of 5/— in a warehouse—

Ezekiel Hart, merch. in Three Rivers in part. w. his son Sam. B. Hart his son— his warehouse where he sells his goods is in town— The Pr. for several years has been one of his customers— came frequently & bo. goods about the 1st of Dec. he procured that goods were

mislay

missing — they sent a boy to watch the person and from the information he rec^d. he employed a Constable to go to P^rs house & buy some of the articles of w^ch were missing — of w^ch they gave this man a list — This man purchased several articles of w^ch knew to belong to him & his partners — among st. them were fish hooks, 2 clasps some knives & other things — these he knew to be his property & of w^ch ~~and~~ were missing — they then took out a search-warrant & went to house of P^r where the P^r shewed and laid aside the articles which they missed — the P^r laid aside a quantity of effects w^ch he said belonged to M^r Hart, & w^ch are now exhibited before the Court —

+ to the Constable he might take as they

13 p^r silk gloves 45^ p^r pair —
12 d^o cotton d^o — 9/ p^r doz —
1 p^r Linnen ditto — 10/ —
5 Handkerchiefs de Soie — 15/ —
26 peignes de Corne 12/ —
12 d^o a cheveux — 6/ —
8 Rouleaux de Ruban — 30/ —
1 piece Perfumerie — 4/ 9
2 boxes a rasoir 30/ —
6 papers a buttons — 10/ —
6 ~~Bracelets~~ Bracelets — 4/ 2
1000 brass nails — 7/6
10 p^r brass hinges — 2/ —
+ 4 paquets hemetiques 10/ —
1 gross. Screws 1/
1 d^o Curtain rings 1/
24 drawer rings — 2/ —

30 pen knives — 20/ —
1 p^r Carvers — 5/ —
21 Horn handled knives 30/ —
9 do ~~Knives~~ — 9/
9 Scissors 15/
2 Cloak clasps — 1/
3 bags Shot 30/ —

all

all these effects were delivered to him as his property as having been taken by the Pr — That he had taken ~~these effects and particularly~~ a piece of silk of which he had sold — The Pr proposed to give £50 to W. to settle the matter, & not prosecute him —

From the quantity of effects in his store he could not easily perceive the taking of a few small articles

X

That on 3 or 4 years since the Pr began to purchase goods from W. That between the 15 Nov. & the 15 Jany. the Pr has bt goods 6 or 7 times at store of W. and there is now an act of between £50 & £60 — of which P. has pd the half — That W. was the person who generally delivd the goods — once or twice they were delivd by his son — & he & his son made the entries in the books in English —, but the acts were delivered to Pr in French, — It was chiefly Fallancerie the Pr purchased —

That each purchase he gave a detailed act bill to Pr — That it was the Pr who carried the goods from the store house to the Counting House where the act was taken —

That W. took an act of the goods on a slate first after they were brot in by the Pr —

That some hours usually sometimes elapse before the slate act was carried into the books — and sometimes immediately and generally the Pr was gone before this was done —

That detailed act was always given to Pr ~~was~~ taken from the slate — ~~before~~ before he went away.

That it was always after W. had delivd the act to the Pr espd one or more purchases by his son —

That act now produced is the last act which he delivd to

the

the Pr and contains all the transactions between the Ps & him up to the date thereof & concludes the same —

This aut. was read —

That it was the 2 razors taken — 2 affraffs were the only articles he missed before going to Ps the affraffs bears the mark of W —

also — one card of clasps
one packet of Tongues
Ips do fish-hooks
12 pr brass hinges — one all marked with the mark of W the others by his Son —
one hundred of fish-hooks of last year's importation
one do do of the year before —

That the things now produced — he has new sold similar articles to Ps before ~~and last Spring~~

The Ps may have bot goods last year for ready money, but cannot say whether he did so or not or what he bot —

That W was interdicted, and the Interdiction taken off in October last — was interdicted about 7 months before — attended nevertheless at his Countries house Store at times observed there who wanted goods —

Looks at aut. now produced — asked why it does not correspond with the general aut — says — there must have been another aut for the difference of 5/ — 13 Dec. 1820 —

Looks at another Aut. dated — what he says is correct wt aut Cust. £ 11. 1. 3 —

Ps

~~Wm Lear was sw.~~ That the Pr may have bot black silk
gloves or cotton gloves from Wm — but has no knm. of the fact.
If the Pr has bot 1/2 sewing silk. he ought to have
an act. of it — does not think he ever did —
nor 24 hkfs. or Combs —
In looking over the act now produced by Pr of
24 Dec 1834 finds an article of 1/2 sewing silk
is charged at 10/6 —
on 20 Nov 1835 — finds in the act 1 doz. combs —
on 9 Nov. one gross de buttons —
does not remember having sold either fish hooks or
trayetts to the Pr
Has sold Knives & forks to Pr before, but not with
ivory handles —
Never sold him any shot —

By Attn Genl
The Pr had permission to go into store of Wm alone
on several occasions to chuse what he wanted — & as he
had a carriole with him he might have taken much more
than the articles now produced —
The kind of goods the Pr used to buy consisted of
Crockery & other articles —

Samuel Beckancour Hart — is partner with his father last
Wm — sells goods in whole sale & retail — Pr one of their
customers — he came frequently from 1 Dec to 15 Jany
last to buy goods — he had leave to go into the ware house
alone & chuse the goods he wanted — The Pr came
frequently, as often as 2 or 3 times a week — he had a carriole

nd

w^h him — 5 or 6 weeks after he this came — they observed several articles were missing — viz^z — blk silk hdkfs — 8 doz. Ivory handled knives & forks — boxes of razors ~~& other articles were missing~~ — The Clerk told his father they must watch the Pr

That on the Wk coming in to the Shop he observed a couple de velours de soie, w^h was lying on the ground & had been in a trunk, on seeing W^m the P^r appear a little surprized & asked ~~him~~ wm^s to wash him some tea — whilst he was washing the tea, the pieces velours de soie dis appeared — did not see it on his return with the tea. —

The P^r acknowledged to have taken the piece of velours de soie, but said that as to the other Articles the Wr had omitted to charge them — Lastly if the matter could not be settled offered to give £5 — payable at 2 months — This was after the articles were found at the house of P^r

Never sold any clasps for cloaks — nor any cotton paper of fish hooks to P^r — nor silk nor Cotton gloves — nor any ribbon — nor two cases of razors — nor 1000 brass nails — nor drawer rings — Penknives — nor pair of Canvas — nor knives & forks — nor were any such articles charged in the acct^s delivered to him —

X

The P^r generally came once a week & sometimes 3 times a week to Shop of W^m — he always bot

bot on credit, except once ~~in Lewis~~, when he purchased to the amt of 5 or 6 dollrs of the pd ready money —
Never gave a bill of goods when they sold for ready money, unless demanded —

The Ps after he had made his selection — he bot them into shop — when they were entered in the books — they were then packed in the Locust by Ps and sometimes packed them in the store —

The both sometimes & sometimes his father made the entries in the Books —

They were at times marked on a slate first and immediately transcribed in the books before the Ps took them away —

Recollects that Ps one bot Nails from Wz which were packed up, & the Ps sent a man for them —

The W. was the first who observed that the Instrums and papers of Powers were missing — acquainted his father first —

Wz has a brother who attends the shop since Septr last — & has sold things out of the shop without Rn. of Wz

Never told Ps that he would settle any mens the Ps alleged to be in the act —

The Ps was the only person who was allowed to go into the back store to chuse his goods —

In the act now presented of 20 Novr 1838 finds 1 doz locks & 1 doz — Combs are omitted —

Sold some Cassinade Jeans to Ps 2 gumbaws —

In regard of the difference in the detailed acct. and general acct says, it may have happened, that the Pr may have had some additional articles for wh he did not pay, or that his father had made some error or overcharge in the acct

The Pr may have had other bills of parcels rendered to him of date of same day — distinct each separate purchase —

The large hats were bot. from Pr as part of the goods stolen, but we did not claim them, as the Pr had paid for them —

By Attr Genl

The Pr might communicate what his counsel from the State instructed him of —

By Pr

There are 2 pieces of ribbon in acct of 9th Novr. 1830 —

The constable was present when Pr & Mr. when the conversation about the B[illegible] happened — Thinks the Constable was Bolvin. —

James Cowan — is a Pedlar, was requested by Mr Ez. Hunt in the fall of last year to go to the house of Pr to see if he had certain articles to sell. — It may have been about New years day — he was req[uested] to see if he could find at Pr house what Hunt wanted — he went there exchanged some goods with Pr — got 40 brot to Mr Hunt and

on

on seeing them Hart picked out 2 clasps of cloaks - and some fish hooks - 3 papers. Mr Hart said was his about his mark - 2d he had bot some goods from Mr Hart & some in Montreal

Abraham Hart - sometimes sells in his fathers shop between Sept 15 & Jany last he can. not having sold any thing to the Pr

The duke Mr made was generally for cash - has seen Pr several times in the Shop - has seen goods laid aside for him - one time went for Pr to look them to select goods - cannot recollect what time the goods then selected, or when it was - but since the Snow fell - the act was made up by his eldest brother the one delivd to the Pr

Adolphus Hart - Has sold articles in his fathers shop does not recollect having sold any thing to Pr between Sept and 15 Jany last -

That Perrigo was in the habit of calling in the shop, but had left the employ in the month of Augt. before - he came back about a week, but cannot say about what time - cannot recollect the names of -

Philip Byrne. High Constable On the 10 Feb last he was charg. wt a Search ward at the Pr. went there to Mr Hart & asked to come into his store told him the cause of his visit, and on out of some fish hooks he had wch. cut on Lawan. The s. Hooks did not come from Mr H— but had not them in Montreal— told Pr. he must make a Search for the goods mentd in the warr. and in order not to alarm his family, if he found the articles in the Store he would go no further The Pr. told him to search— on searching the Cabbotty Mr Heart claimed certain articles of the Pr. were his and he had not sold them What the Pr. said as to some of them he had paid for them, that some of them did not come from Mr Hearts. ~~and that what he had at Mr Hearts to~~ There was a general selection made of what came from Mr Hart— ~~what~~ of these There was another distinction, what Mr Hart acknowledged to have sold to Pr. the rest left with him— what Mr Heart said he had not sold, the rest took away— after the Pr. made another distinction— some of the things the Pr. said this comes from Mr Heart, and some he said belonged to Mr Heart—

as

as there were certain other articles in the warrant which were not found. he required Pr to deliver them up he said them — the Pr said he had nothing more in his the Off went into a room - parlour & in a drawer, in confirm certain Articles in Valour mari — 2 brooches a pair — & 21 Earrings & pearl bitts a manche d' ivoire — & identified the same as now produced — the other effects now produced are the same —

After returning into the Store — he had goods put into a bag — and he then arrested the Pr —

The Pr in the road said that there were among the articles seized some gs he had bot & paid for and on looking over and Saml Hart recognized several articles gs — had been sold to Pr — among those seized —

Ez Hart — says the 3 parcels of fish hooks are the same he sold from Cowan and are his property. from the marks on them — value them at 10/ —

Jn Cowan — says — the three parcels of hooks he sold from the Pr — in exchange —

Philip Bryson — ✓ —

That the Pr did not say he had taken the effects from Mr Hart were his property — that

he

Inv.ᵒ to Mr Hunt There are seven invoices of
There are two articles not included in them
You may take them—

That Sam.ˡ Hart recognized having sold the
following arts

2 pcs de Sus cans
6 Cantaines & fourchettes
1 Jaquet d'alenies
3 Jerseys de Cotton
1 Corpon de Toile Drab
1 Corpon de toile d'Hollande
3 Mouchoirs de Cotton
4 Mouchoirs de Gauze

These articles formed part of the articles
claimed by the Ex.ᵒ Hart—

By Inquest — what was the effect must in
the search warrant

1 Piece de pcs de Naples
1 Piece de Bastiste de Soie
2 douz. Mouch. de Toile Noire
6 douz. Cuffs
2 Cartes d'agraffes argentées
2 Jaquet — cont. chacun 2 douz. Ozeaux fins

of them he found only ~~seven~~ of the pen knives and an empty Card ~~case~~ of Clasps —

Defence —

Philip Byrne — Kn that Mr H. had been intoxicated last year — thinks that during his intoxication he was incapable of doing any business —

Wm Coffin, Clk Crown — produces the original substitution of Mr Hunt — dated 18 May 1830 and on the 28th Oct last the intoxication was taken off —

Joachim Tellier, has been in the habit of going to shop of Mr Ez. Hunt — did not find the same regularity on his part as in other in Montreal — There were several young men there who seemed not to know the prices of the articles — he has frequently bot goods there for ready money, but never had a bill of parcels —

About 10 or 12 days last he bot a bar of iron it was sold to him by Ez. Hunt himself — he had heard he ~~had~~ was intoxicated, and he took that he perceived something unusual about him —

That Mr H. told Wr he was sorry for what had happened & that he would say he believed that it happened by accident & misunderstanding —

That Mr Hunt & the Dr had told him that if there were any errors he had offered money for what goods he had received, and which had not been entered on this acct — This he did on the 10th going on the

part of the Ds to settle his acct with Mr Hart—

Knows Pr from infancy—& particularly for 17 years past he has been intimate with him—does not think the Pr could read the facture he rd from Mr Hart—

Thinks the Pr incapable of judging of the state of his factures.—

x

Michel Lami—brother of—Pr—that about 3 weeks before Christmas the Pr—brot—a paper yt was considered to be a facture of goods—thinks same produced but he could ~~find out~~ find out nothing of the acct—

Chas Lacourse—school master—last fall the Pr called on him to examine his acct—he shewed him a facture of goods he had brot from Mr Hart & yt. Pr could not decypher—

Mgre Severe Jos. Dumoulin—Curé d'Yamachiche—Knows the Pr to be an honest man and of good moral conduct, since he has known him—he is a man of means—

Pr. Jos. Hevey—K. Pr since his infancy, and an honest man—

Victoire Durand, was a servant wt Pr for 6 years & is so still — That Los. Carbonneau last fall bot goods in a cart to Pr he had been sent to town for them goods — There was ribbon among the goods — That he was sent a second time for goods, about a week after — but does not know what kind of goods —

Specifies 2 kinds of ribbon now produced. & the Clerks is the same —

That Belmore also brought goods to Pr

Maxime Olivier Pratt — That Carbonneau is sick and unable to move from his bed — he saw him last night about 10 o'Clock. —

Verdict. Not Guilty —

The King
vs
Joseph Edmunds
Sagdon Welley
Abraham Nutting

} On Indictment for a riot, assembling and beating Jean Verre, alias Jean Perigord, & taking away his Cow.—

On pleas by the Juris diction of the Court
Mr Judah for Defendts — There is a Jurisdiction at St Francis where this Case can be tried, that is by the Justices of the Peace in their quarter Sessions —

The Court over-ruled the plea —

Wednesday 16th March 1831. —

Prest
Ch. Just. Reid
Mr Justice Vallieres
Mr Justice Rolland

The King
vs
Louis Lami

} On Indictment for stealing privily from a Warehouse, above the value of 5s. —

Samuel B. Hart & Co. wt his father Merchts in town, keeps a store there — the Defendt is one of his Customers — in Janry & Decr missed articles out of the shop, such as a case of razors a piece of black silk — a remnant of silk velvet, several pieces of Calicoe, Knives & forks wt Ivory handles, penknives, & sundry

Other

other articles — He entertained suspicion of the Pr — he used to come 2 or 3 times a week to the store to buy goods, & as he came on the market days when they were busy, he was allowed to go into the back store alone — he used to go there & took his canoe into the yard — while in the store he might have taken goods & put them into his canoe without being seen — on a Saturday he went into the store, & the Wr went in after him soon observed a remnant of silk velvet on the ground — on Wr going in the Pr asked for some tea — the Wr weighed the tea — carried back to Pr observed that remnant of Velvet was gone — That no other person could have taken it, as the Pr was the only person who had been in that room — when the Wr went in & saw the velvet on the ground, the Pr appeared to blush & be confused Desired Wr to weigh him some tea. — On this a suspicion arose of Pr — That when the search warrant was taken out the Wr was at Quebec — That on his return he understood that Pr had been arrested — saw Pr at Police office, in Feby last when he called Wr into another room, when he asked if him & Wr there was any means of settling this matter offered Wr £50 — bribe giving security to pay for the goods he had received & had not been paid for

That it was on the 15th. Janv. he observed the taking of the Velvet by the Pr. it was on a Saturday — There were several persons in the Store at that time - names one Fontaine -

That it is not usual with him to keep his Store open on the Saturday - The Pr. purchased some tea - some Muscovado Sugar & some other articles of he does not now remember, on that day -

Does not rem. in what manner the Pr. carried away the goods he purchased that day - thinks that after he took away the tea, he took the bag of Sugar - but is not certain, whether he carried away the Sugar before or after he had got the tea -

Does not rem. to what amount the P. purchased that day - That he does not recollect whether there was any other person selling in the shop that day -

That it was about two minutes after ~~the Pr~~ ~~went~~ he had weighed the tea that he returned into the room where the Pr. was - the Pr. then went away much about the time the Ps went out of room - Ps did open the French Window but about half an hour after the Pr. was gone -

That the Pr. purchased goods at the store after this some days - but cannot say how many - did not speak to him about this Velvet - Sold him a Puncheon of Rum to Pr. afterwards, but cannot say what other articles he bot - on looking at

the

that acct. now sh[ewn] to him, says it was on the 10th Inst. the Rum was sold to Pr.

Never S[aw] to any one that Pr. had not stolen the articles, but picked it up & laid it aside

Never S[aw] that he was convinced that effects that were missing had been omitted by error in the acct delivd to Pr. and had not been taken by him —

That P. was the only man that was allowed to go into the Store alone to chuse his goods —

Ezekiel Hart — is a merch[t] dwg for last 18 Yrs the Pr was one of their Customers for several years — Between Dec 25 Inst he came frequently & purchased goods when he was allowed to go alone into each store & chuse what he wanted — he took his Candle or their yt he took into the yard — where he might have stowed away articles without being seen —

Has missed goods out of his store & on Inst. he suspected the Pr he employd a man of the name Cowan to buy some of article missing — he went & purchased 3 hundred yt of Jack knives & some claps of cloaks, on yt he recognized his mark, and knew to be part of the goods stolen — he then got a search warrt — went to his house w[ith] the Constable when the Pr delivered up a quantity of goods yt he said he had taken from Mr — does not remember

That

that Pr. S. there was a part of the goods he had purchased from the Pr—
There were 2 peices of Calico & some babbit, which he S. he was willing to restore, as having taken them—
The 2 remants of silk velvet is his property he values at 5/—
11 yds of calicoe value 7/6 also his property
25 do of do — value 30/— which Pr also acknowledged to have taken.
28 yds calicoe 30/—
3 yds Cambric 7/6
3 yds book muselin 4/—
all these articles were his & taken out of his shop—
All these articles were in the shop of the Pr except the velvet — The velvet & some other articles were found in another room
That the Constable asked Pr if he has any other articles mentd in the warrant, Pr S. he had only 2 cards of paint & some shot — That the Constable then went into the room of Mrs Lami, where they found the Velvet the knives & forks & some other articles now produced & Pr knows to be his property —
That the Pr said proposed to the Pr to give him £50 - to settle this matter, and that to

it should not appear — This was in the Police Office and apart with the Wr alone —
These effects were taken out of the Shop belonging to himself & his son & were his property —

X

That is a retail store, and behind that is a wholesale store — there are 4 doors — one to go into the yard one into the front store, one into an adjoining room on the right, & one that goes up stairs —

That some months before he had seen the goods in his own store, before he saw them in the Shop of Pr —

Had seen the remnant of Velvet 2 or 3 days before it was taken in the Office — he has no particular mark on it —

That it was not on a Saturday that the Velvet was taken & that his son told him that he found that the velvet had been taken by the Pr and that he suspected that he was the Pr who had taken all the other effects that were missing — That during this time the Pr was still in the Store, but the Wr never spoke to Pr about this Velvet — That the Pr came back afterwards & took other goods, but Wr never spoke to him of this Velvet —

That the doors of his Store are generally open
There were several persons in the store that day —
His son Abraham was in the Store —
That the persons attending the store, all without acquainting each other of what he sells —

The articles missing on qch he obt. the search warrant

Penkenvics

That he did not think of the remnant of Velvet at the time he obt. this warrant, it was not included in his deposition —

That the words used by the Pr were, that he had sold the piece of gos de Naples, qch he had taken at Watson's, qu'il a en chez vous, pris chez vous —

Was intended about 7 months until Sept last — but had his senses as well during that time as since, & perhaps better —

Has never said to any one that these articles had been taken away by mistake and not stolen —

Never said that the money offered to him by the Pr was to pay for the goods & not to settle this prosecution —

Used a slate on qch the goods were first taken & from this copied into a blotter — sometimes some hours afterwards —

The same slate was used to take down things sold to other persons —

It has happened that the sales made did not agree with the cash as taken down, in some small matters — as the words on the slate may have been effaced —

The

The act was taken down in English on the slate, but delivered to the Pr in French –

Philip Byrne – High Constable, was employed to go down of Pr with a search want – went there on the 11th Feby last – told Pr that 2 or 3 bundles of pink books given by Pr to Corcoran had occasioned suspicion of him & that he had a search want to get several articles were wanting – Pr told Pr to search for articles, as he had them not – In making the search & taking down the goods Mr Hart claimed some of the articles – the Pr said that some came from Mr Hart & some belongd to Mr Hart – he made a separation of what Pr Hart acknowledged to have sold to Pr – and what Mr Hart claimed but which Pr said he had had from Mr Hart or belonged to Mr Hart – he brt what him to town – all the articles now produced were found in the house of Pr – Wm asked Pr if he had any other things belonging to Mr H – he said no – Pr said there were articles in the want he had not found & that he must continue his search, & that he had better give them up without further trouble Pr said he had nothing but

In another room he found the 2 remnants of double Velvet, some Knives & forks & cases of Razors

he

he found nothing more —

O

Dr

The

1 piece de gros naple noir
1 piece batiste fine
2 mouchoirs de soie noir
6 paquets cannes
2 cartes d'agraffes anglaises
2 pieg. cont. 2 douz de cuzeaux fins

There were no mention made of Silk Velvet nor any other article — The Watch found only part of the furnitures

That Mr H. admitted that a part of the effects had been bot. of him by Dr

That among the articles got were bot. to town Samuel Hart said that there were several which might have been sold to the Dr

Samuel B Hart knows again — says, That the piece of Velvet now produced is the same he saw on the floor on the morning of the 15th Janry in the Shop, & was afterwards missing That the Calicos & muslins now shewn are also part of the articles missing from their shop can swear positively to one — green Calico —

but

but cannot swear positively as to the others. as the Accounts have been offered — value the piece he identifies at 35/ Stg —

Never sold such velvet a calicoe he has identified to the Pr.

F.

Is in the habit of selling such calicoe to other persons, as that he has identified — When he sells to Pr for ready money, he makes out no acct of it —

That during his interdiction his father used to sell in the store, as well for ready money as on credit

That what was sold to Pr on credit was taken down on a slate & afterwards copied into their books, but always before the Pr. went away, and a copy given to the Pr. translated into french —

That Wr. has had occasion to shew there were some errors in the acct made out by his father, & in some of such given to Pr. there are charges of 1/. or 1/6 more than the exact to be —

Defence -

Jos: Decosse — to Messrs Hart — was himself a Merchr has been frequently in their store alone to change goods this was before 1825 —

Joachim Tellier — to Messrs Hart — has had occr to buy goods from them — the last time was in March or April last — has been often in their store alone, but not in

their

Thus close —

That in speaking of the Velvet wt Mr Hart
he d. he had seen the Pr wt a piece of velvet
in his hand upon his going in the Pr kept the
velvet, and it remained there, but he did not
take it away —

Went to Hart the father — told him he came on
the part of the Pr — to tell him that in case there
was any error in the acct he was ready to pay
on his making out his acct & giving a receipt
Hart d. the poor man I believe he did not do
it in purpose, and that he would give an
acct & receive his money willingly — and that
he would say so if questioned in Court —

That he asked Mr Hart for his acct agt Pr
he gave him an acct amounts to £35 — went
to shew this Pr who d. it was too much —
went to Hart — did not find him, but
found Hart Junr who gave an acct 5 or 6 pounds
less —

No Pr for 5 or 6 years — gives a good character.

Went to Hart wt view to settle this prosecution
That Mr Hart never admitted that there was any
error in the acct he had delivered to Pr —

That Mr Hart was willing & proposed to Mr. to give
him a receipt in blow for the amount, but would
not give a detailed acct & referred Mr. to his Son —

Mr. Jno. Lavere Jos. Nicolas Dumoulin, Curé de Yamachiche
Knows Pr. for an honest man and very exact
in performing his religious duties —

Michel Lami — brother of Pr. — about 6 weeks ago. the
Pr. shewed him a picture of yours, yt he sent
he could understand wt he had on from Mr but
The Wife did not himself comprehend the sent. but
very little — The Pr. can scarcely write his name.
~~Wife~~ That about 2 years ago he went to Mr Hart's,
and was allowed to go into the vault alone to
chuse what might suit him —

Mr. Jos. Hervey Ks Pr. from his infancy — good character

Chas Edwd Gagnon — character —

Verdict. Not Guilty. —

The King
v.
Bazile Toussaint } On Indictment for Petty Larceny —

Antoine Proulx, of Baye de Tevre — was in
town on the 14th March inst — he had 4 pieces of beef
of which two were taken, with 3 or 4 lbs pr pound
Then was a cloth also taken wt he values at 2/—
he stopped at Mr Bonneterre's in the afternoon — That
the Pr. assisted him to enter his effects in the house
of Mr Bonneterre — he then went away, & was absent
about

about 4 hours — when he came back he found the cloth & two peices of beef missing — he went in search of the article & on information he rec^d he went into a house of one Harnois where he found his cloth & beef — Being informed that it was the P^r who had taken the things he caused him to be arested —

Pelagie Bonneterre — is daughter of Bonneterre — saw the last W^m come to her father's house, — That about an hour after she saw the P^r w^th a bundle on his arm, running off with it — going towards the house of Harnois —

That the P^r had a bag of^s he left in the house of Bonneterre at the time he run off —

Benjamin Fouchet — was at work in the hangard when Brady arrived & saw P^r assist him —

Philip Bysne. High Constable — was sent on 14^th to arrest the P^r went to Widow Harnois where he found the nappe & beef stolen — asked Made Harnois if any one had been there things there. She pitched on the P^r who she had seen there — The P^r did not contradict her — That Made Harnois is now unable from sickness to attend the Court —

Verdict. Guilty —

Thursday 17th March 1834.

Pres.
Ch. Justice Reid
Mr Justice Vallieres
Mr Justice Rolland

The King
Joseph Edmunds
Sagdon Welley
Abraham Nutting

On Indictment for assaulting and beating one Jean Vevre, otherwise called, Jean Perigord, and taking away his Cow —

3 Counts — 1 Riot, assault & taking Cow
2 Riot & assault —
3 assault —

Jean Vevre dit Perigord Is settled in Shipton — since Dec 1829. as a proprietor of Land — had his family — 7 children & wife no servants — another family Guimond — Men are 6 arpens from his nearest neighbour Boisvert —

The Defts came to his house between 6 & 12 Dec 1829 he was told by some one that three persons were taking away his cow — went out — & saw it was his cow — followed them — asked them why they took away his cow — answer was draw back, or we will blow out his brains — Edmunds — the Wt put himself in a state of defence — At same time Nutting jumped on him & lay hold of him & Edmunds came behind & laid hold of his arms — saying let us throw him down by this hemlock, one can keep him down & the other 2 may take off the Cow — Nutting Edmunds struck him — but could

could not push him down – laid hold of a Shawl of Edmund's prevented them – Edmund then tried to pick him up by the legs so as to crush him down they could not effect this, they cried to Wr to let go the Shawl of Edmund or he would kill him – but Wr held on more strongly – Rattray then struck a blow on his hand wt a stick – but not having still loosened his hold – he then struck him on the head & threw Wr down – during this time walking behind the Cow – the effect of the blow was such as to prevent his getting up – That Welby then laid hold of Wr while Edmunds took his place at the Cow – That his wife then interfered to prevent his taking away Cow – Wr spare my life & you may take the Cow – Welby told he would have his life – drew holding & striking him – his boy of 10 years old in order to assist Wr but they threw him aside – told his son to go to Boisvert, or Lafore for assistance, as they would kill me – on this the Defts left him taking away his Cow – he paid £3 dolls for the Cow that he for 5 years –

X –

Had lived in Shipton from March previous this to Febs – had lived before at Drummondville Wr on Laborte – Had his Cow for 5 Years she went where she would to feed, but was milked morns & evenings by his wife or some other person for her – He

He had been indebted to one Lovejoy but had ~~been~~ paid him — did not give his Cow in pay.t — but 3 Sugar Kettles he gave in presence of Wm & Labonté — That Lovejoy s.d he had better say, he had sold his cow to him in order to save her, & to leave her in the hands of Labonté — That Sugar Kettles were to remain in possn of Wm — the Cow was valued at 18 dollrs — and he sent his Son wt the Cow to Labonté — she remained there 10 days at end of that time — he returned him she took his Cow with him — This was in Oct.r she kept his cow till Dec.r when Defdts came & took her away — When the Cow was taken she was in the road — but not the Kings highway —

Said When 13 armed persons came to seize his property that he sold the Cow, to prevent her being taken away by these persons'

That Wm had no stick but a Whip end — Salem in his hand, when he went up to Defdts — & has said that had he been aware of being attacked in that way he would have armed himself in a way that some of them sh.d have died

2 miles from Labonté — from Lovejoy's 2 ½ leagues

On delivery up the Chandrons on getting his note from Lovejoy — Dennison did not seize them afterwards as the property of Wm —

Pre Guimond, lived in same house wt last Wn in Dec.r 1829.

Yes that some persons took away Perrys Cow — they came about 12 o'Clock — saw several persons passing observed 3 men going away wt the Cow, distant ½ a mile from him — did not at first see what Cow it was — but

at

last observed it was Perryers Cow – he called to P. there are 3 men taking away your Cow – P– went out after them alone – the Wr went out also w[th] his brother, Isaac Nutting, & Edmonds held down P. under a tree – Wr then seized Nutting who was on P– & hauled him off – he took a stick & made a blow at him – q[d] he would'd kill him – but went back the Cow from Willey & went away with her, on this Willey went up to assist Edmonds agt P– That the wife of Wr then came up & struck Willey who was holding P– at the time – on this Wm S[d] it was better to let them take the Cow than lose their lives – That Edmonds then let go P– & went after the other with the Cow –

That he heard P– tell his boy to go Broward & before for assistance – it was then that Edmonds let go P–

The Cow was in poss[n] of P– for 3 years – about ½ an hour before this, he had seen her near a small building near the house –

Understands but little English –

Observed, when he was taking off Nutting from P– P was choaks Edmonds –

Joseph Grimwood, brother of last Wr lived in Dec[r] 1829 at home of P– knows that 3 men came & took away the

the Cow of P— his brother first observed it, he called to P— they were carrying off his Cow, on this P— went after them — about 5 minutes after Ps went out on hearing cries & ran up to P— & his brother — found Edmonds holding P— Ps went to assist P's wife to prevent them from taking away Cow — Nutting & Welby had the Cow — Ns had hold of one of the horns of the Cow — during this time Nutting & Edmonds were beating P— they had a scuffle & obliged Ps to quit hold of the Cow — That P— cried out let them go with the Cow, rather than take his life — That Nutting took a stick in order to strike his brother that Welby & Nutting carried off the Cow — Edmonds soon after followed them & left P— —

heard P— tell his son to go to Boisvents and Lajoie — on this the Defts quit P—

Had seen the Cow in the hands of P— from the harvest to that time — was milked by his wife

Did not hear Defts speak in French —

Never heard P— say, he had taken a stick to strike the Defts

P. lived at Labonté's 8 days —

Monique Hétu — wife of P— was present when Cow was taken — heard Guimond tell his husband they were taking away the Cow — he went out with a whip cord in his hand and an axe —

& the

the Cow was a short time before behind the house — Wm followed her husband on her hands & knees to know what was doing & was holding her husband Edmonds & Dudley & Willey held the Cow by an horn, and Wm laid hold of the other to take her back — asked Gunnison to enquire what they wanted to do with the Cow — on this one of the persons who held her husband, Edmonds, came to lay hold of the Cow, & took up a stick to drive her off — but lay hold of Wm & threw her upon a tree & hurt her much —

X

That her husband had never sold the Cow & had not been out of her possession for 2 years —

Defence

~~And~~

Franc Laboncté, lives at Shipton — at about 1/2 mile from Pengrove — was present in October 1829, that he was present when P— sold a Cow to Lovejoy for 18 dolls in consideration of a note of his owed Lovejoy — saw L. give the note P— The Wm took the cow to his house w/ P's consent — the Cow remained at his house about 10 days — ~~when~~ she was taken away by P— Wm told P. that he had no right to take Cow — P. s. he would settle

cat

w^d L— & that L— had allowed him to take the milk of the Cow.—

L. was at Quebec— on his return went to P— asked for Cow— s^d she was his— P. said he would not let her go— there was some talk about the price. L— said if he w^d pay him the 18 dolls he might have the Cow back—

That on going to P— he s^d he would not let the go— appeared angry— thinks he s^d they would kill him before she s^d go—

P— passes for a litigious quarrelsome man—

Mr Edmonds, merch^t— his notes of him— passes a quiet peaceable man—

When the transaction about the Cow took place P & his wife— & Guemont & his wife were present— That P— was about that time apprehensive of a Saisie— did not hear any thing about the Cow being put out of the way of the Seizure by being sold up to L—

There was a question about 3 Kettles between P— and L— that L— was to give P 12 dolls for them & understood they had been sold by P. to L—

The Note was about 17 dollars—

There was no question in what manner the 13 dollars were to be paid to P.

That P. had delivered the Kettles before to L— to prevent their being seized they were hid in the woods

Louis Boisvert – lives at Shipton – knows P – That P had told him, that on Guimond's telling him that his cow was going off – he immediately took up a stick & went in opposition – Saw the Cow at Labonté's – after he heard that the Cow had been sold

That he & if they took away his cow, some one should die –

P – passes for a litigious person –

&

That at the time he saw the Cow at Labonté's P & his family were there –

Antoine Gilbert – knows P – lives about 15 a 20 acres from him – after his return from 3 Rivers P & his affairs were going on well – knows P he had heard they had taken his cow, how was that – & he did not see his cow taken away himself but on Guimond telling him his cow was taken away – he threw down his work, went out took up a stick & went before them and told them that if they advanced one of them should lose their lives – that one of them laid hold of him & the two others held the Cow –

That P – said he had sold the Cow for 18 dolls to Lovejoy – & something about a billet

That the billet was 16 dolls &

Simeon

Simeon Dennison. That P— in Oct 1829— said that he had paid the Note to Lovejoy, and the note was produced to shew the Cow had been sold in part of it. of. of— was on seeing the Note was satisfied— W. was accompanied w. Barnard the bailiff, in order to make a Seizure of the effects of P—

P— was considered as a mischief making man & he was not much esteemed—

Edmonds has always had the character of a quiet peaceable man—

Jesse Baker— went w. Barnard to house of P— w. Mr Dennison— that P. brot. out a note signed by Mr Lovejoy— saying that was the note for the Cow, of Dennison might have had, had he not sued him. It is a mile 3/4 from house of P— saw Dep. go by with the Cow— Edmonds shewed his thumb, it had been hurt— That before they went away P— came up—

P is a quarrelsome man—

good & quiet character of Edmonds—

Andrew Lovejoy— lives at Shipton— has P— in fall 1829 he owed W. about 20 dolls on note for 18 & a small act— W. hearing of a Seizure of P— went to P— w. Labonté in order to buy his Cow— agreed to give 18 dolls for the Cow, and as to 3 heifers, if he could hold them he would give him 12 dolls— he took the Cows to Labonté's to keep for him

That P. observed he wanted the milk of the Cow
W? & he might have it on sending to Labonté to
for it — W? gave up the note to P —
When W? rec? from Reuben heard that P. had
taken the Cow — that on the W? asked P. why
he had taken the Cow — & he had leave from
Labonté to take the Cow — This Labonté —
denies — W? went again to P. & Labonté
to P — asked him for the Cow. P. got in
a passion, said he would not deliver up or
he would lose his life — and took off his
Coat apparently in a rage —

W? asked Edmonds to go down and get
the Cow — Gives Edmonds a good character

X?

Thinks that one Quinond was present
when he bargained for Cow — Nine was a
woman or two there also. —

W? went to secure his debt — Did not positively
say that he would take the Kettles, only in
case he could retain them from a suspicion
Did not agree to take the kettles, but conditionally.

Told Edmonds take 2 or 3 hands & go
take her peaceably — if they make any resistance
not to take her —

Called up by Att? General —

Madame Prigord — was present when Lovejoy & Labonté

came

came to the house about pay^{t} of his debt — That the Kettles had not then been seized — the bailiff had been there the day before but had not been seized —

In Perigord — before speaking of the Cow at all he sold the Kettles to Lovejoy — . W^{m} objected to price L. said, that if he could raise the 12 doll^{rs} he might have them again — the Kettles had not then been seized — That W^{m} deliv^{d} the Kettles to Lovejoy who had them in the wood —

When he came back L. said there remained still 4 doll^{rs} & 3/6 on acc^{t}. of his debt — W^{m} agreed that she should go to Labonte's to save her from seizure That he never agreed to a sale of his Cow —

Verdict. Not Guilty of the Riot, but Guilty of the assault as laid in the 3^{d} Count of the Indictment —

The King
v
} On Indictment for a Riot and assault — The Defend^{t} on his application was admitted to withdraw his plea of Not Guilty, and to plead Guilty to the Indictment, and at same time submitted some affidavits to the Court in extenuation of the offence —

The

The Court proceeded to pronounce Sentence on the several Convictions had before them this Term—

The King
v
Bazile Toussaint } On Conviction for petty Larceny
Sentence — 1 Months imprisonment in Gaol.

The King
v
Joseph Edmunds
Sagdon Welley
Abraham Nutting } On Conviction for an assault
Sentence — That Defendts do severally pay a fine of £5 — and find Security for the good behaviour for one year

The King } On conviction for a Riot & Assault
Sentence — One months Imprisonmt in Gaol — Security for the good behaviour for one Year —