February & March Sessions
1832.

Saturday 25th. February 1832

Pres.
Ch. Justice Reid
Mr Justice Pyke

The Grand Jury being called and sworn were charged by the Ch. Justice. —

Monday 27th Febry 1832

Pres.
Ch. Justice Reid
Mr Justice Pyke.
Mr Justice Uniacke

The King
vs.
Charles Decoste
Fr. Xav. Marsoum
Franc. Perrault

On Indictment for Stealing privily from the person, —
The Prisoner, Charles Decoste upon his arraignment pleaded, Guilty, the other prisoners pleaded, Not Guilty. —

Tuesday 28th Febry 1832

Present
Ch. Justice Reid
Mr Justice

The King
vs
Jean Lacourse
Michel Verrier
Michel Larochelle
Narcisse Bergeron
Thomas Alston
Michel Badaillac
dit Laplante
Guillaume Verrier
Marguerite Verrier

On Indictment for a Conspiracy unjustly to deprive and defraud Mrs Barrow of certain Tenements held by her à titre de Fief under the title of a Fief called the Fief and Seigniory of St Charles on the River Yamaska

Samuel Gale de Montreal, com Mary Barrow depuis plusieurs années, qu'il a eu correspondance avec elle, il est son agent — en 1811 a reçu une procuration d'elle & de sa mere — Com la Seigneurie Bourg marie Ouest — y a été, a fait faire des arpentages il y a 20 — 10 ans, a fait borner avec la Seig. de Sorel — elle a 5 lieues de front sur la riv. Yamaska avec environ 2 lieues de profondeur au Sud-ouest par la Seig. de Bourchemin au nord — Est par Bon Secours, — les deux Seig. de Bourchemin & Bon Secours appartenant à

a la famille depuis 60 ans — il en les titres
du Sieur Grey en 1772, à Mr Barrow son
devt — Bazile Pellissier est agent sous le
témoin. —

Le tém. a fait tirer 2 con. du coté de Sud — il y a
laissé une reside d'environ 1000 arpens pour une
Domaine — cette Concession il a nommé St Pierre —
et l'autre il a nommé St Ines — à la reserve
il a nommé Ste Sophie — il avait fait faire une
decharge à coté de ces Concessions — il avait donné
une terre au Defunt Babaillac à coté de cette decharge —
Le Defunt — a fait faire des Concessions dans la reserve
de Ste Sophie — et a changé les noms des lieux —
Il y a une Seigneurie de Deguire du coté est de la
riviere Maska, mais il y a une Seigneurie entre
Deguire et celle de Bourg Marie ouest — et quelques
des tenanciers qui ont refusé de payer leurs rentes
pour pretexte de resider dans la Seig. Deguire —
Deu Babaillac a vu la Con. du tém. comme agent
de Mlle Barrow — comme Seigneuresse

C'etoit publiquement comme que Mlle Barrow etoit
la Seigneuresse de la Seigneurie de Bourg Marie Ouest —
et tous les Seigneurs voisins l'ont reconnu et ont
borné leurs proprietés avec elle —

Il n'a jamais entendu soupçonner le titre de Mlle
Barrow — les tenanciers ont dit qu'ils tiendroient
leurs possessions, que le roi est Seigneur ou non —
a vu plusieurs actes de concessions faits par Isaie

Leroux

& les terres dans la reserve de St Sophie sous le nom de la Concession Ste Anne —
à con. d'une concession faite à Pre Salois (read)
la Concession à Michel Badaillac, Defendr —
(read) — concession par Mr Levasseur — ces deux
lots sont dans la Seigneurie de Mlle Barrow —
a été obligé de poursuivre Badaillac à Levasseur
~~nommé Demarais~~ pour faire declarer ~~leur titre~~
nuls — a fait une autre poursuite contre
un nommé Demarais. —

X°

Il est payé pour son agence — 5 ℔ Cent —
La Seigneurie a été vendue en 1772 — à un Espon, a
la poursuite de Fr. Hunt. & Pre Franc Tierman
contre — Jackson —
Con. la Seigneurie de Deguire & la Riviere David —
2me personne de la Seig. de la Seigr. Deguire ne
pouvait se tromper en prenant une terre ~~la~~
~~pour ici~~ dans la Seigneurie de Bourg Marie —
Avent pour etre dans la Seigneurie de Deguire,
Seigneurie de Dame Pelt, ou la Seigr de Mr De
Tonnancour —
La Concession originaire — consiste en deux quarantièmes
de terrein, appellé Bourg marie — dont une du coté
Est, & l'autre à l'Ouest de la Riviere Yamaska.
Il s'agit ici de la Concession du coté ouest de la
Riviere —

Il

Il a entendu dire qu'un protest a été laissé chez lui de la part de quelque personne à l'égard de ces terres—

Jn Olivier Arcan— dem.a Marka — con. l'étendue de la Sec. de Bourg Marie Ouest — 50 arp. front sur 2 lieues trois cinquante arp. au front à la Rivière ouest Marka en la prof. à la Seig.e Lord. D'un côté au Nord au Fief Bonsecours et au Sud au Fief Beauchemin — cette Seig.e appartient à Mlle Marie Barron — con. la Seig.e B. Marie Est — séparée de l'autre par Riv. Marka — la Seig.e de Charles est voisine du côté du Sud — appartenant maintenant à Mr Truteau — que dit Seig.r Dejean Il donne la depuis 16 ans — on a jamais douté du droit de Mr Barron à cette Seig.e B. M. ouest elle en jouissoit — Bazile Pellerin en dit l'agent — A entendu dire que les Verriers reclamoient des droits dans cette Seig.e — a vû une procuration de Mr Isaie Lacourse d'agir pour eux comme Co Seig.r Lacourse a fait donner notice à la porte de l'Eglise défendant à toutes personnes tenant des Concessions dans la Seig.e Dejean de payer à autre qu'à lui — Que suivant Lecourse la Seig.e Dejean s'étendoit jusqu'derrière Lord —

Que dans une autre crée que Lacourse a fait,

que

que le nom Bourg. M. Ouvert sont ses noms que les agents de Mlle B — avait donné pour avoir un droit de retirer les rentes des habitans dans cette partie — mais qu'il n'y avait pas vu la que la Seigr. Duquois qui appartenait à la famille Verrier — à dont le Dfr — avait achété

Qu'il a entendu dire à 8 noms de fois devant comme cela à la porte de l'Eglise —

Qu'il croit que c'était 50 francs que Lacoussa avait donné pour son achat — que suivant lui l'étendue de 10 lieues de front sur autant de profondeur, comprenant des terres dans les seigneuries et Townships voisins —

Lacoussa a fait des concessions dans le Bourg M. Ouvert à Sallois — à Badeillan ~~Coutu~~ — Aug. Renaud — dans la réserve de la Sophie.

Que le Dfr. Allston lui a dit avoir tiré des lignes dans cette Seigr — à la demande de Lacoussa

Que dans une conversation qu'il a eu avec Allston après les lignes tirées, il a dit au tém. qu'il voyait bien que Lacoussa n'avait rien là —

Que Mlle Barnes était publiquement connu pour être Seigneuresse —

Que Allston a dit avoir eu regret d'avoir tiré des lignes là comme il n'a pas été payé comme il espérait —

Que

Que le Déf. Narcisse Bergeron lui a dit un jour, que Lecours ne l'employait plus comme Notaire — Ladessus Bergeron a dit qu'il n'irait pas si loin que de dresser des actes de Concessions pour Mr Lecours, comme il n'était pas trop assuré qu'il aurait de droit dans cette Seigneurie — Que depuis cela Bergeron a dressé des actes de Concession pour Mr Lecours —

En regardant la Concession a Pre Sallois, 12 Nov. 1828 — dit que la terre y désignée est dans Pointe aux Trembles dans la réserve de la Seigneurie — Fait après la conversation susdite —

Que il a vu plusieurs autres expéditions de Contrats de Concessions faits par Bergeron N.P. pour Mr Lecours à Franc Daigle — Concession St Ives — deux à Thomas Allston — un second a Pre Sallois — un troisième Pre on St Charles — a Jos. Gervais en St Ives — deux Bellanger. B. Marie Ouest — a Joseph Lacerte Pre

Prouve la signature de Mr Bergeron à tous ces actes comme N.P. —

Michel Barbeau lui a dit aux Trois Rivières, a dit, qu'il venait pour chercher des ordres pour obliger des gens a payer qui avaient voté pour Dupuis contre les prétentions de Mad. Barron

Que Allston lui a dit avoir dressé du P.V. — d'assemblée pour Mr Lecours —

Que en consequence de ces procedés de Mr Lacoste plusieurs tenanciers ont refusé de payer à Mr Barron, jusqu'a ce que cela fut decidé —

Que Mr Barron a fait des poursuites & des personnes ont été condamnés!

Quelques personnes dans le Township d'Upton ont été aussi poursuivies - & qui ont été — defendues par Mr Lacoste —

Parlementairement Franc. Lemay fils —

X

Con. la Seig. Deguire — y a lieu des lignes de concessions —

Con. la Seigneurie de Barron toujours appellé sous ce nom —

Que a l'embouchure de la Riv. Maskinongé est la Seigneurie Mde Pelet —

Seigneurie Deguire — on la connoit pas comme possédé actuellement sous la designation portée dans le bref à lui maintenant montré —

Que Lacoste a dit a Lemay devant le temoin de ne point payer les rentes à Mr Grant —

Etienne Hebert — con. Lacoste — Berthier. N. P. — a entendu parler des concessions de Lacoste — il annonçoit qu'il doit en poss.n de la Seig.e de Mr Barron & qu'il passoit des concessions la — Connoit la Seig.e Bourg. Marie ouest. pour appartenir a Mr Barron — La Seig.e de Deguire appartenant a

Mr

Mr Verlet — a fait des concessions au terroir dans cette Seigneurie —

Par Bugeron lui a dit qu'il avait vu les titres de Mr Lacoste & qu'il avait droit de donner des concessions, que son titre était signé du Gouverneur, & qu'il croyait son titre bon —

Par la Conduite de Lacoste a causé beaucoup de trouble dans cette Seigneurie

x°

Bugeron a dit qu'il avait ordre du Gouverneur de vendre des terres pour Mr Lacoste —

A toujours nommé la Seigneurie — la Seigneurie Barrow.

Joseph Nadeau — con. Pellissier, agent de Mr Barrow a été employé à défricher des terres en la Seigneurie Leblanc était avec lui — Badeaux a dit au terroir avait travaillé là pour lui — mais, sur une Concession de Mde Barrow — & cela avant que Lacoste a prétendu être Seigneur —

Antoine Nadeau — con. Pellissier — agent — a travaillé pour lui à la Seigneurie, avec ses enfans à défricher — Par Badeaux lui a dit avoir pris une terre là, & qu'il y avait travaillé là aussi — & cela avant que Lacoste se connoit pour Seigr —

N'a jamais connu d'autre Seigr — que Mr Barrow & Badeaux con. Pellissier comme agent de Mr Barrow

x°

D

Sait que Mr Lavoura a donné des notes a la porte de l'Eglise, que ceux qui voulaient prendre des concessions de venir le trouver, qu'il en était maitre, —

Louis ~~Guibault~~ Bibau — demeu dans le Township d'Upton con. Levoura — d'Alton l'Arpenteur, d'Bergeron N.P. — Alton entrevu avec Bergeron d'Levoura chez le beaupre du temoin — ont offert une concession a don beaupre — Presque Pallogneu — dans la Seigneurie Barrois — d'qu'ils avoient droit de vendre dans cette partie la — le temoin a pris une concession de Mr Lavoura —

Le tem. a payé 20f a Mr Levoura 7/6 a ~~Levoura~~ au Notaire — d 13f a l'Arpenteur —

X

Le temoin croyait que c'était dans la Seigneurie de Dupuis du était cette terre, mais les agents de Mde Barrois lui ont dit que c'était dans la Seigneurie —

Jan^s Bernier — con. Levoura — ~~Michel Vernier~~ — Bergeron. N.P. d Alton arp. d'Badaillac — Il a remonté chez Augte Rivard — il y a 2 ou 3 ans — il y avait plusieurs personnes la — ces personnes faisaient des conversions — des Pères Verbaux d des Curés — Mr Dallais, Joseph Martin — ont eu des conversions en la

reserve

reserve en Ste Sophie. —

a toujours entendu dire que Mlle Barrow était la Seigneuresse de cette Seigneurie —

Qu'il a entendu publier par Lecourse à la porte de l'Eglise qu'il donnerait des concessions dans la Seigneurie de Mde Barrow, qu'il en était proprietaire —

Que Mr Lecourse parlait de la Seigneurie de Depuis en Dessous — & tous ceux qui ont pris des concessions sont dans cette Seigneurie ca — ne connait pas les limites de cette Seigneurie

Pre Jos. Chevrefils — N. P. a fait un acte de Concession pour Mr Gale agent de Mr Barrow à Michel Badeaux de Laplante, le 9 Aout 1822 (cache brulé) — Concession de St. Jos —

Que Badeaux lui a dit qu'il avait été employé & avait aidé a tirer des lignes dans une autre partie de la Seig Barrow & qu'il avait 10 piastres par Mois de Mr Allston — & que Allston était employé par Lecourse —

Qu'il lui a dit après qu'il ne voulait pas payer ses rentes que la Seigneurie était Vendue —

Qu'il a montré ses copies de concessions qu'il avait eu de Mr Lecourse —

Qu'il voulait garder la concession qu'il avait eu en Ste Sophie

Qu'il con. le fief Deyzieu qui appartenoit à Mr Vendôle — il a toujours été considéré comme en dépendant le Seigneur —

Quilloy a de la dame d'environ 3 lieues entre la reserve de St Ives & la Seigneurie de Deyzieu.

X

Con. que des Avertissemens avoient dû être faits à la porte de l'Eglise — il reclamoit des rentes dans la Seigneurie Dessozieu —

Croit que les habitans connoissent bien les lignes dans St Ives —

Sait que Lavoisse a fait des concessions dans la reserve de St Sophie —

Pierre Sallois a eu un Concess de Mr Lavoisse, qui se disoit Seig.r — dans la reserve de St Sophie — ne sait exactement en quelle Seigneurie — il a eu un autre dans le Fief de Chaules —

Que Mr Bezeron a passé les Contrats & Mr Allerton a fait les P. Verbaux d'arpentage —

Il a donné 7/6 pour le contrat, 13/6 pour le P. Verbal & 7/6 pour l'autre contrat — 1/3 à Mr Lavoisse — Que Allerton a fait doler pour les poteaux qu'il y avoit & en a fait d'autres marques dessus —

Qu'il a entendu dire que Mde Barrow étoit Seigneuresse de ces terres —

Qu'il

Qu'il a entendu des annonces à la porte de l'Eglise par Lacoure qu'il voulait vendre des bois dans la Seigneurie Derozers à Dupuis, il n'en connoit pas les limites —

Qu'il y avoit des piquets de brulé — l'arpenteur les a ôté & en a mis d'autres — les autres il a ôté les marques & les a marqués de nouveau — les marques qu'il a ôté étoient bien visible,

Caut — C'étoit dans le Fief de Charles on a ôté les marques sur les piquets — dans le reserve de Sophie il n'y avoit pas de piquets l'arpenteur en a mis

Etienne Parthal Pepin — de Marka Dépt. de Terrebonne com. Lacoure & les autres Defendrs — étoit present chez Dufresne lorsqu'il s'agissoit de donner des Concessions par Mr Lacoure — l'arpenteur & le Notre Gen. Verne Mayr. Verrier & Badeau y étoient — un nommé Parent vouloit prendre une concession dans la reserve de Ste Sophie; le tém. l'a engagé de ne point prendre — Le titre de Lacoure y étoit sur la table — Mayr. Verrier a dit à Lacoure qu'il ne devoit pas laissé voir son titre — Lacoure a dit c'étoit bon — Parent n'a pas pris de concession — D'autres en ont pris —

A entendu les annonces faites par Mr Lacoure a la porte de l'Eglise —

Depuis

Depuis sa naissance il a toujours entendu dire que Mrs Barons dont Seigneurie de la Seigneurie de Bourg Marie Ouest —

X°

Que lors de ces annonces Lacoursière a dit qu'il était possesseur de la Seigneurie Despins, et qu'il voulait donner des concessions à tous ceux qui en voudraient —

Que c'était le Not. Bergeron qui a passés au temoin de voir le titre de Lacoursière —

Le tem. le croyait un titre suffisant pour la Seigneurie Despins —

Annable Paradis, con. Allston, l'arpenteur — prouve son contenu — a trois P. Verbaux d'arpentage — (les) P. Verbal fu Pre Salois — au Rivre du Sophie — au to Joseph Martin au dessus Rivere — au dit to Pre Salois, Rivre Dre Sophie — et to les made at the instance of Isaac Lacoursière, Seigr of ~~Dumas~~ Despins &c —

a beaucoup entendu parler des prétentions de Mr Lacoursière — mais avant ce tems a toujours entendu parler que Mrs Barons était Seigrs de Bourg Marie Ouest —

a entendu les annonces à la porte de l'Eglise offrant des concessions — cela a causé beaucoup de trouble dans le endroit —

XI°

Que les annonces étaient faites devant la Seigneurie de

de Deguin, & plusieurs pensent que cela voudrait comprendre le terrain de Bonz Marie

Barzle Pellissier de La feuillade — 67 ans — a toujours vu a Maska — depuis sa con. B. Marie Ouest a été la propriété de Mr Barron & après sa mort a Mlle Barron — Elle est du côté Ouest de la Rivière Maska — B. Marie Est est ~~joint~~ de la Seigneurie Deguin, qui appartient à Mr Wadell — Distant a environ a 2½ lieues de la réserve de Ste Sophie en Bonz Marie Ouest — on ne pourrait se tromper en croyant que la Seig. Deguin s'étendrait jusqu'a la —

Qu'il a eu occasion de voir des Concessions faites par Mr Lacoune dans la réserve de Ste Sophie en Bonz Marie Ouest —

Qu'il a vu le titre donné a Dufresne par Lacoune ne connait pas une Concession sous le nom de Ste Anne — mais le considère en la réserve de Ste Sophie

Dit aussi que la Concession faite a Pre Sallois est dans la réserve de Sophie — qu'il n'y a pas de preuve de Sophie là, mais une décharge que Mr Gale a fait faire par les Concessionnaires en cette partie —

Que tous les Defendeurs ont pris part dans cette affaire —

A vu le Notre a la porte de l'Eglise lorsque Mr Lacoune faisait défenses aux tenanciers de payer

rente

prendre à l'avenir aux héritiers Barrow, à qui
s'ils payaient il les poursuivrait — il
a aussi vû Badeaux — qui faisaient part
ensemble —

Il y avoit beaucoup de monde à la porte
de l'Eglise dans le tems —

Joseph Gingras, de Marka — con. Lacourse & allez
à Berjeron à Badeaux — il s'est rencontré
avec ces personnes —
— il a eu une Concession dans le Charles — ces
gens étoient présent dans le tems — il a donné
6 piastres — il est convenu avec M. Lacourse
de donner l'argent — & il l'ont partagé entre
eux —
— La Concession lui a été donné comme étant
dans le rang le Charles — a toujours entendu dire
que c'étoit dans la Seigneurie Barrow —

Ne connoit pas les lignes des Seigneuries —
il supposoit que ces personnes ne coupoient
que des terres dans la Seigneurie Barrow —
— Il a fait lire son Contrat, croit qu'il y est
fait mention de la Seigneurie d'Equrie —

Hugues
Lemoine de Martigny Sup. de Ramsay & partie de

Boucherville

Bouchemin — a entendu parler de Mr Lacourse — et a signifié au tem. de Deguerpi de la Seigneurie de Ramsay, comme lui Lacourse le reclamoit comme Seigr. de Deguis — Et Seigr depuis 1818, Depuis ce tems n'a jamais entendu dire ou parler que Lacourse etoit Seigneur d'aucune Seigneurie —

Il a causé de trouble dans cette partie de meme au tenure —

Duc depuis sa Com. Mr Wendle est Seigneur de la Seigr Deguis —

a connoissance que Lemay a fait resistance au Sheriff de 3 Rivieres, a tiré sur lui — et a été condamné d'être pendu —

Cela provenoit de ce que Lacourse avoit dit a ces gens qu'il etoit Proprr

Louis Grigy, Sheriff du District — en 1807 etoit Sheriff de 3 Rivieres, il a eu un writ D'Expon en vertu de laquelle la Seigr de Deguis a été saisie & vendu en son Office à Mr Josias Wendle l'a acheté — et il lui en a passé un titre — & Mr Wendle en a joui jusqu'à sa mort — N'a jamais entendu parler de Lacourse comme Seigneur de cette Seigneurie

Verdict. Isaac Lecourse —
Narcisse Bergeron } Guelty
Thomas Alston
Theotes not Guelty —

Wednesday 29th Feby 1832

Prest
Ch. Justice Reid
Justices Pyke & Vanfelt

The King
vs.
André Kellerstein

On Indictment for privately stealing in a shop —

Alphonse Bellanger, reside à Montreal, en cette cité, commis chez Mad. L. Barnard, rue St Paul Montreal — Le Pr. est entré au magazin avec son fils, acheté un mouchoir — a demandé du gelant — il se cherché le gelant et est parti peu de tems après Mr Wolbrenner est entré demander di et lui mangeant une peu de Guillaume — le tem. a vû que le Guillaume mangeoit, a on a fait poursuite à le Pr. a rendu le gingham — il n'avoit que deux pieces de gingham lors que le Pr. est entré au magazin et en manquoit une — le gingham appartenant a Madame Barnard et contient environ 23 verges et vaut 12£ — Que le lendemain il a porté la piece de gingham à l'office de Police, a l'a donné à Mr Debartzch —

X°

Que lorsque le Pr. est entré au magazin les deux pieces de Gingham y étoient. a lorsque le Pr. est parti

prenta une des pièces manquoit —
C'est Weilbrenner qui lui a remis la pièce de jambon —

Avila — Weilbrenner — Dem. rue St Paul — vers le 3 Octobre dernier a vu le Pr entrer chez Mad. Savard, un moment après il l'a vu sortir avec une pièce de jambon dans le capot — il a été demander si le jambon se mangeoit bon. il a répondu qu'il en avoit mangé, et a causé après qu'il l'eut arrêté, lorsque le Pr lui a jetté le jambon disant, voilà ton butin puisque mes dîner — la pièce de jambon mentionné produite est la même, et il l'a reconnu comme telle —

Berry — Deluse, high Constable, proves the reception of the Jambon from Bellanger, and identifies the same produced —

Verdict. Guilty —

The King
Joseph Deaken
Lucy Deaken } Bill indictment for stealing above the value of £10 — in a dwelling house —

Daniel Morrison — lives in Chateauguay, came to Montreal in Nov. last lodged at Duncan Farrells

and

and slept in 3d Story, he had in his posn at the time 2 ten doll bills – 3 fives – 4 of one doll 4 pieces of 2/6 – one piece 1/8 one do. of 25 cts – all in a pocket book except the piece of 1/8 & 25 cts wch was in his trowsers pocket, and when going to bed he laid on a chair –

In the morng about day light he missed his money, & made search for it, but did not find it – told Currie of it –

In the night he saw a man draw back from the room wt a candle in his hand as going out of the room –

The Ps were taken up, as they had slept there that night – the W was present when they were searched & money was found upon the Ps principally in silver – to about three pounds – This was next morning after the robbery – The Wit could not identify any of the money – The Ps were committed –

x2–

W was woke up on hearing a step of some person – but did not get up – There was another man, one McMillan who slept in the same bed with W – he is now in N. Canada he told W he must find his money – This McMillan is a stranger lately come to the County –

There were four bills of one dollar each found on the Pns besides the Silver —
The Pr said that the money found on him was his pension, which he had drawn ten weeks ago — The woman said soon after that the money had been raised by Subscription —

Duncan Currie — keeps tavern in New Market — on Wednesday last the last Wn came to his house, and staid 4 or 5 nights — he slept in the 3d Story — The night of the Theft — the Prisrs & a Child had one room & Morrison & McMillan had another room on the same flat — The Pns came to his house in the afternoon & had something to eat — and retired to their room early — In the night the Dean Pr came down in the night time with a Candle & got some Spirits from Wn he was in his Shirt sleeves —
That next morning early when Wn came down he found his Street door open and the Pns gone off — all the other lodgers were still in the house. and on Mr Morrison says he had lost his money he suspected the Pns a pocket book was found in the room adjoining that in which the Pns slept — The Pns were arrested & searched & some silver found on them — The Pr said that Morgan when he went away so early was because he

could

could not awake any person in the house

There were 8 or 10 persons in the house that night rehearsing for a play — The Pr paid for his dinner, when the W. was taken in the poss.n of the Pr — The Pr then appeared to be in liquor —

Antoine Lafresnier, Constable — In Nov. last he had a warr.t & arrested the Prs — found them at Mrs Prior's tavern — told them the cause of their arrest for stol.n money at Evans' house — he searched the man about 5 Dollars he had several pieces of 2/9 more than four — found 4 bills of 5 each on the woman — When he charg.d the man w.t stol.n, he thinks he d.d that he had either sold or drawn his pension — the wife said that the money had been raised by begging in different towns as they were persons of good character — there was more money found on the woman than the man —

Defence —

Jas. Chs. Grant. The day preced.g the arrest of the Pr he came to Office of W. & asked for downtown said he had served in the Navy & army —

Hatred

stated that he had been a pensioner — We gave him a 2 dollar bill — he exhibited to We some Certificates of his service — same now shewn —

We was sent for to the police office when the Pr was there & informed Magistrate that he had given him a 2 dollar bill —

I. D. Lacroix. The Pr came to his house in Nov. last and asked for charity — made the woman and her child come in — they shewed a paper with some names on it & last was that of Wm Monkman who subscribed 25 ℔ — we gave him something being two french half Louis —

Daniel Morrison — he did not sleep after he saw the hand of the person in his room, until he heard the clock strike 2 o'clock —
he considers he had his money in his pocket book when he went to bed —

Verdict Not Guilty. —

—

The King. — }
Marie an. Aubin } Or Indictment for Arson —

Joachim Raymond de Labrosse — dem. en la paroisse de Scholastique comté des deux Montagnes

gen

que le 6 Nov. der. il etoit prop.re d'une grange
la P.e y demeur.t en cette paroisse — Il y avoit alors
une mesintelligence entre lui & la P.e il avoit la
terre d'un nommé Drouin pour un an — quelle
n'etoit pas satisfaite que son mari Drouin avoit
loué la terre — Vers les dix heures du Soir Le Landry ent
venu lui dire que sa grange brulait — il y fut
a peine a tiré pu sauver sa jument & son poulain
du feu —

Que la P.e a sommé le tem.n de sortir de chez elle
ou qu'il lui arriveroit malheur —

Que la P.e dem.r a environ 30 arp.s de chez le
tem.n —

Que la terre des batimens appartenoient pour
moitié à la D.e & l'autre moitié a ses enfans
dont le tem.n avoit deux parts — de Drouin en
Juillet l'année dernière — La P.e demeuroit alors
chez son fils —

Joseph St Louis. con.t la P.e a entendu que la grange de
Labosse avoit été brulée — Que vers deux ou
trois semaines avant ce tems, la P.e a dit au temoin
qu'elle ne pouvoit pas entrer chez elle, mais
qu'elle alloit les avertir de sortir, & que s'ils
ne vouloient pas sortir elle y mettroit le feu
qu'elle entendoit autant bruler la maison que
de laisser ces gens dedans — qu'elle parloit
du dem.r tem.n qui demeuroit alors en sa maison.

Que cette conversation a eu lieu dans le chemin — la Pre restoit alors chez son fils — que cette — conversation n'a pas fait d'impression sur le temoin —

Joseph Paquet — doit à St Scholastique le soir du feu — un dimanche au soir il veilloit ~~a sentai~~ chez Le Bernere — en sortant de la il est allé chez Mr Brunet, il sonnoit alors dix heures — en sortant de la il a rentré chez Mr Baulne — et en sortant de la il a vu le feu — un homme Jenfant Baulne est parti par gagner le feu, avec lui, et il a rencontré la Pre dans la ligne des terres entre Deguire, qui s'en retournoit chez son garçon — le tem. lui a demandé à la Pre ce que c'étoit cette feu — elle a dit que c'étoit une cheminée ou des cigrettes qui brulent, mais le tem. pensoit bien que c'étoit une grange ou maison — Que la Pre venoit de coté du feu — Que dans le tems on voyoit le feu mais pas la grange —
Rendu au feu, le tem. a dit qu'il avoit rencontré la Pre entre les terre de Baulne à Deguire — Le monde dans le tems croyoit que c'étoit la Pre qui avoit mis le feu

+

Jeremie Belec. la femme a veillé une dimanche a soir — la Pre est venu veiller chez le tem. ce soir la — elle demeurait alors chez son fils. — la maison de Labrosse est plus près de tem. — que celle de son fils — elle est partie de la vers les 8 ou 9 heures — pour s'en retourner chez elle — Elle a passé chez le temoin ce soir — après son départ le tem. s'est endormi, a en se reveillant il s'est apperçu d'une clarté du côté de Labrosse — Qu'il peut y avoir 24 a 25 arpens de chez lui chez Labrosse — et de chez lui chez le fils de la Pre il peut y avoir 15 arpens —

X

Que la Pre peut avoir resté chez le temoin jusque vers le 8 ou 9 heures — Que pour se rendre chez elle il fallait passer la terre de Dezeuze —

Joseph Charbonneau — 14 ans — Qu'un jour il etoit avec la Pre et en parlant de Joachim Delaymard, ne pouvait pas par d'autre que par sa main, et qu'elle mettait le feu chez lui — cela s'est passé en chemin, elle etoit dans la voiture avec lui, et cela environ un mois avant le feu —

X

Jn

Jn/ Bte Baudens — Le soir du feu, il a rencontré la Pre et lui a demandé ce que c'était cette feu elle a dit que c'était quelque cheminée — et a continué sa route — elle y croit du coté du feu —

La Pre était sur la terre de Degeure —

Jn/ Bte Goguet — La Pre est venu veiller chez lui quelque tems avant le feu, et a dit que si Raimond ne sortait pas de sa maison, il ne périrait pas par d'autres mains que les siennes et qu'elle y mettrait le feu — et qu'il ne profiterait pas de sa recolte et qu'il périrait —

Il y avait 3 ou 4 personnes présents alors —

Défense

Jn/ Bte Bastron et Major — fils de la Pre elle dem. chez le tem. en Nov. der. lorsque la grange a brulé cette grange est à la distance d'environ 44 à 45 arpens de chez lui —

La Pre a veillé chez Belle ce soir là — elle est arrivée chez le tem. entre les 8 et 9 heures — il n'y a qu'une seule appartement dans sa maison, et la Pre n'aurait pas pu sortir sans sa connoissance —

Verdict Not Guilty.

The King
v.
Charles Gauthier } On Indictment for stealing privily
and } from the person. —
William Closey }

~~Charles~~ Louis Charnière de Labourin de Bellair — le 1er Oct.re der. il est venu au marché de Montreal y a vû les deux Ps. que Closey lui a vendu un Chandelier 40 Sols, dans le moment l'autre P.r Gauthier est venu lui en offrir une autre et lui a offert ce qu'il avoit dans la main pendant qu'il marchandoit, sa bourse lui a été ôté de sa poche — il y avoit 3 ecus franc un 30 Sols & une Jeton de 10 Sols en argent dans sa bourse dans le tems. —

Antoine Lafresnier — cons.te — le 1er Oct. der. il fut au marché, a vû le dr. tem. avec trois Jeunes gens qui le tourmentoit pour acheter — il a vû le P.r Gauthier oter la bourse de la poche de Labourin, & la donner a Closey le tem. a arrêté Closey, & fait envoyer après Gauthier qui a été arrêté —

Alexis Bellair — s'est trouvé sur le marché le 1er Oct. dernier — sur ce que Lafresnier a dit, il a couru après Gauthier & l'a arrêté sur le champs de Mars, & étant arrêté il s'est mis

ve

a garnison & a pris la somme de la larcin alla
somme c'etait la persone fois —

Benjn Delesle. head constable — on Oct^r last the two
Pris were brot. to Police Office by Lafresnaye
& Bellair & Lafrenaie gave him the purse
he now produced, as having been stolen by Pris
in gr there was 3 ecus francs 30 sols & 10 coppers —

Louis Choisniere, says. that the purse now produced is
his property — and is the same he was robbed of
in the market place —

Verdict. Guilty as both Prisoners

The King
Etienne
Joseph
André } on Indictment for stealing from a
dwelling house above the value of
40/ —

The Prisoner upon his arraignment appearing
not to be of sound mind and refusing to answer
the Court ordered a jury to be impannelled to
enquire whether it was by the visitation of God
or of malice that he stands mute & refuses to
answer to the Indictment. —

John Henry Powell. ho. Pr depuis octobre. qu'il a demeuré chez son Voisin Mr Russel – a toujours vu qu'en lui parlant il repondoit sensement, croit qu'il peut repondre a present s'il veut

Timothy L. Russel – lives at Sabrevois – the Pr was in his service about 18 days – he always acted like a man in his senses – he did not understand his language, but understood what was told him and acted did what he was ordered – he looked better then than he does now, He has no doubt but he could answer now if he saw fit –

Holland. Gaoler – Pr is under his charge for some time – when he first came in he spoke with the other prisoners – for some time he was not taken notice of him – he takes his victuals as others –
Does not think that the Pr can speak if he chuses – Has heard that the Pr was a fool –

Nathan C. Howard – knows the Pr at Mr Russels about 2 or 3 weeks – he spoke with good sense – thinks the Pr could speak –

Joshua Mandeyo — speaks & understands French
has seen the Pr. 3 or 4 times at his house &
has spoke to him — he spoke fluently & rationally —
This was about a year ago —

The Jury returned into Court and
said ~~said~~ that the Prisoner is not mute but doth wilfully and
obstinately refuse to answer. —

Thursday 1st March 1832

Present —
Ch. Just. Reed
Mr Justice Pyke. —
Mr Justice Amache

The King. —
vs
Joseph Dalcour } On Indictment for a violent assault
and biting & tearing off the thumb of
one Renaud. —

Franc. Renaud, lives in 2. Inh — On the 20 feb last
he was at work wt Defdt — after the days work done, he
was work'g for Merritt — gave in his statement of work —
he had some difficulty wt Deshaulets — went to the office —
& came back to Deshaulets — wt. Defdt & D Deshaulets —
The Defendt was telling M. Deshaulets, that the W. was
very unpolite & did not pay him his price — & that
W. should give him the same as he himself. — The
W. accused these persons of taking improperly of him —
The Defendt &c. the W. was accustomed to make himself

of

of consequence but Ob^d not do so w^d him — d
threatened to strike W^m — but W^m did not expect
he would strike him — the Def^t struck him once
& a second time — and threw him down and laid
hold of his thumb w^t his teeth and bit it off —
the W^m got up when Def^t wanted and did strike
him again — that on examination he found that
a joint of his thumb was cut off — by the Def^t

X^d —

That when he felt his thumb bit, he called out that
he had bit him —

Noel Deshautels — lives in town — his parties — was present at
the difficulty between them on the 20th Feb^y — they
worked at the Chantier of the Ship yard — Renaud
went to the office to join in the Statement of the
work — he came back to where W^m this brother
& the Def^t with his arms folded — saying, you
are three fine fellows to talk of me all behind
his back — Def^t s^d what he had said behind
his back he would tell before him — he got
in a passion and struck Renaud, and
threw him down — the W^m interfered and
separated them — that after Renaud got up
the Def^t wanted to strike him again — on
Renaud's getting up he cried out that the Def^t
had bit him & he would make him pay for
it — That Def^t s^d if he was to pay it should

he

be for some thing, Renaud then shifted out and said strike. I am able to bear it — That Wt saw something hanging from the hand of Renaud, wt blood on it, but could not say what it was. —

X

That when Renaud was down, he did not cry out —

Louis Deshaultels — was present at this assault — when it began, heard Renaud say to Defdt dont touch me — when Defdt — I may touch you without dishonoring you — went to put up his things & when he returned he found his brother separate them — on Renaud's getting up, he said out to Defdt You have hit me — Defdt denied it — saw blood on hand of Renaud — Defdt — wanted to strike Renaud, when he told him if he did he would make him pay for it — Defdt — it should be for some cause wanted to strike Renaud again —

X

Knows Parties for some time, Renaud is a little more touchy than Defdt

Defence —

Paul Derocher — Ks Defdt for a long time — he is a man of good character — That Renaud is a man of quick temper

Narcisse Morin — Ks Renaud — has seen him at times in dispute with others — Dalcour is a quiet man —

Verdict Guilty. —

The King — }
Antoine Valiquet }

On Indictment for Grand Larceny —
~~on two Indictments, by consent of the~~
~~Pr. & his Counsel.~~ —

—

Etienne Lagrenade. En 1828, il demeuroit chez Tessier, forgeron a côté à Baron — un Jour dans l'automne le Pr. est venu avec un voyage de fer, & a cogné a la porte de la boutique — & a demandé a faire ouvrir la porte — le tém. l'a ouvert, quand le Pr. a déchargé une voyage de barres de fer environ cent 20tre dans la boutique — c'etoit du fer anglois — le tém. n'a rien demandé au Pr — Le Pr. est revenu quelque tems après — ne sait pourquoi — le Pr. a demandé s'il vouloit acheter le fer — Tessier ne vouloit pas l'acheter sans savoir d'ou il venoit, qu'il ne vouloit pas engager sa conscience — quelques Jours le Pr. & Chartrand sont venus chercher le fer — Ils ont été chez Durocher avec le fer ou ils l'ont déchargé — vers le soir — le témoin a livré le fer a Chartrand — le Pr. n'y etoit pas. —

x

a vu le Pr. depuis ce tems en ville — il est charretier — les charretiers charissent le soir — même jusqu'a dix ou onze heures —

Paul Durocher — forgeron ft. S.L. Qu'en 1828 Chartrand est venu lui offrir a vendre du fer — il est parti & a été chez Tessier apporter environ 20 barres

et

de fer, avec le Pr — Il a dit que c'était du fer qu'il avait eu en paiement d'un marchand qui avait fait banqueroute — le Pr n'a rien dit — Duke commençait a faire beau — Il est tard pour peser le fer — lui a dit de venir le lendemain. Qu'un hom. lui dit qu'un vol de fer avait été fait chez Mr Budden. Il lui a dit de ne point frapper le fer — le prix était 14/. le quintal — Le Pr lui a dit qu'il était associé avec Chartrand. Duke a livré le fer a une personne qui l'a redemandé le lendemain — Que ni Chartrand ni le Pr ne sont venus chercher le fer — il pourrait valoir 25 piastres —

X°

Que c'est l'habitude des Charretiers de charrier de bonne heure — Con. le Pr qui a joui d'un bon caractère Que Chartrand était la personne qui a dit qu'ils étaient associés — Valiquet était a la porte — & le fer se déchargeait dans le tems & faisait du bruit. mais n'a rien dit —

James Barnard — En 1828 était commis chez Budden ils déchargeaient une grande quantité de fer des batteaux & le Pr était engagé avec Chartrand de le charroyer — il mangeait environ 5 Ton — ne peut dire le nombre de barres — On leur a dit qu'il y avait du fer porté chez Durocher — a levé un

Ward

Warrant a été chez Durocher, y a vu le fer mais n'a pas reconnu pour le fer de Mr Budden Mr Durocher lui a vendu 26 barres de fer — Mr Budden était présent, mais n'a pas pu reconnaître le fer — valait £5 à £6 —

X^e —

Que le batiment devait qu'on avait déchargé un plus grande quantité de fer que Mr Budden reconnaissait recevoir —

Louis Malo — con. en 1823 — a eu un warrant d'appréhender le Dr Gastrand — le Dr a disparu le même jour — & ce n'est que dans le mois de Janvier der. il l'a trouvé — avant ce tems il était chantier, mais on ne sait où il était allé —

X^e

A entendu dire que le Dr travaillait pour un nommé Cazeau — mais on n'a pas pu l'assurer —

Defence.

Jn Bte Cazeau — de Godmanchester — fait du bois la — le Dr a travaillé pour lui pendant 3 ans — il avait un bon caractère — & il lui a confié de l'argent en différens tems — il a descendu 2 fois à Quebec sur les gages —

il

il ne s'est jamais caché — le tem. avait jusqu'a 30 a 40 hom. en bon service, a le dr. tems. le Dr en a eu le commandement —

Le Dr. est entré chez lui vers la St Catherine il y a 3 ou 4 ans — il dit au tem. avoir vendu son cheval — l'a vu en prison — lui a dit, que il l'avoit conseillé de ne point venir en ville

Jn Bte Vadeboncoeur — con. le Dr depuis long tems — 10 ans — il a été en son service, il a toujours eu le caractere d'un honnete hom. — l'a vu aux courses l'an dernier.

Louis Nantelle — con. le Dr. depuis 7 ans. pour un honnete homme —
Que du tems que le Dr etoit a Godmanchester, il se retiroit chez le temoin quand il venoit en Ville

Jos. Beauchamps — con. le Dr depuis 12 a 13 ans — l'a toujours connu pour un honnete hom. — l'a vu aux Cajes — lui a parlé 2 ou 3 fois —

Louis Benoit, aubergiste en ville — con. le Dr depuis 3 ou 4 ans il est venu chez le tem. lorsqu'il descendoit aux Cazernes de Ste Cazya —

Alexis Gariepy — con. le Dr depuis 12 a 13 ans — depuis 3 ou 4 ans, il l'a vu en differens tems —

Joseph Doyons — con. le Dr depuis 15 a 16 ans — il a travaillé

travaillé 3 ou 4 ans pour lui – il a toujours eu un bon caractère –

Verdict. ~~Not~~ Guilty –

The King
vs
Jean Bte. Beauchamps } On Indictment for stealing privily from the person –

~~Pascal~~ Franc. Valade, de St Martin, s'est trouvé sur le marché neuf le 28 Octobre der. le tem. descendoit et le Pr. montoit – il s'avançoit devant le temoin comme un personne enivré, et a mis la tete sur l'epaule du tem. – jetta un sifflet, et est parti tout de suite, lorsque le tem. s'est apperu que sa bourse manquoit – le tem. a couru après et en lui mettant la main sur l'epaule il lui a demandé sa bourse, il a d'abord dit, qu'il ne l'avoit pas, et ensuite il lui a rendu – il y avoit dans sa bourse deux pieces d'espagne et deux cens Americains – sa bourse etoit dans la poche de sa veste qui etoit ouverte –

X^e –

Il y avoit beaucoup de monde sur le marché a lors la –

Charles Piccard fils – a vu le Pr. que dont poursuivi par le der. tem. qui vouloit l'atteindre, en reclamant sa bourse qu'il lui avoit volé – le tem. a arreté le

le Pr — lorsqu'il a tiré la bourse de sa poche de veste — disant, voila votre bourse, ce n'est pas moi qui l'a volé — Il effut une lutte & une poussée pour la laisser aller, — le temoin a pris la bourse & l'a livré au Grand connetable à l'effet de Police avec le Pr —

Benjn Delisle Constable — the Pr was brot to Police effice in October last accused of stealing a purse. gt. 10 rec.d from Piccard who lost the P.rs —

Jean Valade — recognizes the purse now produced to be the same stolen by the Pr — on the Market place

Verdict. Guilty. —

The King
Antr Laverdure } On Indictment for House breaking
the Prisoner on his arraignment
pleaded. Guilty —

The King. —
Joseph Durocher } On Indictment for Stealing a
Gelding —

Pierre Colin. dem. a longuent in Nov. der. son
shewed

cheval a été pris, il a été à la recherche du cheval a suivi les traces du cheval, jusqu'chez Mr Roi de Bouchemille où il a trouvé son cheval entre les mains du Dr qui l'avait offert pour 5 parties connait que le Dr n'a pas son esprit à lui —

The Jury without withdrawing from the bar, returned a Verdict of Not Guilty

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The King
vs.
Isaie Lacourse
Narcisse Bergeron
Thomas Allston.

On conviction for Conspiracy
Judgt — That Isaie Lacourse be imprisoned in the space of four months, and pay a fine of Ten pounds — That Narcisse Bergeron and Thomas Allston be imprisoned in the space of two months, and that each of them pay a fine of five pounds, — and that the said Defendts do further stand committed till their fines be paid

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Friday

Friday 2d. March. 1832.—

Pres.

Ch. Justice Reid

The King
vs
Charles Belaire

On Indictment for Stealing
one ewe Sheep, value 15/—

Etienne Gervais — lives in Rawdon — in Oct. last he lost a ewe sheep — he had his sheep ~~in~~ marked viz — one oval mark on each ear — they were shut up in a barn in the morn: he missed one of them — he went in search of her — took two men to search with him — went to the house of Pre told him of his loss — asked his permission to search — he sd. stop a little, and I'll go & search, and came back took his axe & threatened to strike the wife — but was prevented by persons present — he then took a stick to strike her — We returned home & had some information that his sheep had been stolen by Pre & that he had killed the sheep in the cellar and burned the head near the window — upon found in the cellar — We took 2 men went & searched & found the head with his marks on it about 3 feet under ground — he had it home, compared the mark with that of the other sheep found it to correspond, and after enquiry no other dissident mark on other sheep was found in the neighbourhood — That one day the Pre met the wife in the wood & called to speak to him, which

the

the Wr declared, on this the Pr threatened to destroy the Wr and all his generation — values his sheep at 15f. —
Wr found the head & feet of the sheep —

The day he made the search at the house of the Pr there was no person in it, as he had quit it about that time to go and live elsewhere —

Pre
~~Etienne~~ Galernau — about 1 Nov. last Gervais came for Wr to assist to search for his sheep at house of Pr — when there before the head was dug up Wr told the mark to Wr — they found the head about 3 feet in the ground, and corresponding with the mark of Gervais — he took the head round among the neighbours but found no similar mark on their sheep —

Valance Lepine & Berard — lived a servant wr Pr about 1 Nov last — that the Pr about that time went out & returned wr a ewe sheep — it was about 11 o'Clk at night — Gervais lives about 10 arpents distant from Pr — when he came in with sheep, he threatened to beat the Wr if she'd a word about it — said he taken it from his uncle Gervais the Wr knew the sheep she had had 18 months at Gervais — Pr killed the sheep & took the head & feet and buried them in the cellar and the rest of the sheep was eaten — That three

Days

days after the Wr left the house of Pr
That after she had left him & declared what she
knew of this matter, the Pr came to her with
his wife and threatened to take his life, as she
had prevented him from gaining his livelihood—

x°

That some days before the sheep was found
the Pr had left the house, but went there every
day.— She was not turned away by Pr—
That before Pr left his house the evening he
said he was going to steal a sheep—

The Jury without retiring from the box
found a Verdict of Guilty as the Pr

The Kings
Majesties } vs. Fournier } On Indictment for stealing privily
from the person—

Joseph Lavoureur— de Ste Geneviève— was at Market
in Montreal on 3d Novr last, there were 8 fr. Crowns
12 hf Crowns & 3 Ste Lots of Sous coppers— it was then 8 or 9
o'clock in morng— he had bot 8 Livres Sucre d'orge— he
took out his purse, and he then had a roll of leather
under his arm— he had pd for the sugar and put
up his purse again— The Pr came up to him &
said he would sell up this barley sugar for him

wrapped it up for W^m but ~~he~~ with could not put it ~~up~~ in his pocket on acc^t of his leather, when P^r offered to put it up for him — P^r owns W^m Sharp the Prosecutor saw the pocket as ~~g^t~~ he put it — the P^r pushed the sugar ~~card~~ into the pocket of his coat, but put his other hand inside the coat on the pocket of g^t — was the purse, and after pushing in the sugar for some time, he said je vous ai bien arrangé allez vous en — That the W^m Sharp had but a knife. He wanted to take out his purse, but it was gone — he then went up to P^r & charged him w^th having taken his purse, he denied it — That it was not above 2 minutes after he had put up his purse, that he missed it — That he never found his purse nor his money but caused the P^r to be arrested —

glut. viste pour

Ambroise Lattoré employed by the Clerk of the Market on 3^d Nov. last the last tho' have a complaint ag^t the P^r of having taken his purse — he went to the boy, searched him, but found nothing on him —

Defence

Marianne Beaulieu fem. de Nicolas Archambault de Lassomption — 1^{ts} P^r for 3 years — he is in his service for 6 weeks, & had engaged him for another

months

month, he conducted himself honestly —
That the Wr. Ladouceur bot. 3 bolons of barley sugar
from Wr. & she gave him the change of 2/9 —
he had a roll of leather, & could not conveniently put
up the sugar — and asked of the Pr to put it up
for him, on this the Pr took the sugar and
put it up in the pocket of Ladouceur — he went
away. the Pr remained at the table of Wr That
about 1/2 hour after the Ladouceurs came back
and accused the Pr of having taken his purse —

L —

Franc[illegible] Blais — a huckster on market — has a table next to
that Wr — there were several little boys who were
about the first Wr — That Ladouceur requested y
Pr to put up the barley sugar for him in his pocket.
as he had a roll of leather — he went away, and
came back again about 1/4 hour after saying he had
lost his purse —

Michel Dumers — ks Pr who lived 3 years w Wr in his service
he always conducted himself faithfully & had a
good character —

Verdict. Guilty — recommended to
mercy by the Jury. —

The King
In B^te^ Fournelle
as principal
and
Edward Welsh
Chas Kavanagh
as accessaries

On Indictment for Grand Larceny
agt. Jean B^te^ Fournelle, as principal
and agt. Edward Welsh and Charles
Kavanagh, as accessaries after the fact.

The first Count in the Indictment laid the goods stolen as the property of Bela Flint.—
In the second Count as the property of Charles Beaumont.—

Charles Beaumont, lives in Montreal, in Nov last was a forwarder of goods — in Nov. last he was employed to forward some goods in bales & Box Bela Flint of U. Canada — The goods put into his possn were principally packed in a trunk, there were 4 pieces of Scotch Sheeting in a bale by themselves — two of them pieces were taken — each of qlt. contd 105 yds — same mark was on those stolen — shd the private mark of the merchant from whom they were bot — cots about 8 ℔ yard There were stays coloured & white — 1 doz. white — 2 doz. coulored — valued at 18/ & 24/ — there were 40 gross Combs of diffe kinds — some large & some side Combs — the large 10 a 12/ ℔ doz — the small ones at a lower price — one pr of ear drops was found — valued 3/4 ℔ pair — a trunk was found qlt. Mr Beaumt, it was found on a vacant lot in Sub Some parts of Muslin was found, like to that now produced — valued 1/8 to 1/3 ℔ yd. there may be 20 yds in the 2 pieces found — 4 were stolen —

There was one chest of Tea was stolen & emptied into bags which were found — all these belonged to Mr Bela Flint, & were put into the possn of Wm to be forwarded — These articles were found in the month of 10br Novr — Saw these goods first afterwards in the Court House —

x

It is usual to leave some person in charge of goods on board of boats at night, but was told that no person had slept on board the boat that night —

Stevens Strang, one of Messrs Lasocque & Co — Knows Mr Flint of Belleville purchased goods of them among other articles there were 4 pieces of Sheeting among them — Several of the bore the mark of that now shewn, the piece was 8/ pr yard — contd 105 yds — This sheeting was delivd to Mr Beaumont, to be forwarded to Mr Flint in U. Canada —

William Lar — merchant — in town — Knows Mr Flint — on the 4th Novr last he purchased 5 pieces of figured Muslin recognizes his mark on one piece of Muslin — another piece contd 12/6 — another piece at 1/3 containing 10 yards — 2 doz coloured stays — were also sold by him — value 28/ & 18/ pr doz —

Silas Carter, agent for Carlton & Cook — in Novr last he sold a quantity of Combs to Mr Flint — & other articles — There were 10 gross of Combs — recognizes the marks

on

on the combs now shewn q^t were sold to similar to those
Mr Flint. at 12/ doz — plaited combs —
also 6 doz. of another discription at 12/ about
2 doz. now shewn —
also some at 6/6 ~~6~~ doz — such as those now shewn
As the trunk was not full, Mrs Lar sent to them
other article to fill it for Mr Flint —
Never sent goods to Mr Flint but upon that
occasion — the trunk was given to Mr Beaumont
There was a wrapper round the trunk with
the address of Mr Beaumont on it —
Sold also Earrings at 22/6 doz. such as those
now produced —

Keeps a fancy Store, & sells combs to different
persons —

Louis Malo. Constable — had a warr^t. to search for stolen goods
in Nov. last on a complaint of Mad^e Parent
and on search for her goods, he found the effects
now produced — he went to the house of Dr
Welsh — ~~he went~~ Mr Welsh read the warrt. and
Welsh denied having the goods of Mad^e Parent —
There is but one apartment in the house — it is
in Capstan Street — this is 2 stories in house & yard
There were goods found in the three stories —

The

The first thing found was some muslin in a trunk — Mrs Welsh claimed the trunk as her property, and Welsh was present — next found a piece of sheeting under the Stairs — & then a Mr Welsh then saw Mr Beaumont's goods —

Saw Cavanagh then, some women in house, there were in all 10 or 11 persons in the house — Cavanagh was present when the account was made, but no account was given by any of the persons, how they came by it —

It appeared to be a disorderly house — they had a difficulty to get to the Upper story — Welsh's wife refused to give the key of the door — he broke open the door & found some blankets & the bag belonging to Mr Beaumont —

That Mrs Welsh was seated on the trunk none shewn disposed to give the key — he broke it open, and found all the Combs, some of the Corsets &c then arrested Welsh & Cavanagh & afterwards the Dys Fournelle.

The goods were brot to the police office & then sworn in his charge sworn —

He was told that Fournelle lived in that house —

X-

That the women told him that the Dys Fournelle & one Millet took the goods there — that Fournelle and

and Mallet had rented a room in the house, and
that neither had got out of it after night & bring in
articles there — That Welsh keeps a boarding
house —

By Welsh — Welsh was present when he went into the
house — Mr Labatt, Fennire, were with him — That
Welsh denied that he had any articles in the house.
he said he had let the second story to Fournelle
& Mallet —
When Welsh was asked what he had to say, when
any of the goods were found, he said nothing
The Ear rings — the blankets — a small piece of
Muslin — were found in Welsh's apartment —
There were 3 women present — who are now here —

By Cavanagh — Mallet & Fournelle from woman were
suspected of stealing & let way on this ant. he went
to that house to search — never hear any any thing
of Cavanagh before that time —
Cavanagh claimed one trunk & goods there, nor
found anything on his person —

Mary Hand — lived at Mr Welsh's in Nov: last. was
a lodger there — she lived in same apartment as
Welsh — Fournelle lodged there also at that
time — he came in one morning early about 6 o'clk
with a quantity of goods — he was called Boyle

Mallet

Millet — There was a piece of linen and a bag — there were 2 pieces (Scotch Sheeting) — But one of the pieces was cut up and sold by one Martin who was employed by Fournell & Millet —

There were 8 or 9 persons who boarded there — and so Mr Welsh — She slept there —

Welsh & his family were not up when Fournelle brot in the goods —

Saw Fournelle & Millet bring in bags — wh: articles in them — They came in nights — to them —

That Welsh left the conduct of his house to his wife

There were other girls lodgers in the house besides the wh — she paid 15/ a week for her lodging —

They used to sew bags for the stores —

Saw Levenaph one sell a pair of stays in the market place, such as that now shewn —

Fournelle When Fournelle came there he asked for a lodging as a Draftsman, & Mrs Welsh gave it to him —

Welsh — Welsh was not aware that any of these goods were in the house & when the Constables came there he was ignorant what they wanted — and he knew of these goods only when they were found —

The key of the room was not asked for till the lock was broken open —

Was the first up & out in the morng & came home late — & knew nothing of what was done in the house —

Welsh is a quiet and peaceable man —

Fournelle had been a lodger about a week in the house — said he was a Draftsman —

That the person to whom the box belonged, left it in charge of Mrs Welsh — to be used by her — two months before this affair happened —

That the reason the combs were found in it was that Millett asked for the use of it from Mrs Welsh — & put the combs into it —

When Martin took away the Shutters, to sell Fournelle was not present —

Benja Delisle, Brad Constable — went to house of Welsh in Nov. last — on searching found the articles now shown — When he went in he saw the Dr Fournelle & Millett near the door of the house & they went off —

Mrs Welsh refused to give up the trunks to be searched — Welsh present — Combs found in it — Welsh appeared like looked down when the things were found —

Cavanagh was pointed out as one of those employed in selling the goods —

The house looked as a retreat for thieves more than a regular boarding house —

Cavanagh. Knew nothing of him —

Welsh — refused to give up the key of the room — cannot say that Welsh ever had the key, but the key was found in a drawer of the house — he denied knowing any thing about the goods

Defence —

Charles Devorte, being offered as a wit[ness] was objected to as having on arraignment confessed himself guilty of a Capital offence before this Court — 1. Hawk. 301. Dean's / Dyer's Rep. 301 —

Sarah Gainer lived at Welsh's at time of search — had been there 10 or 12 days before — Only saw one morning 2 pieces of linen come into the house Welsh was then in bed — and never knew any thing of them till the Constable found them — he goes out early in the morning & returns late at night — She denied having any knowledge of the goods & she knows it to be true —

The Mrs Welsh was seated on the box —

Knows Kavanagh — lodged in house at time — never saw him associate w[ith] the other prisoners — nor have any of the goods in his possession —

Hellen Hallowberry — lived in Welsh's house at time of search all the goods except the two pieces of Shirting were brot in the night, the Shirting was brot in the morning —

That Mr Welsh had no knowledge of this — the goods were carried up stairs on 4th Tuesday last — Mr Welsh had the whole management of the house —

was present at the search — Welsh denied having any knowledge of the goods — he sat on the bed, when Constable threw Welsh's wife on on side when on the trunk, Welsh interfered, when Constable threatened to treat him in the same manner —

Absalom Pratt — Superintended the Earl India Tea house it is about 5 years ago since he had occasion first to employ Mr P. Welsh — but has not employed him for the last fifteen months — he was always a quiet, and industrious man, and always conducted himself as an honest man —

Barnard Quesy — Ks P. Welsh for 4 years — he is an honest, hard working man — I would trust him with 50 dollars —

Patrick Murphy — Ks P. Welsh for 3 years — good character

Michel Thiery Ks P. Kavanagh — he was on board the Steam boat B. Lemoine — always conducted himself as an honest good servant — saw him also on board the Hercules —

Joseph Bouillé — as Pilot on board B. America, the Pr Cavanagh was on board a Welsh Harbour & that boat — he did his duty faithfully —

Verdict. agt Tournelle — Guilty —
and agt Welsh — but recommended
Cavanagh — Not Guilty.

—

Saturday 3d. March 1832.

Prest.
Ch. Just. Reid.
Mr Justice Pyke.

The King
v.
Franc. Xav. Marsoun
Franc Perrault
} On Indictment for Stealing privily from the person. —

Gabriel Valois, lives at Pte claire, was in town on market on 15 Febr last — he had upwards of 25 dolls in his purse — 16 fr. Crowns — 8 ps Crowns 2 Sp. dollars & 2 am. half dolls — he had bot. some sugar, & pd. a french Crown from his purse — he then bot. 10 lb. beef, but found his purse had been stolen, came back to the person from whom he had bot. the Sugar who told him he had put up his purse after paying the Sugar — he then pd beef and went round

this

the market, & went to the Clerk of the market his loss, who told him to bring any boy he suspected before him — he searched in several places & at the Papinieau road he saw the boy he suspected — he asked him if he had stolen the purse he denied it, but on the road Marsonin said that the boy had thrown the purse into Mr Pothin's garden — that Carter jumped over the fence, & called out he had found the purse which we knew to be his — On this they went on to Mr Lepsohon — That on going along the beach the boy Davosta, put aside some snow wt his foot & then found 13 fr. Louis un écu francs demi piastre d'Espagne — That Marsonin & he had got three Fr. Louis & had spent two of them and returned the other to the wr — on this the Ps were conducted to the Police office and from thence to Gaol —

That Davosta was present when ~~he~~ the purchased the sugar —

Leon Bern[d] — Lepsohon. Clk of market — on 15 Feby last the last wr. came to complain to him that he had been robbed — told him to look for the boy that was near him when he bought the sugar — told him to search for him — Afterwards he met Valois about to Quit he saw Valois wt a Carter & three boys on his train — asked him if he had the boy — & he said not they then went down by the Quay — We went to the old market & afterwards told wr they had found the

the

the boy— he then made Masson & Daoste go into the Weigh House, when Valois told him how he had found his purse but empty— but that he had found his money in another purse near a large pile of Stones on the Quay—
Daoste told us that he did not take the purse, but that Massonin told him there's a man who has a purse, I will take the string out, and you will take the purse, will not be seen ~~that~~ whether it was Massonin or Perault who was to take the string out— That Massonin at the time said, that he had given three dollars to Perault— That ~~Massonin said this was not true~~ Daoste Massonin said that Daoste had given three dollars to Perault, which Daoste acknowledged—

Louis Malo— Constable— was at Police office when Mr Valois came there with Massonin & Daoste— That Massonin said that he had stolen the purse with Daoste & had got 3 dollrs— and that Perault also was present & had got 3 dollrs also— That Perault was arested, and said that he had been a party concerned, & had received 3 dollrs— That Daoste told us he had not told his associates that there was so much money in the purse, only that there were 9 dollars & gave each of his Comrades 3— The purse was produced

That Daoste in the presence of Massonin & that he heard Massonin draw out the string of the purse, & that he Massonin had taken the purse & given it to Daoste—

and

and recognized by Mr Valois —

Valois swears to the identity of ~~him~~ his horse —

Verdict. Franc Xav. Marcotte guilty
Franc Perrault — Not guilty

The King
vs
Amable Morigeau } On Indictment for Grand Larceny —

Hector Bossé &

Theophile Dufort, is clerk of John McKenzie, Merchant in Montreal, they observed that there were 19 paniers de fariane of which had been broken open, in a yard belonging to them — they Gentlemen appointed Watchmen to watch the property — after information rec^d — In Nov. last about 9 o'clk in the morning the P^r was arrested — He was arrested by Gilbert McCulloch — The P^r had worked for these Gentlm in the same yard — McKenzie made several questions to P^r who said that he had broken only 3 paniers, & had taken and sold oats to the amount of about 15 dollars. The oats stolen were of the description ment^d in the indictment — but cannot mention the particular articles which were wanting —

&

These goods were taken out of a yard of Mr Piddin knows the contents of each crate by the Invoices rec^d from England — that in passing by the neighbour's one may get into the yard where these goods were,

by

by getting over a fence which surrounds the Yard—
Has seen similar Crates of same manufacture & figures
sold to Country merchts by Russel & McKenzie—

Therese Fortier, lives in St Jas. Street, near Mrs R. & Mc Yard
Ks. Pr— he came to the house of W. in Novr last, the
Mistress asked leave to light his pipe— asked him
if he was going to work for Mr McK— observed that
a ladder had been damaged— the Pr came back same
day & requested to be permitted to replace it in the
place from wh he had taken it— the Wife allowed him—
the Pr however did not replace the ladder— but saw
him come out of the yard of McK. with a bundle in
his hand— saw him the same week who asked the
witness for her ladder again— but W— forbid him to
take it— saw him afterwards near Mr Gibb's door
wh is near Mr McK's yard, looking about him.
as if watching for something— knows Pr to be
the same person—

&

asked for ladder to put it on the gable end of Mr McK's
Barnyard to get some effects belonged to him—

Louis Malo, Constable— saw Pr at McK's in Nov. last.
the Pr was accused of stealing Feuillame from McK—
he took P. in custody, went wt him to the Yard
where the effets were, when the Pr pointed out
2 panels covered with shutting, which he said Mr
Mc Cullock had found him in the act of stealing
that morning— Pr declared he had sold articles to
Jas. Juliette— went there and found many articles from him.

went

went to his house & then found among articles said that he would not wish his wife should not know any thing of the matter —

&c —

Theophile Dufort called up again, says the prices affixed by the last Wr is the starting prices, and in some cases less, and one third less than what they were generally sold —

Louis Malo — found a pattern Card now shewn in a trunk ~~belong~~ in the house of the Pr — on which there is the mark of Work & Co —

Theophile Dufort, recognizes the pattern Card now shewn to belong to Wk & Co — it is seldom parties with but kept to sell articles by. —

Defence.

John ~~Bladden~~ Glennon, merch. in town — sells crockery has seen the Pr — last summer or fall — thinks he bot crockery from Wr said he was a pedlar — has in his store similar articles to those now shewn Pr has sold some hardware for Wr — Wr has a clerk who sells articles out of the store when he is absent.

porcelain

Laurent Paris. for 2 or 3 months — has seen him pass with various articles for sale — from what he knows of him considers him as an honest & industrious man.

Augustin Laflamme — 1st Pr for 4 or 5 years — has seen him frequently, always considered him as an honest man — he sells crockery & other articles —

Edwd Holland, Gaoler — The Pr has always conducted himself well since he has been in Gaol —

Michl Martineau. 1st Pr since last Spring — always knew him for an honest man — he sold Articles in the Country —

Verdict, Guilty. —

The King
vs.
Franois Leblanc } Assault with intent to murder

Carmer Lenoblet-Duplessis, is a Notary since 1826, lives at Ste Ours, was called by the Defr on the 28 Dec last to make an Inventory for the Defendt — and went all day — next day the Defendt sent to call to enquire as to effects which were said to have been concealed by the Defendt — he went there & rid the information of different ~~different~~ articles — They went to Wednesday when Defr opposed their proceeding further — on the Thursday the day of Sale when the Defendt went there, when Defr threatened the Wr with a gun which she had and pr she said was loaded, and if the Wr proceeded any further she would fire upon him — and the Wr was obliged to withdraw and the Sale was not effected —

Alexander Leith, was present as Extenuation, That the Defendt on the day of Sale the Defendt presented a gun at the Pltf threatening to kill him if he proceeded — & the Notary &c. retired —

Louis Delagal — same evidence —

Jacques Paul — le 4 Janvier il fut chez le Defendt. il ep. le pensit il etoit chargé de gueules dents — n'a pas examiné l'amorce —

Defence

Louis Vandal
Antoine Tartier — } Character of Dfdt —

Verdict. Guilty of simple assault

The King —
James Darragh } On Indictment for Gr. Larceny.

Peter Mayhew, lived in Montreal Dec. last is a tallow chandler — went to Lachine wt Pr. to purchase tallow, was informed by Pr. & his brother, and Mr. Black in law that there was tallow there for sale — he came back wt three men — had 47 dollrs in his pkt. bank notes — 3 gr. dollrs in Coin — & 2 Spanish dollars

after leaves the Tannery they came into town, said that they wd not let him go till they had given him a treat — went to house of Mrs Maywood — after W went in there, before the treat was finished Lind & Black challenges W to play for the treat, & W won — There were four persons in Louise — the Pr his brother in law & the Ws — he drank 2 glasses — the persons next to W then was Louise — That the girl came into the room took away one of the candles — and W saw Pr leave his place and come & put out the other candle — and on doing so Pr made a rush on the Ws took the Bank notes out of his pocket & the Sp. Dollars — on this Black cried out that he had lost money & all the party went out — the Pr offered to take the book and swear that he had not taken the money, but W refused this as he was convinced that the Pr had taken it —

Pr

It was the Pr who gave the information that there was tallow at Lachine for sale — This was on the 19th Decr — That his wife had sewed up his money in his pocket — in case he should lose it — He knew the Pr for some time & had been concerned in business with him — Before going to Lachine he called at Mrs Maywood's had a glass of beer with Pr — he also stopt at the Tannery on the way & had a glass of Spirits with the Pr & his brother in Law — They also had another glass further on before they came to Lachine — When at Lachine he drank one glass — Found the tallow

was

was gone — & on the way home had another glass — and when he arrived at the Tavern had another glass — took out a 5 dollar bill his money here, & found it all right. That the brother of law of Pr had counted the money of the Ws before they came to the Tavern & found all right — at the Tavern he drew out a 5 dollar and pushed back the rest of his money in his pocket —

It was a cold day — and Ws got out of the sled and run after it occasionally — stopt at Mrs Hayworths in town — Ws paid for half the treats that day except one pd for by Black — Ws was asked into Hayworths — & Black proposed him to play at Cards for the treat —

That after he lost his money every person in the room was searched, and they took an oath on the bible —

That Ws had himself behind the cradle — and saw Pr standing near him —

That one McBride made out notice of the loss of the money offering a reward for the recovery of his money — & he put some of them up —

That Ws never sent any man back to the Tavern to look for his money, they went without being sent — never told any of them to look behind the stove when he sat at the Tavern —

About 3 Days after he lost his money applied to the head constable — told the High Constable that he

was

was in a kind of a stupor when he lost his money and did not wish to make much noise about it till he should see if it would not be returned to him — The night he lost his money he slept at Ds Pns and used to go to him almost every day after — That he asked Pr to lend him a dollar & also asked Black to lend him a dollar & a shirt that he might go to the States as he had not the fare to return home to his wife not that his money until he had earned as much as he had lost — The advertisements was first after this —
That on the 3d January he applied a 2d time at the Police Office & obtained a warrant agt Pr —

Mary Neal — lived at Mrs Maywoods in Dec. last — saw P. Mayhew come in there w Pr & Black — They all appeared sober — There was but one Candle in the room at — Mayhew sat w his head on his hand by the table — heard about Cards — saw Mayhew play cards w Black — M. was obliged to leave the room — when she heard the noise, she came in and Mrs Maywood asked her when she was there the candle was just out — said she was up stairs — when M. came in again she saw Mayhew lying on the floor near the cradle — she one of the persons threw water in his face —
Heard Mrs Maywood next day say that it was unlucky thing that the money should have been lost in her house and seemed to pity Mayhew —

She

She saw the search made —

X

Wm thinks Mayhew was drunk, as he lay on the floor — that before she went up stairs, she endeavoured to keep him off the cradle —

That it was after 12 o'Clock at night before they went away — came there about 6 o'Clk —

That sometime after she came down, the persons there proposed to carry Mayhew to bed, and I asked him what he had done wt his money — he said he had given it to Mary — this was after the search was made —

Saw Mayhew next day talking of his money said he did not know what had become of it —

Defence

Mary Maywood About 19 Dec last Mayhew & P. & Black were at her house in the morning — they came back there at night — remembers their Mayhew proposed giving a treat to Mrs. Darragh — there were cards called for — came there about 6 in the evening & they went away about 4 in the — morning — when she heard that the money was lost she made a particular search for it — that when she was return'd change to Mayhew of a dollar, he seemed like a man in liquor, leaning his head upon the cradle — when P. & he would take the

change

change & gave it to him in the morning —

When they were carrying him to bed they looked for his money, and on looking for it, it was not to be found — when he said, that some one must have got it, & another time he said that Many had got it —

That in the course of the night two men were sent to look for the money at the Tanning —

That Blake Sr. he had lost money ten times for his money the candle ~~was~~ she had in her hand was just out by accident, this was at least an hour & a half before there was any question about the loss of Mayhew's money. —

Here the Court adopt[ed] the case and directed a verdict of acquittal —

The Jury without withdrawing from the box gave their Verdict of Not Guilty

Monday 5th March 1832

Prest

Sh. Justice Reid

Justices Pyke & Uniacke.

The King
A. Gunnell

on Indictment for a Riot, forcible entry & detainer.

Mr Sweeny opened the prosecution.

James Struthers – lives in Montreal, member of St. Church in Montreal – on b' Mond last went there to attend divine worship about 10 minutes before 11 o'clk – about that time there was a great crowd at the Church door & but – Dr Caldwell burst it open, went up to Church door but could not get admittance & was followed by several persons – R. Armour. Ph Ross. M McKenzie & some others & Jas Cassault followed Dr Caldwell – who placed themselves in front of Dr C wt their backs to the Church door Dr C attempted to get in, but was prevented by these persons as appeared by their gestures as if to keep Dr C. off from the door – He saw 3 persons within the Church. G. McKenzie was on one side with a stick & Hodgson holding it up in a menacing – on other side saw Duncan Currie & Patk McGregor, looking out at windows but saw not any thing in their hands –

M Kenzie, was going through the exercise of praying & reading a Text out to his Audience — That no person got admission into the Church that day.—

Wm would have been afraid to have entered the Church on that occasion & withdrew, seeing the violent appearance & conduct of those persons. and thinks that violence would have been done to the persons going in —

That a great crowd was collected about the door so as to form a Mob —

X.

Has been a member of this Church for about 30 years — But there has been some difficulty among the members of this Congregation so as to divide that body & he has taken a part in that difficulty but no further as Depends Mans

There is a Kirk Session in that Congregation — that Mr. Wm. R. Arnot & Ph. Ross & Jo Cassell were elders of that Church — That Ph. Ross has been such Elder for near 25 years past — & the other persons have also been elders for a number of years, and were such Elders on the 6th March last — That Mr Blackwood, Wm Leslie ~~& Mr Black~~ were also ~~does~~ members of that Session —

The Session has always regulated ~~the~~ Interest Discipline of the Church — from the Circulars sent round, it was stated that the Session

had

had directed the Church door to be shut up-
the Evan ~~was~~ should go to indays new Elders there — believes it
was signed by the Rev.d Mr Polack & the
Elders of the Church —

Understood the door of the Church was closed
by the order of the Elders —

Followed Dr Caldwell when he broke open the
gate — about 20 or 30 persons wt him — before
this he heard no menace from any of the
Defendts nor ~~was~~ was any violence offered —

Dr C. went up to Church door & then withdrew
he came back again, when the Defendts before
mentd stood between him & the door — but
did not see any one with an axe. —

Saw Mr. Armour lift up his hand, understood
that it was to prevent Dr C. from getting into
the Church — did not see any of the other Defts
do any thing — did not hear what was said
from the situation in which he was —

Understood that Dr March was appointed by
Mr Evan to name new Elders, & that the Circular
intimated that the doors were shut to prevent this,

William Slack Jr On the 6 March last, a Sunday, he
saw a number persons collected about the
Scotch Church in St Gabriel Street in this City —
We went there — Heard on the Saturday evening
that there would be a row at the Church next

Sworn

morng — Early in morng saw a number of persons going backwards & forwards more than usual — saw 3 or 4 persons within the Church looking out at the windows — thinks Mr Hume was one of them & P. M'Gregor, the others he could not tell — saw one or 2 sticks with them — they were dashing their sticks about, and there without seemed to laugh — it created no alarm in mind of Wm as he was no member of the Church, but it would have created feeling in his mind had such a thing taken place in his church — it was something like a walking stick —

Saw Hume afterwards outside in front of the door — Mr Leys — M'Kenzie, Osmond, Caldwell were then there —

Saw Mr Erson demand entrance — & then was at the Church door — this was refused — heard Mr Hume say that Mr Erson might not be of the appeal —

After Mr Erson went away, Malo came there & arrested some of the parties — for several nights after he saw lights in the Church — & people going in & out —

X^d —

Wm assisted Mr Malo called on Wm to assist him as Constable —

Saw Dr Caldwell come to the outer gate, tied latch first, & then gave it a strong push & open it — same time followed by several persons who rushed in

and

and went up to Church door - saw there a placard stating that there would be no divine service in the Church that day - Dr C. attempted to open the Church door - but ~~came~~ he withdrew, saw a man came up soon after, to the outside gate with an axe, he was advised to go no further, & he did not - When Dr C. came up the 2d time to the Church door with an intent of going into the Church Mr Lee said, if you go in, you will see how long you will remain - but heard no violent language used by any of the Defendts Dr Caldwell appeared to be angry. -

Arthur Farquhar, on March last, knew Scotch Church in St Gabriel Street - in St. Mr Esson had for many years performed divine service there - Heard on Saturday 2d or 3 March that there was to be a row on next day - went there next day about 11 o'Cl when he saw a number of persons 200 or 300 assembled - saw many who belonged & many who did not belong to the Church - ~~Dr~~ Saw Dr C. there - knows he belonged to that Church - saw him come to the gate & attempt to open it, on this Wm Lees stept up and shook his head at Dr C. told him

he

he had bitter not spen it — D. C. raised the latch and went in, and was followed by Mr Lee and Mr H. McKenzie & a number of others D. C. then went up to the Church door & found it fastened. when H. McK. came up put his back to the Ch. door & held up his stick in his hand — saw Mr A. Burns in the Church & some others & had sticks — Burns held his up — every person without could see it, and appeared to menace those without from coming in — There were some others who set H. McK. just their backs to the Ch. door to prevent D. C. from entering — D. C. on this went away — We went backwards & forwards to the Church that day. Heard the people inside running up & down stairs in the Church, & the people on the outside made a rush to get out at the gate —

Mr saw persons in the Church some days afterwards — saw the windows boarded up afterwards — every evening there were persons walking up and down there about the Church. Mr Lee, & Mr McK. & others were with their backs to the Church door — & as it appeared to us to keep D. Caldwell off —

x.

Was a pupil of Mr Esson's — Was told that the people were going to keep Mr Esson out of

the

the Church, which was to give occasion to a row —

Dr Caldwell put his hand inside lifted up the bar & gave the door a shove, and it opened — it did not appear to him that Dr C. was at the time in a passion —

as soon as the Gate was opened, Mr M'K. followed Dr C. and went up to the Church door & put his back to the door,

Saw no gestures nor harsh language used by any one until after Dr C. opened the Gate —

Mr Hunn held up his stick and shook it at the persons outside —

When he heard the rush of the persons inside it appeared to him these persons were coming to prevent the outer-door of the Church from being opened —

Dr William Caldwell. is a member of Scotch Church in St Gabriel Street, & was so in March last & since 1817 — On 6 March last 2 clergymen officiated in that Church — He was then a Member of the temporal Committee at that time, who are elected among they the proprietors of the Church for one year & until another Committee is appointed — There was a meeting of this Committee some days prior to the 6th to take into consideration the Grievances, of selling some pews in the Church — towards the close of the meeting mentd that he had heard it was the intention of

of

of Mr Blacks & the Kirk Session to close the doors of the Church & prevent divine worship & from the disgraceful outrage of Mr Black in the Church some days previous it was found necessary to take steps to prevent this — and a resolution was entered upon the books to that effect — Mr Simpson was requested by Mr. to enquire of Mr Matheson ~~to enquire~~ if Mr Black and the Session could take such a step — it was Mr M's Sacrament week & Mr was the Revd Mr Barbanks &c. him. Mr. wished to ascertain from Mr. John McKenzie[x] whether the Session had the right to shut the Church door. That he was told that Mr McKenzie is a Member of the Temporal Com. always shut the door of the Church — on this Mr consulted Counsel on the subject — who Mr. waited till Sunday morning 6th & when the Church door is usually opened — finding that it was not opened, requested Mr Simpson to apply to the Janitor of the Church for the keys — who stated that he had returned the keys to the person who gave them to him — a few moments after Mr — a letter was rec'd from Mr Black, stating that he & the Session had determined upon shutting doors of Church — Tuesday that the doors were not to be opened, a blacksmith was employed to pick the lock of the door — he went there, but

was

[x] who is one of the Temporal Committee of another Church

was ordered to go away, & that he would
not gain admission into the Church — at
this time a great many of the congn were
assembled in Church — Mr went to the outer
Gate, lifted the bar that supports the Gate
& let open — went up to the door of the Church
and heard a rush from within the Church
towards the door, & he could not get in — he
went home and desired his servt to follow
him with any thing that would open the
door of the Church — on his return he
found a great many people assembled, and
went up to the door — Mr was followed
by Mr Lees who told him he had better
be aware what he was about or he would
get his head broke — asked him if he was
determined to do it — he s^d there were plenty
both within & without who would do it —
on getting to the door the 2 time he found Mr
H. Wolf at his back to the door Mr Vernon
& Mr Carswell all at their backs to the door
to prevent any person entering it — Mr H^y
Wolf was on the side to send up to Mr Potts
him he demanded entrance in the name of
the Creator he s^d the door was locked — He
s^d it must be by his orders for he did not

open

open it, he would force his way into it — He
Sd he had better not try it — asked if he would
force him if he did try it — he Sd by God
I will die — and immediately raised his stick.
Several constables had been sent down to prevent
a riot and he desired Mr Neale one of them
to assist him — Mr H Wk asked by what
authority — Mr Sd from his offices his entrance
into the Church — There was an immense
Crowd assembled and threatening language was
used by the people behind him — Mr saw
that if he persevered any longer some serious
riot would take place & he left the Church.
Had the noise of persons in the Church, but
did not see any of them — was apprehensive that
serious riot would take place if he persisted.
The letter was written by a part of the individuals who
composed the Kirk Session
Mr is a proprietor of a pew in that Church —
Mr Simpson, Mr Peddie, Mr McGill, Mr
K. Walker & late Mr Blackwood were the
Members of the Session Committee —

x

One of these Gentlemen Clergymen performed Divine
Service alternately in that Church — considered Mr
Black as an assistant Minister from the opinion

x

of his brother Clergyman, that he had no power to sit as Moderator at the Session, & he considers that such Session has no power to shut up the Church. —

The temporalities of the Church concern ~~the~~ & spiritual matters respecting it — (rules 2d & 3d were here read.)

There is another Body in the Church called the Kirk Session & regulates the funds & settles the mode of admr the Sacraments — but that they have no spiritual authority of the Church —

The Elders of this Session hold the situation during good behaviour —

Thinks that Clergyman cannot dispense the Sacrament without the consent of the Kirk Session. —

Understood that Mr Esson had applied to the Session to get leave to admr the Sacrament & that they had refused — That Mr Esson on this ~~after~~ notified his intention of appointing new Elders for this purpose —

That it was the 2d or 3d Sunday before the 6th March Mr Esson notified his intention of proceeding to the ordination of Lay Elders — & if the Session had refused —

Mr M'Gill was president of temporal Committee

for

to disposing of pews — and some discussion took place as to the propriety of selling the pews — It was the opinion of the majority of that Committee that measures were to be adopted to prevent the Kirk Session from taking possession of the Church and shutting it, & to open it if they could — if they were justified in so doing. —

That is a beadle to that Church, who is the servant of the Session, and as such has as far as he knows kept the key of the Church. —

That the letter sent by Mr Black was communicated to him by Mr Esson.

Samuel Lockey, member of Scotch Church. Heard on the 6th March. last, he heard that they had shut the ministr — went to the Church in the evening, but does not recollect any of the persons who were in the Church — has frequently seen John Fleming George M'Kenzie & Dy M'Kenzie there — Alex Duncan Currie — saw John Douglass — M Hume. M Carswell — Patrick M'Gregor, and Do Ferguson & Donald Ferguson — We was there 9 days and 7 nights — had a fire — had something to eat and drink there — received pay from M Rutherford — rec'd 6 dollars from him and returned one of them. That Depend's used occasionally to visit the persons who kept the Church — his orders were to take

care.

care of the church and let no person do violence to it — The orders he received were from some of the Defend^ts — The windows were barricadoed and those who ~~were~~ required to get in were obliged to give their names before they were admitted — The door was locked —

X

That while he was there the windows of the Church were broken — and it was necessary to barricade the windows —

James McNider, member of Scotch Church — is the door keeper for a number of years — he put a paper on the gate he rec^d from the Session — he did not go into the Church that day — he had not the key on Saturday — he gave it by order of the Session to Geo. McKenzie — Mr Carswell, Mr Cannon, Mr McKenzie & Wilson were the Session — he wished to have a line for before he gave up the key, but the P^d persons s^d ~~he~~ he must give up the key to Gr. McKenzie —

Went over into the Church and saw Thomas Lockey & another man there —

X^d

Is the door keeper — & always kept the key — he is the servant of the Session — & acted under their orders — did not consider himself bound to obey the order of the temporal committee — That he put an order from the Session on the Church door on the 6^t March, notifying that there would be

nw

no Service in the Church that day — Ws also carried a Note to Mr Esson about nine o'Clock in the morng that there would be no Service in the Church that day — understood that this notice contained the request of several prosperous members of the Congregation to the same effect —

(Here the paper was produced, recognised by Ws and was read)

When he delivered the letter to Mr Esson, he looked at it, and some person came in, and he asked this person, if all was ready, who said yes, then we will go on. —
Got the letter from Mr. M'Kenzie & Mr Black that Mr. M'Kenzie is the acting Session Clerk for some years past —

There was a great majority of the Congregation present when a Committee was appointed to receive the keys from the Ws — and G. M'Kenzie was the person to receive the keys. —

Saw Dr Caldwell break open the outer gate — he appeared to be irritated — more than usual — At this time the members of the Session were not present, but Ws went into Mr Griffin's where they were — Mr Ross Armour, Carroll, M'Kenzie & Black & another of the Session, Mr Ross were there — they came out

and

and heard Mr Wk. say, they must go out and keep the peace — thought this was the principal means of keeping the peace — When Caldwell went in there was a number of people there he never used to see there before —

The Session came out and went up to the Church door, stood w[ith] their backs to the door —

The Note from Mr Blank to Mr Eson was proved by the Wits and was read —

The meeting of the Congregation alluded to was held on the 5th March at McKantz in town — The Wits intimated to some persons to attend that meeting —

Never heard of any meeting of the Congregation at any place before, at any place but in the Church. —

William Snell — Cooper — was at the Church some evenings after the 6th March last — was there on Tuesday evening — found there Thos Lockey a man named Carr — was twice in the Church — He made a stick for himself — it was a small stick — a hoop pole — has no knowledge that there was any other stick in the Church — he was with one Boyd — there were several other sticks cut — but does not know by whom — That one Ferguson told him that there was not enough there, meaning in the Church — he was just there to protect the Church,

That

That Mr Daniel McNabb requested him to go to the Church for this purpose —

That Lockey had charge of the key of the door — the door was locked, and the key inside. —

That in case of injury done he was to carry the information to Mr. McKenzie & Mr. McNabb. —

Saw Mr M.K. in front of the Church about 10 o'Clock at night. —

Thinks that he saw and D. & David Ferguson were among the persons about the Church. —

The windows were broken — & he was sent there to protect the Church — it was found necessary to barricade the windows —

Went there about 10 in the evening & left it about 4 in the morning.

John Whitlow — Carpenter — member of this Church in March last — was in front of the Church on 6. March last saw some persons in the Church at time — saw P. M'Gregor & some other persons he cannot name — there was a number of persons collected upon the Church —

Was ordered to go to the Church by Mr Hy McK. on the tuesday to shut up the windows — he closed them up with boards — there was a large iron bar put across the door to prevent persons from entering — He put on this bar by order of

Mr

Mr Henry. McKenzie – is not yet paid, but expects to be paid by Wm McK —

When he went to take dimensions of the windows he found Lockey & some men there —

That Geo. McK. was in the Church as he told Wm –

That D. Currie told him he had been in the Church

That Jno Fleming – sd so also –

Wm saw flash of a gun fired at the Church —

X

Saw no violence on the part of persons in the inside the Church – saw M'Gregor sitting on the sole of the window, but saw him have no stick —

Then appeared no disposition to make any riot or disturbance by those persons –

There was a ticket on the door notifying that there would be no service in the Church that day, it was so visible that every man must have seen it – Dr C. came up in a violent manner – and it was the general impression that he was going to make some violence – the crowd gave way to him – he took hold of the gate & shook it – Mr Lee told him to desist – Caldwell asked Lee if he meant to stop him – he sd no – That Caldwell called to one Lyons to come forward he did so & both together broke open the gate – Did not hear Leys say that Dr C would get a broken head, if he persisted –

There

There was no noise or disturbance whatever about the Church until Dr C. broke open the Gate — We when he saw the notice went away, and thinks that others did so —

The members of the Session were not then present when Dr C. went up to the Gate —

There was a general impression in the Crowd that when Dr Cal. went up to the door that he was going to break open the door of the Church — on this he saw the members of the Session came up and went up to the Church door —

That Wm would not have thought fit to go into that Church after he knew the opinion of the elders to the contrary —

The 4 Elders came out & went up to the Church door to protect the Church from violence —

Dr C. returned & was followed by many men who were not members of the Church, —

Dr C. went up to the door & asked admittance Wm Mck — points to the notice on the door — We saw the Dr's servant follow & with an ax he asked him where he was going, he told Dr C. had ordered him to follow him with the ax — & as he had gone up an attempt would have been made to break open the door — The We went away & when he came back, he heard Dr C. call on the Mate the Constable to arrest Wm Mck — but he refused as he had no right to do so

unless

he has committed a breach of the peace —

~~William~~ Dugald Stewart — Is a Member of this Church — was there in March last when the Church was shut, in the evening about 5 or 6 o'Clk — saw P. M'Gregor and D. Ferguson, but is not certain — thinks he saw Currie there —

was at the meeting of work place on the friday preceding, which was called at Mr Kantz's — There was a great number of persons there — saw the Fergusons there — Mr P. M'K — Mr Carswell & several other persons, they appears to be of one mind — a ~~good~~ number was named as a Committee to take steps to shut the Church the ensuing Sunday —

Hume — was a member of the Committee —

Wm Leys — not positive —

Geo. M'Gregor — was, but not sure —

Wm Douglass was one — no doubt

Jas Fleming — was there but has a Doubt — but he acted as one of the Committee.

D. & D. Ferguson — was there & a Committee man — cannot say who proposed the appointment of this Committee —

~~Hunter~~ Wm — was there as a Committee man —

~~Was~~ The meeting at Kantz's was a voluntary meeting of the Congregation to take measures for

the

the subject of Mr Erson's intended appointment of Elders the then ensuing Sunday — This was held in order to prevent a measure to be carried into effect which would disgrace the Church. I conceive this was the opinion of a great majority of the Congregation —

There was a strong feeling excited among the Congregation, and if such ordination had taken place great disturbance would ensue — and that it was contrary to the Law & discipline of the Church. —

This appointment was contrary to the opinion of the Session — it was then composed of two Clergymen and seven Lay Members — viz. Dr Robertson & Messrs — Andw Porteous. Jno Porteous — Wm Porteous — Chs Tait. P. Buchanan Wm Wilson Jr. Wm Morris — Wheldon — were present on that occasion & members of that Congregation & all concurred in considering the conduct of Mr Erson as an infraction of the rights of the Church. Had new Elders been appointed, Mr Erson would have obtained an undue authority over the Congregation & outed the other members — they appeared actuated without any enmity towards Mr Erson —

The support of the two Clergymen in this Church arises solely from the contributions of the Congregation

Alex

Alex^r Rutherford — about a week before the Church was shut up there was a meeting at Mr Bruce's School house —
was in the Church on 6th March — there was then a number of friends A. Hume — D. Currie Dr Douglass — one of the Torrances — P. M'Gregor. he went in the night before some of the others also — about noon or 1 PM remained there during the Sunday — an iron chest was just behind the door — went up the windows to see the fun when the crowd began to gather about the door about 11 o'Clk — to see whether they would break up the gate, — The intention was to keep some out of the Church — Mr Erwin & his party — We volunteered his services — it was understood by the advice of the Elders that a party should take possession of the Church & prevent the others from getting in — some had sticks & some had not — We had one — he would have used his stick if any one had attempted to break in and enter the Church — the door was locked inside and the key in it —
Went subsequently to see the persons who were there at night — he sent one Lockey Sturs who remained there 8 or 9 days & nights — Thinks it was Mr M'Nabb who gave him the

money

money — Thinks he was asked by some of the Session, Mr Carswell or some other to send a man then he could depend upon —
has seen Mr Mc. Thin — Mr Carswell —

2

The reason he went to the Church on Saturday night was to prevent Mr Erson getting possession or as to appoint new Elders on account of feeling among the Congregation — It was said that this was to be done by Physical force — and was considered as contrary to the ways of the Church & the rights of the Session — This appointment was supposed to give power to Mr Erson over the Congregation, and there was at the time a sufficient number of Members of the Session for all purposes in the Church. —

The Church has always been governed by that Session —

It was on account of the report of the Church being taken possn of on Sunday morning early, that he went then on Saturday ~~night~~ evening. —

An attempt was made about 8 o'Clock on the Morning to break the Lock —

Saw Dr C — pushed open the gate forcibly — Mr. ran down stairs to the door of the Church

to

to prevent the door being forced open. — as he was apprehensive this might be the Case — Before this all was quiet — when the Jury was broken open the persons within went down to the ~~Jail~~ door to the number of 5 or 6 —

The object of the Ct. Letter persons was to prevent Mr Ewen from accomplishing his purpose — & the only intention of these men was to prevent a scandal being effected in the Church —

Here the Court ordered that the Jury should be put under the charge of the Sheriff till to morrow morning at nine O Clock, to wh hour the Court was adjourned

Tuesday

Tuesday 6th March 1832

Prest
Ch. Just. Rees
Justices Pyke & Uniacke

The King
vs
A. Hammond

The Jury having come into Court and being called over, the cause proceeded —

John Henry Muldon — saw a mob collected about 6 March last, near the Scotch Church. the gate was shut — after the gate was opened, he saw Mr M'K. Arnoux, Carswell & Ross who had their backs at the Church door to prevent the entrance of any one — saw Leys there — he was talking in a threatening manner to some person, as if to prevent any one from going into Church, saw J. M'Gregor, Carre, & J. M'Lennan in the Church — J. M'K. had a stick — The Church was kept shut all that day by those persons —

x

Aged 18 — was attracted by the mob at the Church — saw a notice on the Inner door about 12 o'Clk — saw Dr C. go to the door & demanded entrance, and Mr M'K. & Mr Arnoux answered him — saw Dr C. open the gate — command shut the Crowd

were disposed to assist the persons to keep the Church shut up, saw Leys & Grey & others bustling about, — understood that it had been determined that the Church door should not be opened that day. — did not see any menacing gestures from any of the above 4 Elders, except Mr M'K who lifted up his stick before his face when Dr Colquhoun asked admission into the Church

William Allen — was at Scotch Church on 6th March last — saw Mr M'K. fix his back at the door Mr Jamieson was there also in some position saw Dr C. come forward and open the gate — heard Mr M'K. say that any person who attempted to gain admittance into the Church it must be through his body or over his body — he placed himself exactly at the Lock of the door — saw some persons inside the Church — & heard a noise in it — it appeared by the sound as if they were fixing benches at the door — That he saw the Rev'd Dr Colquhoun come back admission into the Church — Mr Simpson & an elderly Gentleman was at him — admittance was refused to him, on this he returned round & told Mr Simpson to take notice of the refusal — heard Mr Burns say, there was plenty of room in that part — heard no threatening language used — The crowd remained there until 2 o'clk

P

Wm stopt at Mr Esson's at that time as an assistant in his School — Heard that morning at Mr Esson's that the Church would be closed that day occasioned by the circumstance of the proposed ordination of Elders by Mr Esson — saw writing at the Church door notifying that there would be no divine Service in the Church that morning cannot say to whom the words used by Mr J. G. M'K. were addressed — Mr might be 2 or 3 yards from Mr M'K. at the time — Believes there was the same notice on the door as on the gate — Saw no violent gestures, nor any threatening language used by any person — Heard Legs say to Dr C. when he wants to open the gate that he did not wish to have it opened —

Andrew Shaw, merch^t — member of Congreg^n of Scotch Ch. in St J. Street in Montreal — for 21 years — on 6 March last Mr Esson was Minister had been since 1817 — when he first came was assistant to Mr Somerville — Mr Black was assist^t to Mr Esson in March last — There has always been a Kirk Session composed of Minister & Elders — There is a temporal Committee of g^d Ch^h was a member for several years — Mr M'Gill. Dr C. K. Baldwin the late Mr Wm Blackwood, ~~Mr Donaldson~~ Mr Robt Simpson — were

was the Temp.ˡ Committee — the powers of this Temporal are those specified in the printed regulations —

During 2 or 3 years the Key of the Church was kept at Mr Irelands who was Secretary of the Temporal Committee — when Mr Ireland left the Key was still kept there — afterwards he does not know what became of it —

On 6.ᵗʰ March last went to Church to attend divine Service — ~~was informed that~~ did not obtain admission — saw a great crowd of nearly all the congregation in the Street — saw a notice purporting to come from the Session that there would be no Church then — That at one time he would have considered Mr H. M.ᶜK. M.ᶜVicar Mr Cassells & Mr Arnoux & Mr Black as a Session, and for 18 months before this he had lost all confidence in them — By a decision of the Clergymen of the Church of Scotland of Lower Canada, they have been considered as having no authority as a Session —

He is a proprietor & pew holder in that Church He was not called to a Meeting at Easter

X-

Has exposed the interests of the Church and what he considers to be right, & may have expressed himself strongly on the subject, as he considers that the other party the Defendants

are

are wholly wrong — It is of opinion that Mr Black as assistant Clergyman has no power to preside at any meeting of the Session as Moderator The opinion of the Clergymen of both Churches of Lower Canada was pronounced to this effect in June last at Montreal —

Mr Black was ordained assistant to the Revd Mr Somerville & Mr Esson — He was a party to the Call — (the original paper produced, and admitted) 26th Febr 1823 — Colleague & assistant. That he thinks that as when Mr Esson is present Mr Black could not preside as Moderator at any Kirk Session — but in the absence of Mr Esson, he would be entitled to do so — and in matters respecting the personal interests of Mr Esson, it would be proper for Mr Black to call a meeting of the Session —

That the regulations of the temp. committee entitle them to have charge of the Church — They had the right to have admission to the Church at all times & have the keys at Command —

Knows that Mr Leland was one of the Kirk Session. & his opinion is that he kept the key as Secretary of the Committee —

The Kirk Session regulate all matters as regards the administration of the Sacraments & mode of worship

That

that when he made up the list there must be
70 proprietors — & about 300 of a congregation.
purchasing a pew & sitters for it constitutes
a proprietor — ~~& not~~ a lessee of a pew is not
a proprietor — The congregation has no
voice in the Church, ~~but~~ the proprietors only

Wm Peddie is a mem. of this Church for 17 or 18 years
on the 6th March last, Mr Somerville and
Mr Esson were clergymen — Is proprietor of a
pew — went to Church on 6th. March last. heard
that Church was shut but did not believe
it — ~~went~~ I saw a crowd the doors shut and
saw Mr Jamieson & Wm Ross — there desired
to prevent people from getting in, & Wm refused.
There are 2 stairs in the Church leading to
the gallery, across the front windows —
Went wr Dr C. when he admitted admission
into the Church — did not notice particularly
what passed — thought it would not have
been desirable to get into Church, after so
much agitation — & it appeared to him that
admission could not be obtained but by force

X-

Saw a notice on the gate — understood that some
elders elected by Mr Esson had been deposed, as
they had refused to act — The persons deposed
Mr Jamieson, Wm Ross. Mr Cormack & Mr Mck —

The

the others he did not dispose — That if all the members of the Session were notified & did not all attend, that the Clergyman and two of the Elders would constitute a Session — The Minister chooses his elders, & if there are any objections by the Congregation they are given in to the Minister — There was no superior Judicatory in this Province to the Kirk Session —

Mr. Esson was ordained in Scotland —

Henry Esson — Was been in Canada since 1817 — before he came to Montreal, he was ordained to the charge of the Congregation of the Scotch Church here by the Presbytery of Aberdeen as ass^t to Dr Lossenville — and acted as such until Mr Lossenville ceased to act for a short period & resumed his functions again — but for 8 or 10 years past he acts no longer — & Mr has continued to ~~do~~ discharge the duties of Clergyman in that Congregation

£.

There was a call by a Committee of the general meeting of the Church — The allowance to him is raised by Voluntary Subscription of the Congregation & pew Rents —

Robert Simpson — ment. for 7 years as the temp^y Committee — & has acted as Secretary for the last

two

two years – he is in possession of the papers of the Church, and of the book containing the rules & conditions under which the rights & properties of individuals are held & possessed in the Church. – (Produced & read)

In March last there were 74 proprietors in the Church – Wm Caldwell, R. Walker. Thr Wr. Wm Blackwood & Peter McGill were proprietors in the sd Church –

Mr Esson was Clergyman in the Church

That and Ferguson – not Prop.r ——

On 6. March went to Church – a few days before there was a meeting of temp.l Committee where ~~Mr~~ it was resolved to take measures to prevent the Church from being closed & we consulted Mr Mathieson – who gave his opinion that the Church could not legally be shut –

We however found the Church shut – went to Mr Nider & asked for the key – who said he had delivered it to the persons from whom he rec.d it. –

Asked wm Hy M.K. R. Armour & Wm Carswell who stood at their back at the door, and entrance was demanded, & refused by these persons – returned w.h Mr Esson who demanded admission & was refused – that he

cont.d

could not be admitted — & Mr Hunter said he could get plenty of Irish —
That while he & Dr C. were at the door he heard some one call out, break his head the damn'd blackguard —

It was customary for the Clergyman of this Church to perform divine Service alternately morning & evening in the Church — but was Mr Esson's turn to have officiated that morning —

There is a Kirk Sess. of 7 Lay Elders besides the clergyman. —

That of the persons subscribing the requisition to the Session to close the Church, there were only 16 who are proprietors —

He rec. no notice to attend any meeting of the proprietors or Congregation at Kantz's — it must have been a private meeting —

x d

There are several proprietors who do not take any part in the concerns of the Church — these amount to 7 — on the month of March last — That upon every, about 30 or 40 may be the greatest number of proprietors who have attended at the any meeting — The 4 Elders are also all proprietors except Pr. Ross —

Spoke to M Grant to get the door opened on Saturday & Sunday morn3 —

Knows that there 4 Elders refused to constitute a Session wt Mr Esson —
The Kirk Session, attend at Sacraments & collect the money for the poor, but cannot speak as to their other duties —

Thomas A. Starke — was on 6th March last at Scotch Church saw doors then shut — Mrs Archd Hume — about 6 months ago — Mr Hume & he was there for the purpose of prevent persons from getting into the Church, and in case the party broke the door he was one of those to oppose them, and particularly Dr C —

William Suter — was present on 6th March when he saw the Church was shut & the wr & others were refused admittance — Mr Dr Mk was there for his book to the door —
That Wr Mk — said that a party to the number of 40 had sworn. & then & pledged themselves to resist to the utmost to prevent any person getting into the Church —

Mr Mk told Wr that the door was shut to prevent bloodshed —

William Mc Culloch. Member of Church was there

on

on the 6th March last & saw Wm. Caswell & Armour wt their backs agt the door to prevent people getting in —

he met Mr. about 3 o'clock that day & enquired if there wd be service in the Church in the afternoon he sd there would not, and that he could not enter himself, that there were 20 persons who had taken an oath — then hesitating said, had bound themselves that they would to the possn of the Church keep it at all hazards

x°

Said that the door had been shut to prevent blood shed — Mr Mk. was then cool. —

Louis Malo — one of the Constables — had occasion to be at St Gabriel Church on 6th March last went there to keep the peace as he heard that there would disturbance there — That he heard the verdict was that of Mr Caldwell Mr Walker, Mr Esson & some others — he attended with a Constable & some other persons — who assisted him usually — Saw a great crowd of persons assembled there — the gate was down when he arrived — it was opened — saw Mr Mk. Armour & Caswell at the door — saw persons within the Church — there were

some

some persons in the church with sticks who held them up in a threatg manner. That Dr C. went up to door & asked admission Mr W.K. &. he should not enter & that was useless for him to attempt it. — W.K had a stick in his hand & he held in the middle before him — Dr C. requested of Mr to arrest W.K. but did not consider the assault sufficiently strong to warrant his interference — He afterwards arrested the Defends under a Warrant about 1/2 past one & found them in same situation before the church door —

Had Dr C. persisted to go into the Church he thinks there would have been a great deal of trouble —

X.d

The 3 individuals were standg at their backs to the door — & when Dr C. was going up to the door he says, that if he persisted he would get his head broke — thinks this was said by the Defds Leys —

When Dr C. was going to lay hold of the Church door, Mr W.K. laid his hand on the Drs arm and told him to stop — Heard it said by both parties that they wanted to keep the peace —

Alex

Alex^r Mathieson — Clergyman of the Church of Scotland was ordained in Scotland in 1826 — Is of opinion that the elders & asst Clergyman cannot close the door of the pastor & part of the Congregation the Heritors are the proprietors, & the possessor is the clergyman as representing the ~~Clergyman~~ Presbytery There is a Kirk Session — it is composed of the Minister & elders — Three make a quorum — In the absence of the incumbent the asst minister may hold the Session. —
Could not consider the call of Mr Black, but as an Assistant Minister & Successor. —
was member of a Presbytery, at which the call ~~ordination~~ of the Mr Black was considered, & that only one Minister showed ~~he~~ represented the Church of St Gabriel — & in consequence that Mr Donnerville was the person having this right — & after him Mr Esson as his Successor, and that no Session can be convoked without the Consent of the Clergyman holding the office of Moderator —
In case Elders should refuse to attend when required, we consider it a breach of their duty — subject to the rules of the Church — & the Minister ought to complain to the Presbytery — & if there was no presbytery, he would be entitled to commence

wt

wt. some of his congregation to act as the Presbytery could do —

Hills Institutes are considered as the standard work on the Constitution of the Church of Scotland —

On 6th March last, Mr Somerville was under interdiction as he has not officiated for the four years past, and he considers the duties of the Church to have devolved on Mr Esson as Senior Clergyman —

X —

Has a general acquaintance wt. the laws of the Church of Scotland — but not in particular —

conscious that the Ch. of S. is an established Church in all the British Provinces —

Dr Lee is convener of a Com. of the Church of Scotland for Canadian affairs — his opinion is but the opinion of one individual on the subject of the rights of the Church of Scotland in the Canadas —

The Ch. of Scotland cannot turn a minister of his Church here, as they have no temporal authority in this country —

The Church in Scotland could deprive a minister of his Ordination, it would be a matter of Court right to deprive such minister of his office as clergyman in the Church —

The

The Civil advantages are trivial of Glebe Lands —

Conceives that no Minister nor Session can close the doors of the Church, during the usual hours of worship. —

Is not aware that there was any Presbytery or Eccles. authority that could be exercised over St Gabriel Church in March ~~1826~~ last —

That in case of bad conduct of any clergyman of that Church, there was no power in the Session or the Congregation to stop the clergyman; but by complaint to the presbytery that ordained the minister. —

The Clergyman cannot legally administer the Sacrament, nor ordain elders without the consent & assistance of the Session. —

In case of appeals of Session, the Minister would appear ~~complain~~ to the Members of the Congregation. —

The Minister & old Session appoint new Elders —

The Minister assumes the right of ap. of the new elders alone. — The names of new Elders must be intimated to the Congregation — Sale objections are referred to the Minister & Session, altho' the Minister generally takes this on himself to get the Session generally assent —

The appointment of Elder is for life —

considers the Call of Mr Black as assistant Minister to Mr Irvin & Mr Donnelly —

Dr Harkness's opinion —

The opinion of Mr ~~Baker~~ Master — U. Canada —
Do of Mr. Master of Kingston. —

The Kirk of the Church should lie w^th the Minister
the temporalty of benefices in Scotland gives to the
Minister a freehold in the Church —

The beadle is a servant appointed by the Heritors
to see that no injury to the Church — by the Session
& by the Minister — he is servant of all —

Considers the powers of the temporal Committee
assimilated nearly to that of the Heritors —

x x

Dr Harkness' opinion — as to a part not read —

The Prosecution being here closed, and
the Defendants called upon for their defence,
Mr. Mondelet on their behalf, contended, that they
ought not to be called upon to defend; as no sufft
evidence had been adduced upon any of the Counts
in the Indictment to substantiate them —

This was over-ruled by the Court —

The Defence was then opened and stated by
Mr Walker — after which, it being a late hour
the Court directed that the Jury be committed to
the charge of the Sheriff for safe Custody until to
morrow —

Wednesday

Wednesday 7th March. 1832.

Prest
Ch. Justice Reid
Justices Pyke & Jamieson

The King
A. Hammond } The Jury traversing been brought into Court and being called over appeared.—

Defence

George Gray— member of the Church— was present on 5th Month last— was told the doors were closed by order of Session & that there wd be no divine Service that day— he acquiesced— had reason there wd be an attempt to break open the Church that morng— saw some members of Congregation there— all quiet— saw first violence committed by Dr C— about 11 o'Clk he laid hold of gate & shook it— Lyons near him told him— you'll better not break or burst the door— the D on no pss— Do you mean to stop me— turned round called on Lyons— who came up— Dr C— left the bar inside & burst open the door by breaking the staples & closed the door— it appeared that Lyons was apprized wt what he had to do— there were other men of a suspicious appearce there, who were very active in rushing forward when the gate was forced— they were all together— they were some in Mr Walkers a tavern

close

close by — Dr C. appeared to be in a great passion — scarcely knew what he was doing — he then went first to the Church door, followed by there were others — Dr C tried to get in — he went away — he returned in 5 min. after — & came forward to the door again the elders were at the door with their backs to it — they called on the D. to be quiet and to look at the notice on the door — when D. came back the people became alarmed — saw no violence on the part of any Elders — Mr Mck. had his stick, he usually carries — Mrs understood that the Elders were at Mr Griffins & came out on hearing the door of the Church was to be broken open —

There were several attempts made to pick the lock — after the Elders were carried off under a warrant an attempt was made to pick the lock —

I knew there were people in the Church as he believes for protecting the Church — he neither saw nor heard any riot or disturbance in the Church that day, & had it been he must have heard it — heard something drawing along the floor in the Church at the time the attempt to open the door — does not believe that the Leys threatened to break Dr L's head, or he would have heard it — saw Farquhar there, he had some words with Leys —

J.

Is a proprietor in the Church — He understood the Session had charge of the Church — there was also a temporal committee of the Church — There has always been a Kirk Session in the Church

Do

There was no other attempt made by Dr C. to force open the Church than putting up his hand at it — Heard the day before there would be no service in the Church on Sunday —
Understood the passages in the Church had been placed there on the Saturday night —

James Spears — was employed by one Lt Seagrave to push up lock of the Church door —
Is admitted that his men went
saw Dr C. go up to the Elders at door & requested Mr M'K. to retire — he asked his authority — Mr C. answered with — but called on Beale, to take Mr M'K. into custody — Ct he refused to do — Mr M'K. never Dr. by God you shall not get in — nor could he have said so without his hearing it —

Charles Wand — no member of the Church — saw Dr C's man follow him with an ax —

Hon Peter Benham, member of Congregation — there was a notice on the Ch. door on 6th March, that impression of W. that it was the Session who had charge of the Church — considers they had a right to close the door — & he recognizes this right in them —

There is a temporal Committee in the Church which sold pews — & did other acts in regard about the interests of the Church —
The Church has since continued closed under the Authority of Kirk Session

Charles Scott — member of Church, for 8 or 10 years & proprietor —
the possn of the Church has always been in the possessn of the Kirk Session, the door was closed by their authority — & this by the wish of Kirk Session had —

There is a temporal Committee in the Church was a Member of it 2 or 3 years — it is a body subordinate to the Session, whose business is to collect monies & make repairs — never knew that Committee to assume any power over that Church — if there were no such Committee the Session must do their duty —
The beadle of the Church had always the key of the Church, he was the servant of the Session —
Temporal Committee is a body delegated by the Proprietors to exercise functions for a certain time — remains in force for 12 months —

He conceives the temporal Committee is for the purpose of relieving the Session from those minor Duties —
Conceives there was a necessity of closing the doors

There

There cannot be a congregation without a Kirk Session with power of this kind —

The proprietors, are mere proprietors of pews —

Thinks that the Church belongs to the congregation

The interest of the proprietor of a pew, is merely a higher interest in it than a seat holder —

Has seen a copy of the Deed of grant of the lot on which the Church stands — 1792 —

(Deed produced & read)

No Ecclesiastical body in Scotland has any Jurisdiction in this Country —

The clergyman has no interest in the Church except what arises from pews & contributions —

2 Ministers in this Church — with equal powers of presiding

The proprietors elect the Ministers —

3 J. Reps. 592. 1 Bos. Pul. 233. — 6 J. Reps. 396

A majority of the Ch. Session concurred in closing the doors — & is now closed to prevent disorders —

Minutes of Session of 5th March last have been shewn to the W. — says — that it is in his opinion part of the proceedings — signed by Edwd Black. Mod.r —

Mr Black has always possessed the full powers of a Colleague in the Church —

Never was in Scotland — lives in same house w[ith] Mr Black & has done for 3 or 4 years — thinks the buildings of the Church was insured by the temporal Committee in 1826 — in name of Mr McKenzie — president of that committee. —
thinks that the heads gave him the key of the church by courtesy — but must have refused it —

Dr William Robertson, member of this Church & Sess[n] of a year — Is there is a body in that Church called a Session as far as regards religious ordinances the Session had the control — if they thot it necessary, he is of opinion they had that right — considers the heads the agents of the Church — he was in possn of the key gave it up to the order of the Session —

Dr Stevenson — Member of this Cong[n] & Sess[n] of a year as far as spiritual matters the Session has the control, the Temporal Com. are the agents of the Proprietors — as their surveyors. Known Church was closed on 6th March — recognizes the right of the Session to close the Church — he signed a requisition

There are matters of opinion on which he wishes to speak —

Rev. Mr

Revd Mr Gibson Pastor of a Congregation in this City
Cannot speak as to Church in St Gabriel Street —
understands the Kirk Session is the Kirk in
Scotland — in every particular congregation —
~~Considers the Kirk~~ There must be a superior
Controuling power in the Church which over
shadows all other power in the Church —

Is not a Minister of Church of Scotland — An
Assistant Minister has no power in the Church
The congregation cannot shut the door of the
Clergyman regularly appointed —

Wm McNeaby — is a member of a Congregation, was
heads for one year — he rec'd his orders generally
from the Kirk Session — The keys were generally
kept at Mr Leland's — sometimes at Mr Somerville's

John Bruce — Teacher — Montreal — Member of the
Congn & Proprr of a pew — by transfer from a
former Proprr — There is a Kirk Session — The
Constitution of that Church is on Presbyterian —
Has always recognized it as such — By the
Laws of the Church the Session had the right to
close the doors on 6th March last — I acquainted
with the laws of the Church of Scotland — but

the

the powers of the Church of Scotland, do not extend to this Country — Every Church here has a right to make its own regulations — would not recognize the power of any other authority in the Church than that of the Kirk Session —

x.

The Kirk Session is not more recognized than Presbyteries in this Country —

Andw. Porteous — is a proper in the Church — recognizes the authy of Kirk Session, and the possessn of books & common records in the Kirk Session — never heard till lately that Trustees Com. exercises this right. Signed a requisition to Session to close — acquiesced in the closing the door of the Church on the 6th March last —

Benjn. Workman, was a member of Church in March last — a lessee of a pew — the whole powers rests in the people, & they constitute all other authorities — & in absence of express powers the power is in the Session — came to Scotland —

Wm Carr — Merchr — member of Comtee & Prosecutor

of

of a pew – Recognizes the builds of the Church to be in the Kirk Session – ~~I am aware~~ the temporal committee is appointed from year to Recognizes the right of the Session to close the door of the Church on 6th March last – Thinks the most proper means of this authority is vested in this body.

Knows of no power in the Province to redress any grievance that might require the door to be closed

Wm Pollock, is a member of the Congn his father was an Elder, & concurred in the proceedings of the Session in March last — considers the power vested in that body to close the doors —

William Scott – a prop. 20 years – Mr Somerville was Minister when he first attended the Church During all this the Session has had the charge and possession of the building — They have a right to close the doors & to regulate divine Service –

There is a temporal committee in the Church whose duty it is to collect money –

Wm directed D. C. is notice on the post on the 6th March when at the gate, that there would be no service in the Church that day –

Wm

Mr saw Dr go away, & come back again wt some people wt him — saw a man wt an axe on his shoulder, — that it was to break open the door, but upon his being spoken to the man stopt —

John Riddel — was at Church on 6th March last saw Leys there — did hear him make use of any menacing gestures — saw no disturbance there that day — the Gate was burst open wt great violence by D C — there were several persons there who are considered as persons of desperate characters, who followed D C. when he went in at the Gate —

Knows that Malo was a Constable —

Geo. McDonald — prop. of the Church — he suppose right in Session to close doors — saw Closed at Church door 6th March to preserve the peace — W was close to the church door — heard no disturbance there —

Wm Gary Prop. for a year for 8 years, heard church was closed by Session on 6th March — that they did right — thinks they had the right — & the Church has remained close since — I was

Has taken no part in their dissentions —
Wm has recognized Mr Black by exercising the
powers of a Colleague —
understood that the Custody of the Church was
always in the Kirk Session —
Understood that Beadle is the servant of the
Kirk Session —

Joseph Ross — Prop of a pew — about 35 Years —
knows Church was closed by Session on
6th March last & recognizes their powers to do
so — Thinks that Temp. Committee have
no right to do so — The door keeper is
considered as their servant —

Revd Edwd Black was inducted into the present
1823 by a Call signed by Mr D. M Bean
by Session by the whole Temp. Committee
by many proprs & Communicants — in case
we pole powers of a Colleague — The words
of the Call put under all doubt as to his
authority — Has same exercise all the powers
of a Colleague in Churches in Scotland
and has presided ~~ables~~ at Assembly as Mr Esson
and was in the presence of Mr Esson — and
his powers were never called in question until

the

late difficulties in the Church — he has obtd opinions on the subject of how right from Mr Buchan & Dr Harkness —

The Congregation have always recognized the power of the Kirk Session to have the charge of the Church —

The temporal Committee never assumed the powers over the Church until the 6th March last —

The powers of this Committee & Deacons are not similar —

Deacons assisted the Elders in regard of the poor — & in collecting the means —

If there had been no Temp.y Committee the duty they performed must have been performed in all respects by Session

Subordinate to Kirk Session —

Somerville usurped his functions immediately on his coming into the Church —

That Session dispensed with the services of Mr Somerville for a time — Mr Esson was Moderator of that Session — several of the present Session were members then —

This wd have been the duty of a Presbytery —

No appeal could have been made to any

Presbytery

Presbytery in this country—

We recognize the power of a Presbytery that appointed us trials to dispense him, but they could not ~~recognize~~ [subscribe] their acts—

At latter time has been a Presbytery and Synod constituted in this Colony—

As Minister he could not lay himself despotic any of the Elders—but by taking the opinion of those who elected him & they could depose him—

A body of Elders cannot depose themselves Elders are office bearers in the Church, and are ordained in the presence of the Congregation

The 4 Elders has never been deposed, and are now Elders—they on 6th March formed the majority of the lay Elders of that Church

The Elders came to a resolution of closing the doors of the Church on the 6th. March—and they had the power—

Had there been a Presbytery, the protest would have ~~been~~ been made & appeal to superior Tribunal—where in Scotland a remedy might have been had at an early period—

There was no tribunal here to get the Congregation could appeal—

Considered the Kirk Session here as to jurisdiction the same as Presbytery from the absence of that body in this Country—

There was no other means to obtain a removal of a Clergyman than by instituting enquiry by the Kirk Session.

Kirk Session has the power to determine when Sacrament shall be dispensed — a Minister cannot do so without their consent — if he does he is amenable to the Superior Court

The appeal wd be to the Superior Court for redress. —

The Session must have adopted such means as they saw fit to prevent any irregular act of the Clergyman — as there was no other means

Considers the act done by Session as consistent with the authority they possessed

2d —

Knows that a body of Clergymen assembled themselves together in this Country & ordained the Ws —

That Gentlemen could give him no redress for any injury — They might censure, but could not carry them into effect — That it would be competent to the Kirk Session to institute an enquiry respects W but could not carry their powers into

into effect.—

Elders cannot depose themselves— does not know that any question of the kind ever came before the Presbytery at Quebec—

It was determined in the Presbytery that St. Gabriel Church could not send but one Minister to the Presbytery— & that they considered Mr Esson as Senior Clergyman should be the person—

closed

On part of prosecution

Mathieson— There can be no point more certain than this that the Kirk Session has no such power as to close the Church door of the Clergyman, it constitutes the difference between Presbyn & Independency— & he thinks that are acts of the G. Assembly where such acts have been condemned—

No Session has can remove a Minister from his office— the thing is absurd— the Session cannot call evidence to substantiate a case, but merely to establish a bad fame of the Clergyman—

X

The Presbytery takes cognizance of the complaints & proceed to censure & to deprivation—

Archd Connell— Minister of Church of Scotland, & has charge of a congregation in U. Canada— In

The Kirk Session has no power to close the door of the regular appointed Clergyman — and conceives no Kirk Session would venture to depose a Clergyman.—

The key of the Church remains with the Clergyman — but as representing the Presbytery & in respect of temporal matters the proprietors have the right to assemble there —

Thinks that it would consistent with the powers of the Presbytery to remove any Clergyman they had ordained on sufficient complaint before them.

The Presbytery in this Country were first Established in Summer 1831 —

Revd. Mr Gale. Clergyman of Church of Scotland, by the Constitution of every Presbyterian Court the Kirk Session has no power to close the doors of the Church — —

Robt Simpson — member of the temporal Community —

Verdict. Henry M'Kenzie, James Carswell, Robert Armour, Philip Ross. — } Guilty of forcible Detainer but not guilty of Riot, as laid in Indictment

and Verdict of Not Guilty as to all the other Defendants. —

Thursday

Thursday 8th March 1832.

Pres.t
Ch. Justice Reid
Mr Justice Ryke
Mr Justice Monk

The King
Etienne André } On Indictment for Grand Larceny

The Prisoner was again arraigned and advised to plead to the Indictment in consequence of the Verdict of the Jury finding that it was by obstinacy and not by the act of God — The Pris.r however refused to answer, whereupon the Court ordered the plea of not guilty to be recorded and the trial to proceed — The Prisoner was assisted by Counsel, who made challenges for him. —

Timothy
Leonard Russel, lives in parish of St Thomas Leg.s Subservis in Oct last the Pr. was in his service had been so for 18 days — he appeared to have his senses enough to make a bargain — Wr hired him & agreed to give him at rate of 2 dollars p month & paid him — he did his work and at end of 18 days settled w.th him & paid him on a Saturday night — told Pr. to stay till next morng — Pr. slept up stairs & Pr. below — In the morng saw Pr. at the bar — Wr had lost his pocket book

2a

in g[t] there were 5 bank notes — two N York bills Montreal, one 5 dr of Montreal, and two other bills, besides an american half dollar & a twenty sols. besides a bank note of £20. C. 4 — This money was in his pocket book and in his pocket when he went to bed in the evening — W suspected the P[r] but at time d[d] nothing — after his breakfast he went to the neighbours — W apprized his neighbours to watch if they could see any thing of the pocket book — and as he got his intelligence, the W[m] caused P[r] to be arrested — The W[m] was present when the P[r] was searched and the pocket book & papers fell out of his hat, g[t] was the same W had in his poss[n] the night before. — The P[r] made some excuse before the Magistrate, but W did not understand what it was —

Never knew the P[r] before he came to his service nor did he talk much to[d] him — P[r] was not so bright as some men, but was able to make a bargain — W was not to pay him in money but in articles out of the store —

When the pocket book fell out of the P[rs] hat he appeared surprized and turned rather pale — the P[r] did not seek to conceal himself.

John

John Henry Powell, lives near last Wk saw Dr several times last Aug while on last Wk he did not pass for a fool, although not a very intelligent man — he conversed with Wm frequently at Russ's — he seemed intelligent — & did his work properly —

On 30 Oct Russ told him he had lost his pocket book & suspected the Dr — Wm advised Russ to say nothg. & he might be found out — went to Russ's when he saw the Dr at breakfast — he told Wm that was going to Holmes's to take some work — Dr went to Holmes — he met Wm Holmes on the road — & Dr went to Holmes & searched his trunks but found nothing — Not of his hat — proposed to Dr to change hats tasted his hat but found nothing — Dr did not remain at Holmes's — he left then & was going off — and the Dr concealed himself, and stopped him on the road, when the Dr told him to search and on taking off his hat, the pocket book fell from his hat, & Mr Russ recognized to be his property — They carried him before a Magistrate when Dr proposed to give Russ 20 dollars not to send him to prison — The Dr appeared agitated.

The Wm was yesterday in prison — saw Dr asked him how he was — d not well — if he liked to be there — he d no — Why he did not answer

in

in Court – he said because he did not chuse to do it – and put several other questions which convinces him that the Pr. must have known what he did wrong in taking the pkt book – said that he did not take it out of his pkt, but found it on the floor. –

The Pr is simple d'Esprit – but not so much so as not to know what he does –

Nathan C. Howard, lived in Ash last at Mr Russels, saw the Pr there – he was bind to Mr Russels, he used to speak to Pr & shew him when to work – Pr. speaks a little in French – The Pr. used to talk & play with the boys in the house in the evening after work –

Heard that Mr R. had been robbed, Pr slept in same room with Mr – Heard him get his ways – Pr breakfasted – went away, was stopped on the road & the pkt book fell out of his hat on his lifting it up – found the money stolen in the pkt book –

The Pr appeared to know what he was about, although not a man of great sense – he came regularly to his meals –

Mr went into Gaol yesterday, asked Pr how he did – he said he was well – Thanks

that

that the Pr could speak as distinctly now as he did then —

X

The Pr pursued amusing himself wt Children when not at work —

Defence

Theophile Lemai — the P. for 10 a 12 years past. has seen him frequently — he is a man of weak mind, and he is unable to distinguish between good and evil — that there are two of the Prs brothers & one of his Sisters who are also fools — asked him this morning, his name, said Etienne André, the W. told him no — that his name was André, but his father's name Gamache — he s[aid] his name was andre — and his brothers name Gamache —

Joseph Lavoie — the pr for 17 years, his 2d neighbour the Pr for an imbecile — thinks he cannot distinguish between good and evil — he works at [illegible] time for himself, but they pay him or not as they please

Jn Bte Petre — the Pr he is an imbecile — cannot distinguish between good & evil — has a brother & Sister in the same state —

Honoré Lavoie — the Pr from his infancy — same evidence

Michel Fetis — Pris Pr — Wr paid rent to the father of P. for 12 years — always considered him as an imbecile, and does not think he could distinguish between good & bad —

Clement Monty — same evidence —

Alexander Sire — Pris Pr for 7 or 8 years — same evidence —

Verdict. Not Guilty —

The King. —
Jnº Bte Fournelle } On Indictment for stealing privily from the person —

Franc. Revet, is one of petty Jurors. was here on Thursday last, he had on him a watch chain & seals — in the course of day about 10 a 12 o'clk he missed his watch — before that time the Pr had been brought before the Court to answer to an Indictment, & the Wr went to walk about in the passage — he went down to the market place where he first discovered that his watch was missing — The Wr informed Mr Mabo of his loss, and requested his services to find it — who & gave him a description of it which is rather particular — It is at last

15

15 years he has this watch — That about 3/4 Minutes after he left the Court house to go to the Market place, he missed his watch — He was not sensible when his watch was taken — The watch now shewn chain & Seals are his property & same he lost — values watch at £3 — and the chain & seals at 5/. —

There was a great many people in the passage where he was — He is not certain that his watch was in his possession at the time he left the Court House to go to the Market place —

Louis Malo — Constable — Yes the last W. was one of the Jury, that on Saturday last he stated to W. he had lost his watch — described it — Before Root spoke to him he knew P. had a watch for Sale — on this he made the P. shew the watch, and as it corresponded with Root's he told Root that P. had it, & to along we came to Person & look at it. — The watch now produced is the same he found on P. was recognized by Root — The P. he had purchased it in the Canada — the Upper part of the Gaol long ago — The W. & P. this would not be true as W. Root lost it only lately — P. said this was not true —

W. went into yard wh some precaution and on Ps appears laid hold of him asked if he had a watch, he said yes — & produced it — on this asked the Pr where he got that watch, he said it was his, & he had it long ago — W. ans'd it was Roots & he could have got only lately, as Saint had lost it only on Thursday before —

The Pr was brot before this Court on Saturday last —

~~Isaac Scott~~

Depone

Andrew Kellersheir — recollects having seen the Pr speak with one Lashame — that they spoke ~~about a watch~~ with — and soon after he saw Lashame Pr appear with a watch when the Pr came back to prison w Constables the Ws saw the Pr with the watch — saw him give three Ps Crowns given by Pr to Lashame if you are not satisfied with that you can come and find me — and that the Pr did not hide the watch, but gave it to the Gaoler's son for nearly a whole afternoon —

That it was on the first of March that this happened —

X

Pr has a sister who comes to see Pr in Gaol does not know his name —

That
is

it was after Wr had been sworn himself on oath before this Court, What this happened. The Pr was brot into Court the same day— That it was after Pr returned to Gaol that he saw him give the money to Lachance—

Verdict. Not Guilty.—

The King
In Pr Fournelle
Franc Fournelle } On Indictment for Grand Larceny.—

Andrew Watt—Cooper—was in the employ of Mr Budden in Jany last—had the charge of a Store on St a Foillon, in wt there were boxes of glass— About 19th Jany. last the Store was broken open in the night—& two boxes glass were stolen— another man told Wr the Store had been broken— there is a door & 2 windows in the Store facing the River— one of the outside shutters was broken open & some panes of glass broken so as to enable a person to draw the bolts— proved that both windows were broken—& the bolts drawn— perceived there were 2 boxes of glass taken— Heard in the afternoon one Poitras informed him that two boys named Fournelle had been arrested on suspicion— Came to the Police Office & there saw the

two

two boxes of glass, wh are same now shewn they are of the same kind & description as those stolen, and have the mark of Wm Budden on each — will not say as to the number — but the excise stamps is the same —

X

Is in the habit of selling such glass to diffr merchts in town but rarely — he had sold a box about 3 months before — 8 by 9½ This glass was imported last summer — has now doubt but the boxes now shewn are the same as those stolen —

John Bannan, lives on Papineau Road on the 29 Inst last — they came to his house about 9 a.m. & in the morning we a Sold a box of glass — asked 10s to buy it, gt he refused — asked leave to put the glass at his house — that as they said they had another box of glass in town to bring them — to come to town same to the glass at his house had he bot, but to town as stolen — he went to police office & there saw Drs with the 2 boxes of glass — the box now shewn is the same left by Drs at his house — the Drs said they had bot the glass at some place near the Tannery —

X

Cannot say which of the Ps asked him to buy the box of glass—

Pr. Robt. lives near Papineau Square — was told that there was a box of glass in a batteau near his house — went there & found it — he brot it to the Police Office — Is the same box now shewn —

Andw. Watt — values the boxes of glass at 25 / each & are the property of Wm Budden

Do Malv. Constable was informed that the Ps wanted to sell glass on Pap. Road — went in search of them & found them on the Upper part of the road — went to Bannan's & there found the box of glass with the 2 prisoners — Mrs Bannan denied any knowledge of the glass — but a can of glass was found in the stable —

Verdict. Guilty as Both Ps

The King. —
vs
John Dunbar } On Indictment for Burglary —

Nahum Hall the principal witness being called does not appear — the P was acquitted

The King
vs
Charles Renaud } On Indictment for Burglary

Joseph
~~Louis~~ Cajetan Leblanc lives on St Pauls Street in Montreal — has a shop in his house in wh he lives — there is a door of communication — The Pr had worked 2½ days for Pr & had worked ½ day in the Cellar — while he worked for the Pr. he took his victuals in the store & could see where the money was kept —
Was at his house on 1 March — about 10 Clk at night he took out the money in his till, & left in it some coppers & small money —
The Pr shut up the yard door, that night the night day he found the yard door forced from wh one can get at the store — the doors of which were not bolted but with a latch, the yard door shut w a Viron is positive the other doors were shut by the latches —

There was about 15 ℔ in coppers about 360 in judging by their appearance — there were 4 or 5 pieces of 25 Sols — 5 or 6 15 Sols — some pieces of 10 Sols — Knows that there was a 30 Sols Sous copper called a penny, wh was very large wh he had in his till for 8 or 9 months in his till — The servant came to Pr. a little hour

or

on the morng that the g[d] door was open — he went down, went into shop, found his till on the Counter — the money gone — a carrick robe part of a reins — were stolen — went in search & gave information of the carrick robe & had been stolen — went to the Watch house where he found the Robe — Was present when the Pr was brot forward — That one Lang came to this Wr he had found a quantity of coppers on the possession of a quantity of coppers — went wt him and omitted the Pr & took him to one Benoits — Wr found on the Pr the coppers he left in his till & considered so remarkable (now produced) — these coppers are very scarce & was found wt the other coppers in a box on the Pr — found several pieces of silver, one of w[h] Wr recognized to have left in his till this evening before — it has nothing remarkable on it but thinks it is the same — 4 pieces of 25 Cts — 8 — 15 Cts — & three of 10 Cts — all on found on Pr corresponds with the money the Wr had in his box. The Pr had some utensils found on the Pr calculated to open a door, and thinks that wt the Pr could have forced open the yard door — There was a box on the yard door, w[h] he appears to have cut —

The value carrick robe 25/ and was taken from the Carrick in the yard that night

[illegible]

The Pr had been in the service of the Wr in Nov: last — he did not then suspect him — Reasn of suspicion that the Pr was acquainted with the entrance into the house —

Louis Frigon, a watchman, was employed on 1st March last, near the hospital — about 3 o'clock in the morng of 2d inst — while near the house of Mr Shuter — he saw a man with a bundle, went towards him — he went down St Denys street towards the river — and went towards ye a Cabrine — Wr returned & went down Hospital street towards the river to meet the Prisoner — and passing after him he got within about 20 feet of him when he dropt a Cariole Robe, ye Wr took back to the Watch house — he appeared to be of the size & make of the Pr — he had a black jacket on — there was no other Robe brot to the watch house that night —

Thos Laing lives on Com: street — Leblanc told him that he had been robbed — a quantity of Copper & a Robe — was at his house — went to Benoit's where Leblanc was & saw into a room where the Pr was searched & a quantity of Coppers & a particularly large copper among them — ye

Wr

Mr Leblanc recognized to be his — the Pr used to know of Mr to take a glass, as he keeps a public house —

Knows Pr — he employed him last fall — saw sundry utensils found on the Pr — same now produced — Pr said it was four gallon keg &c. —

Chas Benoit keeps tavern — saw Pr at his house on friday last — Mr Leblanc brot him there was present at the search of the Pr when the copper was found on him —

Jos: Captain Leblanc — never saw a knife similar to that now produced for sale, it must have been prepared in that manner for some particular purpose —

Defence —

Henry Hebbart — has often seen knives made into saws — imported in that manner — the knife now exhibited appears to have been made here

Verdict — Not Guilty. —

The King
v.
Jacques Leduc
} on Indictment for stealing above the value of 40/ in a dwelling house

William Nicholson. on 24th last he resided in the house wt the Pr boarded and worked there for several persons — on night of 26 24th last he went to bed early, he cannot say what money he had, but it was about £15 or £16 — he had 7 or 8 - 5 Dollar notes — had three golden guineas — ~~5 or 6~~ 3 or 4 Spanish Crowns — 3 or 4 Fr. Crowns — had his money in pkt book in a box at the head of his bed — There was another man who slept in the same room wt Pr — The Pr slept in another room — In the morning the other man got up first — was not searched — The Pr had left his house early in the morning and was told he had gone to Montreal — went to water side found the steamboat gone — went to Longueuil when he crossed & came to town — found the Pr on the ~~Jo~~ Market place — sent for constable and arrested him — he was searched at the Police Office, when some money was found on the Pr — The pkt book

now

now produced is very like the one ~~was~~ that belonged to Wr & he lost —

Never suspected Johnson to have stolen his money but told him the morning he lost his money, that he had stolen it — The door between his room & that of Pr was open when he got up —

There was people in the upper front of the house that might who could have communicated with his room —

Capt Lafresniere was charged wt a warrant & Pr and arrested him in Nov last — he searched him and found on Lafresn money on him — The Pr said that he had rd the money for the sale of a small ox — The Wr found the money on the table on the house where the Pr was, and lost it with the Pr There was some 5 dollar bills & some money —

Verdict. Not Guilty

The King. —
John Calvin Atkins
Louis Varin

On Indictment for uttering Counterfeit money knowingly

Marie Josette Pouyart, fem. de Benj. Berthelot –
In Sept last she lived at Longueuil –
recollects having seen the Ps at her house
on the 27 Sept last early in the morning
does not remember whether they asked for
liquor or not – her husband might have
given them some – asked her to change a
twenty dols – Varin offered it – the Ps Atkins
was near him – when they offered it, her
husband looked at it & said it was not
worth a copper – it resembled a good
quarter of a dollar – there were some persons
there who looked at it & said it was not
good – the Ps remained in the house during
this time – That Viger, a bailiff was there
took the 30 dols & said they must take
up these people – Varin said he had
rec'd the 30 dols from Mr Foley –
It is the 30 dols now shewn to her
was offered to her –

There were several persons present, when
rec'd the 30 dols from Varin – never saw
him before – does not know whether he
he knew the money

Benjn

Benjn Bethell — saw Prs in Sept last at his house — on coming in Atkins said to Varin boy to pass that piece of money — asked for liquor — He was accepted w Pye & Moncrieff — asked his wife to shew him the 30 Lob. he looked at it & said it was not worth a copper & is the same now shewn — Pye desired them to arrest the Prs

2d

It was 7 or 8 o'Clock in morng when Prs came to the house — When they came in he was taking a glass w Pye & Moncrieff —
Thinks that Varin knew nothing about the money —

Benjn Gibbs — H. Constable — identifies piece of money he rec'd from last wit —

Defence

William Forbes — Knows Prs Varin has been in his employ for 12 or 14 years — Has Atkins who has been in his employ for some time — Varin has a man of weak mind — does not think he could know good money from bad —

Mayn

Augustin Perrier — 12s. Atkins. lived 6 months with him at Beauharnois — he is a man of good character & conduct — he had the management of a Chantier for his Bourgois

Verdict — Not Guilty. —

Friday 9th March 1832.

Prest.
Ch. Just. Rent
Mr Justice Pyke
Mr Justice Uniacke

The King
vs
John Kyle

On Information for personating one Charles Phillips a Soldier to Rent. —

Charles Phillips, was a Soldier in 79th Regt in Novr last, was inlisted at Aberdeen & came out to this Country & was taken ill at Quebec & remained in the Hospital there — left it in Novr in Richelieu St. Boat to come to Mtl — met Pr on board of this boat — fell into conversation with Pr and about 3 Hours Pr s. to Wr that he was thinking of a plan, as there was a man to charge of him that he had better go to him to N. York & he would make him like one of his family —

Wr

wd give him coloured suit of cloaths — That Wd declined seeing he had but a short time to serve before his time was finished — The Pr. he might do as he pleased, but that present was a good opportunity, and that he had been a Soldier for 16 years & knew more about it, & that if he was not his Coat he would not remain 24 hours in the service — When Wm. came to town he reported as then circumstance to Major Pitcher who gave him a note to Major Garrison — It was then proposed for Wm to go down to the steam boat in order to see if the Pr would provide the coloured cloaths & to ascertain the parties that his informer was correct — We went there and rec. a suit of coloured cloaths from Pr and ~~from~~ then proceeded with him on board the steam boat to go on to Lafayette, when 2 Non — Commissd Officers who were waiting to see what was done, stept forward and arrested Wm and Dr

X.

Has been in the service between 6 & 7 years — Pr just addressed Wm told him he was going to the States to procure some settlement in the States — Wm had told Pr that he was bounded for life — but afterwards said he had enlisted only for a limited Service — Does not know whether the Dr

Pr. had any means P said he was a Weaver
Wr was a labourer —

On the afternoon of the 24th Nov. he mentd the conversation he had with Pr.

The Wr told Pr. that he had reported himself to the Brigade Major & that he was now ready to go — on this the Pr. produced the coloured Cloaths — Wr put them on — went on board the steam boat for La prairie — When they were arrested the Pr. said they were both taken, and that the Wr could clear him, if he chose —

Samuel D. Pritchard — Major of Brigade here — the last Wr wanted on him on his arrival at Quebec in Nov. last & told him that a man on bd St. Boat had tried to endue him to desert — merely as he stated — stated this to the Commands Officer — by note he sent by Phillips to Major Grierson — was not privy to any of the subsequent arrangements —

Wm Grierson Major 15 Regt now in Montreal — about 24 Nov. last the Wr Phillips brought him a note from Major Pritchard — & Phillips stated what he has said to day as to the means employed to induce him to desert — That Wr went to Barracks and made the arrangement that was adopted to secure the Pr

James

James Bezzle — 2d Mate Lev. in 15th Regt was directed by Sergt Major to go to the Steam Boat in pursuit of the person who had was said to have induced ~~to desert~~ Phillips to desert — He went to the Steam Boat found the Pr in conversation on board the Steam Boat Voyageur. Phillips then had coloured clothes on — and he arrested the Pr & took him to the Court House —

Defence —

Andrew Kyle — cousin of Pr — was on board the Steam Boat when Pr — when he came to Montreal in ~~November~~ November last — Pr was not absent from the view of W. above a few minutes — heard no conversation between Pr & Phillips —
saw Pr — not coloured on on board the Steam Boat at Lapraire — The Pr — is a poor man with a family —

James Bezzle — was not present when Pr. put on the coloured clothes —

~~The Jury, without retiring~~
Verdict Guilty —

The King. —
vs
Matthew Murnah
Margaret Murnah.

On Indictment for having counterfeit Coin in their possession with intent to utter the same &c.

Benjamin Delisle H. Constable — was head Constable in Augt. last — was charged wt a warrt. to arrest the Prs — was told that they were at the Quarries near town — employed a man to go wt him — desired this man to go to the place & he followed at some distance — saw this men on Laing arrest the Pr & his wife the Pr appeared surprised, said little — Sd he levied at a short distance — took Pr wt him to his house asked to see his baggage or trunk — saw a red trunk asked if that was not his — told the name of owner qr he does not recollect — but went for the man who came then & the trunks belonged to Pr & sent to him — Demd the Pr to open the trunk — the wife gave the key & Pr opened it & under some plates he found Moulds & bad money — and brt it with the Prs to the Police Office —
The pieces of money now produced are the same he found in the trunk — 22 pieces of half dollars & 3 pieces of 2/9 — Found also the Mould now produced — calculated to counterfeit 1/2 dollars ~~&c~~ another for 30 sols —
Found a small bundle of gun powder & some shot parcels contains ~~&c~~ powder the nature of which he does not know — The Pr afterwards acknowledged

Mart

that the trunks belonged to him — That things have remained in the possession of Pr since until this moment +

x2

The wife of Pr handed him the key, as far as he now believes — but will not say positively there were other boxes in the house of P. were claimed by other individuals — there was a gun in the house of P. was claimed by one of the lodgers — There were several persons who appeared to be in the house — That one man, Clarke claimed part of the ~~Prov~~ provisions, in the trunks as his property and Wr gave it to him — That the circumstance of the Pr being arrested might induce Clarke to deny the property in the trunks —

The Pr acknowledged that the box afterwards was his and even that he had made the money — Pr said that had he had a little notice the Wr or any other man would have caught him — the Pr appd frightened, but did not appear so much so as to confess anything that might have been asked him —

Saw the Pr have something in his pocket which he took from his pocket & threw away in the air — The Dr searched Pr when he arrested him but not thoroughly — On the way from the Dr to the house, having had hold of

the

Pr but he cannot say what it was that the Pr threw away—

James Molloy— lived in Chatham last Summer, he caught the Pr counterfeiting Coin at his Shantie at Chatham near the Good Canada it was a kind of 1/2 dollars — not such as those now produced, but american 1/2 dollars — also 20 Cts. corresponds with Moulds now produced— Wr gave information to Th. Dawes J.P. who gave information to My Devin — also that Pr was carrying on the business of Coining at Mr's end, on 9th a warrant was issued by Mr Devin & given to one Keo— Wr was arrested on a complaint of having absented himself from giving evidence—

Never made a proposition to Pr to pass counterfeit money — that money had been given to him & he was bad & he passed it not knowing it — Never swore any vengeance of Pr for his illicit connection with his wife but Wr was induced to make his complaint of the Pr to prevent his robbing the public — Wr is a farmer — has a farm — He caught Pr making the money — at another time he spoke with Pr who said it was good money he was—

Dyer

~~John Delisle~~ Defence.—

Benjn Delisle. The people of the house where Pr lived did not give him a bad character There were several other articles in the trunk besides the money— Clarke P. there was a part of the property in the trunk of Pr gave him— there was a razor & some articles of the Pr— & belonged to him & Pr gave it to his wife—

Verdict Guilty. as Matth: Murnah
not guilty as to his wife

The King.—
vs
Jn Pierre Grossé's } On Indictment for Gr. Larceny—

Silas Batchelder, lives at Rougemont, keeps an Inn there— Uriah Daley & Timothy Page were at his house on 8 Jany. last wt several others. There some of the sleds put under the shed— there was missing a shawl & about 30th butter taken from on sled & four geese from another sled in course of the night— there men directed Pr to make inquiry about the theft— he did so— Heard that Pr was going to be married on the tuesday & that he had made a present of a shawl to his intended— & carried some geese to another— Pr procured a search warrant directed to the house where Pr lived,

and

and going there the woman in the house presented to them a bag of g[s] she said the P[r] had left there as he had been thrown out of that house. They pursued the P[r] & found him — & when charged w[th] larceny, he took out a piece of gr bkf from his hat carried it back was what they wanted, saying that his wife had the other part of it —

The P[r] said that the ~~hen~~ geese had been given to him as his part of the booty and had eaten them — said he had got 3 balls of butter 7 g[s] he had sold 2 balls to one Provençal values the butter at 10[d] ~~#~~ pound — the geese 1/3 each — the shawl 2/6 — the butter and shawl belonged to Daley, and the geese to Page

x[o] —

The sheds remained in an open shed all night — there was a bag full of geese in the shed —

P[r] is an Italian — The P[r] wife delivered up the rest of the shawl when it was claimed

Charles Setzo is a bailiff — on Sat[y] last he was called to look after stolen goods — rec[d] a warrant ~~to~~ from Bachelor to search the houses of several persons — at the house where P[r] lived his mother in law had sent him away — but had seen —

The

The poss: of the Pr a Shawl of was cut into three pieces - she handed them a bag of the had re from the Pr went in search of Pr & found him sawing wood at home of the Lessurine - asked him about the Shawl he took off his hat - shewed a piece of a Shawl & ~~Pr~~ it was recognized to be a part of that stole said his wife had the rest of it — that he found it in the road in a bag, near Mr Batchelder. The Pr further told them that he had sold two balls of the 4 balls he had for his share - and that he had eat the geese -

That he had gone to buy a bottle of rum at Batchelder Lurpass Piccard's - Pic called him - asked where he was going - told him - That Piccard dont go there are many sleds arrived there we will go and visit the sleds - That the Pr & Piccard & his son went there - Piccard & his son took the sleds and took to them the articles she had for his share the bag, the Shawl, 4 geese, and the 4 balls of butter

Verdict Not Guilty

The King
Jn° B^te Audette } on Indictment for assaulting a
bailiff in the execution of his duty –

Marc Ant. Primault – is a bailiff of V. B –
he M^r Bowen to be a Com^r for small causes in the
County – the warrant now shewn was given to
him by Olivier Leblanc – proves the signature of
M^r Bowen. – he went w^th a record Gedeon Nevan
to the house of P^r saw him at his door told him
that he had such warrant – P^r of he could not
pay – that it was a coquinerie – the ~~he~~ W. put
his hand on the latch – the P^r laid hold of his
arm and pushed him back & forbid him to
go in, or that something bad would ensue between
them –

Louis Gedeon Nevan – went w^th last W^s on record
to serve the property of the deferd^t on an
opⁿ in June last – Primault told the P^r
he had an opⁿ against him & wanted to go into
the house when the P^r pushed him back –

Verdict Not Guilty –

The King

№ 33.

The King
vs
Hunsdale

On mov. of Sol. Genl on rule to shew cause why restitution should not be granted to the Church in question —

Mr Sol Genl motion of last motion, since that time an Indictment at Com. Law has been tried, and the opinion of the Court this Church was held to be in the possession of every one who had a pew in that Church —
Founds the application on the Statute enacts a Justice of the Peace to give the Restitution in question
Has not looked at the affidavits, as not admissible upon Indictment

Mr. Mondelet for Defts The trial had on an Indictment does not touch this question — after time given — the Court cannot grant such restitution on the present motion —
The Indictment consists of 3 counts — 1 as Proprietors of the Church — 2d as Proprietors as joint tenants — 3. as in possession under an unexpired lease —
There can be no property in the Church — The 2d — agrees an unity of possession — the 3. is only the right of property on the Poss[n] in a pew in the Church —
The question 62. Lorman droits des Seigneurs & droits Hon. 64. 65 — mere droit de Banc, gives no property in the Church — 69. № 4 — p. 130 — 131 —
De Lane Patronages p. 82 Churches are not within the Commerce of Men — Ch. p. 535. № 35. Poth. Poss[n]

Lefevr. de la Planche. p. 523 — Lois du Commerce —
Tom. 5. p. 289. —

Restitution has cannot be granted — the hands of the Court are bound, by the plea of possession
1 Hawk. p. ~~64 & 8.~~ Ch. 64. § 54, 58. 8/9 Forcible Entry &c
1 Deacons p. 495 — The Verdict of the Jury above can try this — ~~1 Bac.~~ Hawk. 64. sec. 85 —

The right of property has is not visibly exposed
Hawk. Ch. 64. sec. 45 —

The possession must be in the constituted authorities of the Church, either of the Session or the temporal Committee —

Bac. Ab. title C. 4 Bl. Com. 179. —

1. Russ. 292. 293 —

Com. D. 7. 348. 9 ~~1t~~ Forcible Entry —

1 Hawk. Ch. 64. sec. 56. 8. 9 — whole chapter —

3 Bac. Ab. title ~~A~~ —

To whom restitution is to be made —
Individuals without quality cannot have the possession to the prejudice of all others —

Mr Walker for Defend^t —

The Crown might have tried the case if they had not fit this term —

Defend^t have a right to lay affidavits before the Court & he has a right to be heard —

The ~~third~~ Indictment states lays the possess^n in

Defend^t

different persons from that laid in the present — qt — will make the Court pause before it grants the present application —

The title set out in the Indictment is insuff

1 Count. The prosecutors to a.c. of qr are stated as seized each in his own domain as a fee on 74 — of the Ch.

2 As Joint tenants in Common — with others not named seized in their domain as of fee —

3 Count — as ~~Tenants in Common~~, seized of a certain Messuage called Scotch P. Church — for a term of Years their estate unexpired — Not said that they are Tenants in Com: or as Joint tenants. —

Plea Gen.l issue — In 3 years possession in Defts 2.o a traverse of the fee —

Issue is joined on this plea — & appears to the Country — Now the Crown has consented to go to the Country

The right of the prosecutors is the occupation in fee as such they cannot have a more par. right than the Tenants in Scotland, or a Propr.r in England qr is or qualified, that in England he cannot maintain trespass for a disturbance — can have only an action in factum for damages — which cannot constitute a right as a Domain of fee —

as to 3.d Count as a possess.y of fees, cannot give a title equal to that title required by Stat, in regard of other Property. 1 Burn Ecc. Law 1st. Church. 258. S. Dewes v. Burns Ecc. all such property is extra Commercial — The right here is in particular persons over in the Church

The title of Lowery the Elder. The words bargain & sale are struck out —

Not disclosed who are the other proprietors besides the individuals mentioned in the Indenture were tenants in Com. & in Severalty with Lowe —

No restitution to a party seized only in law —

1 Russell 292 no restitution but to person put out of the actual possn

Wm Inst. P. p. 564. Inside Cath. Liden — a party having a constructive possession must have recourse to a Civil action —

1 As to Domain as of fee — this is the highest title known in the Laws of Engd 2 Bl. 104. 5. 6. 7. 8. 9 The title here is restrictive — conditional only as to heirs — Archb. 386. 388. Cr. pleads —

Ecclr. Instit. 164 — divine things cannot become the property of any one —

The Stat. of restitution have reference to the tenures in England & applicable to them only —

Question how far a Church of the description of the Church in question comes within the protection of the Statutes of Restitution —

Com. Dig. tit Eglise. A. B. C. D. no church without endowment & consecration by the Bishop —

Chitty Prog. 63 —

Erskine. p. 75 —

Com. Dig. tit Eccl. persons — E. N. 9. 522. 543 —
C. N. 14. p. 546 —
tit Eglise. p. 608.

1 T. Reps. 430 — action on case only remedy for

Defendants
~~Defendant~~ Rep.
Evidence p. 76 —
Cooney. Act. on Com Letter Dr. No. 3 —
Eglin. C. No 3
1. Chitty on pleads. 174. 5. — The party must have the exclusive right to the property of others —
What right could the prosecutors transfer to another —
To whom ought the restitution to be made — to the whole Church — how could the Sheriff put the prosrs in possn of that part the prosrs have lost —

In E. Comb. annd of demesne as of fee & tenants in Com. there is no unity of time, title, or possession —
2 Bl. 180–181. 2. 5. 6 — as to Joint tenants — not applicable here — there are more different titles —
The prosrs here have only a several interest in the several parts of the Church —

3 Comst. on Stat. 21 Jac. 1. ch.
Baron Letter Dr — This must be a title to the use of private property —
p. 553 Wms Just —
Arch. 388 — Indictment for a term of years — not yet expired this indefinite —

The writ of Restitn is in aid of Com Law —
3 Bl. 379 —

Stat. 31 Eliz. ch. 11 — no restitution when Defendt alledges a possession of 3 years —
Sarat. Law Dic. Trinbl. Entry & Detainer —
This has been traversed by the Crown —
Wms Just. Pleas — 60. 61 —

The force has also been traversed —
1 Hawk. 64. Sec. 56 —

Bac. Abr. Trouble Entry & D — Letter F.

Nelson's Inst. Peace

1 Ventris 365.

The affidavits filed disclose very material facts

1 Mr Blanchy — & 2 papers writings D & B — letter of B Sept 1830 — reference to the decrees of Ministers of U. Canada — to be determined on or before 1 June 1832 —

Affidavits to shew the Kirk Session was in possession had the right to close the Church —

Grant for Pros^n — This question has never been submitted to the Arbitrators — The recommendation of these Gentlemen ~~has~~ was to leave the Church doors open — which has been refused —

Letters filed by Defendt^s

Tot. Eccl.

Hawk. Sec 57 — The power of this Court is general over all Crimt — matters without the aid of the Statute —

Saturday 10th March 1832.

Pres.

Ch. Just. Reid
Mr Justice Pyke
Mr Justice Kinnaird.

The King
Archd. Hume & al. } On Indictment for Forcible Detainer

On the motion & Rule to shew cause obtd by the Solicitor General why Restitution should not be granted to the prosecutors of the Church in question

The Court declared the Rule absolute —

The grounds of this Judgt were —

1st. That the authorities and reasoning laid by the Defendants in regard of Ecclesiastical property & rights did not apply in this Case — The Church of Scotland had no Establishment in this Country, and was not known or recognized as having rights & property as a Church — The object here was a building belonging to a certain number of individuals, which had been erected and appropriated for the purpose of divine worship, according to the forms & doctrine of the Kirk of Scotland, and as such provided by Law but vested with no legal power or authority whatever.

2d. That this building being private property, its government depended upon the rules and regulations made by the proprietors for the ~~good~~ persons associating themselves as a Congregation in this Church — And

they

they had thought fit to appoint certain persons as a temporal Committee for all things regarding the temporal concerns of that Church, who thus became the agents of the proprietors holding all the beneficial rights & interests in the s^d building

3. That the Kirk-Session, was at most but a spiritual body, appointed to assist the Clergyman in his spiritual functions — it was a name assumed from a similar office which obtained in the Established Church in Scotland — but here it was only a name and nothing more a mere legal nonentity, for where there was no Kirk recognized by law, there could be no Kirk-Session, that could exercise any authority in or over this church, ~~not~~ unless voluntarily submitted to. —

4. That the power of the Court to grant restitution, as a speedy remedy, was very clear and seemed very applicable in this case — the only doubt could be how far the Court would interfere after plea pleaded and issue joined, which was the principal difficulty in this Case — but there were authorities to this point see. 2 Dyer's Rep. p. 122. & Dalt: Just. ch. 131- p. 314- and ch. 134. p. 319 — see also what is said in Case of The King. v. Marrow. Ca. temp. Hard: p. 173. 4 — and the more modern books of practice that this right has always been exercised by the

Court

Court and although the latter practice has been for the Court not to grant the Restitution where the party has pleaded, yet even here the Court has exercised a degree of discretion over the Case by granting a short delay to plead and to take short notice of trial within the Term, and this with a view to grant that festinum remedium, which the Statutes on the Subject of Forcible Entry and Detainer had in view — But the main reason for the Court's declining to interfere before trial was that by granting Restitution, they were taking away the possession from one party and transferring it to another, which requires that strong facts & circumstances as well of title as possession should be apparent — In this Case, the Court is satisfied from the documents laid before it, that the Defendants have no title, nor exclusive right of possession in the building in question, and that by granting the restitution required, they do not deprive the Defendants of that possession which they ought to have in Common with the other proprietors and Lease holders in this Church, but are merely restoring to the prosecutors what has been wrongfully taken from them —

In granting this Restitution the Court is of opinion

That

that the first and second Counts in the Indictment cannot be maintained, as the right of property is there laid to be in the prosecutors by a description of title, known in England but not applicable here — viz: as holding the property of the Church as their Domain as of fee — and as Joint tenants — but think that under the third Count, as holding a possession in Common with others the right of the Prosecutors may be maintained, for even Lease holders could have maintained their right of possession under the Statutes made prior to that of 21 Jac. 1. ch. 15 — but this latter Statute was made to remove all doubts on this subject —

In making the above rule absolute the Court recommended to the Defendants to make the first advances towards conciliation, by opening the doors of this building of their own accord, it would shew that although they had acted without authority, they had done so with good intention, and were ready to meet the views of the complainants, — That the Court the strongest reason to recommend this to them from the circumstance of the pledge given by the Reverend, the Minister, confirmed by his oath, that it was not his intention to proceed to the ordination

of

of Elders & the celebration of the Sacrament until the matters in difference between him & the other members of the Congregation were settled by the Arbitrators who had been appointed for this purpose, which appeared to the Court to put the parties in the same situation with regard to the use and enjoyment of the Church as they were prior to such intention being intimated by Mr Esson — That this was also a principal reason why the Court now gave its opinion on the point now before it, for although that opinion must ultimately have been what it now is, yet they would have considered themselves justified in withholding their Judgment for the present, ~~if~~ until the decision of the Arbitrators should be known in case it had Mr Esson's intention been to insist in the mean time upon that right which occasioned the closing of the doors of the Church, and this on the principle that the decision of the arbitrators may tend to conciliate the minds & feelings of the Congregation, whereas the Judge of this Court must be governed by the right of the parties without any further consideration. —

The

The Court proceeded to pronounce Sentence on the following convictions —

The King v. Charles Decosh — On conviction of privately stealing from the person —
Judgt — Sentence of Death recorded —

The King v. Antoine Lavergne — On conviction for breaking & entering a Dwelling house in the day time &c —
Judgt — Sentence of Death recorded

The King v. Magloire Fournier — On Conviction for privily stealing from the person —
Judgt — Sentence of Death recorded

The King v. Fr. Xav. Marsoin — On a similar conviction —
Judgt — Sentence of Death recorded —

The King v. Isaie Lacourse, Narcisse Bergeron, Thomas Alston — On Conviction for a Conspiracy —
Judgt — That Isaie Lacourse be confined 4 months in Gaol & pay a fine of £10 —
That Narcisse Bergeron & Thomas Alston be severally confined in Gaol for 2 months and pay a fine of £5. —

☞ This Judgt was given on the first inst.

The

The King
v
André Kellerstein

On conviction for Shoplifting —
Judgt — That the Pris.r be banished
from the Province for life —

The King
v
Charles Gauthier
&
William Closey —

On conviction for stealing privily
from the person —
In this case the Indictment not being
laid on the Statute, the Judgt. was
given as in a case for petty Larceny
Judgt — Imprisont. for one month &
to be whipt on the 16th inst. —

The King
v
Joseph Dalcour

On Conviction for an assault and
biting off the thumb of Franc. Renard
Judgt. 1 Month Imprist — and fined
20f. —

The King
v
Antoine Valiquet

On Conviction for Grand Larceny
Judgt — Imprist. for six months —

The King
v
Jn Bte Beauchamps

On conviction for stealing privily
from the person —
The offence not being laid upon the
Statute, the Court gave Judgt as in
a case of Petty Larceny —
Judgt. whipt — & Imprisd. for 1 Month —

The King
vs
Charles Belaire

On conviction for stealing a Sheep —
Judgt — Two months Imprisonment —

The King
In Bte vs Fournelle
~~Joseph~~
as principal, and
Edwd Welsh as aidg

On conviction of Grand Larceny
Judgt as Fournelle — that he be imprisond
6 months in Gaol — and as Welsh — for
one month —

The King
In Bte vs Fournelle
Franc Fournelle

On conviction for Grand Larceny —
Judgt — That Pr be confind in Gaol 6
months — The imprst of In Bte Fournelle
to commence from the expiration of his Imprst
on the former conviction. —

The King
vs
Amable Morisjean

On Conviction for Gr. Larceny —
Judgt — 6 months Imprisonmt —

The King
vs
Francois Leblanc

On Conviction for an assault —
Judgt — Imprisonmt — for 7 days —

The King
vs
Joseph Vandreuil

On conviction for breaking Gaol
Judgt. 10 days Imprisonmt —

The King
vs
John Hyde

On conviction for ~~having~~ pursuant to a Warrant to desert
~~his possession with intention to utter the same~~
Judgt — 6 months in Gaol & fitting —

The

The King
vs
Mathew Murnah

On conviction for having base coin in his possession wt intent to utter the same
Judgt 6 months Imprisonment.

Criminal Court Three Rivers

Tuesday 13th March 1832.

Pres.t —
Ch. Justice Reid —
Mr Justice Taschereau
Mr Justice Vallieres de St. Real.

The Grand Jury being called over and appearing were charged by the Chief Justice —

The King
vs
Hypolite Simard } On Indictment for privately stealing in a shop 2 pairs of shoes, value 12/ — property of Hubert Lasalle —

Hubert Lassalle, lives at Grand Maska — keeps a shop on Sept.r last, he lost 2 prs of shoes — they had been in his store only two days — had brot them from Montreal — perceived they were miss.g in the morn.g — had sold none of the shoes he had had from Mr — on Piet told him that he suspected the Pr had stolen two prs of shoes from him, & on ex.n found they two prs were missing asked of P.r to return the shoes — he d.d he had not taken them — he was arrested — was told the shoes were at the house of Brissbois — Chevrefils sent there & found the shoes — Brisbois said that the Pr had left the shoes at his house — The Pr had the Souliers Ivan, on his feet when brot. befor the Magistrate —
Saw the Pr the morn.g the shoes were lost —

Pre Piet. Gave inform.n to last W.d of his suspicions of Pr — saw Pr wd a pr of Souliers Francais & he knew he had no money —

Sarah McLean — Pr. came to her house in Sept last — she sent him on a Commission to Mr Lasalle's store that day — he went up stairs & came down w. a pair of Boots for — & he purchased them that Rain the day — told him to bring him forward as she suspected him to have stolen them, as he had no money — has no knowledge when the Pr came to her house, two days before, that he had the shoes — said he had from Mr Lamie —
Knows the shoes to be the same — saw them on his feet.

Verdict. Not Guilty —

There being no further business before the Court it adjourned till to morrow —

—

Wednesday 21st. March 1832.

Prest
Ch. Justice Reid
Mr Justice Taschereau
Mr Justice Vallieres

—

The King
vs
Charles Paillet } on Indictment for burglary. —

Ths Gendron — Pr. was in his service about 15 days — he left his employ — on 27 Nov. he shut up his house at night, about 6 o'Clk in the evening — went to bed about 7 o'Clk — the cloaths & coat & articles now produced are his property, and were in his house that night when he went to bed that night in a room adjoining that in wh he slept — then

was

was a window in that room — The door between the Kitchen & room when these effects were in was open when he got up in the morning — did not at first observe the loss — saw window open, there was a Cissaw of iron of his had been used to open the window as he supposes — a pane of glass was broken near enough to lay hold of the latch of the window — he then saw the effects of his were missing — went in pursuit — The Pr called himself Chas Reanne when he hired with Wm had left Wm employ about 12 days, and he did not see him afterwards until he was taken — values the cloak & Coat at 5 dollars each — The Pr he understands now passes by the name of the Pattet —

Jn B.te Bolvin, Constable, on 28 Nov. went in pursuit of the Pr went to Pte du Lac — at the house of one Martet he found the Pr and the articles mentd in the Indictment he arrested the Pr — The Pr said he had got these things at Albany in the United States — the black cloak & great Coat now shewn as the same he found with the Pr

Antoine Martet — lives at Pte du Lac — The Pr came to his house on a Monday morning about 7 o'Clock in the Month of Nov. last — he sd he came from Quebec — he asked to rest himself — as he had been walking a part of the night — he had a knapsack on his arm — the same now shewn — he had a white cloak on him — he had the clothes on — sd he had a comarade who he sd he thot was behind him — he breakfasted at the house — went away, and came back in the afternoon & slept at house of Wm — The Constable came & arrested him with these articles — The Pr walked for Wm the preceding Summer & passed by the name he now bears — while in the employ of Wm he always

conducted

himself as an honest man, and the same evening he was arrested the Wr. left him alone in the house where there was money, very visible to any one who might have been disposed to take it, but he missed nothing —

Joseph Corriveau — the nephew of — first Wr — he slept at his house on night of — 27 Nov. last — knows cloak now shewn to him, it is his property, it was in the house of — Gendron that night — It was missed in the morning of — 28th. a Sunday —

Defence

Franc. Gendron — while the Pr. lived with the Wr he missed nothing from his house — that any other person might have broke open his house — The Pr. had occasion to know where all his effects were kept in his house, and the articles now produced —

Verdict. Not Guilty of Burglary, but Guilty of Gr. Larceny. —

Thursday 15th March 1832

Prest —
Ch. Justice Reid
Justices Taschereau & Vallieres

The King
Godefroy Renaud } On Indictment for Grand Larceny in stealing a promy Note —

Antoine Morant — on or of — 25 Dec. last he saw

saw the Pr — Wn s? he had 2 bills & did not know
whether they were from the other — one of ten dollars
one of 50 — Pr s? he knew them — they were taken on
the table, & the Pr — took up one & left 10 dollars in
exchange — Wr had only these 2 bills in the house —
went next day to Lovejoys to pay him money he owed
learned the note of his that to be of 50 dollr but
was told it was only 10 dollr — on this he went in
pursuit of the Pr — told him there was a mistake
as he had taken his 50 d. bill instead of the 10 — Pr —
s? he could not read & did not know the money — asked
him wife to a Market — where he had changed the bill —
went there, & stated to the Market that he could not
read & might have made a mistake — all the
Market said was — what — you cannot read ? — & this
was all that passed — went to other places where he
said he had exchanged bills for money — but he could
not get any intelligence of his bill —

That he had these 2 bills in his Possn about a month
before this — gave them to a man to look at — the notes
were kept in locked trunk of which his wife had the
key — that the remaining note was put back in the
trunk the same evening by his wife — & the next morning he
took this note & went with it to Lovejoys & it — he left the
note with Lovejoy that night, & the next morning Lovejoy
sent back the note to the Wr saying it was a 10
dollr bill he had given him instead of a 50 — believes
it to be the same note, as Lovejoy is an honest man &
there was a mark of a flower on the head of the bill

that Lovenger said, that his son had told him it was a note of 10 instead of 50 & he had thereupon took it back to W.—

Isaiah Pleasants — wife of last Witness — saw P. at his house on or of 25 Dec. asked if they cd. change money he had for a note — just 8 o'c he had no bills, — her husband & he had a 50 & a 10 dollr bill — told W to go for them — took them out her husb. & he did not know the money & W said the same thing — the 8 o'clock once then & I know the money — on this he took up a bill saying it was the 10 dollr bill & gave them the money — the other bill was put back — carried it next door to Lovenger, when out it back must moves & said it was a 10 dollar bill instead of 50 —

Joseph Hevenor — took a bill from just 8 & gave him a bill of ~~10 dollr & one of~~ 50 dollrs & other bills to make up $25 —

Cannot read, but can distinguish the bills from the marks on them —

Elgard Mettee — sworth &c Anne — That the day after or the 2d day after a man came to his store to change a bill of 50 dollrs — he was a man about the age & appearance of P. — & he had sold his horse and team — desired to change the bill as small money was more convenient for him as a trader — W. changed the note & gave him some notes & money —

Lewis

Louis Hasselin — the Pr arrived at his house on the evening before Christmas — was on foot — asked Pr to carry him on to the town — took him to Maynard — when Pr proposed to change this money for both —

Frans Boisvert — de Ste Anne — was at Mallets the day after Xmas saw a man come in there wants to change a 50 doll bill —

Defence

Jos. Bistodeau, sees Pr for about 15 years but more particularly for 2 or 3 years he lives near Pr remembers he came to his house some time ago. Pr the old man & asked him if he had not made some mistake in changing money. as there had been some error committed — Pr there had been notes changed by Pr but small notes — Pr the Pr for an honest man — & a respectable man —

Antoine Maynard — he rec'd 6 Notes from Pr[illegible] — he counted the 50 & one 10 to be put aside by his father in law he changed the three others to be changed —

Verdict Not Guilty

The King
Chas V Paillet

On conviction for Gr. Larceny —
Judgt That Pr be confined in the Common Gaol for six months

Criminal Court Augt & Sept. 1832

Monday 27th Augt 1832.—

Pres.—

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

The Grand Jury having been called over & appeared, were charged by the Ch. Justice, and withdrew to consider of the Matters submitted to them.—

Mr Mondelet, Coroner, made a return to the Court of the proceedings had by him on an inquest held by him in May last on the bodies of three individuals who were killed in a Riot by a party of the Military under the Command of Lt. Col — Mc Intosh and Capt Henry Temple of His Majesty's 15th Regt — by which it appeared that by reason of the said Jury not agreeing in their Verdict, he had adjourned them to appear before this Court on this ~~27th~~ day.— And the said Jury having been called over, and it appearing that one of them had died since their adjournment before this Court, they were in consequence discharged.—

The Court adjourned to 3 o'clock P. M

Monday 27th Augt. 1832

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

The Court met pursuant to adjournment

The King
vs
Peter Mooney

On Indictment for Stealing a watch the property of Robert Parson Kerrison, value £5 5s—

The Prisoner on his arraignment pleaded Guilty—

Tuesday 28th Augt. 1832

Prest.
Ch. Justice Reid
Mr Justice Pyke
Mr Justice Rolland

On motion of Mr Francis Perrin, a Grand Juror who had been summoned but whose name had been omitted on the panel returned by the Sheriff, applied to the Court to be sworn as such Grand Juror, and the Sheriff having stated, that the name of one James Miller of Montreal, Merchant had been inserted on the panel, as a Grand Juror

but

but by reason of his absence had not been summoned, and that Jean Perrin had been summoned as such Gr. Juror, but his name had by accident been omitted to be inserted in the panel & that of James Miller withdrawn — he therefore applied to the Court to be allowed to amend the Panel accordingly — which was granted

The King
Jos: Lachance } On Indictment for stealing Specie from the person — above value of 5 ℔ts

2 Fr Crs 10
1 Dollar 3.6
& 3 Sols — 6.3

Ambroise Lefevre, sworn at the S. Scholastique — came to town in March last, about end of month — was employed to take a load of goods for Mr Sneden in St Paul's Street — when he was loading his train he had his purse in his left side pocket — there were 2 Fr. Crowns in it — a Sp. dollar — and 7 French Sols in Silver & some copper — ~~a Negro boy told him~~ as he was busy loading — he saw the Pr. come up to him — immediately a little boy told Pr. that he had lost his purse — the Pr. had a blue Capot on, black hat. & English made shoes — he ran after him, but did not overtake him — & one Foucault also ran after him, but they both lost sight of him — The Pr. came in at a gate near — they lost sight of him — Pr went to the Office & gave a description of Pr — & that he was called Jos. Lachance — a warrant was issued agt Pr

That

That Pr being sent to police office — We went there, drew the Pr clothed differently, he had a white Jacket and a ~~blue~~ red cap — The Wr recognized the Pr but observed that he was differently dressed — on this the cloaths were sent for — Wr left Police office, & came back, and on seeing the hat, he observed that it was the hat the Pr had on as he knows it — the purse was not found — he sure the Pr is the same man —

X

Knows Pr from having seen him, at the time the Pr had his purse in his hand at the time he took it — the Pr was in the act of taking the purse when the boy called out to him — saw his face sufficiently to ~~know~~ swear Pr — knows the cloaths he had on —

By Court — Saw Pr when he came up along side of him felt his purse going from his pocket when boy called out — observed that his hat was a little

Edouard Forcault — de St Scholastique — was on last Wr in march last in Montreal when his purse was taken, he cried out to Wr — that his purse was taken & to pursue the thief — that he pursued the Pr who he was told was called Dr. Lachance. pursued to St Ls. Sub. where he lost sight of him he had a blue coloured Jacket on & grey ~~brown~~ trowsers

2

and an old black hat — The ks came back to the Police Office w Mr Lefevre, where a warrant was obtained agt. the Pr — as Jos. Lachance — She was arrested — W was at Police Office when Pr was brot there with a white Jacket & red cap — The ks described him by his clothes — but the Pr said he had not such dress belonging to him — ks had round on his clothes — W was at Police Office when ~~the Pr was brot in~~ the clothes were brot there, and he recognized them to be the same the Pris. wore when he ran off — Believes the Pr to be the same man —

Knows that Lefevre had a purse and money — the Pr had English made shoes on —

x

The Pr. might be about 2 or 3 perches from W when he set out in pursuit of the ks — he did not see his face — but knew him by his dress — The Jacket was blue ~~ta~~ — his pantaloons round of same colour — The hat not very old —

Asnable Loiselle — committed — on March last, he knows that a man he thinks. The first W. came to Police Office w a complaint, that his purse had been stolen, & that it was one Lachance had taken — W. was sent in search of Pr with another man to St L. Sub — where he met two young men, who were in the habit of stealing purses. he arrested them — but they were not persons resembling those of Pr — on St L. Sub he found a boy at the door who told him Pr lived there

& that he was in the house — Wr. found the door barred — the other man went round to the door behind — the Wr remained at front door and rapping to enter, when Pr came & opened it & Wr. asked him, if he was Lachance he answered he was not — in meantime the other man got in & told Wr. that P was Lachance on this he arrested him & took him to Police office — when there he had white coloured cloths on & a red cap — the complainant & the cloths of Pr were not aware he wore when he took the purse — on this Wr. went back to the house, and found the trowsers under other cloaths in the house — there was mud on them — found a gilet in a trunk, and a hat on another place — took them & cloaths to police office — In coming in Lefevre recognized the hat, as that worn by person who took his purse —

X —

The string of hat was tightened in such manner as to make hat bind a little — plaisir

Mathew Verts — was at Police office on 28 March last, & saw first Wr. there — he complained of his purse having been taken by one Lachance On this Mr Debartzch requested to go to old market & see if he could find him — went

to

to house when Pr knocked - heard the voice of boy say, that there was no one but himself in house - went round to back door & found stood at front door - he got in & boy that time saw Pr no Loaded - they both went to Police Office - he had on a white Jacket Trowsers & a red cap - Pr returned & sent him to house to search for money & bring the clothes he had - they found a black hat a blue Jacket black hat - the trowsers were rather damp - Pr endeavd him to think they had been worn that day -

The Pr denied the charge, says that he had been asleep for 2 or 3 hours & his mother & sister there -

On coming in before we came in recognized the hat as that worn by Pr -

+

Defence -

Aspasia Zoltia & Pepin - mother of Pr - knew Pr was absent when the search was made at his house - returned at 11 p of clk - she had gone to beg assistance from Nuns - she met her son in town, & took him home with her - it was not then 12 o/clk - she gave him some thing to eat - she told him to take off his clothes

That

that she might missed it, should have to go to bed — she told Pr. to fasten the door, that a person who had saved her money might come and take away the articles she had left in pledge she might have been absent about an hour & half — when she came back, she found the Pr arrested by two bailiffs — That the Pr had taken off his cloaths before she left the house —

Wm Lane — That on Last Sun to Wr that Pr had been arrested for stealing the a goose, but that he Lascar had stolen it —

Verdict Guilty of Petty Larceny

Wednesday 29th Augt. 1832

Present

The Hon. Justice Reed
The Justice Pyke
The Justice Rolland —

The King
vs
Thomas Barry
John Reed
Charles Gauthier

On Indictment for Burglary

Thomas

Thomas Noyon — lives in Montreal, halle
has a house in Mc Gill Street — has a store of
commissariat on the house — on the night of ~~23~~
3d. inst — was told his Store was shut — in the
morning of 4th. found that the door of Store had been
forced & considerable property stolen — some articles
left in the yard — there were 15 hats stolen, the
papers left — the papers were marked — 3 suspension
hats from boxes — two Coats — 1 Umbrella — one
vest — & 25 pairs of hat binding — value 2/6 a pair
Coats one 2.10 — other 2/ — hats 15/ each & three
by Blanchard
25/ — Was informed next day, that one of articles
as he had lost was at Mr Tinlor's Store. — he
went there & found the 2 from Barré & Reid
who offered for sale some of the hat binding
of the description he had lost — & got he believed
to be same — & the same now shown — then may
be ten pairs of it, of he value at £1.10 — Barré
& he had come Panton found the articles at
the Canal — on being told the articles were stolen
he & a person gave them to sell — the other
Pr was present, & works — only that he had no
concern in it — Saw Lynch & More go with
the Pr Barré in order to find out the person who had given
him these articles for sale — they came back with
Pr Gauthier — he & that he had found them
near Brault's tavern — he afterwards said

that

that it was a Drawer of the same Description that Barré in presence of Gauthier said that Gauthier had given them articles for sale In the Police Gauthier challenged Barré with having sold 2 Coats he had seen him upon the description the Wr knew the Coats to belong to Brown the Wr—
The binding was sent to the Police office & left there—

X

By Barré—
By Gauthier—We slept in 3 Story of the house— the door was not locked that night— has a servant girl in the house—
There is no particular mark on the binding belonging to him, but has not seen any of the same kind, of same pieces & stamps in Montreal.

Louis Blanchard, lives on Mr Taylor on 4e Concession
That he remembers having on that day seen the Mr Barré & Reid at Taylors — They offered articles for sale, particularly Barré Reid spoke with him at same time — It was that binding that was offered — no price was asked, but demanded what the persons would give for it — had heard of robbery at Navans & he suspected them to be the offenders — he advised the Navan that the goods were offered for

Sale

sale — Napon came there, recognized the binding — to be same that had been stolen from him — Barri said they had found the articles ~~were found~~ on the Canal, or that they had been found on the Canal — When Napon came there & claimed the goods. the 2 Ps & they could find the person who had given them for sale — Reid was detained and the other P. Barri went in custody of 2 men who brot back Gauthier — Gauthier & that he had found the effects on Hay market. The prisoners & Ps were brot to the Police —

Gust avus S. Holt, lived w[i]th Mr Napon in August we shut the kitchen door on night of 3d — did not lock it, but latched it — next morning the door was open, next morning saw hats in the yard, & about 10 coves more than hats — sent to tell Napon, who went into shop and saw that sundry articles had been stolen —

The door of store was shut inside & we shut the back door — or kitchen door —

Benj[n] Delisle keeps constable — saw the Ps at Police Office on 4 Sept last, took them at Mr Tenlan's — the articles now produced were not then at the

same

same time & have remained in his possession ever since —

Verdict Barry & Reid, not Guilty
Gauthier, guilty of petty larceny
but not of breaking &c

The King
v
~~Michael Daly~~
William Lake

On Indictment for Grand larceny

David Handyside, resides in Montreal on 1st April last was possd of Distillery at Pte a Callieu — on a Sunday 1st April perceived that Distillery had been broken open — a box of Soap contg about 112lb. value £2.10 3 pieces of sheet copper value 6/ — brass cock 4/ — cooper's adze 2/6 these articles belonged to Work these articles were in their usual place at 2 o'Clock — the sheet copper had been prepared by our House — a pane of glass was broken window open — Mr Hoare told Pr 2 days after that he had the copper — knows the 3 pieces now produced to be the same stolen & found at Mr Hoare's

Identifies he once employed P. as a day labourer but is not certain —

Richd Hoare lives in Montreal, Copper Smith In April last the P. came to his house, & brot 3 pieces of copper, asked if he bot old

Market

mixed, he d. yes – Pr asked 20 Sols a ℔
for it – Wr smelt at it said that it smelt
as if it came from the Distillery – Pr d. he did
not know, that his father had sent him to
sell it to any tin for his trade – W weighed
the copper, it weighed 5 pounds & 10 p. him
2/. for it – The Wr observed to his son that
he that it was some work he had done for
Mr H – from a mark of a particular
hammer he had – sent his son to Distillery
to enquire – one of Mr H's men came and
said they knew the copper to belong to Mr H –
That Mr H – came afterwards & recognized the
copper to be his –

x[2]–

says he knew one of the pieces of copper
belonged to Mr H – Pr – was the person from
whom he bot it – p. him 2/–

Verdict Guilty of Petty Larceny

~~The King~~
~~x~~
Edward Orleans } ~~On Indictment for stealing~~
~~privately from the person~~

The King
v
Peter Mooney

On Indictment for Stealing a Silver Watch the property of one Robert Parson Harris on of the value of £1.5. Stg —

The Prisoner on his arraignment pleaded Guilty —

This was the second Indictment for the same offence presented by the Solicitor General, he having entered a Nolle prosequi on the former Indictment. —

The King
v
Moyse Courval

On Indictment for Petty Larceny. —

Franc Jacques, on March last he lived w^th Mad^e Millaudy — saw P^r on Market place, saw him pass close by on Franc Jacques Right side take his purse out of his pocket — he called to the man, but he did not hear him another man told him, that he saw the P^r drop the purse, and he picked it up and the money found in it, and the name Jacques

Named

claimed the purse as his property — he arrested the Pr. & carried him to the police office — That the purse now exhibited, is the same that he saw Pr. have. —

Franl. Gadoua, of Longueuil came to market on 20 march last, had the purse now shewn him in his pocket & the money in it — he was told that his purse was stolen & found it was so — immediately it was found by one Lesly who picked it up on the snow — saw Pr. afterwards at Police office —

Ambroise Lalande & Lestie — on 20 March last he was on the Market place in Montreal — he heard a cry that a purse had been stolen, he saw some people assembled, & picked up the purse on the snow, which he gave to Gadoua the owner — That he saw the Pr. afterwards at Police office —

Benjn. Delisle high Constable, produces the purse, which he rec'd. from Jnt. Wm at Police office on 20th March last — it has been in his poss'n ever since

Defence

Franl. Jacques, saw Pr. take the purse from the pocket of Gadoua, but cannot say from what pocket —

Wars Godsman his purse was in the pocket of his Jacket at the time it was taken from him. —

Verdict. Guilty

Thursday 30th Augt. 1832

Prst.

Ch. Justice Reid

Justices Pyke & Rolland

The King. —
Michael Daly } On Indictment for Gr. Larceny.
one coat value £2-10 property of J. Perrault

Julien Perrault fils lives in Montreal — in Dec. last lived in St Gabriel Street — on the 10th Dec. last he lost a Surtout Coat — had not seen the Pr — before then — in May last he found the Coat in the possn of one Banks who he had purchased from the Pr — knew the Coat to be the one he lost — & also the Taylor Adams who made the Coat knew it — he was the first person who told him when the Coat was — when he lost it, it was worth £4. or £5 —

He had no particular mark on the Coat

that

that when the coat was taken, it had a double lining, & it has now only a single lining, the marks of this still remain. — There are coat of the same colour — he has tried the coat on & found it to fit him — the buttons have been altered, as Banks told him the coat was too small for him —

William Adams, taylor in Montreal, that ~~last~~ before last fall, he made the coat now produced for Mr Julien Pernault fils — he knows his work was to Banks's place & saw the coat hanging up, was told it belonged to Mr Banks, — Went to Mr Pernault when he had seen his coat & he went w^th Mr Pernault & found it there — Banks refused to deliver up the coat without authority, next day he delivered up the coat saying he had got it from an Irishman whose name he believes, that he gave his name — & believes he said he paid about 8 dollars for it —

Gerrard Banks, lives in Montreal is Dyer & Scourer, Rd. P^re saw him in Dec^r last, when he sold the coat now produced — for qt. he sold him 6 dollars — he came to shop of Mr — said that he had got it in a parcel from a Gentleman in Quebec — The coat was claimed by Adams as Mr Pernault's property — & Mr Pernault

2

the claimed the Coat, & he gave it up next day — There was another man present when he bought the coat —

~~x~~

John Patton. Sworn last Wed. on Dec. last, he saw the P at his house. he had a surtout like the one now produced — he sold the coat to Banks for 6 dollrs — said that he had the coat as present from a Gentleman he had served in Quebec —

x'

There were two other men present when he sold the coat —

Defence —

Gerrard Banks — called up again, repeated nearly the same evidence he had already given —

Verdict. Guilty.

The King
v.
Edouard Orleans } On Indictment for stealing privately from the person —

Louis Paget, de Lassomption — came to market in Montreal on the 23d Sept. last —

saw

saw the Pr there — Wr sold 6 bushels oats — and put the money in his purse and to his pocket left his horse in charge of a person & went round the market, the Pr followed him & came up close up to him & rubbed agt him — he came back to his Cart, & being warm, he took off his Jacket & put his purse in his Waistcoat pocket, at that moment he found some one pulling his purse from his pocket, but before he left his pocket, he laid hold of it, and prevented it being carried off —

The Court stopped the Prosecution as it appeared the Crime had not been completed and directed the Jury to acquit the Pr which he did —

The King
Duncan McMartin } On Indictment for an assault with intent to commit a rape

No evidence being adduced in support of the complaint, the Jury acquitted the Defendr

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Friday 31st Augt. 1832.—

Prest

Ch. Justice Reid
Justices Pyke & Rolland

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

—

Saturday 1st Septr 1832.—

Prest.

Ch. Justice Reid
Mr Justice Pyke.—

—

The King.—
Olivier Gregnier } On Indictment for Larceny sundry pieces of money value the property of Chas Allard.—

Charles Allard, lives in Montreal, in St Lawrence Suburbs on 14 May last, lodged at Julie Gregnier. The Pr Sister, he had a certain sum of money he put in a commode, it consisted of American 2½ Dollars on all 15½ Dollars— There were 146 Am. 2½ Dollars 2 Am. ½ Crown— 1 Am. Sp. Dollars. a piece of 5 Livres— The Pr used to come to his Sisters— & I saw when

Pr

Wm money was placed — W was in the country
when his money was taken, but on his return
the Sister of Pr told him that he had been stolen
that she had lost a silver Candlestick & watch
that it was her brother who had taken it — he
went in pursuit of Pr & found him at Mad.
Blache's & in his trunk 75 dollars in specie
& dollars — he found also the silver Candlestick
of his sister — charged Pr with having stolen
the money & the Candlestick — he did not say
so — he took him to his sisters — when she
perceived that he had stolen his candlestick
he did she had lost it to him, & she denied
he said nothing about the money, & Pr
took out of his trunk — W also found on the
pris.r person some money — The money found
was deposited at the Police Office — knows the
money to be his as the Pr had no money of his
own —

Wm is Cabinet maker — X he boarded at Jules Guiguies
ten Mad. Daniel — he is to be tried for the money
from her — W was admitted to bail — never said
to Mad. Daniel, that he would take a false oath —

Amable Blache, lives in S.L. Sub known Chs Allard
& Pr saw Allard at her house about 14 May
last when he arrested the Pr The Pr came to

me

his house the evening before with Carter, and a Coffee with him & asked leave to deposit the coffee there till next tuesday, as he was going to be married — The Pr opened a trunk in wh he had a Box filled with money — was not surprized as he Pr he had found a few thousands — there were several Com. Pf dollars — 2 fr. Crowns a Sp. dollar & a piece of 5 livres — he put the money into trunk — he took a Pf dollar which had been burnt, down black he took it out Pr he wished to get rid of it as it might be discovered, as it was in the pocketbook wh he had found — The Pr purchased the Coat he has now on — he had a scarlett on when he came to his house he was poorly cloathed, but clean, but when he came back he was well dressed — he brot back a Mirrour, a pair shoes & other articles — the Pr he had paid 22 dollars for one hat — he had a pair of Candlesticks, for wh he Pr he had paid 20 f —

He came to his house on a Wednesday, on tuesday he was arrested — The Pr was on the point of going to the South on Resolute when he was arrested —

Has seen the Pr — work at trade of Shoemaker he had a watch & suspended by a chain from his neck, wh was taken from him

4

Knows that the Sister of the Pr is dead — Has seen the Pr frequently at the house where she lived — The Pr was sufficiently dressed — Heard the Pr say that he had found a pocketfull of money in it, and that he had published it in the Newspapers & that he expected to get 200 dollars in court was claimed — That she understood, that the money the Pr had was the produce of the notes in the pocketbook. & it did not surprise her —

The pr showed Wr his money. & it was all he had, except the 5r Crown — The Sp. Crown & brown 1/2 dollar — he made no secret of his having money —

Joseph Cadiens + carter — his Pr saw him on 13 & 14 May last — he hired Wr to make a stowage in his Calash for 1/3 — went to Mrd. Blaches — Wr there — he was dressed in the usual manner — On the Monday morng. he hired Wr to take a valise at his sisters — would have waited in Calash to S.L. Inst — left his calash at bottom of the hill — Pr went to the house & came back with a coffee, & he carried for 1/2 acre — called to Wr. to help him, & he did — & put it into his Calash — telling Wr do not talk on this, say nothg to any one — told Wr. afterwards that it was money he had in the coffee — went to

Discovered

Mrs

Mrs Blanke's. Prisoner & a quarrel —
Pr. said that it was an inheritance which
he had received —
The Pr. bought a valise in town — he
went into several shops & made purchases
& paid in $ dollars —
Saw the pistol shot — on Pr. was a quantity of
money in $ dollars — there was a female
trowser & in $ dollars —
The Pr. agreed to give Wm 10 $ a day — &
he was going to Sault aux Recollets on
the Tuesday —
The Pr. was arrested on the Tuesday by
Allard
The Wm went into the house of Jules Gregoire
w/ the Pr. the first time on the Sunday —
after Pr. was arrested the W. went w. him
to his sisters, where the accused knew w.
have stolen her candlestick & compared it
to with the one she still had — she claimed
the watch he had as her property also —
The Pr. said nothing —
Came to Police Office w. Pr. & prisoner —

Amable Loiselle, Constable, on the 15 May last he
was

~~was employed~~ rd a warrant agt Dr
I went wt a Carter & Allard to the house of
Mad. Blache — the Pr was not there at the
time — the Carter was there to carry him to
the Gaol. & Pr had gone out for some thing —
they concealed themselves under the Stairs
in the house — when Pr came in they arrested
the Pr & found the trunk & found the money
on the trunk, with a Candlestick, & the watch;
they carried him to his Sisters, where she
claimed the watches, but not the chains —
The Pr acknowledged having purchased several
articles —

The Pr & that it was known that he had
found a portefeuille as yt there was a great
deal of money —

The money found in the Prs trunk was deposited
in the hands of Mr Delisle —

John Delisle, Clerk of the Peace — on the 15 May last
there was a sum of money brot to his office by
last Wit & Chas Allard, agt he wounded ~~& wounded~~
up & is the same now produced — it consist of
149 am. 4 doll — 2 treats 20 s. 2, 5 & 18 coppers

Chas Allard — says he found the money now produced
on the poss. of the Pr — cannot identify any of

the

the prices, but it was counter money he has deposited at Julii Granier's —

That he had deposited his money about a months before the Theft —

Thomas White — lives in St L. last — Ks. Or. since last March — W. is a shoemaker & Or. also — he worked in same house with W. he was like another tradesman — he had not much money about him — once he had haire here 10 or 12 dollrs in his possession — W. worked with Or. till March last — he then saw no money with him —

Defence —

Pascal Dubois — Ks. Or. never knew any thing of him that he has workmen in his shop who work at Children's shoes who gain more by that kind of work than the grown persons —

Marie Beauchamps — Ks Or. saw him give his sister 200 dollars in ~~Or~~ Jacques to his sister in January last — and she returns it to him in hard money —

The Or. sister returned the money in American dollars —

La Vue

Elizabeth Paillet, mother of Pr in the month of June last – the deceased sister asked of Pr to find her the money he had found – he agreed to this on the secret being kept – they counted the money together & they said it amounted to 200 dollars – The Pr told her he had found money in a portefeuille –

Knows that the Pr has caused the portefeuille to be published at the Church door –

That a person came to the house to claim the portefeuille –

That Dupen, the Crier, came to demand the money for crying the portefeuille –

Was present when her daughter returned the money in hard money to the Pr and at same time agreed to find him her candlestick & watch.

That Marie Blanchamps was present at the time –

~~Nadeau~~ –

Calix Grenier – brother of Pr was present when his sister lent the Pr a Candlestick & watch –

Franc – Pigeon – heard Dupen say, that Pr had found a portefeuille & that he had published it at the Church door – & that he had not been paid for it

Verdict – Not Guilty –

The King
Donald McDonald } On Indictment for Stealing a Mare — property of Jos. Landot — value £15. —

Joseph Landot of St Constant — in March last he had a mare which on the 6th he had put in his Stable, & shut it up at night, the next morning she was gone — & values the mare at £15 — he went in search of the mare he found that the train & a part of the harness were also taken — he followed the tracks on the snow, & had some doubts of the Pr as he had slept at the house of the Pr about the month before — he was a stranger in the place — he went towards Lapraire and found the Pr at one Alexis Marcille of the 1st Rone — he told Pr that his chaise was a good — the Pr was sleeping in the house of Marcille, — they waked him up & charged him w. the theft, he denied it, & said that he had met the mare on the road — and said he would go and get his mare & return her — he then went w. Pr to Longueuil & found the mare at one Berthelet a tavern keeper — that he was told by Mad. Berthelet, that the Pr had left word with her in case any one claimed the mare to let them have her

X

The stable door is shut with a <u>rabbiter</u> —
does not think that Pr had seen his stable or
horses when he slept there —
That he met a girl who told him who told
him that the mare he described had come
to the door of Marcille, at a very early hour
& on this he went to Marcille's & there told
that the Pr was there, and that his affair was
right — That the Wife would not agree to send
the Pr down for the mare — Did not threaten
the Pr

Amable Bonthellier de Lafrenaie — last but 10 — he
came to his house in March last saying that
he had lost a mare & asked for Marcille — went
there, & on finding Marcille, he told them
that the mare was not far off, & that his
mare would be found — They found Pr
there, he was asleep in the yard. & on being
asked for the mare, he appeared angry, saying
that did they suppose he had stolen the mare
that Marcille &. the mare could not be far
off & as he had not been long about we let
on this the Pr wanted to get Marcille's team
to go for the mare, & said to Lanctot, that it
was lucky for him he had met the Mare on
the road — that W. went w Pr to Bonthelet

at

at Longueuil where they found the
man, and on setting out the Pr told them
that the man was at Berthelets, where
they found her —

Defence

Alexis Marcille, that Lancelot & Berthellet
came to his house & asked for the Pr man
who had brot a man to his house — That
Lanclot was in a great rage — & called for
the man who had brot his mare, that he
might kill him — That after the Pr
said he wished to take the man from where
he had got her, as he wanted to put her in
a place of safety, as the persons to whom
she belonged would be uneasy about her —
That there was some question between the
Pr & Lanclot about 5 dollars that had
been taken from him when at his house
Lanclot said, dont be uneasy, tell me where
my mare is, & I'll tell you where your
money is — That Lanclot offered to send the
Pr alone to get his mare, but as it was on
the road, they preferred going themselves —

It was about 3 o'clock in the morning when the
Pr came to his house — he said that he had had
the man from his bourgeois — that he came from
Mr Brennan, where he had worked for a month and

a

a half — Bruneau & Lanctot live in same parish — That he said at one time, that he had found the mare on the road —

Josette Pouspart, that on 6th March Lanctot & Bouthillier came to her house — the Pr had come there about 10 O'Clk with the mare & team — asked to put in the mare in the Stable — asked to take care of the mare to feed her well & to restore her to the owner that he had met the mare on the road, and as he did not know to whom she belonged he proposed making a turn to Marcille; then to leave the mare on the road — That when Lanctot came then, that as he had had much trouble, in searching for his mare, the Owner ought to pay the expenses — the Pr agreed to this —

Verdict Not Guilty

Monday 3d Sept 1832

Present

Ch. Justice Reid

Mr Justice Pyke

The King
In Bte Dufour
Benoni Dufour
} On Indictment for Grand Larceny

Thomas Cardinal

Thomas Cardinal, of St Eustache, knows one Ch Major came to house wh him on 30 March last — who purchased several articles, a box of Candles — some tea — some glasses — several other articles of wch loaded on the Sled of Wit — There was a bottle, some white Sugar — some wine & 2 gallons of Brandy — Wt came to St Eustache with (at house of Wt) There articles about seven o'clock — left the articles in the house at the door all night — Major slept there — kept watch. found the articles in one of the trains deranged — & twenty articles were missing — went in search of the effects — searched several places. also at house of Pre found them at home — told them on coming on the object of the search — Soap & candles, Sugar & tea were missing — followed the track on the snow went into several houses — ~~at Joe's own house~~, the track went to the house of Pre Nat Duchenaux had some balls of thread, of the same kind which the wife of Dufour claimed as hers — That behind the houses, they found some similar balls of thread, some tea (about ½ pound) that had been scattered, some brandy spilt — at distance of 8 or 10 feet from the house — That during the afternoon the Pre were in the habit of mocking the Wt by telling him they had drunk his brandy and been lighted by his candles & that he never should get a copper — the Pre did not know that these articles belonged to Major, but considered them as the property of the Wt — values the thread

at

at 1/3 — there might be about to about 3 ½ lbs.
of tea, which the Dr. Benoni went alone & found
between a fence about 10 arpens from his house
and which he produced, saying that he had
found it on searching — values the tea at
2/6 ~~£ Stl~~

x d.

That there were persons in the house stirring
about, when Wm went to bed. —
That there were tracks that led to the house of Dr
Clent Benoni Dufour & St Louis went to search
for the articles, but they were not together when
the tea was found by Benoni. — may have
said that Major had left his horse in part

Charles Major — lives at Petite Nation — came into
town on the 28th March last with last Wm &
purchased sundry articles, of which he gave to Faubert
to carry home for him — a can of Candles 18 lbs
@ 6½d ~~£~~ wt he buys — 24 lbs tea — in parcels of 8 lbs at
4/ ~~£~~ ~~Stl~~ — 4 glasses 6d each — 1 Merino Shale 10/ —
thread & dress colours for 1/3 — came to Cole des
Neiges slept there — next day slept at Faubert's
where they slept — left his goods in the shed
at the door — kept moves. the articles were missing
that Dutcheau was the first who found it out —
Wm found the box of Candles gone & several other
articles

That the wife of Cardinal & sent to see the Defours who had stolen the articles — he went in search & he had found some thread on the rd — We then went with them & the Capt of Militia to the house of Pre but nothing was found in the house, but behind the house they found tea scattered about & also some brandy that appeared to have been spilt — about 18 feet behind the house — they then went to other houses & B. Dufour went with them — & went as St Louis — & the Savanne — he saw Dufour take up a parcel of tea hid near the clothes, which was wrapped up in white paper similar to that we what We purchased his tea of — some quality of tea There were 3 1/2 of it — Benoni delivered the tea to the Wr yt he rec as his property —

X

We did not observe any tracks of feet — That We told the son of Cardinal that he would keep the tea until he discovered his property & has not yet returned him —

Eustache Cheval — of St Eustache — Capt of Militia — on 30 March last — he was apprized of the theft in question — & that tracts had been found leading to house of Pre — went on the tracts of the tea that had been scattered on the road — went to the house of the Pre — when they were allowed to search,

Rec

That Duchenan showed some of the balls of Thread yt. they had found on the ice — and which she claimed as her property —

That some days after a box of candles was found and under it a barrel about half full of wine on the line between the second or third lot of land below that of Pre which was delivered to Cardinal

That Cardinal is a man of small reputation in the parish — That the general suspicion in the neighbourhood is that it must be Cardinal as well as the Pre who stole the effects

Verdict Not Guilty

The King
Xavier Morin } On Indictment for bestiality

The Jury having been impannelled for the trial of this Indictment, but no witnesses having been produced in support of it, the Jury returned a Verdict of Not Guilty —

Tuesday 4th Sept. 1832

Prst.
Ch. Justice Reid
Mr Justice Pyke.

There being no business before the Court it adjourned till Wednesday.

Tuesday 4th Sept

The Court met pursuant to adjournt

The Grand Jury returned several Bills into Court, & the parties having been called on their recognizances, the Court adjourned.

Wednesday 5th Sept. 1832.

Prest.
Ch. Justice Reid
Mr Justice Pyke

The King
vs
Jn. B. Chauret } on Indictment for Grand Larceny

Pre. Hogue & Le Vasseur de Card. barrister
in was appointed on 3d May last that Ruffel
had

had been committed at Dr Paquets, & the
Son of Paquet asked Wm if he had seen a
loaded Cart pass — he advised him to go to the
Jury — a warrant was taken out & search
made in several places — in both Edgeard —
& also at Orl — he sent some persons to the
garret to search — one of them called on Wm to
look at a Sallois at the end bonhomme — they
took out some of it & found earth under it,
found a side of leather, wd grease on it —
on opening the Sacks, he found 3 loaves
of bread, q. Paquet recognized to be his —
they saw a parcel of bread in a pot in a
cupboard, q. Paquet also claimed as his —
The side of leather was wound up in a heap
of grease in the Garret — This is not the place
to keep leather usually — That he saw 2 bags
in the house in which there were small bits
of paste stick in them — There was abt least
200 lt of paste in the Sallois —

X

Wm P. was about when search was made
saw only his servant in the house —
saw no particular marks on the bread, or bread
he found —

Pm

Pr. Pacquet, lives at St Vincent de Paul — on
the 3rd May last he had several articles in
his Casteris &c — were stolen — about 200 lb
pork — 4 sides leather — a roll of tobacco
about 20 lb — 26th Sent in 2 pieces. and
12th Sent — values pork at 6 ℔ lb — the
leather 15s the side — the tobacco 8 ℔ lb. the
Sent 2 rolls & grasin 13 lb — also 4 loaves
of bread, value 2/ each —
The padlock was broken on the casteris —
The constable sent his son on search, to see
if he could find any Cart loaded —
he got a search warrant & employed Hogan
to search — he had suspicion of the Pr —
he was named to the W. as the place where
he would find his effects — went there
with 5 or 6 persons — The P. was not at
home — Wife remained below — he found
the pork he saw bread he knew to be
his — he had a particular manner in
marking his bread, larger than usual —
there were still 2 entire loaves & ½ another
he knew to be his —
— We went up to garret when pork had
been found, on a Sailcloth, thrown in
to it in a loose manner — The pork
was dry — Saw a side of leather &

roes

was found among 2 or 3 buckets of peas
it was cut in two — She could not recognize
it to be his —

Found some suif — knew it to be his from
the shape of it — it had been broken in two
& one half was in a cupboard — & by the
thickness & size of it he judges to be his —
That it is not customary to keep suif in the
cupboard at that season —

Wm. baked his bread himself — by the shape
of the bread — & he made it larger than the
habitants in general —
Knows the pork by the cut of his pork & the
thickness of it —

Clemence Prevost — of St Martin — lives in Pray
last with Dr — was there between 1st & 4th May
last — knows that the Dr left his house on
the 2d May with bags & says he was going
to his brothers in law for wheat he brought,
he returned on the 3d May — he brot back
3 loaves bread with him — the fr. had about the
half of the dollair of land — had he had
2 of loaves from his brother in Law from his mother
he had bags filled, in yt there was wheat
he brot. also brot back a piece of suif —
has no knowledge that all bags were green.

he

he went up to the garret, but Wm did not follow him — I saw the Lard the day before, it was packed in the Sallow in the usual manner — it was half full then but when she saw it on the 4th May, it was full — the Pr & he had unpacked it to arrange it —

The Pr had no leather in the house to her knowledge — had occasion to go to the garret every day — saw no leather in it — There were pears in the garret — did not examine if there was leather under the pears —

The Pr had a pocket like the one now produced —

Wm asked Pr to give him leather for a pair of shoes the day before he went to his father in law — he & he had none —

The Pr returned about day light to his house — petit dour — cannot say what he brot back but she saw leather in garret which she had not seen before —

was present when the search was made — Pr & he had gone to one Dorval's —

I saw Pr give a small piece of leather to his son in law after he came back —

X —

That on the third may the Pr & he would salt his pork over again & there was Saumure

made

made in the house for that purpose —
That there were 2 pickets, and heard —

Pre Paquet — brot — up again, says, he found the pick now produced in his lateral —
There was mud on his pants — he found in the yard of Pre — & the pants had been emptied near his lateral on the picket still remained —

Louis Labelle — was at search at Pre found in Sallois that wd contain 350 or 375 lb — the pork was all tossed up — found 2 pails full of mud — they emptied the Sallois found 2 or 3 drops of pickle — there were 4 ranks of land well arranged — in the 5th there was mud found — a bombard — There was a piece of leather found under some peas —
found 2 bags in yd — there was mud and some small bits of pork & dammer —

Is brother in law of Paquet —

Michel Gravel, 1er Pre lives about 2 leagues from W he came to the house of W on 2d May last in a cart — about 8 o'clock in Evening — a Lee — he went away about 11 h or midnight — Ks his brother in Law Archambault, who lives about a league or a league & 3/4 distant from W — L Paquet about

13

a 14 acres from W—

That Pre could have had a shorter road by 1/2 a league to go to his brother in laws by the back road, rather than by the house of W— On going away he took the road to Pargeut's on going up the road, but the road to Archambault's is downwards Does not think that the Pre could not have gone to Archambault's and returned to his own house by break of day,—

Defence

Louis Charet— was employed last fall 2 battled 3 days for Pre and he filled his Sallour of pens pork, & then was done over— The Pre's family consists of 4 persons— thinks that in the Spring there should have remained 3/4 of Sallour— It is usual to salt over again the pork in the Spring— Pre has a farm of 2 acres, by 30 one of the best in the Côte— W. always heard that Pre enjoyed a good character— It is usual for the habitants to have swine in their houses—

Also W. is uncle of Pre The pork was well packed up, without smell, or bad brine in it—

Joseph

Joseph Newtel— tanner — That last fall the Pr brought a side of leather from Ws—

Marie Loe Provost. was married to son of Pr— That she had care of manage last spring & events. the girl Clemence Provost was in the house but went adown to Sallois. it was Ws— that the Sallois was about one hfn more before the 2d May — Ws. observed that the pork was getting yellow & advised Pr. to salt it over again — the Pr— got Saumure made and had it salted again — this raised it up considerably — and was in the same state when search was made, as when the Pr— left it — Pr— had but one pork Bbl.

X

That it was after the Pr— return home from Archambault's that the Saumure was made & the pork salted again — She saw the pork after it was unpacked —

Amable Gosselt — was servant wd Pr— Ws. that the Pr had a Sallois w pork last spring — saw it the day he was going to re-salt his pork he emptied the pork out of the Sallois, & arranged it over again in his presence — so that the Sallois was then full — That about

the

the end of April last she bot a small piece of Beef which she owed the Pr—
That in the Country it is not uncommon to borrow bread from the neighbours—
The Pr always enjoyed a good character—

X

That there might have rested a couple of rows in the Saloon, when he ended it—

Victoire Charet— had occasion to borrow some bread from the Pr in April last. she returned 3 loaves to him about the 3 May last. they were large loaves of about 12 a 13 lbs—

Antoine Charet— Capt. Militia— the Pr from his infancy— he always enjoyed a good character till now—

Jacques Desjour. the Pr for a length of time a man of good character— was surprised to hear of this prosecution—

Jacques Archambault— the Pr since his infancy always enjoyed a good character—

Verdict Not Guilty.

The King
In P^{te} Chauret } On Indictment for Grand Larceny

George Lauzon de S^t Vincent de Paul distant about a league from P^r knows his brother in law, who lives at Ecors about 2 leagues from Visit — about 3 3/4 leagues from P^r so that the P^r in going from his house to Orchambault, must lengthen his road about 3/4 league — That Michel Gravel lives about 20 acres from the house of Visit^n —

On the night of 2^d May, there were about 18 or 19 minots of wheat & 100^{lt} pork, which were stolen out of his barn yard — he got a search warrant, & the suspicion fell on In P^{te} Chauret the P^r went there with several other persons the P^r was about — searched the house, went up to the garret — found a bag on the side of the trap door full of wheat — found a quantity of lard in a bullon — it was much unpacked, the P^r put his hand into it — he found des groines which belonged to him — which he knew by the cut on them — he had badly cut the pork when he salted it — and from this he knew the groines belonging to him. The bullon might contain about 400^{lt} — there were about 2 lits in the bottom well packed, the rest was loose — There was mud on some of it —

there

there was no Saumure in the Sallon —
the wife had some grains of milky in his wheat
which was stolen — s
values forks at 5s — & 8d — it was rather than
his forks, and answered to that found —
That the fork in the bottom in the Sallon
was not like the rest at all —
thinks there might be about 250 forks
loose in the barrel — he recognized about
50 which he considered as his property
values the wheat at 7s the minot. —
That the Pr was at his house the week
before asked if he had any wheat for
sale — the Prs he had some wheat, but
not good enough for seed —

x d

the he observed on mornings of 3d May that he
had been robbed —

Pre Parquet — & St Vincent de Paul — the last he
came to ask him to go within in search of
the stolen articles from him did he — they got
a search warrant & went to Prs — went
up to the Garret — Lawson P. that he had
found of his wheat in a bag of 2 or 3 bushels
& he & was his — found a Sallon with
forks — Lawson & his forks were thin, and

That

that there were 3 Cousins — & in the Sailor
there were 3 — found — found meal upon
some of the pork — there were two or two
rows in the bottom well arranged, all the
rest was loose, & not packed in the usual
manner — the Cousins were badly cut, & on
seeing them Lawson said they were his —
suspected the Pr — when they were informed
from several persons that he was the person

Clemence Poirrot, lived at house of P. in May last
the Pr left his house about 5 o'Clk on 2 May
to go to his brother in law Archambault
to get some wheat he had purchased from him
he took some bags with him in the Cart — &
S he would return in the night — he
returned about break of day & brot back
some wheat and some loaves of bread —
that some days before she observed the Sailor
was about ½ full of pork — did not hear
P go to the yard when he came back —
She saw the Sailor in the afternoon of
sept days, when it was full — the Pr said
he had detained the pork to salt it over again.
Pr. brot back several bags of wheat, and

on

on same morning he saved some bags of wheat—
saw Pr — up to Court when he s^d he was going to Detain the pork—
The Pr had some Saumon made, but does not know whether he used it or not—
P^r said he had got wheat at Archambaults Mentes she heard in the house it was 20 minots—

Michel Gravel — lives at Pinard or Paul
The Pr came to his house on 2^d May last about 1/2 past 8 went away about 1/2 past eleven — W^m lives about 40 arps from Lawzons — then may be one league 3/4 from his house to Archambaults — That to go to archambaults from house of W^m he must go down the road, but the opposite direction leads to Lawzons
It is about 3 leagues from house of W^m to that of archambault — & W^m Mentes Pr could not have gone to archambaults & returned to his own house before day break next day — That by passing by house of W^m at large stand his road 1 League a 3/4

The

the Pr is not in the habit of paying any visits to Wr & had no business wth Pr — It is on the road from the village St Vincent to pass by house of Wr —

Augustin Chevallier sa. Gw. Lauzon — knows he had wheat & pork at his house — Was at house of Pr when search was made, went up to the garret — saw wheat in a bag of about 2 minots — examined it, and found it to resemble that of Gw. Lauzon — the same kind froment, as he examined the wheat when he came back to Lauzon's —

saw the Sellair very full, & appeared to have been deranged — they examined, but found no Saumon in it — found bags in which there had been pork, from the Saumon, and bits of pork still on them — saw on the floor that Lard had been emptied out on it

Is the brother in law of Lauzon —

Defence —

Louis Chaut — is uncle of Pr That last fall he killed 3 hogs for the Pr there is always some

some difference in the pork — he called the Sailor of fine lard & something over Thanks from the family of — Dr that a great part of the Sailor must have remained in the Spring — That in taking this out in the Spring there must be enough to fill the Sailor on salting it over again —

The hogs he killed was fine lard Wr. cut the lard and the Dr. put it up carefully — there might be some of it mine

Annable Goguet — the Dr went frequently to his house — he kills hogs every fall — That about the end of April the Dr told he was going to sell over his pork — the Dr had emptied the Sailor except a couple of pans in the bottom — he spread it out on the floor — I might some dust might stick to it — when he put it back, the Sailor was nearly full —

When Wr went up to the garret the Dr was taking out his pork from the Sailor,

The

the Sauvenaux was prepared, but she did not see it put in the barrel — nor did she

Marie Louise Provost — lives w. Pr since the 10th Janv last — the was engaged — saw the salaire in the grenier — she often told Pr to call it over again — Knows that he did arrange it, but cannot say when — That the salaire was not quite half done — That the Said takes more room when taken out than put back — That she understood that Pr bot 10 barrels wheat from Archambault

x

Does not know at what hour the Pr returned home —

Charles Archambault — he sold wheat to the Pr 14 barrels wheat — That Pr came for the wheat about beginning of May for the wheat — That there was some drainage in his wheat he sold — the Pr drew from him 5/6 of grain he lives about 15 arpents from Pr
It was bled Barbarie —

It was about 8 o'clock in the evening he came to house of Pr servant for his Cart & took it away in bags —

Charles Chauret — about the end of April he exchanged 10 bushels of wheat with Pr. Jaco from 10 bushels of froment for blé barbarie —

Is brother of Pr.

Genevieve Dufour, wife of Chs Archambault the Pr. acted purchased of her husband 4 bushels wheat about end of April and 10 more bushels on 1st 2. or 3d May which he took away on his Cart —

It was blé Barbarie —

Victoire Chartr — Has seen several courses in the farm which Jr. belonged to the Pr —

Astle Chartr. wife
Jacques Dufour —
Jacques Archambault

to character —

By Sol Gard

Clemence Provost — Never saw amiable regret at the house of Pr. while he lived there —

Pre Paquet, the search was made on 5 May — that Chas. Archambault told him that he had sold the wheat to the Pz after the theft in question — on the 6th May —

Verdict Not Guilty. —

Thursday 6th Sept 1832. —

Prest
Ch. Justice Reid
Justices Pyke & Rolland

The King. —
vs.
George Holt } On Indictment for Grand Larceny. —

Sarah Connolly — wife of Michael Connolly, she lives in montreal near the Main side, in april last she lost six blankets — a bed tick a set bed Curtains, some articles which were on her gallery — values blankets 7/6 — bed tick 3/ — bed curtains 2/ — four window Curtains 2/ — the coat £3. — which belonged to patrick Connolly her son aged about 18 years of age — she gave information of the theft

that search was made & the articles found as she was informed

These articles had been on the gallery for two days — never saw Pr before, does not think he is the man who took her property — she saw a man at the police office from whom the coat was taken, but does not think it was the Pris.r

Louis Malo — Constable — In April last there was information of this theft — a warr.t issued he went to Pr's residence, he there found some shoes & other effects claimed by Mrs Connolly — a ~~suit~~ bed ticks, ~~suits~~ bed curtains — a ~~suit~~ coat — some of these things in the trunk of the Pr — and the rest under his bed — the Pr came in after the search — admitted it was his bed this room — the bed ticks he found between the bedding & the boards — the bed ticks in the trunk of Pr — acknowledged to be his trunk, all which Mrs Connolly claimed as hers — the coat was found on the person of one Mountain, who has escaped — the Pr was in consequence arrested.

That it was in ~~afternoon~~ evening that the

Pr

Pr this wife came in — Knew Mountain before — he has been accused before of larceny, Knows that a pick-ax was found in the room which was claimed by some person —

When Pr. came in he denied having any of the articles — after he had found them — he behaved quietly — but seemed to know what had passed —

There were two beds in the room, when he found the articles — thinks there were three other persons who lived in the house besides the Pr — he brot them all to the Police office these three of the men were discharged —

Sarah Connolly brot back, says, that the articles now produced are the property of her husband were stolen as he has missed from his pallet.

Asst — Lafresnier, constable — was with Mahe, at house of Pr to make search — was present when the effects were found — part under a bed and rest in a trunk — Pr. came in after —

X

The Pr this wife came in in the evening quietly but had no property with them — We suspected rather Mountain than the Pr to be the thief — That Mountain has escaped —

The Pr was admitted to bail —

Defence —

William Faircloth — boarded at the Prs house for 7 months

& on 20th April last when Constables searched the Pr's this wife were out — That then was one Barnes who boarded there for 5 days — neither W nor Pr's knows any thing of this man — he appeared decently dressed — Never saw Pr & this man walk together — never saw this man at that house before —

W was arrested last Ireland — There was also another man Ireland who had been arrested — The Pr was admitted to bail — believe the both are now sick — The Pr worked for his bail was taken back by them when released — knows that Pr had the charge & superintendance of all the business of Andrews — The Pr is an industrious man — & can earn 10/ & 12/ a day & is generally employed — always found the Pr to be an honest man & never had any Cause to suspect him — never heard any complaints of him — while W lived with the Pr Kept a very regular house

£-

The officers found some things under the bed where the Pr & his wife slept —

Amable Lorsel — Constable — was present at search in the house of the Pr the trunk found there was locked, and forced open by means of an axe, which W handed to Mate, & in which was found a part of the window curtains — This trunk the Pr acknowledged to be his. —

The King
vs
Nicholas Purcell } On Indictment for a highway robbery.—

Peter Gibson, lived on St Lawrence parish last July— on 22d he came to town— on his return it was about 9 o'Clk— passed the house of the Pr— he was in the highway— as he passed his house, he saw the Pr & his comrade standing at his door— he passed the house when they followed him to a place between two woods— when they came up to him one of them struck him without speaking & knocked him down with a stick or stone which cut his hat & his head it was between 9 & 10 o'Clk at night— after the Pr came to himself, he observed the Pr standing over him, he felt hands in his pockets— he had a 10 dollr note of Montreal Bank in his pocket & felt hands in the pocket when note was— he wanted to rise but he was kicked in the face by one of them persons— there was an attempt to take his watch— he was much alarmed, & that his life in danger a man came up on horseback, when they ran ~~away~~ went off— That night day the Pr said he

was

was present, but never touched him —
He got up about home — never recovered
his rest —

X.

I saw the Pr was there — W is a Carpenter —
The house of Pr is about 2 miles from Smiths
end — had been at Church, & stopt at Alys
Graham's tavern keeper, drank one glass of
liquor there — he had taken some liquor in the
forenoon — a glass or two — left Graham's about
4 o'Clock — & it took him between 2 & 3
hours to the Prs house — he was accompanied
by a friend of his Chas Wratten — that he
had no difficulty wt any one; there was one
difficulty between his friend & some other
persons, about 8 or 10 in
among whom was the Pr — at about
a mile from Smiths end house — this difficulty
lasted about 10 minutes — The Pr ~~returned~~
~~back to town with the~~ stood with the
person who was hurt in the scuffle for an
hour & a half —

Did not see the Pr another man pass him
on horse back and bid him good night —

The Prs house is close to the highway — saw Pr
at his own door wt his companion — there are
4 or 5 steps to the door — he had passed Prs
house about ½ a mile before these persons
came up — saw them follow him at

a

a distance of about 10 Yards — it was not very dark — could not tell whether it was moon light —

Had but the 10 dollr bill in his pocket —

That he can say that the Pr was one of the persons who followed him — & recognized him from his dress to be the same man he saw stand at his door & saw he saw standing over him afterwards —

Swears the Prs coat was blue —

That the other person, was holding the Pr by the collar & threatened him if he or any thing he would beat him, — This after he recovered his senses —

Went to town of Pr next day — asked Pr whether the other man was who had struck him the day before — the Pr said that he had sent him away next day — & that on this Pr. said he would put Pr in Gaol also —

That he mentd. the robbing on getting home the same night & also next morning — particularly to servant girl, Catherine Johnson —

Came to Montreal on Monday — next day —

Defence —

Lewis Heighland — lives on hay market — keeps a tavern there — Pr. Pr for 4 years — he is a farmer & keeps a tavern — he conducted Mr Jos. Perrault's farm —

+

and now leases a farm for himself— has always considered him to be an honest man & of good character—

Joseph Fogherty— his Pr knows also part W— was in company y Pr on 22 July last, went out to his house to see him— the clock struck 6 & Pr came along w him, he had a horse & they walked on together for about a ½ mile— that they met the Pr and another man— this man passed them & looked round & asked y W & Pr what they were looking at, W. said to see if he had not two heads— that this man S. he would break his head, & they had a scuffle together— the Pr came up and separated them & got his hand hurt on the occasion— that on this the man wanted to strike the Pr that Pr. wished to get the man to go to his house & Gibson would not let him— that W. got on his horse to come home & Pr & Mullins went on the same horse to his house— that Gibson & his comrade were staggering, about ¾ drunk— W. returned home about ½ past 8 o'clk—

x

Thinks he had walked on about ¾ hour w Pr before they met Gibson & his friend— the

scuffle

scuffle lasted about ¼ an hour — came home to his mothers house & the Pr & Mathis went towards the house of Pr That Wr gave no blow to Gibson, nor did any other person strike him —

Timothy Mullen — his Pr for 5 or 6 years — knew him when he was foreman to Mr Durant — on the 22 July last, he was going home from town he saw the Pr about ½ mile from his house on the road — saw last with Gibson & another man — first observed Gibson & his friend calling out to two Canadian boys to come & fight with them — the boys appd to laugh at them as they were staggering & in liquor — the Witn went on & came up wt Gibson & his friend again & found them out the Pr & Fogherty — the dispute was then over — they were all talking together — the Pr got on the same horse wt Wr — & he brot him to his house — That Gibson did not then complain of having been robbed — the Pr went into his own house — & he left him there — it must then be about 8 o'Clock —

X

That Gibson had to pass by house of Pr before he got home — does not know what happened after he left the Pr at his house —

James Brown — his Pr lived with him in July last — was at

at his house when Pr came home wr Mullens, mentioned that he had got his hand hurt in separating the men who had had a scuffle — saw Gibson passing afterwards staggering like a drunken man — Pr had his coat off — had just his hand in water in his house sitting at the table — before we returned into the house Gibson had passed about some acres. Next he saw a boy of Prs set out after Gibson, & thinking he was going to beat Gibson, & went in and told Pr — who desired us to call him back — wr Prs told he must call him back himself — on this Pr ~~ran after Sweeny~~ sent Robt Millan to bring back Sweeny, but he only went part of the way down this Pr went after Sweeny himself, as we thanks to save Gibson from being ill-used —

2

That about 3/4 hour or an hour after he ~~saw Gibson pass~~ Pr came home he saw Gibson pass — he might have gone 30 perches before we went into house — and when Sweeny came out immediately went after Gibson — We came out again on the Gallery could not see Gibson nor Sweeny then — as they got round a corner on the road about

four

two perches from the house —

William Sweeny — his Pr — was on his Sussis in July last was present when he came home on 22d with Mullens — he complained of his hand being hurt & that he had had a rencontre with Gibson & another man — he just it as told went — he took off his coat & tucked up his shirt sleeve — That on his Brother saying that Gibson was passing — the Wr went after him to enquire how it fell out — Gibson was in liquor — he asked him how it was — Gibson asked if he came to get satisfaction for his master, & struck Pr and on this Prs returned the blow, and he fell down — Wr raised him up again — & on this Wr left him & returned home — on his way home he met the Pr — who was going towards Gibson — he reprimanded the Wr for running after Gibson & struck him. That when Pr — returned home he was displeased with Wr and Pr he would turn him out of his service for having done so — No person was present when Wr struck Gibson

John Mullen — lived w Pr in July last — was at house when Pr came home & complained that his hand

had

had been hurt in a scuffle between Gibson from
Tasherby — put his head in a bowl of Water —
That St Brown came in & said the Carpenter was
pasting on liquor — on this Sweeny went after
Gibson — Pr called to Brown to call Sweeny
back — That Brown called him back, but that
he did not come back — on this Pr went after
him himself — That he afterwards met the
Pr & Sweeny returning & grumbling with
Sweeny for having struck the man — & turned
him out of his service — Gibson came next day
asked for the man who struck him — Pr said
that he had turned him away. Gibson P. if
he did not find him he would put the Pr
on his place — he did not complain of having
been robbed. —

Catherine Robinson lived in July last w Wm Cuffey at
St Laurent — Gibson boarded there — he had been
absent on 22d July returned home about 10 o'Clk —
he d. that a man had knocked him down on the
road by a stiff necked bugger — he appeared to have
been drinking — said he ~~did not~~ know the man
had seen him once in Mr Cuffeys — He washed his
head — she went to bed — had no further conversation
w him — next day d. his head was sore but it did
not signify — said he had lost ten Dollars, &
no other person could have taken it but the person
who struck him —

Verdict. Not Guilty

The King

The King
vs.
John Dunbarr
and
Joseph Lemaire
} On Indictment for privately stealing in a Shop.—

Robert Campbell—, merchant in Montreal on corner of Notre dame Street, opposite the Church keeps a store there & shew window in it— On 30 May last he had some gold rings & ear rings exposed there— the day before a pane of glass had been broken there— the rings & ear-rings were in a small box— the box was not stolen, but a doz. rings, and 5 or 6 pairs ear rings were stolen value, the rings at £2.5 the doz— the ear rings were with 5/6 the pair & belonged to him— On the 31 he observed there were stolen— Headsome person at the window & sent out his boy, but the person was gone.— That some days after Mr Delisle head constable shewed him a ring of his— & was like those he lost—

£—

Purchased the rings from Mr Bethel, the Jeweller— who makes rings for Mr Lovell & others— it is an article of which a great number is made— & cd not swear to the identity of any of the rings he had in his shop— Does not know the Prs

Belsey

Bedsey Kennelly, lives at cote a Baron-
Ks & Dunbar saw Lemaire — saw them
about end of May last in a tavern — She
went w them near the River side — saw
in their possession some gold rings — Lemaire
had one pr of gold ear rings & Dunbar had
a single ear ring & a gold finger ring which
he gave to the Wit. Upon which she paid
3 guineas dols for the gold ring & the ear
ring he gave her for nothing — saw the
Prs afterwards — The ring Dunbar gave her
was like that now shewn, & the ear ring she
lost —

Eliza Martin lives on Montreal — Ks Prs met them
on 31 May last in Durocks tavern, when
they were drinking — got chat from Lemaire
at that time a pair of ear rings similar to
that now shewn — The P. him 1/3 in money
and pr of his effects — The Prs were three
days w[illegible] her along the River side — & at other
places — There was a third person whom she
did not know — a quarrel ensued about
the ear rings Lemaire sold her, as Dunbar
s. it belonged to another girl — That they
quarrelled about a division of the prosperts — They
said that they had got the ear rings in Notre

Dame

Deane Sheets — saw only one pair of ear rings
the purchase, & the rings sold to the other Evits

Saw Dunbar 2 days before he was put in
Gaol — has often seen such rings as that
now produced — She has been in Gaol more
than 12 times, & comes from there now to give
her evidence —

Benjn Delisle — had conversation — got the ring now
shewn from Louis Belotte. & it has been
in his possession ever since —

Louis Belotte, lives in Montreal — gave the
ring now produced to Mr Delisle — he got
it from Lemaire upwards of 3 months
ago — he saw Lemaire with the other Ps
and after talking about the ring & Lemaire
were agreed to sell it, Lemaire day gave it to
wife in a present, & then told him come
to morrow morning and I'll make you a
present of a fine pair of ear rings —

Dunbar had been in the house, but was not
present when he agreed to buy the ring —

Francis Bettel, Jeweller in Montreal, has Mr Campbell
for some years past has been in the habit
of making rings & ear rings for Mr R. Campbell
and

has made similar ones for the persons
values them at 22.5 ₰ doz—

X

Has made similar rings for Mr Lewis
& Mr Savage—

Defence

Edwd Holland, Gaoler, vs Elvza Martin
she is now a prisoner in Gaol— She has
been frequently in Gaol for 8 years past
one for robbing from the person, and
at other times for Vagrancy
That Pr Dunbar has been in the Gaol
once or twice before—

Verdict— Guilty as both Prs

Friday 7th Sept. 1832.—

Present
Ch. Justice Reed
Justices Ryder & Rolland

The King
v
Hiram Spafford

On motion of the Defendt to put
off the trial of this Cause to another
Term, from absence of a necessary Witness.
The

The motion was opposed by the Solr Genl
The Court granted the motion —

The King
Joseph Papineau } On Indictment for uttering
counterfeit
a " Bank bill with
intent to defraud —

James Brothers, lived in St Johns in April last — keeps a store there — Kd the Defendt — his family for 10 years — had seen him once in his store in Jany last — came there in April or beg of May last — he asked Wt if he could do him a favor, he had a bill he wanted to get changed, as he was going to see his father at St Eusaie — Wt looked at bill, & seeing the name J. Grand of good credit in Dfts — his family, he told him he would change it, Dft told him to and any other bills he had & he thro Wt would get change for him — the Wt gave him the change had not the amount — Dft asked for 30 dollrs — Wt had it not — Dft asked for 20 dollrs & his note for balce — Wt gave Dft 20 dollrs — a note for 10 dollrs payable to order & his note for 20 dollars —
The note now produced is the note he rect from Dft & gave him the change as above — Wt is in habit of receiving bills — the notes gave have seen

seen

been presented to him — On the same day he perceived that the note was counterfeit — sent his note to Mr Marchand to examine it — he understood that Mr Marchand had not condemned — understood from one Lovell that the note was counterfeit — Pr sent to Defdt early next morning to come & speak to him, but understood he was not at home. Saw Defdt — some time after afterwards asked him to come to his house asked him why he had given him a counterfeit note that he had offered it to Mr Marchand Defdt said that he was not obliged to believe what people said that some said it was good some bad — Defdt afterwards Pr. he would not return the money — and afterwards that he had not the money, had spent the half of it the last night — Defdt asked for security — Defdt — Pr his name was Papineau his father rich & he would not give him any security — and was turned away — That two persons present — Lane & Morrison & Lane Pr it was his duty to stop him — On this Pr made his deposition & the Defdt was committed — The Defdt had the Pr arrested for having stopt him on his steps — but the Magistrate seeing the note was counterfeit, Pr was liberated —

The

The Note was produced and read—

x^d—

Sells a good many goods at St Johns, & has occasion to see a good many bank bills—he that the bill in question from the respectability of the Defd— and from the name of S. Gerrard and he obliged Defd— to put his name upon the bill in case of accident— The Defend— put his name immediately on the bill on getting his money— That there was one Poirier w^e Defd— when he came w^t the bill to change

That Defd— refused to restore his money to Pl^ff until after he had made his deposition, when he offered to give security, but the magistrate refused to allow any settlement of the business—

That Defd. did not ask to go away while the deposition was reducing into writing—

Samuel Gerrard— was President of Bank of Montreal There was also a Bank of Canada that issued Notes— he never was pres^t. of that Bank— has signed thousand of Notes of M. Bank. which were countersigned by Cashier— never signed the name S. Gerrard signed to the note now produced— The signature of Griffin is not the signature of R. Griffin—

His name is badly counterfeited—

Alex^r. Hamilton Pearce — lives at St Johns in April last — saw Dep^t in his store & asked W^m if the bill now produced was good — told him it was counterfeit & that he should not offer it to any one this was in April or May last — This was before Dep^t was arrested for passing a counterfeit note —

That W^m called Dep^t over to two men Hamilton & Prentiss asked him to produce the bill, which he did, & these men told Dep^t that the bill was a counterfeit — The next day he heard Dep^t had passed the bill to M^r Struthers last Sat^y —

+

There was another person W^m Dep^t when he came to offer the bill to M^r. Banks it was the person never shewn, named Power That ~~Mr Mott~~ Dep^t told W^m at time that M^r Mott had also pronounced the bill bad

Nelson Mott — lives at St Johns — In April last, the Dep^t called on W^m w^r a bill of 50 dolls Johnson same now produced — he presented the bill, and W^m told him it was counterfeit Dep^t S^d he had found it on a book at his fathers with other notes — asked M^r Gray to explain what W^m told ~~D^t~~ him That the bill was bad — wh M^r Gray did — & W^m understood enough

enough. by saying, he bitht on vant vein, he bitht not ver yas von — The Dfts went away wt. the Note — This was the day before he was arrested —

Gabriel Lambert of St Johns — on April last was on the service of Mr Strothers — was sent by him to Dfts — to tell him the bill he had exchanged was good for nothing & to come & see him — The wife of Dfts told W. that he had not slept at home that night — was not there — When W. returned to Strothers — said Dfts there supt day —

That supt day Strothers proposed to Dfts to return him his money & take back the Note Dfts refused to give return the money as he had it not, nor to give Security, as his name was Papineau —

Defence

Jn Bte Pouriin, de St Athanase — saw Dfts at St Johns on 23 April last at Blackstock's Tavern — Dfts was with several persons who were examining a Bank Bill — the same bill now shewn — Dfts asked them if the bill was good — heard nothing said about it then — asked Wt to go with him to ascertain if it was good or not — Wt

to

to Watsons where it was examined, and the persons there said they could not judge of the bill, but that it good — they then shewed it to Caldwell, who said it was good — then went to Gov. Heaths when the woman said the bill was good she had rec'd such & that her husband were then to rec'd change it — Marchand said it was not good — Pearce also — Mott s'd it was not good — Depe. then said they would go to Mr Struthers & shewed the bill to him, asked him to examine the bill he had, & he did, said it was a good bill, agreed to change it, if Depe would buy any thing — said to Depe as he had not money enough to change the whole — Depe proposed to take part of the money, and Struthers agreed to give Depe. 30 a 20 dollrs & his bond for the balance —

Pre Mary — of St Luce — saw Depe at St Johns on the 24th April last, the day after he had rec'd the money from Struthers — Struthers called Mr Papineau to go to his house — the

Pps

Mr followed about ½ an hour after — Heard Mr S. demanded 20 dolls. & bons he had given him as the Bank bill was not good he had given him — Defdt. & he had not all the money, but would give him all the money he had, and that his name was good for the rest — he then offered 10 or 12 dolls to Strothers — That Strothers demanded all his money or surety — Defdt asked for a little time to go & look for security & inclined towards the door. on this Defdt — Mr Strothers went to the door and locked it — as appeared to Wn — and the Defdt was arrested before he was allowed to go out — that Constt Lapierre was then also —

Toussaint Meunier, of St Athanase — Is Defdt son of Capt Franc. Papineau — he always considered him as an honest man — does not consider him as a man who would deceive another by passing a false note

Rev Davignon, Is Defdt — from his infancy, was at College wt Defdt — he always enjoyed a good character —

Alfred Labenge, was in partnership w Mr Simpson in trade & has advanced goods to Dufor — and always found him an honest man —

Verdict. Not Guilty —

The King
vs
Henry Wilson

On Indictment for Stealing privily from a Shop. —

Henry Hill Cunningham, lives in Montreal on the 26 Augt last had a Store in St Paul Street — before he left it that day observed every thing in good order; left it at five & returned about 6 Pm — he entered by the front door, & observing a quantity of goods strewed about the door, & thinks some person to be in the Shop, he called out but rec'd no answer — on looking under the Counter he saw the Pr — crouch it in the act of concealing himself — but seeing his hat on the Counter, that there were several persons there — returned to door & called in Mr Gardiner, who went in & shot the Pr

to

to the door — he gave no satisfactory account of himself, he was taken into custody — the Pr. d. he had gone there with another person whom he wd not name — he had on a pair of boots pr. Wr knew to be his property — saw several articles shewed about and a parcel of them packed —

82 rings — 7/
163 pearl counters 15
4 Card cases 8

and other articles, mentioned & of the value stated in the Indictment —

all these articles had been in a shew case or in drawers — a part of them had been packed up — and removed them from the place where he had placed them —

When he left his house he closed his doors, so that no person could get in without breaking something — The Pr. did not appear to have been asleep —

Thinks that the Pr must have entered by a pane of glass which he found had been broken

John Gardener — was called by the last Witness to go to his assistance, went into the Store — & found the Pr behind

behind the ~~door~~ counter – saw the goods scattered on the floor, and a parcel of them made up in a bundle – The P. had a pair of boots on which Mr. C. claimed, the Pr. said they were his, but at last gave them up – saw the pane of glass that had been broken –

Verdict Guilty of Grand Larceny to amount laid in the Indictment

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The King
v.
John Donahoe

On Indictment for an assault with an intent to ravish –

There being no evidence adduced in support of the Indictment, the Jury returned a Verdict of Not Guilty

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Saturday

Saturday 8th Sept. 1832

Pres.

Ch. Just. Reid
Justices Pyke & Rolland

The King
vs.
Denis Lane } On Indictment for Perjury.—

Sam. Wentworth Monk, one of Pro. of L. B. has in his poss. the Poll Book of Election for W. Ward of Montreal, deposited there by Mr Guy the Clerk of Mr de Lorge, the Returns Officer as is stated to be the Poll book of that Election commenced on the 25 April last & ended the 22 May last.—

Hypolite de George Dupré — was appointed Returning Officer for the W. Ward of Montreal, by Com. dated 5th April 1832— sworn —
He gave the necessary notice & the election was appointed for the 25th April — on that day two Candidates appeared, L. Bagg & Mr Lane and a poll was demanded & granted — The election continued until the 22nd May — On the fourth day one Denis Lane came forward, the Defendant being a House holder & Freeholder to vote — one of the Candidates asked that he should be sworn, on the voir

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it was explained to him — & is the oath contained in the oath, the Witness stated the oath in English as administered to the Defendt — this oath was taken by the Defendt — and he voted in consequence the oath was explained frequently to Defendt — that he pd. £15 for one half of the house — he voted for a house rented to him by Thos Kottmeyer in the East ward, ~~behind Craig street~~ in St L. Suburbs — he took the oath freely & voluntarily — This is the poll-book, he now produces — & which is admitted —

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Saw Defendt afterwards on the 11th May — the Defendt had been drinking when he came to vote, could speak very well, but was not very drunk — knew what he was about — there were objections made to his voting from the state he was in — the W. was cool himself — that he Dongani was there when Defdt came forward — it was about 3 or 4 o'clk in afternoon & about close of the day there was always a crowd that the next day the Defendt came to the poll to retract his vote, as he had not rented a house, but boarded with his son in law — the candidate opposed to the vote of Defdt & some of his friends objected to Defdts voting — thinks that McElvany & Mr Dongani were present when Defdt came to vote —

Thomas Kottmeyer — lived in St L. Sub. in W. ward

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of the City of Montreal, the Depst his father in law lived with him in same house for about 2 years - he did not rent a house or any part of a house, but boarded with Wm & paid him upwards of £15 p an - the Wm rented the half of the house alone for what he pd £9 - p an. - Wm did not vote at the election not having any right to do so -

That on the 11th May he was informed that Depst had voted at the election - he was drunk when he came in at night on the 10th - That the 3d. mght day, that he had voted, but that he had met with a person who told him he had a right to vote -

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The Defendt was very drunk when he came home about 5 o'Clk on the 10th - That Depst told him that as he pd £15 p an he had a vote - Dep Wm told him he had no vote - he appeard to regret what he had done, & went back next day to Poll to recall his Vote as he was anxious to retract his vote - then was an attempt made to prevent him from retracting his vote -

Jos Edwd - Leclaire, was present at Poll on 11 May last assisted as a friend of one of the Candts - saw Depst there - knew he had voted the day before as renting a house - saw Depst come up to the Poll - with a paper in his hand - some persons wished to prevent his approach - the Rets Officer took the paper in

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which he declared he did not want a Jewess & demanded that his vote should be struck out — the vote however remained —

Was found on 10th May when Depr with he was accompanied by Mr De Blaney & Mr Dunnyan — the Depr was in a state of intoxication — Mr on behalf of Bass objected to his vote being taken — This took up some time — Depr told different stories, that he paid £15 — rent & that he was a bonder — advised him to withdraw & take advice, if defendr wished to do — some persons said this was not necessary — the oath was then read to him — but in the opinion of Mr he was not in a state to administer the oath — Next day when Depr came to the Poll he was sober — he st. he had been led into error by some one & regretted having given his vote — Thanks that everybody was excited at the Poll —

Here the Court stopt the prosecution considering that the state in which the Depr appeared to have been in when he took the oath was such that he ought to have been sworn — Verdict. Not Guilty —

Monday 10th Sept 1832.

Pres.